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OFFICE OF
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July 16, 2026

RE: Exhibit 1 – Variance Application Justification

Dear BOZA Members,

Pursuant to the Office of Planning and the Louisville Metro Zoning Authority's Land Development Code ("LDC"), please find below the justification for the Owner's application for a 5-foot variance from LDC § 5.3.4(D)(3)(a):

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

The requested variance will not adversely affect public health, safety, or welfare. First, an existing fence separates the rear-improved surface lot of the business, within which the accessory structure is to be constructed, from the drainage line between the roadway and the property. As such, the request to exceed the required setback is confined to an area that is restricted to the public. Therefore, the accessory structure will not impede the safe movement of vehicles or pedestrians along the right-of-way. Second, the accessory structure will comply with all applicable building code regulations.

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

The accessory structure will not alter the essential character of the general vicinity. To the East and North-East of the Owner's property and nearest to the site of the proposed accessory structure sit two automotive shops: Dynamic Diesel Works and Lohden's Truck and Trailer Repair. Both automotive shops service tractor-trailers and currently have over two dozen tractor-trailers on their lots. To the South of the Owner's property sits Lewis Transportation, a company that transports flammable and hazardous liquids. To the West and North-West of the Owner's lot sit two major manufacturing companies: ECKART America and Dow Chemical. Both companies manufacture hazardous chemical products. The aforementioned uses are consistent along the stretch of road upon which the Owner's property sits. In essence, it is highly unlikely that the area will be utilized for residential or pedestrian purposes at any time in the future, and the proposed accessory structure is consistent with the surrounding properties.

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. The purpose of the accessory structure is for the storage of vehicles and equipment associated with the existing business. Presently, the vehicles and equipment associated with the existing business sit in the same location on the property as the proposed accessory structure. However, to prevent theft and prolonged

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exposure, the Owner is seeking to store those vehicles and equipment in a locked building. The incidental result of this accessory structure is the removal of those vehicles and equipment from the pedestrian line of sight.

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

The variance will not constitute an unreasonable circumvention of the existing zoning regulations. The requested variance is limited to only a five-foot encroachment into the required twenty-five-foot setback. Further, and as previously noted, the encroachment is confined within the business's existing rear-improved surface lot, in an area restricted from public access via a fence. Additionally, and due to the unique shape of the property, if this variance were to be denied, the Owner would be deprived of the reasonable use of the land, and he would be forced to continue to park his vehicles and equipment within the line of sight of pedestrians, exposed to the elements and nefarious actors.

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity.

This variance arises from special circumstances that do not generally apply to land in the general vicinity. As previously noted, as it is a corner lot located at an intersection, the shape of the property is unique. The East boundary line of the property is 5 feet shorter than the West boundary line of the property. To properly place the accessory structure, lateral to the East boundary, 5 feet of the South-West corner of the accessory structure extends over the 25-foot setback line. It is important to note that the entire South wall of the accessory structure does not extend over the 25-foot setback; rather, only a small portion of the South-West corner.

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.

Strict application of the LDC provisions would deprive the Owner of the reasonable use of his property. As previously noted, only a small portion, the South-West corner, of the Owner's proposed accessory structure extends over the 25-foot setback line. The Owner is attempting to make productive the entirety of his property, but the shape of the property creates design restrictions. Therefore, if this variance were to be denied, the Owner would be deprived of the reasonable use of the land, and he would be forced to continue to park his vehicles and equipment within the line of sight of pedestrians, exposed to the elements and nefarious actors.

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

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The Owner concedes that framing began prior to receiving notification that the proposed accessory structure was subject to LDC provisions. However, these actions were not taken to circumvent the LDC; rather, the Owner pleads good-faith ignorance. As soon as the Owner became aware that he may be in violation of the LDC, he paused all construction pending the submission and approval of this application.

Sincerely,

STITES & HARBISON PLLC



Cyrus G. Dutton IV
Attorney at Law

CGD