



**OFFICE OF PLANNING & DESIGN SERVICES
DEVELOP LOUISVILLE**

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Variance Justification

In accordance with KRS 100.241 through 251, and Chapter 11.5B.1 of the Land Development Code, the Board of Zoning Adjustment must consider, but is not limited to, the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

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

This variance will not obstruct or impede on any pedestrian walkways or right of ways, and therefore will not adversely affect the public health, safety, or welfare.

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

To the contrary, the NULU Overlay Committee, who has required this setback as a condition to their approval of the proposed design, has stated that they believe this will help to reinforce the cadence of the block, which is made up of 2 story shotguns where the 2nd story is set back slightly further/

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

This variance will not obstruct or impede on any pedestrian walkways or right of ways, and therefore will not cause a hazard or a nuisance to the public.

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

We believe this is not an unreasonable circumvention of the requirements of the zoning regulations, as this request for a variance has come as a result of a condition that the NULU Overlay Committee has required. We would not have otherwise needed a variance, and have not intention of circumventing zoning regulations.

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

The special circumstance that prompted this variance request is that the NULU Overlay Committee approved the design for the single family residence, with the condition that they wanted the front of the home to be setback so that the balcony is in line with the two adjacent home setbacks, instead of the face of the house.

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.

Because this front setback variance request came as a result of the condition that the NULU Overlay Committee placed on the approval of this design, denying the variance request would deprive the applicant and property owner the ability to construct the single family residence that they have proposed for this lot.

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

Yes, this project first went before the NULU Overlay Committee. This variance request is a direct result of the condition that the Committee required, which is to set the front of the home back further than what is otherwise allowable per the LDC for front setbacks under infill context.