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WAIVER JUSTIFICATION STATEMENT

1016 E. Washington Street
Case # 19DEVPLAN1048

The purpose of this plan is to turn this existing wholesale meat and food distribution facility into a micro-brewery and restaurant. The existing building will be renovated and the front loading area will be reconfigured to add parking spaces and some impervious area. Due to the existing location of the building on-site, we are asking for the following waivers:

- **Waiver of LDC 5.5.1.A.3.a to allow parking in front of the building.**
- **Waiver of LDC 5.5.1.A.4 to allow loading to face the street.**

1. Will the waiver adversely affect adjacent property owners?

No, the waiver will not adversely affect adjacent property owners. With the existing conditions, the entire frontage of the property is a curb cut that serves as loading docks for semi-trucks with a small parking area on the side. In the proposed plan, most of this curb cut will be closed with loading taking place on the east side of the property and dumpster service on the west side. Passenger vehicle parking spaces will be provided in-between, surrounded by green space. This green space will be planted with trees and shrubs which will screen and shade the proposed parking and sidewalk. The dumpster will be in an enclosure with a gate. Therefore, the proposed condition will be an improvement for adjacent property owners.

2. Will the waiver violate the Comprehensive plan?

No, this waiver will not violate the Comprehensive Plan because the Comprehensive Plan encourages adaptive re-use of existing structures and the preservation of structures that are eligible for the National Register. Without these waiver requests, this property would not be able to serve as anything but a warehouse due to the limited parking and extensive loading areas provided.

3. Is the extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes, the extent of this waiver is the minimum necessary to afford relief to the applicant because without these waivers, there would be nowhere on-site that loading and parking could take place. The existing building is very close to the side and rear property lines and the alley to the rear is un-improved. Even if the applicant chose to make improvements to the alley, the entrance to that alley is not wide enough for truck access. Overall, the applicant proposes improvements to the existing vehicle use area in the front of the building and will eliminate most of the curb cut along the front of the property so this will be an improvement for the neighborhood.

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?

Although this site does not meet the threshold for compliance with Chapter 10 of the Land Development Code, the applicant is proposing a vehicular use buffer between the proposed parking and the public sidewalk. This buffer will be planted with trees and shrubs and will be an improvement for the neighborhood which compensates for the non-compliance with the regulation. In addition, without these waivers, there would be nowhere on-site that loading and parking could take place, thereby creating an unnecessary hardship on the applicant and depriving the applicant of the reasonable use of the property.

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DESIGN SERVICES

PATRICK R. DOMINIK, Landscape Architect • DAVID J. SEDLAR, Civil Engineer • DENNIS L. KRAUS, Land Surveyor
ERIC W. PENLAND, Civil Engineer • JOSEPH S. MARSHALL, Civil Engineer • DAVID W. SIPES, Civil Engineer