

**CHANGE IN ZONING JUSTIFICATION – UN/C-1 TO R-8A**  
**820 S. CLAY STREET**  
*December 29, 2025*  
**STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES**  
**AND POLICIES OF THE “PLAN 2040” COMPREHENSIVE PLAN**

Applicant: Grace Hope Presbyterian Church Inc.

Project Name/Location: Grace Hope Senior Apartments  
820 S. Clay St.  
Louisville, KY 40203

Proposed Use: Multi-Family Residential Apartment building

Request: Zone change from Un & C-1 to R-8A

Engineers, Land Planners, Landscape Architects: Sabak, Wilson & Lingo, Inc.

**INTRODUCTION**

The subject site is located in the heart of the Smoketown neighborhood and is owned by Grace Hope Presbyterian Church (the applicant) which is located caddy-corner to the site on E. Breckinridge St. The church and the organizations from which it was formed have deep roots in the Smoketown Community dating back to its early years in the late 1800’s. The church and its associated organizations have long served the Smoketown community. Led by Reverend Dr. Angela Johnson, Grace Hope Church is seeking to rezone the subject property in order to efficiently develop their underutilized property to provide a 22-unit affordable senior apartment community. The proposed development is infeasible under the current zoning consisting of two different zoning districts which significantly constrain the sites development potential. With regard to the specific justification, this application conforms to the guidelines of Plan 2040 as follows:

**PLAN ELEMENT 4.1: COMMUNITY FORM**

**This proposal complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies.**

**As to Goal 1, Policies 7 & 9, it complies as follows:**

The subject site is located at the corner of S. Clay St., which is a local thru road, and E. Breckinridge St., which is a primary collector which has multiple established TARC routes and stops (as close as 1 block away) and multiple bikeways within the vicinity.

The applicant will be providing a 10-foot landscape buffer with a 6-foot wood privacy fence to screen the proposed multi-family from the adjacent single family along with 5-foot landscape buffers

consisting of trees and evergreen screening along VUA's. The increase in density with the proposed zoning district is unlikely to negatively affect the neighborhood and will provide more housing for the area. The 22 proposed unit building is compatible with the varying densities, buildings, and uses in the area.

**As to Goal 2, Policy 9, it complies as follows, in addition to the other ways set forth above:**

The proposed zoning will allow a mostly vacant and underutilized lot to be redeveloped for a higher density of residential units, most suitable for efficient and sustainable use of the land.

**As to Goal 3, Policy 10, it complies as follows, in addition to the other ways set forth above:**

There are no environmental constraints on the subject site.

**As to Goal 4, Policies 2 & 3, it complies as follows, in addition to the other ways set forth above:**

There are no distinctive cultural features such as landscape, natural elements, or built features to preserve on the site. Historic Preservation/Urban Design have reviewed the proposal and confirmed no known conflicts with the proposal regarding these policies.

There are no historical structures or features to be preserved on the site which is currently vacant and does not meet threshold requirements for LMCO 150.110.

**PLAN ELEMENT 4.2: MOBILITY**

**This proposal complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies.**

**As to Goal 1, Policy 4, it complies as follows, in addition to the other ways set forth above:**

The subject site is located at the corner of S. Clay St., which is a local thru road, and E. Breckinridge St., which is a primary collector which has multiple established TARC routes and stops (as close as 1 block away) and multiple bikeways within the vicinity.

**As to Goal 2, Policy 4, it complies as follows, in addition to the other ways set forth above:**

The subject site is located at the corner of S. Clay St., which is a local thru road, and E. Breckinridge St., which is a primary collector roadway. Access to the development will not be going through lower intensity uses. The connecting streets serve a variety of land uses such as large churches, commercial businesses, community centers, and multi-family developments.

**As to Goal 3, Policies 2, 5, 6, 9, 10, 21, it complies as follows, in addition to the other ways set forth above:**

The subject site is located along a bikeway and within a block of a TARC bus line and bus stop at the corner of E. Breckinridge St. & S. Shelby St. with lines that runs North and South within a few blocks of the E. Broadway bus line. The neighborhood that the subject site is located in also has complete sidewalk networks. E. Breckinridge St. also has designated bike lanes. The subject site is located at the corner of S. Clay St., which is a local thru road, and E. Breckinridge St., which is a primary collector roadway.

The applicant will be replacing the majority of sidewalk along S. Clay St. and replacing all of the sidewalk along E. Breckinridge St. (excluding the corner) which will improve the existing sidewalk network drastically. The proposed drop-off lane utilizes existing curb cuts which will be significantly reduced and eliminated in some areas (increasing street parking) while improving the pedestrian connection through and around it. The proposed rezoning and proposed 22-unit multi-plex are unlikely to negatively impact the surrounding road network. Proposed on-site parking will minimize congestion caused by street parking while the drop-off lane and proposed resident demographic will minimize parking and traffic concerns typical to a non-senior specific development.

No direct residential access to high-speed roadways is being proposed. All access points to the site will be secure, ADA accessible, and well organized.

