

VARIANCE JUSTIFICATION STATEMENT

LOUISVILLE PICKLEBALL, LLC
- Pickle+ Social Louisville -
8100 Lyndon Park Lane
Variance from LDC Section 5.3.2

The applicant, Louisville Pickleball, LLC, has filed a zoning application seeking C-2 zoning for property located at 8100 Lyndon Park Lane (the "Property") to allow the applicant to develop the Property into a mixed-use, "eatertainment" where pickleball facilities would operate alongside a restaurant, mini-distillery and a moderate amount of retail space to create a destination in the City of Lyndon where folks can meet with others and experience hospitality, food and drink, friendly pickleball competition, and spend time at an active, indoor/outdoor family atmosphere (the "Proposal"). With its zoning application, the applicant also submits for approval a detailed district development plan showing the site design of the Proposal on the Property (the "DDDP"). In conjunction with the zoning application and approval of the DDDP, the applicant requests a variance to permit the fifty-foot (50') non-residential to residential setback on the applicable parts of the Property to vary between fifteen feet (15') on the south side, twenty-five feet (25') on the north side, and twenty-eight feet (28') on the east, rear property line. As a result, the applicant is requesting variance relief from dimensional standards established in the Land Development Code ("LDC") for non-residential development within a suburban form district (the Property is within the Neighborhood Form).

The currently CN-zoned Property is located within the Neighborhood Form District in the City of Lyndon. Today, the Property is a parking lot serving the adjacent Robsion Park, which borders the Property to the west (side) and north (rear). Neighboring Robsion Park, although not used residentially, is zoned R-4, Single-Family Residential and is also within the Neighborhood Form. Four properties neighbor the Property to the south and front Warwick Avenue, two of which are zoned C-1, Commercial and two others are zoned R-5, Single-Family Residential. One of the R-5-zoned properties (8103 Warwick Ave.) is entirely pavement; the other R-5 property contains a home and accessory building for storage of equipment. The Land Development Code in effect within the City of Lyndon requires non-residential uses with a maximum footprint of 30,001 to 80,000 square feet to observe a fifty-foot (50') non-residential to residential setback (LDC Section 5.3.1/Table 5.3.2). The applicant requests a variance from LDC Table 5.3.2 to permit parking and vehicular use areas to encroach into the required 50' setback along the south side, parking into the 50' setback along the rear property line, and, as it relates to the 50' setback along the north property line, the applicant requests relief to allow encroachments by various depths for parking, pickleball courts, an outdoor play area and portion of a building (the "Variance"), as more specifically reflected on the DDDP. The Variance complies with KRS 100.243, as more fully explained herein and, therefore, should be approved.

The Variance will not adversely affect the public health, safety, or welfare or alter the essential character of the general vicinity because an eight-foot (8') privacy fence will be erected along the portion of the Property adjacent to the only property actually being used residentially – the Holderer property at 8109 Warwick Avenue. The fence will completely screen from view the encroaching parking and vehicular use areas and added tree plantings will supplement trees existing on the Holderer property to act as a buffer. As it relates to the encroachments along the north and east property lines that are adjacent to Robsion Park, the variance will not adversely affect the public health, safety, or welfare or alter the essential character of the general vicinity because Robsion Park is not being used residentially and, therefore, presents a relationship between two properties that does not meet the intent or spirit of the setback regulation, which was created to specifically protect residentially-used properties. The property to the north is currently being considered for use as a parking area to serve visitor of Robsion Park. The dimensional relief being requested is internal to the Property, which is a narrowly-shaped rectangular lot that can ill afford to lose developable space to a one hundred feet of setback requirements. The variance being requested will have no external effect to the essential character of the general vicinity and will not create adverse effects to the public health, safety or welfare.

The Variance will not cause a hazard or nuisance to the public because should the setbacks along the north and east property lines still provide sufficient setbacks – at least twenty-five (25') feet – for non-residential to non-residential uses in the Neighborhood Form to co-exist compatibly next to one another and the erection of a privacy fence and installation of tree plantings to protect the R-5, Single-Family Holderer property on the south side of the Property will screen the Proposal, including vehicular use and parking areas serving the Proposal, from the Holderer property.

The requested variance does not allow for an unreasonable circumvention of the requirements of the zoning regulation because the dimensional relief being requested still allows for at least fifteen (15') feet of space between parking area on the Property and the shared property line to a single-family residence. The applicant and the owner of the single-family residential property, Ray Holderer, are working together to select the type of fence Mr. Holderer prefers to be installed along his property line. The requested variance arises from a special set of circumstances in that the commercially-zoned Property is approximately 245 feet in width and the 50-foot residential-to-nonresidential setbacks, when added together, removes 100 feet of space from the developable area, which significantly squeezes the Property for commercial development, especially when designing the site to fit parking and vehicular use areas in support of the use. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because should the setback be applied to the Property, which is relatively narrow to begin with, it would remove one hundred (100') feet of width from the entirety of the Property's developable area, which would create a significant obstacle to the functionality of

the Property's developable area. The circumstances are the result of the actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought and, accordingly, the applicant has filed for the Variance relief to address it. Consequently, Variance relief from the non-residential to residential setback along the side and rear property lines – at most thirty-five feet (35') of relief – complies with KRS 100.243 and, as a result, warrants approval.