



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

444 S 5th St., Suite 300
Louisville, KY 40202
(502) 574-6230

<https://louisvilleky.gov/government/planning-design>

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.

The constructed roof overhang does not block the sunlight, does not come in contact with other structures and does not deter from the look or aesthetics of the surrounding homes or neighborhood. This overhang will not affect public health, safety or welfare.

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

The construction of this home replaces a distressed property that was slated for demolition by Metro Louisville. What is now constructed adds to the beauty and essential character of the general vicinity.

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

The variance ask for permission to allow the already constructed roof overhang to remain in place. This already completed component does not pose any hazard or nuisance to the public

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

Due to incompetence, the previous contractor built the roof overhang first before acquiring variance and or permits. The contractor also shingled this roof and affixed gutters to the roof in the location of the overhang. To remove this overhang would add to the egregious and current cost overruns.

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify). Previous distressed property had already violated the current code. But the property was "Grandfathered" in and did not require a variance. However, that structure no longer exist and new construction will not be aesthetically pleasing if construction has to abide by the existing code.

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.

To Adhere to the provision of regulation would add additional cost to the already over budgeted project cost. The overall roof line and dormer would have to be redesigned for proper water run off and functionality

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

This applicant fell victim to an incompetent and untrustworthy General Contractor, James Hooten dba Excel Construction and Contracting. This contractor's negligence and total disregard for protocol resulted in the desperate actions Superior Henderson, LLC must now take.