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July 16, 2026

RE: Exhibit 2 – Sidewalk Waiver 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 sidewalk waiver pursuant to § 6.2.6(D), submitted in conjunction with a variance application as required by § 6.2.6(D)(2)(b).

1. Explain how the proposed waiver conforms to the Comprehensive Plan and the intent of the Land Development Code.

The waiver conforms with the Comprehensive Plan and the LDC. Pursuant to § 5.3.4(A) of the LDC:

The Suburban Workplace Form District is designed to reserve land for large-scale industrial and employment uses in suburban locations. District standards are designed to ensure compatibility with adjacent form districts, to buffer heavy industrial uses from potentially incompatible uses, to ensure adequate access for employees, freight, and products, to provide services and amenities for employees, and to improve transit service.

LDC § 5.3.4(A). Unlike other Form Districts, it is apparent that it was not the intent of the comprehensive plan to increase the walkability of industrial zones such as the Suburban Workplace District. It seems more likely that the comprehensive plan intended to enhance walkability in residential and marketplace zones, while deterring pedestrian foot traffic in areas where heavy machinery and hazardous materials are present. When looking at the surrounding properties, to the East and North-East of the Owner's property 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.

It would not be in the best interest of the Metro government to enhance foot traffic in areas teeming with hazards. Therefore, this waiver would be consistent with the intent of the Comprehensive Plan and the LDC.

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2. Explain how the waiver will not adversely affect adjacent property owners.

The waiver would not affect adjacent property owners. As previously noted, the adjacent properties are operating either light or heavy industrial businesses. It would not be in the best interest of the adjacent property owners to increase foot traffic in the area, as they could be subject to increased nefarious activities. Further, only one brief stretch of sidewalk exists, in front of AA Fire Sprinkler Company, for several miles along the subject stretch of Camp Ground Rd., and the same goes for the intersecting roadway, Ralph Ave.

3. Explain how you are unable to reasonably comply with one of the listed methods of compliance in LDC Section 6.2.6(C).

It would be unreasonable for the Owner to comply with § 6.2.6(C). Construction of a sidewalk along the subject frontage is impracticable due to the existing drainage ditch. Although possible, the construction of the sidewalk would require the Owner to level the drainage ditch along the property, confirm that the construction of the sidewalk has not enhanced the risk of flooding the sidewalk or roadway, and potentially require the construction of a retaining wall along Ralph Ave. Although he now seeks a waiver, Louisville Metro Public Works approved the Owner for a payment in lieu of construction, due to the lack of pedestrian activity generated by the construction of the accessory structure. The accessory structure's sole purpose is the storage of the vehicles and equipment already stored in the same location, but exposed to the elements.

4. Explain how strict application of the provision of the regulations deprives you of reasonable use of the land or creates an unnecessary hardship.

Strict application of § 6.2.6(C) would deprive the Owner of the reasonable use of land and create an unnecessary hardship. As noted above, the construction of the sidewalk would require substantial changes to the existing drainage ditch along Ralph Ave. Even with the reduction in cost pursuant to the Louisville Metro Public Works' approval of the payment in lieu of construction, the cost remains excessive, totaling \$16,250. As the proposed accessory structure only supports the existing business and does not increase the business's usage of the adjacent roadways, strict application would only result in an unnecessary hardship.

5. What site constraints make sidewalk construction impracticable? Or are there no existing sidewalks in the area and no likelihood for sidewalks to be constructed in the future?

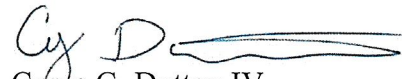
As noted previously, there is only one brief stretch of sidewalk for several miles along the subject portion of Camp Ground Rd. and Ralph Ave. As such, if a sidewalk were constructed, it would be isolated for miles. Further, it is highly unlikely and likely discouraged for sidewalks to be built in the area due to the numerous light and heavy industrial businesses that operate in the area.

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Additional pedestrian traffic would only increase the chances of harm coming to the traveling public and the assumption of enhanced liability on neighboring businesses.

Sincerely,

STITES & HARBISON PLLC



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