

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 waiver will not adversely affect the adjacent property owners because the proposed Conditional Use Permit Area is part of a 202 acre parcel of land owned by the Roman Catholic Bishop of Louisville. The site is part of the St. Agnes School / Church Campus and Calvary Cemetery property.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan because the waiver will allow existing conditions to remain and be consistent with all adjoining properties as they are a part of the St. Agnes School / Church Campus and Calvary Cemetery property.

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

The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the VUA Landscape Buffer Areas would restrict the St. Agnes School / Church Campus and Calvary Cemetery property from reasonable use of the land as it currently exists.

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?

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 without the waiver the site could not safely function as part of the St. Agnes School / Church Campus and Calvary Cemetery property.

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