



**SABAK, WILSON & LINGO, INC.**  
ENGINEERS, LANDSCAPE ARCHITECTS & PLANNERS  
THE HENRY CLAY • 608 S. THIRD STREET  
LOUISVILLE, KY 40202  
PHONE : (502) 584-6271 • FAX : (502) 584-6292

**WAIVER JUSTIFICATION STATEMENT  
13715 REAMERS ROAD**

**LDC SECTION 7.3.30.E WAIVER TO ALLOW MORE THAN 15% OF THE REAR YARDS OF LOTS TO BE OCCUPIED BY UTILITY EASEMENT, A DETENTION BASIN, A RETENTION BASIN, OR ANY OTHER DRAINAGE EASEMENT.**

With regard to the specific justification for this waiver, please note the following:

Pantheon (the “applicant”) is filing a major preliminary subdivision plan with Louisville Metro Planning and Design Services for sixteen buildable lots in an existing R-4 zoned area, with the Neighborhood Form District located at 13715 Reamers Road. The applicant is requesting a waiver from Chapter 7 of the Land Development Code (“LDC”) to allow more than 15% of the rear yards of lots proposed to be occupied by a utility easement.

For the reasons stated herein as well as within the justifications the applicant has filed in conjunction with its request for a preliminary major subdivision plan, the requested waiver complies with Plan 2040, A Comprehensive Plan for Louisville Metro (“Plan 2040”) and the criteria for granting waivers and, therefore, should be approved.

**A. The waiver will not adversely affect adjacent property owners.**

The waiver relief will allow for the applicant to properly handle drainage throughout the development, as reviewed and approved by MSD, which will benefit adjacent property owners. The relief to allow the rear yards of the proposed lots be occupied by drainage easements will not adversely affect adjacent property owners because the easements will be imperceptible from the vantage point of the adjacent properties because the affected rear yards occupied by easements will appear as normal rear yards of residential properties. Moreover, all associated required rear yard building setbacks will comply with LDC requirements. Accordingly, the waiver will not adversely affect adjacent property owners.

**B. The waiver will not violate the Comprehensive Plan.**

The development is within the Neighborhood Form District. Plan 2040’s Community Form Plan Element Goal 1, Policy 3.1.3 advises the Neighborhood Form is characterized predominantly by residential uses that vary from low to high density and that blend compatibly into the existing overall landscape and neighborhood areas. The requested waiver is not incongruent nor violative with Plan 2040.. Here, the rear yard areas where the drainage easements will overlap will remain usable by the resident and will not appear anything other than a rear yard. Accordingly, the granting of the requested waiver will not violate the Comprehensive Plan.

**C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant.**

The Applicant has reviewed the design for the site, taking into account that there is a large amount of storm water that flows from the western site across this site that will need to be

**RECEIVED**

APR 19 2022

PLANNING & DESIGN  
SERVICES

22 - L. WAIVER - 0062

collected and re-routed per MSD standards. We have therefore asked for the minimum necessary to afford relief to the applicant within the confines of the property. Accordingly, the proposed dwelling units will be constructed, per the Plan, in areas where the drainage infrastructure can effectively serve the proposed dwelling units and the adjacent property drainage to the west. The rear yards of the proposed lots will allow for use of said backyards, therefore, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant.

**D. 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 strict application of zoning regulation requirements would deprive the applicant of a reasonable use of the land and create an unnecessary hardship on the applicant because to comply with this particular Chapter 7 regulation, the applicant would need to reduce the size of the building footprints of the majority of the dwelling units proposed, thereby changing the character and appeal of the proposed single-family subdivision. The R-4 Zoning in this Neighborhood Form District requires a 25' minimum back yard setback and the strict application of the provisions of LDC Section 7.3.30.E would require a much larger rear yard setback, therefore depriving the applicant of reasonable use of that additional setback area.

RECEIVED

APR 19 2022

PLANNING & DESIGN  
SERVICES

22 - E. WAIVER - 0062