

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

The approval of this waiver will not negatively affect adjacent property owners. The adjacent property that borders the 35' landscape buffer area requested to be omitted is unlikely to be developed due to its shape, size and location. Said lot is a triangular open space lot owned by the Louisville Metro Government.

2. Will the waiver violate the Comprehensive Plan?

The waiver does not violate the Comprehensive plan as a 30' parkway buffer will be provided in the required 35' landscape buffer areas place, keeping the general aesthetics and function of the Greenbelt Highway corridor the same.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

The applicant is seeking this waiver as they already intend to provide the parkway buffer and no additional landscape buffer areas should be required as the adjacent lot to be buffered is a non-buildable lot on its own. If the required landscape buffer area of 35' is to be provided instead of the 30' parkway buffer the site will be pushed further back into floodplain and environmentally sensitive features, incurring additional cost and constraints on the property.

4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

Although the applicant is seeking to waive the 35' landscape buffer area and its plantings/ screening, a 30' parkway buffer will be provided in its place. This parkway buffer will help create visual uniformity along this sites Greenbelt Highway frontage. All tree canopy coverage will also be beyond what's required for this site. With the current proposal the applicant would only be required to provide 15% canopy but is proposing the preserve over 25%, providing a 10% bonus.

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