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5151 Jefferson Boulevard
Louisville, KY 40219
(502) 485-1508

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Justification for Variance of LDC Table 5.2.2 to exceed the maximum 25 ft setback by 150':

Project: First Baptist Church of Fairdale MCUP
Address: 413, 415, 507, and 601 Fairdale Rd, Fairdale, KY 40118

The requested variance will not have a negative effect on public health, safety, or welfare. Instead, the variance will allow Fairdale Church to support the health and welfare of the community without undue burden. As the proposed building will in part support the Dare to Care foodbank already running out of the existing accessory building, keeping the two close to each other will help with their operations and ability to offer food security to the community.

The variance will not alter the essential character of the general vicinity. The existing church will remain close to the street and keep the site consistent with the Village Center Form District. Placing the accessory building behind a playground was done at Nelson Hornbeck Park, just four lots north of the site.

The variance will not cause a hazard or nuisance to the public.

The variance does not reflect an unreasonable circumvention of the zoning. As this multi-purpose site is much deeper than it is wide than the typical lot in Louisville, it is reasonable to consider relaxing the regulations that would make utilizing the site more difficult.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant. The applicant would like the proposed building to be close to the existing accessory building as they will be able to share a utility pad for electric and HVAC. Additionally, this new building will help support the food bank that runs out of the accessory building. Keeping the buildings next to each other would be reasonable and doing otherwise would cause unnecessary hardship.

The circumstances resulting in this request are not the result of actions taken by the applicant after the adoption of the regulation from which relief is sought. Instead, the variance arises from the unique dimensions of the lot and the operational needs to locate the building near the existing one. The request is also directly related to the expansion of the church's longstanding use of the property in service to the community. These conditions are inherent to the property and an expansion of its existing uses, not a result of actions by the applicant.

JUSTIFICATION

To justify approval of any waiver, the Board or Commission considers the following criteria.

Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes, No, or N/A** will **NOT** be accepted.

1. Will the waiver adversely affect adjacent property owners?

2. Will the waiver violate the Comprehensive Plan?

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

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?



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Justification for Waiver of LDC section 10.2.4. to allow a reduction of the 20-foot LBA to 5 feet, and reduce the 6-foot screen to 3 feet.:

Project: First Baptist Church of Fairdale MCUP

Address: 413, 415, 507, and 601 Fairdale Rd, Fairdale, KY 40118

The waiver will not adversely affect adjacent property owner since the drive lane will not include parking spaces and will serve only as an entrance with limited hours of operation, and since the reduced buffer will only affect one property owner which has expressed support for the project.

Community Form Goal 1, Policy 6 states that transitions from non-residential to residential uses should depend on the pattern of development of the Form District. Community Form Goal 1, Policies 9 and 10 call for appropriate transitions between uses that are substantially different in scale and intensity or density of development and to mitigate the impacts caused when incompatible developments occur adjacent to one another. The site is located in the Village Center Form District which is characterized by a mixture of uses and housing types that may be higher in density than the rest of the district. The church use is an appropriate transition between the commercial core of the Village Center, and the residential uses to the east. The proposed drive lane does not include parking spaces and will have limited use. The 3-foot screen will provide an appropriate transition between the church and residential use.

The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the drive lane does not include parking spaces, since the drive lane will have limited hours of operation, since the 3-foot screen will provide an appropriate transition between the church and residential use, and since the affected property owner has expressed support for the project.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant since the building is being located to allow for a shared utility pad between the two accessory buildings since the 3-foot screen will provide an appropriate transition between the church use and adjacent residential use, and since the affected residential property owner has expressed support for the project.