

VARIANCE JUSTIFICATION STATEMENT

Wilkinson Builders, Inc.

10 Poplar Manor Road

The proposed variance, which will permit the applicant to encroach 15 feet into the 30-foot front yard setback requirement, will not adversely affect the public health, safety or welfare. The lots affected by the proposed variance were created several years ago. Many of the lots contain slopes, generally from the front of the lots to the rear, that the applicant would like to minimize the disturbance of. The proposed variance will result in less disturbance of the slopes and trees and plantings that exist on the slopes.

The variance will not alter the essential character of the general vicinity. The proposed variance will allow the applicant to develop the homes closer to the street in order to minimize the disturbance of the steep slopes located towards the rear of the lots. The encroachment into the setback area will not cause any disruption to the existing surrounding neighborhoods, as they will only apply to the front yards, which are internal to the lots in the proposed development.

The variance will not cause a hazard or nuisance to the public. As stated above, the need for a setback reduction is driven by the natural contours of the lots. Moving the homes closer to the existing streets will reduce their potential impact on surrounding properties and on Poplar Hill Road and Blankenbaker Lane.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The applicant proposes to adjust the front yard setback to 15', a change recently adopted by Louisville Metro but which has not been adopted in the City of Indian Hills. The contours of the property create the need for reduced front yards.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. As stated above, the steep slopes on the site make it difficult, if not impossible, to provide the required front yard setback. This reduction to the setback requirement will have no impact on surrounding developments.

The strict application of the regulations would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship. The applicant seeks to use a creative design solution to allow for the use of the existing lots while minimizing the disturbance of the sloped areas of the lots. The strict application of the regulations would force the applicant to disturb the sloped areas in order to provide a front yard setback that is not visible to those outside of the development. There are other examples of clustered homes in Indian Hills that are attractive and fit within the context of their surroundings. The applicant is seeking to reach the same result with this request.

The circumstances are not the result of 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.