

# **LANDSCAPE WAIVER JUSTIFICATION STATEMENT**

**LOCAL 502 PIPEFITTERS JOINT EDUCATION & TRAINING (APPLICANT)  
R PLANTATION DRIVE (PARCEL ID # 100400250002)**

## **23-ZONE-0019**

In conjunction with the proposed zoning application to rezone property located at R Plantation Drive (Parcel ID # 100400250002, the "Property"), the applicant is requesting a waiver of Land Development Code Section ("LDC") 10.2.4 to permit the 50-foot perimeter landscape buffer area between the EZ-1, Enterprise zone and the R-4, single-family residential zone to be twenty feet (20') along the eastern property line and twenty-four feet (24') along the northern property line of the Property to allow the existing two-story training and classroom building to remain in its location on the Property (the "Waiver"). The associated zoning application for the Property is to cure a long-existing condition where the .11-acre Property, which is underneath only the northeast corner portion of the building, was, for whatever reason, not properly zoned with the rest of the building prior to construction of said building. The Waiver complies with the criteria for granting waivers as more fully explained herein and, therefore, should be approved.

The Waiver will not adversely affect adjacent property owners because the building has been in existence where it is today for decades and where a fence and trees for screening are situated between the building and shared property lines. The building is a two-story training and classroom building that causes no negative externalities such as noise, lighting or smells to affect adjacent residential uses. No new construction on the Property is proposed.

The Waiver will not violate Plan 2040 A Comprehensive Plan for Louisville Metro ("Plan 2040") due to all the reasons stated in the justification statement that accompanies the zoning application and because Plan 2040 recommends appropriate mitigating buffers and screening between uses that are in different intensity/density categories and an existing perimeter fence provides screening between the single-family properties and the training/classroom building. The height of the subject building would be allowable in the adjacent traditional neighborhood form.

The extent of the Waiver of the LDC's LBA regulation is the minimum necessary to afford relief to the applicant because the subject building has been in existence for a good while and for the applicant to provide the full 50' LBA required by the LDC, the subject building would need to be partially demolished, which would possibly compromise the entirety of the building or, at the very least, its functionality. The proposed rezoning will not alter the existing residential character of the adjacent properties and, therefore, the entire 50' LBA is not necessary to adequately buffer and screen the existing training/classroom building from the two affected adjacent residential properties. The strict application of the provisions of the LBA regulation to the Property would deprive the applicant of the Property's reasonable use and create an unnecessary hardship on the applicant because the condition exists and has existed on the Property for a long time and no new construction is proposed for this Property and having to demolish the building when it currently causes no issues would be extremely detrimental to the applicant and the students who rely on the classroom facility.