

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.

Waiver of Section 10.2.4

Explanation of Waiver: Waiver to allow the existing gravel pavement to encroach the 25' perimeter buffer along north property line.

1. The waiver will not adversely affect adjacent property owners because it is adjacent to a residual undeveloped triangle piece of property owned by the Kentucky Department of Transportation bounded by Blankenbaker Parkway and Chenoweth Run Road, a minor arterial and a primary collector roadway respectively. There is no use to be buffered.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application. See Compliance Statement.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it will allow the continued use of an existing curb cut approved by Metro Works Department. There is existing vegetation currently screening the adjacent vacant property.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the driveway is located at a location reviewed and approved by Metro Public Works and in its existing location.

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