

WAIVER JUSTIFICATION STATEMENT

Thorntons

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

The requested waiver of Section 5.5.1.A.2 of the Land Development Code, to build more than five feet away from both rights of way, will not adversely affect the adjacent property owners. The requested waiver is required for the functionality of the proposed development and conforms to the surrounding area.

The requested waiver will not violate the Comprehensive Plan. The subject property is in the Town Center Form District. The Comprehensive Plan recognizes “more intense uses in the Town Center are located in close proximity to the major thoroughfare.” The subject property is located at the corner of KY-22 and US Highway 42, next to the I-264 ramps. The waiver will allow the applicant to redevelop the property with the principal structure towards the back of the site, which is necessary due to the location of the subject property and the unique shape of the lot. This layout will focus the traffic towards the front of the property, adjacent to the major thoroughfares to help avoid traffic congestion.

The waiver of the regulation is the minimum necessary to afford relief to the applicant. The waiver will permit the applicant to redevelop the property fully and adaptively while also maintaining the essential character of the general vicinity. Several properties along US Highway 42 are developed with the principal structure towards the back of the site, similar to this site plan. This site plan allows for a sufficient front parking area for traffic on KY-22 and US Highway 42.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant, as it would require the applicant to redesign the layout of the structures in a way that would negatively impact the functionality of the site.