

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.**

1. Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect adjacent property owners because it will allow them the ability to keep their multi-use path as it currently exists. Mr. Quinn granted in fee simple the adjacent property to the City Of Jeffersontown for the express purpose of a multi-use pedestrian path. This path encroaches onto the subject property and would have to be removed to comply with this landscape buffer area. Also, as part of the fee simple agreement, The Grantee (City of Jeffersontown) shall not interfere with the approved "construction" plans for this piece of property. When those "construction plans" were approved by the "Grantee" this landscape buffer was not present. The area where the proposed pavement encroaches into the landscape buffer area matches the layout as it stood when the fee simple agreement was recorded.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan.

3. Is extent of waiver of the regulation 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.

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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?

The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant. As a part of the fee simple granting of the adjacent property to the City of Jeffersontown, the Grantee agreed that the subject property could be developed to match the layout attached to the agreement (see attached). This landscape buffer area would force the applicant to change that agreed upon layout.