

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 approval of this waiver will not negatively affect adjacent property owners. The adjacent property that borders the LBA requested to be omitted is unlikely to be developed. Said lot is an open space lot owned by the Louisville Metro Government consisting primarily of floodplain and dense vegetation acting as a screen to any other adjacent property to the South. With the LBA waived a 15' setback will be observed in its place.

2. Will the waiver violate the Comprehensive Plan?

The waiver does not violate the Comprehensive plan. The approval of this waiver will provide more space for an enlarged building, ultimately increasing the warehouses economic value and opportunity for job creation.

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

The proposed use for this site requires a larger building which would be restricted by the required 50' LBA. The screening and planting requirements would also restrict the applicant by incurring additional costs by requiring both planting and screening to a site that already acts as its own screen both to itself and any other adjacent lot to the South.

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 the applicant is seeking to waive the 50' LBA and its plantings/ screening, all tree canopy coverage will be beyond what's required for this site. With the current proposal the applicant would only be required to provide 15% canopy but is proposing to preserve 25%, providing a 10% bonus. This additional 10% is more canopy than what would have been planted within the buffer per 10.2.4 of the LDC, creating no loss of required canopy. All other LBA's will be observed and will be met with existing tree canopy by preserving mature trees and leaving the existing natural buffer.

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