



**OFFICE OF PLANNING & DESIGN SERVICES  
DEVELOP LOUISVILLE**

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**Waiver Justification**

Waiver of Land Development Code Section(s): **WAIVER OF BUILDING FAÇADE TREATMENT IN LDC SECTION 5.6.1B FOR PHASE 2 ADDITION FACING LOTUS AVENUE.**

In accordance with Chapter 11.8 of the Land Development Code, the Planning Commission or Board of Zoning Adjustment must consider, but is not limited to, the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

**1. Explain how the waiver will not adversely affect adjacent property owners; and,**

The requested waiver will not adversely affect adjacent property owners because the Applicant also owns 6 of the 7 adjacent properties. The Phase 2 addition also continues the existing, Phase 1 east-façade treatment for building uniformity; disrupting this pattern would disrupt design. Additional fenestration will add significant costs to building components and the Client. The back of the building is utilized for mechanical and electrical equipment, and it would be difficult to implement these components with additional fenestration. The Phase 2 addition also only accounts for thirteen percent (13%) of the total building on-site.

**2. Explain how the waiver will not violate the Comprehensive Plan; and,**

The requested waiver complies with the Cornerstone 2020 Comprehensive Plan because the proposed development of the subject property will be consistent and compatible with the industrial character of the area. The subject property is appropriately located in the Suburban Workplace form district, with adjacent properties already owned by the Applicant. The proposal will encourage redevelopment, rehabilitation, and reinvestment opportunities in an older industrial area consistent with the Suburban Workplace pattern of development.

**3. Explain how the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and,**

The requested waiver is the minimum necessary to afford relief to the Applicant because the Phase 2 addition also continues the existing, Phase 1 east-façade treatment for building uniformity. Disrupting this pattern would disrupt design. Additional fenestration will add significant costs to building components and the Client. The back of the building is utilized for mechanical and electrical equipment, and it would be difficult to implement these components with additional fenestration. The Phase 2 addition also only accounts for thirteen percent (13%) of the total building on-site.

**4. Either:**

- a. Explain how the applicant has 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**
- b. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.**

The requested waiver would create unnecessary hardship for the Applicant because additional fenestration will add significant costs to building components and the Client. The back of the building is utilized for mechanical and electrical equipment, and it would be difficult to implement these components with additional fenestration. The Phase 2 addition also only accounts for thirteen percent (13%) of the total building on-site. The requested waiver will not adversely affect adjacent property owners because the Applicant also owns 6 of the 7 adjacent properties. The Phase 2 addition also continues the existing, Phase 1 east-façade treatment for building uniformity.