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December 12, 2016

Mr. William Wilson, Chairperson
Lexington Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

Re: Request for a variance from 50 feet to 15 feet for property line
3735 Palomar Centre Drive

Dear Chairperson Wilson,

In connection with the request for the zone map amendment for the subject parcel located at 3735 Palomar Centre Drive, the applicant is also requesting a variance to a building set back requirement from the adjacent property line from 50 feet to 15 feet. This variance is justified based on the following:

The parcel being rezoned will be used for a small Starbuck's restaurant. This parcel is currently part of an existing storm water detention basin which will be replaced by underground storage vaults. Additionally, part of this parcel is the former site of a sinkhole which has been remediated. While there are other buildings located within Palomar Centre that are built over former sinkholes and have operated without any problems since 1988, the granting of this variance would keep the proposed Starbuck's building envelope out of the location of the former sinkhole area.

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This variance will not have any adverse impact on the public health, safety or welfare or alter the essential character of the general vicinity. The granting of this variance will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of requirements of the zoning ordinance. This is because the proposed development site has been thoroughly evaluated by qualified civil engineers and geotechnical engineers to accommodate the development which is proposed. The preliminary development plan, which is a part of this zone change request, reflects these engineered solutions.

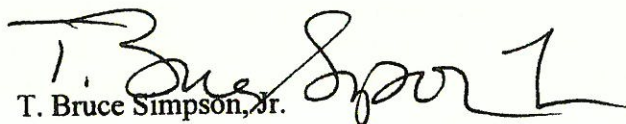
The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone. Since Palomar Centre was approved for development in 1988, there have been many engineered storm water management solutions developed to safely and effectively manage storm water and the utilization for former karst areas. This variance request is simply a prudent effort to keep the proposed Starbuck's restaurant out of the area of the former sinkhole area.

The strict application of the 50 foot setback requirement would require that the building be constructed over the sinkhole area, which could safely be done but at considerable expense that could be avoided if the building were kept out of the sinkhole. Requiring the applicant to strictly comply with this set back provision would create an unnecessary financial hardship and make the development of this infill parcel less likely.

This variance request is both reasonable and prudent in light of all the relevant circumstances. The granting of this variance will safely allow the development of this small infill parcel in a cost efficient manner without any adverse impact on adjoining property owners.

On behalf of the applicant, we request that this variance request be approved in connection with the rezoning request.

Very truly yours,


T. Bruce Simpson, Jr.