

WAIVER JUSTIFICATION STATEMENT

Thorntons

**4900 Brownsboro Road
4902 Brownsboro Road
4904 Brownsboro Road**

The requested waiver of Section 10.3.5.A.1 of the Land Development Code, to not require the applicant to provide a 30 foot setback and 30 foot buffer area along US Highway 42 and KY-22, will not adversely affect the adjacent property owners. The requested waiver will allow the applicant to maintain the essential look and feel of the existing use while improving the overall layout of the site to maximize the functionality of the proposed development.

The requested waiver will not violate the Comprehensive Plan. The subject property is in the Town Center Form District. The Town Center Form District “is often located at...the intersection of a major thoroughfare and a collector roadway with connections to surrounding neighborhoods.” The subject property is located at the corner of KY-22 and US Highway 42, next to the I-264 ramps. The waiver will not violate the Comprehensive Plan and will instead allow the Applicant to maximize the functionality of the proposed development given the irregular shape and location of the subject property.

The waiver of the regulation is the minimum necessary to afford relief to the applicant. The waiver will permit the applicant to utilize the property fully because the buffer requirement hinders the applicant’s useable space to effectively develop the lot. The applicant is requesting to reduce the number of plantings and buffer width in order maximize the use of the property. The required setback and buffer area along US Highway 42 and KY-22 is not feasible because of the traffic volume on both sides of the property.

The strict application of the regulations would create an unnecessary hardship on the applicant, as the applicant would be required to redesign the layout of the structures in a way that would decrease the useable area of the site.