



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

444 S 5th St., Suite 300
Louisville, KY 40202
(502) 574-6230

<https://louisvilleky.gov/government/planning-design>

Waiver Justification

Waiver of Land Development Code Section(s): **WAIVER OF SIDEWALK REQUIREMENT IN SECTION 5.8.1 ALONG WEST SIDE OF LOTUS AVE AND SOUTH SITE OF ORANGE DRIVE**

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. In accordance with the industrial character of the area and the Suburban Workplace form district, there are no other existing sidewalks in the area in which to connect. Therefore, to provide a sidewalk for the portions of the area adjacent to this project would create an unsafe condition for pedestrians.

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, adequate transportation infrastructure exists to accommodate the proposed use. 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 there are no existing sidewalks in which to connect within this industrial area. Therefore, the strict application of the regulations would deprive the applicant of the reasonable use of the land and create an unnecessary hardship.

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 is the minimum necessary to afford relief to the applicant because there are no existing sidewalks in which to connect within this industrial area. Therefore, the strict application of the regulations would deprive the applicant of the reasonable use of the land and create an unnecessary hardship. The subject property is appropriately located in the Suburban Workplace form district, adequate transportation infrastructure exists to accommodate the proposed use. The proposal will encourage redevelopment, rehabilitation, and reinvestment opportunities in an older industrial area consistent with the Suburban Workplace pattern of development.