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November 25, 2025

Mr. Zach Davis, Chairman
and Members of the Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

Re: Supplement to Justification Statement, 401 Woodland Avenue

Dear Chairman Davis and Members of the Planning Commission:

This letter is a supplement to the letter of justification dated October 6, 2025. After revisions to the plan and conferring with the staff, we are requesting modifications to the variances and waivers which we previously requested.

We had originally requested three variances. We are withdrawing the variance relating to the driveway off of Euclid Avenue (which has been removed from the plan), and the additional parking space near Woodland Avenue (which also has been removed from the plan). We are still requesting the variance from 8 feet to 5 feet for the vehicular use area buffer along the southwest side of the property, adjoining 415 Woodland Avenue. The reasons for that variance are set forth in the letter dated October 6, 2025.

We are also requesting the following variances and/or waivers:

1. We are requesting a property perimeter variance from eight feet to five feet along the western side of the property, adjacent to 415 Woodland Avenue, and along the eastern side of the property, adjacent to 464 and 466 Euclid Avenue. Along the western side of the property, this variance coincides with the property perimeter variance mentioned above. On the east side, Dennis Anderson owns the property at 464 Euclid Avenue. The variance adjacent to 466 Euclid Avenue will only run for about six feet, adjacent to the end of the new building.

2. We are requesting a variance in the minimum interior landscape area for a parking area under Section 18-3(b)(1). Under this section, the minimum interior landscape area for a parking area is 10%. We will actually be providing more landscape area than the previous plan, but it will be about 5.1%.

3. Under Section 18-3(b)(4)(a), we are requesting a variance in the maximum distance of 90 feet between interior landscape areas. We have 110 feet on one side and 125 feet on the other side. As you know, this is an existing parking area with no interior landscaping, which is being reduced in size.

The reasons for these variances are as follows:

A. Granting these variances will not adversely affect the public health, safety or welfare and will not alter the character of the existing vicinity, and will not cause a hazard or nuisance to the public because the applicant's plan will allow additional density to be constructed on an under-utilized lot. The current parking lot has no interior landscaping and occupies most of the property. If the variance is granted, the parking lot will be less non-conforming than it is currently. The applicant's plan will result in more interior landscaping than was previously provided, and the plan will allow additional residential units to be constructed on an under-utilized lot. The applicant is providing a landscape area between the two buildings, adjacent to the parking area. This provides a larger landscape space in the interior to preserve trees and allow picnic and other usage by residents. The lot to the west at 415 Woodland Avenue has a large parking area adjacent to this property.

B. Granting these variances will not allow an unreasonable circumvention of the requirements of the zoning ordinance because the parking area and configuration of the existing building and the current parking lot are currently legally non-conforming. Granting these variances will make the property more conforming. There will be a significant greenspace in the middle of the property as mentioned above.

C. The special circumstances which apply to this property and which do not generally apply to land in the general vicinity or in the same zone are that we are providing additional infill on an under-utilized lot, in conformance with the Comprehensive Plan. This project will supply additional living units within walking distance of the University, parks, churches, grocery stores and other retail, dining and entertainment destinations. As this project is a partial re-development of an under-utilized space, we face constraints relating to the existing building and existing parking, which are not faced by most development projects. Two rows of parking could not fit on this lot without the variances.

D. Strict application of the regulations of the zoning ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship, because the applicant is preserving the existing building on the property, and providing additional residential units within easy walking distance of the University, parks and other commercial, dining and entertainment destinations. As mentioned above, the applicant faces constraints in this partial redevelopment project in order to preserve the existing building. Vehicular access is limited to the existing parking area, which is being reduced in size. The parking area will actually be increasing the percentage of greenspace compared to the existing conditions. Significant greenspace is being preserved in the middle of the property for use by residents. A standard parking lot could not fit on this property without the variances.

E. The circumstances surrounding the requested variance are not the result of the actions of this applicant taken subsequent to the regulation from which relief is sought. The existing building was already in existence when the applicant purchased the property 28 years ago. The configuration of the vehicular use area was already set at that time, but is being reduced as a result of this application.

In addition, we are requesting a waiver of Section 18-3(b)(4)(b), which requires that at the end of every row of parking there shall be an interior landscape area. It is unclear whether this ordinance applies to this property, but we are requesting a waiver out of an abundance of caution. (It is unclear if the ordinance was meant to apply at the point where the entire parking area terminates). We have two rows of parking spaces serviced by one drive aisle. The parking area terminates at the front of the new building, and persons who park will have immediate access to the sidewalk leading to the front doors of the building. This is not a large parking lot with multiple interior drive aisles.

We are requesting this waiver for the following reason:

1. This waiver will not compromise the public health, safety or welfare. We have designed a safe parking area with immediate access to a sidewalk which leads to the front of the building. It will be better to allow full access to the sidewalk.

2. The extent of the waiver is the minimum necessary to reasonably afford relief to the applicant. The applicant is already reducing the amount of parking on the lot, and it cannot be reduced further without endangering the viability of the property. Parking was reduced by the dumpster and by accessible parking. In addition, bicycle parking is being provided.

3. The applicant has incorporated other design measures that compensate for non-compliance. Also, strict provisions of the regulation would create an unnecessary hardship for the applicant. As mentioned above, the applicant is preserving a significant open space in the middle of the property with existing trees which will be available for picnicking and recreation. Our parking area will end at the sidewalk which provides convenient access to the front doors of the new building. It would be an unnecessary hardship on the applicant to reduce parking further. We have reduced the parking to the minimum necessary, 26 spaces for 48 units. We are at the minimum needed to serve the development.

Thank you for your consideration of these variance and waiver requests.

Sincerely,



Richard V. Murphy,
Attorney for Applicant

RVM/prb