

Justification For Variance
2800 S Pope Lick Road

History

My wife and I raised our family in Fisherville, Ky in an old farmhouse directly abutting Floyds Fork. My kids enjoyed fishing and swimming in the fork and we all have a great appreciation and respect for maintaining and improving the beauty and quality of our waterways.

My son purchased a piece of property along Pope Lick Creek in 2013 with the intent of building a home for his family to share and enjoy this wonderful area that he also enjoyed as a kid. We all know that sometimes things in life don't always go as planned and he was unable to make this happen. In the interim, my grandson and I developed an interest in beekeeping, and we installed a couple of beehives on the property where they are still thriving to this day.

After several years of attending to the bees and enjoying the peace, serenity, and beauty of the place my son offered the land to us with the intent of us building a Small single-family home to enjoy. The proposed home is 2-bedroom / 1.5 bath and has a footprint of 917 Sq/ft.

I consider myself as an avid environmentalist. I worked for 20+ years as Environmental Compliance Specialist 1st with the City of Jeffersontown and later with Louisville MSD. I know all too well the impact that humans have on our waterways and have always strived to do all I can to improve that in my actions. I would say that most people that know me would agree that I am obsessed with minimizing my impact on the environment. I love to garden but use no pesticides or insecticides. I recycle everything possible and generally would not harm a fly. 😊

We do understand the purpose and intent of the LDC and the Protected Waterways Ordinance but respectfully ask for a Variance based on the following justifications.

Thank You
Greg & Sharon Ratliff

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

The property itself is a narrow 2.3-acre lot that is located (See Attachment 1) directly between Pope Lick Creek and Pope Lick Road. Most of the property is wooded with a large amount of invasive honeysuckle on the hillsides. There is approximately 1/3 of an acre that has been cleared since before my son purchased the property that directly abuts Pope Lick Creek (Attachment 2).

The Proposed single family residential home will have a minimal footprint (Attachment 3) and during construction we will provide and pledge to contract with an approved ESPC company to insure that there are no impacts from the construction process or stormwater runoff to the stream.

We propose to abide by the attached landscape design plan that we believe will not only not degrade but will improve water quality in the stream and its ability to absorb any stormwater runoff. The plants used will be Kentucky Native species that are known to provide stream bank stabilization and buffers to slow down and mitigate the effects of any stormwater runoff.

We will also install rain barrels on all the roof downspouts to capture any runoff to allow for the slow release of any rainwater to minimize the impact to the stream. We pledge to be good environmental stewards of the property and will do whatever it takes to insure the health, welfare, and beauty of the stream.

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

The area is generally comprised of single-family homes in a rural type and setting. This proposed single-family dwelling will be compatible with the area and in fact will likely not be seen from the road. Everything in the design and scope of this project has been done with the concept of fitting into the natural geography and character of the area.

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

As stated in the above justification statement the design and development of this project has been done to not only compliment the area but also enhance the intent of what the **protected waterways ordinance** was designed to accomplish.

to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions that river and stream corridors, lakes and other critical waterways, wetlands, and their associated riparian areas provide in Jefferson County; (ii) to guide development on sites with environmental constraints consistent with the Comprehensive Plan; (iii) to locate development, where possible, in areas that do not have severe environmental limitations and to protect natural areas and features as a part of development planning, by designating buffer areas that will guide future development adjacent to protected waterways; (iv) to minimize water pollution, including sediment and other pollutants in surface runoff; to promote bank stabilization; to protect riparian wetlands and their wildlife habitats; (v) generally to promote land use policies which will maintain or improve water quality levels; (vi) to implement goals of the Clean Water Act.

There will be no impact to the local stream or local roadways as this is a very small single-family dwelling.

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

There are several homes in the direct vicinity of this area that are not only directly located in the protected waterways buffer but also in the 100 year flood plain and also have cleared and mowed lawns that go all the way from Pope Lick Road to Pope Lick Creek. This proposed single-family home will be outside of the flood plain and will include a riparian buffer zone as indicated in the attached Landscape Design Plan (Attachment 4).

This piece of property was originally laid out as a parcel in 1977 and the size, shape, or topography of the property is such that it is not possible to construct a single family detached dwelling without encroaching into the required Buffer Area. Any Encroachment into the required Buffer Area shall be limited to the minimum necessary to accommodate the proposed use.

We fully commit, to the satisfaction of the County, to mitigation measures that will offset any potential adverse impacts of the proposed encroachment during site preparation, construction, and post-construction.

Any approval of the variance will not result in a reduction in water quality.

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

This piece of property was originally laid out as a parcel in 1977 and the size, shape, or topography of the property is such that it is not possible to construct a single family detached dwelling without encroaching into the required Buffer Area. (Attachment 1)

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.

Because of the limitations of the lot size a denial of the variance would result in an undue hardship on building the single-family residence. the physical characteristics of the property are such that it cannot be used for any purpose and the property has little or no value if restricted.

The strict applications of the provisions of the regulation would deprive us the reasonable use of the land and create an unnecessary hardship as the lot on which the home is proposed was a legally created lot in existence prior to the adoption of the regulations of Chapter 4, Section 8.

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

Yes, the lot on which the home is proposed was a legally created lot in existence prior to the adoption of the regulations of Chapter 4, Section 8.

We are requesting this variance so that we may have the plans approved for construction.