### **PLAN ELEMENT 4.3: COMMUNITY FACILITIES**

**This proposal complies with Plan Element 4.3, its 3 Goals and their Objectives plus the following Policies.**

**As to Goal 2, Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above:**

Necessary community facilities, including fire stations, are located nearby (there is a fire station within 150 feet of the site). Sanitary sewer is available by existing PSC & lateral extension, and all necessary utilities are available and adequate to serve the proposed development.

### **PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT**

As to these Goals, Objectives and Policies generally, while they do not specifically address this development, this proposed development nevertheless complies in that it will bring additional housing opportunities to the area which will stimulate and incentivize business in the area.

### **PLAN ELEMENT 4.5: LIVABILITY**

**This proposal complies with Plan Element 4.5, its 4 Goals and their Objectives plus the following Policies.**

**As to Goal 1, Policies 5, 17, and 21; it complies as follows, in addition to the other ways set forth above:**

The proposal will provide 3,603 square feet of open space and landscaping along the alley parking and street frontages. The proposed plantings will improve the site, which is currently a primarily vacant concrete lot with minimal street trees. Outdoor amenity areas will be provided along with supplemental landscaping and street trees.

There are no environmental constraints on the subject site and the proposal is unlikely to negatively impact the groundwater. Additionally, the site is not located in the floodplain. The proposed rezoning

allows for a more efficient use of the land with the best ratio of preserved open space to units and parking.

#### **PLAN ELEMENT 4.6: HOUSING**

**As to Goal 1, Policies 1 and 2; it complies as follows, in addition to the other ways set forth above:**

The proposed rezoning will allow for a higher density multi-family structure with 22 proposed affordable units. This will bring a 22-unit multiplex into a neighborhood with a variety of housing options from single family to multi-unit complexes. The proposed rezoning will allow for the most efficient use of the site as it relates to housing needs in the area.

The proposed 22-unit multiplex will have an elevator that will access all three floors, making the proposed multiplex ADA accessible. This rezoning will allow more ADA accessible units than what was previously allowed with the existing zoning district and generally unavailable in the area. Additionally, the drop-off loading lane and building layout are specifically tailored to senior living and promote aging in place. The additional units will not increase the building footprint nor the building height from what it would be with a C-1 zoning.

**As to Goal 2, Policies 1 and 2; it complies as follows, in addition to the other ways set forth above:**

The proposed rezoning and proposed 22-unit multi-plex will allow for add to the variety of affordable housing options in an area with adequate transit, bike lane network and sidewalk network. It will also allow for intergenerational development with higher density by providing a dedicated option for the senior community which is not currently available in the area.

The proposed rezoning to R-8A will increase the allowed density and eliminate floor area constraints which will allow the property owner to construct 1 more unit and maximize vital community spaces in the building that wouldn't be feasible with the existing zoning or a C-1 zoning.

**As to Goal 3, Policies 1, 2 and 3; it complies as follows, in addition to the other ways set forth above:**

The proposed 22-unit building will consist of all affordable units in a location with adequate transit lines, bike lanes, and sidewalk networks.

No residents will be displaced by this proposed rezoning or proposed apartment building which will provide opportunity to prevent displacement of senior community members by providing a specific option for senior living to age in place.

The proposed rezoning will allow for 22 units in a multi-plex that will be ADA accessible and in a manner that encourages innovative, alternative housing that advances affordable housing efforts.

**Variance Justification: Case#26-ZONE-0019**

**Project Address: 820 S. Clay St. Louisville, Ky. 40203**

**Project Title: Grace Hope Sr. Apartments**

**Variance from Land Development Code Section: 5.1.12.A.2.e.ii - To allow for a 3-story building.**

*"ii. Building Height "*

*"1. The building height for proposed structures on all corner infill lots shall fall within the range of building heights of existing structures within each block face the property is located within."*

The proposed development site is subject to infill requirements which limit the building height to one-story. The applicant is seeking a variance from LDC 5.1.12.A.2.e.ii to allow for a 3-story building to make the most efficient use of the site by providing 22 affordable apartments serving senior citizens.

**1. Explain how variance will not adversely affect public health, safety, or welfare.**

The proposed building ht. would be permitted in the existing and proposed zoning of the site and adjacent properties if they were not subject to infill regulations. With this in mind, the physical building itself and the general vicinity of the site will be and are equipped with all the necessary safety infrastructure. The proposed setbacks, building footprint, and corner-lot nature of the site as they relate to the proposed building ht. ensure that there is adequate light, air, vision clearance, and circulation in and around the site. Adverse effects that are generally associated with increased density afforded by the variance are more or less negated by nature of the proposed resident demographic and function; Traffic & pedestrian safety concerns are mitigated by the minimal new on-site parking spaces, reduction of existing curb cuts, new and improved sidewalks and access points, and increased street parking spaces. The proposed units will all be one-bedroom with restrictions prohibiting non-senior residents which will help mitigate safety and security concerns typically associated with multi-family development. Furthermore, the proposed 3-story development improves the environmental conditions across the board. Impervious surface will be minimally increased but pavement will be drastically reduced, stormwater collected on site and all new pavement significantly improving pedestrian and vehicular safety. Additionally, tree canopy will be significantly increased on and around the site via street and buffer trees which will positively affect public/environmental health. The increased street trees and building height will also help to mitigate urban heat island effect caused by proposed and adjacent pavement. The proposed 3-story condition is an objective improvement from the existing and better option over an alternative development of lower density and ht. with the same footprint.

