

ALLY PROPERTIES, LLC

**1860-1864 Frankfort Avenue
Case No. 18ZONE1039**

WAIVER JUSTIFICATION

The proposed waivers will not adversely affect adjacent property owners because they will allow the existing church structure and sidewalk to remain within the newly-required landscape buffer area to the east, and will also allow an existing office building and shed to remain in the newly-required landscape buffer area to the west. The proposal does not include any alteration of the sidewalk and buffer area that runs between the existing church structure and the neighboring residential property to the east. Nor does the proposal include any alteration of the existing buffer area to the west, which includes an existing 6' wood privacy fence between the subject property and the property to the west. The proposal also does not include any alteration to the existing off-alley parking area at the rear of the subject property, and therefore will not cause any increased traffic or intensity of use in the area.

The proposed waivers will not violate the Comprehensive Plan. The proposed waivers will permit the applicant to reuse the existing church structure as a retail establishment or office consistent with the intent and policies of the Comprehensive Plan. As set forth above, the proposed waivers will allow the existing church structure and sidewalk to remain within the landscape buffer area to the east, and will also allow an existing office building and shed to remain in the landscape buffer area to the west.

The proposed waivers of the regulations are the minimum necessary to afford relief to the applicant as it retains the status quo. The proposed waivers will allow the applicant to retain the existing configuration of the church structure and sidewalk that runs between the church and the neighboring residential property to the east. The proposed waivers will also allow the applicant to retain the existing configuration of the existing office building and shed that sit within the newly-required landscape buffer area to the west. The proposal does not include any alteration to the current configuration or condition of the sidewalk or buffer area to the east, to the existing wood privacy fence and buffer area to the west, or to the parking area in the rear of the subject property.

The strict application of the provisions of the regulations 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 make substantial alterations to the existing church and office building structures. The proposed waivers will permit the applicant to reuse the existing church and office building structures as a retail establishment or office without any exterior alteration of the existing church or office building structures, the sidewalk to the east, the wood privacy fence and shed to the west, or the rear parking area.