

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 12.D.1(h) of the St. Matthews Land Development Code to omit the required ILA and to omit the required LBA along the northwest and southeast property lines.

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Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because this is an existing condition, which has been on the site for a very long time. The property was developed long before the current ILA and LBA requirements were adopted.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan 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 providing the required ILA and LBA areas would make the existing parking to the rear to be nonfunctional. This is because the property, like in many older neighborhoods, is very narrow and served off an alley.
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 the property would no longer be functional for an office use or for the proposed boutique store.

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