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LDC Waiver Justification Statement
21-ZONE-0139

LDC Section 7.3.30.E

Waiver to allow more than 15% overlap of rear yards and drainage easements

1. Will the Waiver Adversely Affect adjacent property owners?
 - The waiver will not adversely affect adjacent property owners because by providing drainage swales, which require a 15' drainage easement, at the rear of the proposed lots, storm water runoff is being contained on the subject property and not allow to flow into adjacent properties.
2. Will the waiver violate the Comprehensive Plan?
 - The waiver will not violate the Comprehensive Plan because the waiver will not diminish the residential character of the proposed single-family subdivision and the installation of the drainage swales is a net benefit for all surrounding properties and does not alter the established development pattern of the area.
3. Is extent of waiver of the regulations the minimum necessary to afford relief to the applicant?
 - The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.
4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?
 - Strict application of the regulation would deprive the applicant of reasonable use of the land and would create an unnecessary hardship on the applicant. If drainage swales, which MSD requires to be placed in a 15' drainage easement, cannot be placed in the rear yard of buildable lots, the swales would either have to be placed in open space lots running behind the proposed lots, which creates a maintenance issue and reduces the developer's buildable area, or the swales would have to be placed in the center of the lot which decreases the buildable area and functionality of the proposed lots.