

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers 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.

Variance of Table 5.2.2 for street side yard reduction of 12' (from 3' minimum to 2' minimum).

1. The variance will not adversely affect the public health, safety or welfare because it is on an existing alleyway across which is a parking field and will facilitate the off-street parking on the lot.
2. The variance will not alter the essential character of the general vicinity because it is an existing parking area. The applicant is proposing to improve the area for on-site parking spaces
3. The variance will not cause a hazard or a nuisance to the public because it will have no impact on sight distance. Most importantly it is an existing condition of a house that was built at the turn of the century.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because it is an existing condition prior to the adoption of the yard requirement.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because it is an existing condition prior to the adoption of the yard requirement
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because it would reduce off-street parking and deprive the occupants of the site with more secure and accessible parking
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because it will be even more compliant than an existing condition of the house at the turn of the century prior to the adoption of the side yard requirement which is being restored to the benefit of the neighborhood.

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Variance of Table 5.4.D.3 to reduce the rear private yard requirement by 2% (from 20% to 18%).

1. The variance will not adversely affect the public health, safety or welfare because the rear yard is interior to the site between the existing home and the proposed carriage house. The variance request is a minimal 2% reduction, which will facilitate the off-street parking on the site.
2. The variance will not alter the essential character of the general vicinity because a majority of the rear yard is being provided. The applicant is only requesting a 2% reduction.
3. The variance will not cause a hazard or a nuisance to the public because the rear yard is interior to the site.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the small reduction in the rear yard allows for secure and accessible off-street parking to be provided on-site.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because the lot sizes in older areas of Louisville vary and are generally smaller than is required for new construction.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant is requesting a 2% reduction in the rear yard in order to provide secure and accessible off-street parking on-site.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because although obviously is an action subsequent to the adoption of the regulation, strict adherence would make the project less feasible, would compromise the renovation of a structure applying for historic rehabilitation tax credits.

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