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March 26, 2014

Mr. L. Michael Owens, Chairman  
Lexington-Fayette Urban County Government Planning Commission  
101 E Vine Street, 7th Floor  
Lexington, KY 40507

Re: MAR 2014-4: Kid's House  
1449-1451 Bryan Avenue

Dear Chairman Owens:

We are requesting your approval of a dimensional variance to reduce the property perimeter landscape and screening buffer along the northeastern and southwestern property lines (adjacent to the Bryan avenue Southwestern corner) to the existing boundary vegetation.

We would like to retain the existing vegetative screening, including deciduous trees and shrubs. We also plan to retain the existing parking layout. The current landscape area varies from 5 feet to 8 feet wide. To require a wider landscape area would also impose a line of sight issue which would impact not only the safety of the children at the Center, but also the employees, who access the subject property in the dark at both the morning and the evening. These line of sight areas are critical to the safety of individuals well as necessary to use of these areas by the daycare center and the adjacent church for youth ventures.

It is agreed that a three foot buffer along the "existing drive" (northwest corner) would be agreed to and applicant will timely comply with these boundary buffers. In addition, the existing screening meets the purpose of supplying the buffer. The existing landscape area serves as a buffer between the parking lot for the subject property and the parking lot.

Therefore, we are requesting your approval of the dimensional variance for the following reasons:

1. Granting these variances will not adversely affect the public health, safety or welfare, (and will in fact facilitate the safely concerns of the children)and will not alter the character of the general vicinity, and will not cause a hazard or nuisance to the public because the Applicant will retain the existing landscape buffer which has adequately served to screen

a non-residential use on the subject property (daycare center) from the parking lot of the church which is adjacent. No substantial change is planned for the existing parking area.

2. Granting these variances will not allow an unreasonable circumvention of the requirements of the zoning ordinance because the Applicant wants to preserve the existing parking area and maintain the existing landscaping between this property and the adjacent property. The existing landscape area will remain. As an addition to the above, the rear property contains a retention pond that will not be affected nor impacted by the requested changes/variances.

3. The special circumstances which apply to this property and which do not generally apply to land in the general vicinity or in the same zone are that this is an adaptive reuse of an existing building and parking area. There are already existing trees and shrubs which meet the intent of the landscape requirement.

4. Strict application of the regulations of the zoning ordinance would deprive the Applicant of a reasonable use of its land or create an unnecessary hardship because there are already exists adequate screening between the subject property and the adjacent property. Requiring additional landscape area would result in substantial loss of parking spaces. The Applicant is not planning any substantial change to the existing parking area.

5. The circumstances surrounding the requested variance are not the result of actions of this Applicant taken subsequent to the regulation from which relief is sought. The subject property has been used as a daycare center for over 35 years and only as a result of the requirements of the Commonwealth to seek this zone change has this action been untaken. No change to the facility or use, other than those required as a part of this application will be undertaken. The Applicant is not proposing changes to the existing parking or buffer.

Thank you for your consideration of this zone change and variance request.

Sincerely,



William A. Bausch