

VARIANCE JUSTIFICATION STATEMENT

LDG Multifamily, LLC

4101 Westport Road

The requested variance of section 4.12.C.8.a of the Saint Matthews Land Development Code, to allow the applicant to provide less open space than required, will not adversely affect the public health, safety, or welfare. The subject property is currently zoned R-7, C-1, C-N, and OR-3. If the property were developed with uses that are allowed under the current zoning, there would be less open space required and less open space provided. Under the current proposed plan, open space is provided on all sides of the property which provides a significant buffer between adjoining residential properties and the proposed multi-family structures. The north, south, and east portions of the property contain a total of over 124,000 square feet of open space. The internal open space provides a dog park in the center of the property, screened away from any adjoining property owners, and a pool area.

The requested variance will not alter the essential character of the general vicinity. The subject property exists in the Suburban Marketplace Corridor Form District. The Comprehensive Plan describes Suburban Marketplace Corridor Form Districts “by a mixture of medium to high intensity uses” and are “generally located along major road ways.” The proposed development is located on Westport Road, a minor arterial roadway and an ideal location for the density proposed. The Comprehensive Plan further states, “Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion.” Because the subject site is located near a heavily commercialized portion of Westport Road and Shelbyville Road, this allows potential residents to walk, bike, or take public transit to nearby businesses for everyday needs such as Kroger, Target, or Speedway. The requested variance will further accommodate the surrounding uses and character of the area.

The proposed variance will not cause a hazard or a nuisance to the public. The deviation from the requirement will create a safer parking area with more space for pedestrian accessibility while still providing significant open space for future residents.

The proposed variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The variance of the regulations are the minimum necessary to afford relief to the applicant and will permit the applicant to utilize the property to provide a new style of housing in the area while still providing open space throughout and around the property. Additionally, the applicant has focused the larger buildings toward Westport Road and Ridgeway Avenue, allowing the majority of the open space to be located adjacent to the adjoining single family residential properties, which provides an additional buffer.

The variance arises from special circumstances, which do not generally apply to land in the general vicinity. The applicant proposes to vary from the requirement as minimally as necessary, specifically to mitigate any potential landscaping, parking, or traffic impacts to the surrounding area. Circumvention of the regulation is necessary to maintain safe vehicular maneuvering and parking.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create unnecessary hardship. The strict application of the regulations would require the applicant to redesign the layout of the structures in a way that would decrease the provision of required parking on the site. Adequate off-street parking is needed for a development of this kind.

The circumstances are not the result of the actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant has not yet developed or taken any action with respect to the property.