



OFFICE OF PLANNING & DESIGN SERVICES
DEVELOP LOUISVILLE

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Variance Justification (of 5.1.12.B. to allow a maximum setback of 87', a variance of 28' from the established maximum.)

In accordance with KRS 100.241 through 251, and Chapter 11.5B.1 of the Land Development Code, the Board of Zoning Adjustment must consider, but is not limited to, the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The variance is needed to provide a landscape buffer, a frontage road and driveways in front of the proposed units. This is a unique circumstance for this area that results in the deeper setback requirement. The need for the variance is predicated by the front facing units. The 2 end units will fall within the established setback range to assist the transition and for this reason there will be no resulting adverse affect to the community.

2. Explain how the variance will not alter the essential character of the general vicinity.

As stated above, with the end units falling within the existing setback range and since the additional setback is needed to allow for the provision of landscaping, a frontage road and driveways, and since this proposal is for a medium density housing it will provide a good transition and a housing option not found in the immediate vicinity without altering the essential character of the general vicinity.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The variance will allow the provision of a frontage road to access the townhomes. This reduces the number of potential driveways with access to S. Watterson Trail and therefore could even be seen as a benefit in reducing the number of conflict points along this collector level roadway.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

As stated above, the variance will have no known negative effects on the community. It allows the townhomes to face S. Watterson Trail without having direct vehicular access from the individual driveways and to provide a green space between the frontage road and S. Watterson Trail. For these reasons it will not result in an unreasonable circumvention of the requirements of the zoning regulations.

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The preference is to have units that face S. Watterson Trail. The variance allows for the provision of the frontage road required to allow front access to these units and their front facing garages.

6. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

Housing is in high demand and this development provides an opportunity to provide 86 new quality homes with a large central open space. It allows for the provision of a housing type not currently found in the immediate area but one that will allow a good transition to the existing single family homes. The strict application would not necessarily result in a better design. For these reasons, the strict application would deprive the applicant of the reasonable use of the land.

7. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

The need for new housing to meet the demands of the growing community are outside of the applicants control. In that the applicant is proposing to build a product different from the surrounding detached, single family homes the requirement is a result of this proposal and in part a result of the preference to have units that face S. Watterson Trail.