

LDC WAIVER JUSTIFICATION STATEMENT

WSA REALTY PROPERTIES LLC

13110 Old Henry Road

22-ZONE-0141

November 15, 2022

The Applicant, WSA Realty Properties LLC, is requesting a change in zoning from R-4, Single-Family and M-2, Manufacturing to M-2, Manufacturing for approximately 5.77 acres of its 9.987-acre property located at 13110 Old Henry Road, Louisville, KY 40223 (the "Property"), which consists of two adjoining parcels, to create outdoor storage space for heavy truck trailers. In conjunction with its rezoning request, the applicant is also requesting a waiver of Section 10.2.10 of the Land Development Code ("LDC") to allow the applicant to not provide the required 15' vehicular use area landscape buffer area ("VUA LBA") along the existing 30' foot wide private access easement, as specifically depicted on the Detailed District Development Plan, drafted by AL Engineering, Inc. (the "Waiver"). The access easement is wholly internal to the Property and well-screened from the Old Henry Road Parkway by an existing mature tree line along the Property's Old Henry Road frontage. For the reasons specified herein, the waiver request warrants approval.

The adjoining property to the south benefits from a 30' access easement across the Property so that truck traffic and other traffic commonly related to the operation of a rock quarry could access Old Henry (the "Easement"). The Easement has long been in use and serves the vehicular traffic of the Property and the neighboring property to the south, providing a drive aisle from private property to the public roadway network. This Easement area is within the middle of the Property and cannot be seen from the Old Henry Parkway Corridor. The properties from which you can see the Easement area are properties the Easement serves. Therefore, the Waiver will not adversely affect adjoining property owners because the area of omitted VUA LBA is in the middle of the property, out of any viewshed from Old Henry Road or adjoining property owners.

The Waiver complies with Plan 2040 A Comprehensive Plan for Louisville Metro ("Plan 2040") because the area on the Property triggering the Waiver is screened from public view and nearby residential properties. In addition, the Waiver is to not install landscaping to screen an existing condition where the Easement has long provided access for industrial vehicles to Old Henry Road. The Easement will continue providing safe access to industrial vehicular traffic and will remain out of sight from Old Henry Road.

The extent of the Waiver of LDC Section 10.2.10 is the minimum necessary to afford relief to the Applicant because it allows the Applicant to maintain the status quo of an Easement location long in place on the Property and it relieves the Applicant of the burden to have to install expensive landscaping as an unnecessarily screen for

industrial traffic from the industrial properties the Easement serves. Consequently, should waiver relief not be granted to the Applicant, the strict application of LDC Section 10.2.10 would deprive the Applicant from the continued reasonable use of the Property and be a hardship on the Applicant because the Applicant would now have to plant considerable landscaping on the inside of the Property to screen an Easement that has been in existence for many years and impacts only two properties, both of which use the area within the Easement for their respective traffic. Moreover, the VUA LBA would needlessly occupy area on the Property that could be better utilized toward supporting the overall use of the Property.

As more fully set forth in its justification statement in support of M-2 zoning for the Property, the Applicant's DDDP is in agreement with Plan 2040 and, therefore, the Applicant respectfully requests approval of a Waiver of Section 10.2.10 of the LDC to allow the applicant relief from the required 15' VUA LBA along the existing 30' private access easement, as specified on the DDDP that accompanies the Waiver application.

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