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WAIVER JUSTIFICATION (REVISED)

DelTaco at Ferndale Center

April 24, 2026

Enclosed please find an application for the following waivers:

- A. Waiver of LDC 5.5.1.A.3.a to allow parking to be located between the proposed primary structure and the roadway on the northern portion of the property at 6402 Bardstown Road. (I believe your department is also reviewing a separate application for a similar request on the southern portion of the property for another applicant.)
- B. Waiver of LDC 5.5.1.A.1.a to allow the principal building entrance to face the side yard.

The applicant proposes to build a new Del Taco restaurant on the northern 0.75 acres of this property, directly south of the existing Moby Dick at 6300 Bardstown Road. This property is located in the Town Center Form District and is surrounded by other commercial uses. Much of the infrastructure for this site has been constructed including access roads and detention. Although it is contrary to typical Traditional Form District patterns, this proposed site layout continues an already established trend in this area where parking is located in front of the primary structure. This trend was most recently continued by the construction of L&N Federal Credit Union on the property at 6410 Bardstown Road. In fact, a majority of the surrounding uses also have at least one bay of parking in front of their structure, if not more. In addition, the applicant requests to allow the main entrance to face the side yard rather than Bardstown Road. This is their prototypical standard, but it also allows the door to be closer to more of the parking spaces...including the accessible spaces. There is more than enough animation on the front façade facing Bardstown Road including windows, changes in materials and changes in color to mitigate this request. For these reasons, this proposal will not alter the character of the general vicinity. The building is still pulled close to the road and the generous VUA buffer and significant grade change between the roadway and the site will provide more than enough mitigation for these requests.

With regard to the specific justification required by the application, please note the following:

1. Will the waiver adversely affect adjacent property owners?

- A. No. The owner of the subject property is the adjoining property owner in all instances other than those across Bardstown Road. Furthermore, a majority of the surrounding commercial uses (including those proposed on the vacant properties to the south) have this same condition. Therefore, the waiver will not adversely affect adjoining property owners.

- B. No. All adjoining properties are also commercial uses and building design, including a canopy, will make it clear where the main entrance is therefore there will be no adverse affect on adjoining property owners.

2. Will the waiver violate the Comprehensive Plan?

- A. No. This waiver will allow the subject property to match the character of the surrounding properties, making it compatible with its surroundings and allowing this property to develop in a way that is economically beneficial to the area by providing a new restaurant and new jobs for the neighborhood.
- B. No. This building will still provide visual interest facing the street and allows safe pedestrian access to the main entrance so there will be no violation of the Comprehensive Plan.

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

- A. Yes. The applicant is only proposing one bay of parking in front of the proposed restaurant, and this is either comparable to or less intense than the conditions on surrounding properties.
- B. Yes. The proposed entrance is on the side, but it is very close to the front façade and windows will wrap the corner, providing the desired views into the building. In addition, this entrance location is closer to the accessible parking spaces so this waiver 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?

- A. This waiver will allow the applicant to maintain a cohesive development for Ferndale Center where commercial uses are connected by a common, off-street circulation system that will limit trips onto Bardstown Road, a major arterial roadway. In addition, both the generous vua buffer with all required planting, and the difference in topography from the subject site to the roadway will mitigate any adverse effects of allowing parking in front of the structure.
- B. This waiver will allow the applicant to keep the main entrance close to the accessible parking spaces as required and centered on the rest of the parking field. In addition, the windows and changes in color and materials on the front façade, along with planned canopies will provide more than enough animation on the front façade to mitigate any perceived negative impacts from this request.