

VARIANCE JUSTIFICATION

7411 St. Andrews Church Road (“Property”)

21-ZONEPA-0065

THIS IS A VARIANCE OF LDC 5.3.1, Table 5.3.2 TO ALLOW STRUCTURES TO ENCROACH IN THE REQUIRED SETBACKS.

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

The existing building and foundation are encroaching into the setback. The building was previously approved at this location. The new improvement would only occur in the footprint of the existing foundation. The encroachments are currently in existence. The variance is in connection with the rezoning of the property from C1 to C2. The variance will enable the existing operation of the existing landscape business and allow a new covered storage shed for outdoor materials. It is anticipated that the development plan will be approved by the Louisville Department of Public Works which approval will indicate, among other things, that the plan provides for safe and efficient movement of vehicles and pedestrians. Thus, the variance will not have an adverse effect on the public health, safety or welfare.

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

The proposed variances are minimal in nature and would not alter the essential character of the general vicinity. The existing use is C1 and the change to C2 with these variances will not change the neighborhood. With the variance the applicant will be able to enclose the outdoor storage material, but it will not alter the essential character. The property is and will continue to be under common ownership.

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

The variance will not cause a hazard or nuisance to the public because the Louisville Department of Public Works is anticipated to approve the development plan. This approval will indicate, among other things, that the layout of the site is safe for motor vehicles and pedestrians on site, that there are adequate parking facilities on-site and that access points to and from the site are safe. Therefore, the variance will not cause a hazard or nuisance to the public.

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

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the variance will allow the applicant to continue operating of his landscaping business at this location. It will allow for the reinvestment into this property and the redevelopment of area which will create new jobs and increase the prosperity of citizens. (i.e., consistent with the Comprehensive Plan).

Additional considerations.

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

The existing building was approved at this location and allowed to be built in the side setback.

2. 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.

Given the encroachments include currently existing conditions, if the variance were not granted, the applicant would have to move his operations. The strict application of the regulation would create an unnecessary hardship on the applicant.

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

No. The circumstances are the result of the existing improvements and the previously approved location of the building.

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