

**SUBDIVISION OF LOT JUSTIFICATION STATEMENT**

**1073 MARY STREET, LOUISVILLE, KY 40204**

The applicants Alma and Milenko Simic propose a subdivision of the lot at 1073 Mary Street and creation of individual lots. The property is located within Traditional Neighborhood Form District and is zoned R-7.

According to LDC 5.4.1.H the development offers alternative site design in traditional form district. The subdivision will result in creation of five townhomes on substandard size lots, but it meets the requirement from LDC 7.1.85 to be uniform in terms of those features which do not conform to the form district regulations applicable to the property. The proposed subdivision will not conflict with the established pattern in the neighborhood.

Legally created lots will prompt rehabilitation of the neighborhood, promote a way of more home ownership by allowing for a conventional home financing.

**The subdivision of lot will not adversely affect the public health, safety or welfare.**

The subdivision of lot will not adversely affect the public health, safety or welfare as the previously approved development plan shows individual townhomes on a single lot. In addition, the open area was separated by privacy fences. The development has been designed and constructed with adequate fire separation and egress measures so that dividing the development into 5 separate lots will be in conformance to all applicable building codes.

**The subdivision of the lot will not alter the essential character of the general vicinity.**

Implementing previously approved development plan, the buildings are in the same character and height as surrounding structures. The buildings are located near the corner of an intersection near other two-story buildings and the proposed height is comparable in height. Subdivision of the lot will not require any changes to the existing building.

**The subdivision of the lot will not cause a hazard or a nuisance to the public.**

The proposed change will not cause a hazard or nuisance; Separating the property into 5 lots does not affect the previously approved development plan. In fact, separate zero lot line properties are more likely to attract long term owners and residents.

**The subdivision of the lot will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

Due to the irregular size of the lot, the development of 5 separate townhomes was approved.

Separating the property into 5 individual lots does not change the actual situation on the site.

**Additional Consideration:**

1. Not dividing lot into 5 separate lots would create unnecessary hardship when selling the homes. Keeping this building as multi-family will limit financing options for potential buyers.

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2. Town Homes can be financed with conventional loans.

**Additional Information:**

1. Each one of 5 homes has all separate utilities including separate:  
water meters; electrical meters, gas meters, AT&T and Spectrum lines
2. Every house has private 2 car garage, no common parking.
3. There is no common open area. Every house has a private patio that meets size requirements.  
Patios are divided by privacy fence, all as shown on previously approved development plan.
4. Each house has a separate roofs, gutters and downspouts.
5. Declarations of easements and restrictions will additionally regulate the subdivision.
6. There is no need for condo regime.

## **Applicant Waiver Justification:**

**1. Will the waiver adversely affect adjacent property owners?**

The waiver will not adversely affect adjacent property owners. As previously approved by the for the development plan, the development has resulted in improvements to the alley, which has been widened to accommodate a pedestrian walkway, and has been activated and illuminated by virtue of having the entry doors on the alley side.

**2. Will the waiver violate the Comprehensive Plan?**

The waiver will not violate the comprehensive plan. The doors on the alley side were approved as part of the approval for the initial development plan. Moreover, the character of the brick alley has been preserved, while the alley has been widened.

**3. Is the extent of the waiver of the regulation the minimum necessary to afford relief to the applicant?**

Yes, the extent of the waiver of the regulation is the minimum necessary to provide 5 private entries for the townhome development as approved by the previous approval for the development plan.

**4. Has either a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

The applicant compensated for non-compliance with the requirements by widening the alley and providing a pedestrian walkway. The strict application of the regulation would deprive the applicant of the reasonable use of the property and would create an unnecessary hardship on the applicant since all the homes are built according to the development plan and entrances are on the alley side.