



**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.**

Existing basement foundation has been in place for over 12 years and has not caused a health, safety, or welfare incident. If permitted to build - the potential new house will add value and improve the community and neighborhood. Most existing homes on this block violate current property line codes. This foundation variance would NOT set a new precedent if allowed.

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

The new proposed structure will add value because another new home will be added to the neighborhood block currently replacing the blight and eyesore of a vacant unused property. Most of the existing homes on this block currently violate the property line code(s) and this foundation variance would NOT set a new precedent

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

The existing basement foundation has been in place for over 12 years. The existing unfinished project has been a nuisance because nothing has been done in the past 20 years to complete a building on this property. If the variance was accepted - then construction will resume and a completed home will take the place of the empty lot.

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

If the variance is not allowed, there will be an additional cost of 10s of thousands of dollars to demolish the existing BASEMENT foundation, excavate, and pouring a new concrete foundation. Or there will be a costly effort needed to "truck" in dirt to fill the hole displaced by the existing basement in order to rebuild on top to conform to the existing codes.

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

The Basement foundation was constructed over a decade ago and much like many homes including the surrounding homes around this property violate property line codes. This variance would only follow existing precedent

**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.**

The incalculable cost to demolish the existing foundation and replace would cause undue hardship to build on this vacant lot. The cost to adhere to code would make any build vastly over budgeted for assessed value of the area.

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

No. Superior Henderson, LLC only acquired this property in January of 2021. This basement foundation was existing and in place for the past 12 years at the minimum according to city documents.