

VARIANCE JUSTIFICATION STATEMENT

O.D. White & Sons Louisville, Inc.

2727 S 3rd Street

The proposed variance of Section 5.1.12.A.e.i.5 of the Land Development Code, to allow the existing building to exceed the maximum setback along M Street, will not adversely affect the public health, safety or welfare. The building affected by the proposed variance has existed for over 30 years and the proposed development will not increase the building square footage or modify the floorplan of the existing structure.

The variance will not alter the essential character of the general vicinity. The proposed variance will allow the applicant to develop a crematorium within the limits of the existing carport. Allowing the building to exceed the maximum setback area will not cause any disruption to surrounding property owners, as the carport is currently located 81.80 feet from M Street with parking in front of the existing building.

The variance will not cause a hazard or nuisance to the public. As stated above, the existing building currently exceeds the maximum setback area and has for decades. The crematorium construction will be completed within the existing carport and will not increase the square footage of the existing building.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The parking is located in front of the existing building, similar to surrounding property owners in the area. The front parking forces the existing building to exceed the maximum setback area.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. As stated above, several property owners in the area have front parking. Specifically, the adjacent property owner to the west exceeds the maximum setback requirement because the building is located in the back with parking in the front. Further, the unique shape of the applicant's lot allows the current building to fit neatly in the back while allowing sufficient parking in the front.

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 is seeking a variance from the maximum setback area for a building that has existed for decades. The strict application of the regulations would force the applicant to move the existing building or develop a structure in the front, which would reduce the parking area.

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.