

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of Section 10.2.4 to omit the property perimeter LBA along the southern property line.

1. The waiver will not adversely affect adjacent property owners because it is adjacent to vacant, undeveloped property not currently requiring or using such buffering and owned by the Commonwealth of Kentucky. The proposed use within the LBA is parking on this small lot for the employees of the coffee shop, thus their long-term parking on these spots will provide minimal disturbance to the adjoining property.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this small-acreage, trapezoidal-shaped lot already seeks to provide needed services and goods to this area while complying with the setbacks and LBAs as much as possible. The proposed building structure on the lot is only 477 square feet in size, and the double-lane drive throughs provide maximum efficiency to this use. This waiver is needed to provide sufficient parking for staff for this coffee shop.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because without this landscape waiver there would be insufficient space for employee parking on this small lot, thus reducing or eliminating the efficiency of the double-drive through lane operation, reducing or eliminating multiple jobs and the increased tax base to this area, and increasing wait time for customers seeking these services in this area.