

## Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers 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.

YARDS REAR OF LESS THAN 30% OF TOTAL LOT ARE COMMON FOR THE AREA. THIS IS NEW CONSTRUCTION.

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

REAR YARDS OF LESS THAN 30% OF TOTAL LOT S.F. ARE COMMON IN THE GENERAL VICINITY.

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

SMALL REAR YARDS ARE COMMON FOR THE AREA.

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

NOT "UNREASONABLE CIRCUMVENTION" AS YARDS REAR OF LESS THAN 30% OF TOTAL LOT S.F. ARE TYPICAL IN THE VICINITY.

### Additional consideration:

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

THIS IS A VACANT LOT WHICH IS RARE IN THE VICINITY

2. 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.

STRICT APPLICATION WOULD PREVENT APPLICANT FROM OWNERSHIP ENJOYMENT OF A GARAGE AND COVERED BACK PORCH

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

NO. THIS IS A VACANT LOT AND THE APPLICANT PURCHASED THE LOT IN 2010.

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**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

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

IT WILL NOT AFFECT ADJACENT PROPERTY OWNERS. THE DRIVE WAY AND CURB CUT WERE PART OF A PREVIOUS HOUSE THAT FELL INTO DISREPAIR AND DEMOLISHED. ACCESS TO THE GARAGE WILL BE FROM THE ALLEY AS REQUIRED BY CHAPTER 5 OF LDC AND FROM THE EXISTING CURB CUT ON SHERWOOD.

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

IT WILL NOT. THIS IS A CURB CUT THAT HAS EXISTED SINCE THE PREVIOUS HOUSE WAS BUILT IN THE 1920'S. NUMEROUS CURB CUTS EXIST ON SHERWOOD

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

YES. AGAIN THIS IS AN EXISTING CURB CUT AND DRIVE WAY. ADDITIONALLY SEE THE ATTACHED COPY OF AN EMAIL FROM JEFF BROWN OF METRO PUBLIC WORKS DATED 3/29/10 THAT STATED THE CURB CUT IS NOT REQUIRED TO BE REMOVED.

**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?**

**B** - Absolutely the provisions strict application would deprive the applicant of reasonable use of the lot. By denying access of vehicles from Sherwood. Applicant would not have purchased the lot WITHOUT BEING ASSURED THE CURB CUT WOULD NOT BE REQUIRED TO BE REMOVED PER THE EMAIL FROM JEFF BROWN DATED 3/29/10

Thank you,

Fred Levein  
Broker Associate  
Re/Max 100  
502-736-0511  
#1 Re/Max Agent in Kentucky in 2009

--- On Mon, 3/29/10, Brown, Jeffrey E <[Jeffrey.Brown@louisvilleky.gov](mailto:Jeffrey.Brown@louisvilleky.gov)> wrote:

From: Brown, Jeffrey E <[Jeffrey.Brown@louisvilleky.gov](mailto:Jeffrey.Brown@louisvilleky.gov)>  
Subject: 2043 Sherwood Ave  
To: [reofred@bellsouth.net](mailto:reofred@bellsouth.net)  
Date: Monday, March 29, 2010, 3:21 PM

Public Works has reviewed the existing driveway at 2043 Sherwood Ave and it is not required to be removed at this time if a single family residential house is rebuilt on the existing lot. The existing curb cut and driveway are acceptable but no parking is allowed on the driveway between the sidewalk and the edge of the Sherwood Ave pavement. In accordance with Land Development Code 6.1.2, access to this site may be reevaluated if it is further developed.

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