

WAIVER JUSTIFICATION

**MCDEANE ROAD LLC
BY WINTERWOOD DEVELOPMENT, LLC**

**5618 McDeane Road
19DEVPLAN1059**

The proposed waiver of the 50% overlap of the existing 50' LG&E easement and 25' landscape buffer area adjacent to the railroad tracks will not adversely affect the adjacent property owners as adequate buffering will be provided by a proposed 8' solid wood fence and the adjacent property owners are separated from the subject property by the existing railroad tracks.

The proposed waiver will not violate the Comprehensive Plan. The applicant proposes to construct an 8' solid wood fence that will adequately screen the proposed development from adjacent property owners. The waiver will permit the applicant to construct a new multi-family development that will improve the available housing options by bringing new affordable multi-family housing options to the area.

The extent of the proposed waiver of the regulation is the minimum necessary to afford relief to the applicant. The proposed waiver will permit the applicant to develop the site in a way that is consistent with the Comprehensive Plan while still providing adequate screening to adjacent property owners by constructing a 8' solid wood fence along the railroad tracks.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as the waiver is the result of the incorrect application of the property perimeter and railroad track buffering requirements to the subject property. The applicant is proposing to provide adequate screening through a 8' solid wood fence.

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