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

The vicinity of the subject site consists of 1-story, 2-story, and 3-story buildings of varying use. Multi-family buildings within the vicinity are all 2 and 3-story buildings.

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

As mentioned in the prompts above, the intent of the variance is to allow for a more appropriate design solution for this unique site that is more in line with the comprehensive plan which improves safety of the site users and adjacent community members. The proposed building height is comparable to adjacent buildings, does not impede sight lines, and does not create any hazardous conditions or nuisances such as added noise, smell, crowded circulation, unsightly views, or potential tripping/falling hazards. Both the building design and setbacks ensure no hazards or nuisances are created.

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

The variance request is a result of infill development regulations. If the site were not in-fill, the proposed building height would be permitted, therefore it is not an unreasonable circumvention. Additionally, the proposed height of the building respects all other zoning regulations and does not exceed non-infill requirements.

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

As mentioned above, the site is subject to infill regulations and in an area of varying land uses. The in-fill constraints are set by primarily single-family homes within the block-face that are not corner lots. The variance would not be necessary for infill development in lots of similar sizes and use in the area but due to the nature of the corner-lot and its size, there is a special circumstance given the context of the area and proposed use.

**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 applicant would likely be unable to develop the subject site without the variance as the infill regulations would significantly reduce the unit count to a number that would prevent financially viable and efficient use of the land.

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

No, they are not. The circumstances are a result of infill regulations that would have applied when the land was purchased. No action has been taken by the applicant to create or alter the circumstances relevant to the variance.

**Waiver Justification: Case#26-ZONE-0019**

**Project Address: 820 S. Clay St. Louisville, Ky. 40203**

**Project Title: Grace Hope Sr. Apartments**

**Waiver of Land Development Code Section: 5.9.2.C.4 - To allow for vehicular circulation in front of the building between the entrance & S. Clay St.**

*“C. Additional standards for Traditional Form Districts (excluding Downtown Form District.”*

*“4. There shall be no traffic circulation or parking in front of principal buildings. Sites with multiple buildings shall have unified/joint access.”*

The proposed development will be serving senior citizens, a demographic for which a drop-off/loading drive is essential. Due to the proposed building layout, dumpster area, required detention area, and necessary parking (for staff, caretakers, & visitors), a drop-off/loading drive to the rear of the building is infeasible. Due to the necessity of the drive and lack of space in the rear, the proposed drive must be located in an area which does not comply with the requirements of LDC 5.9.2.C.4.

**1. Explain how the waiver will not adversely affect adjacent property owners (APO's)**

In this case, the waiver is being applied to allow for a similar use to what was previously permitted on the site as exemplified by the existing curb cuts, drive aprons, and concrete drive/parking areas. For this reason, it could be argued that the proposed drop-off drive will positively affect adjacent property owners compared to the previous condition via the drastic improvements. The proposed layout will not eliminate any existing street parking used by APO's, it prevents a condition in which vehicle headlights (idling or moving) are shining into APO's windows, it prevents delivery & transport vehicles from holding up traffic and minimizes the chances of traffic conflicts at nearby intersections. With the understanding that the drop-off drive is essential to this development, it is important to consider the implications of the possible alternatives which would do the opposite of the aforementioned.

**2. Explain how the waiver will not violate the comprehensive plan.**

This waiver is a design response to a unique scenario where a code requirement applied to a unique infill site is perceived to have greater adverse effects on both the applicant, future residents, the site itself, and the surrounding community. In applying both scenarios to the comprehensive plan as laid out in prompt #1. It is our informed perspective that a waiver is more in line with the overall goals, objectives, and policies laid out in the comprehensive plan. The waiver is allowing for an alternative design solution which utilizes existing curb cuts, promotes safety and circulation, and provides a more equitable and efficient solution.

**3. Explain how the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant.**

As mentioned in the prompts above, the intent of the waiver is to allow for a more appropriate design solution for this unique site that is more in line with the comprehensive plan. There is one variable in regard to extents of the regulation which is being waived and that is location. Existing curb cuts along the E. Breckinridge frontage and S. Clay St. frontage offer multiple options of greater extents for the drop-off drive compared to the applicant's proposed location and extents. The applicant is proposing the drop-off drive in the closest feasible location to the rear of the building (the street side yard rather than the front yard) and in a layout which is the minimum to meet use and design requirements.

**4. A. Explain how the applicant has incorporated other design measures that exceeds the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect)**

Due to the nature of the requirement being waived with consideration for the responses in the previous prompts, the applicant believes the relocation and layout of the proposed drop-off drive in itself is a net beneficial effect. Great consideration has been taken to avoid potential adverse effects, improve pedestrian and vehicle safety, and improve the general aesthetics of the area.