

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 10.3.5.A.7 to allow a detention basin to occupy more than 50% of the Parkway Buffer.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the sites to the east and west adjoining this one are similar commercial and office sites with existing catch basins within the parkway buffer and adjacent to the proposed compensation basin. The proposed compensation basin is sized and placed on this narrow lot in a location that best accommodates the existing grading of the site and the parking and structure needs of the site while maintaining compatibility with the setbacks and layouts of surrounding businesses, so as to not disturb the general commercial character of the adjacent property owners.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the accompanying Detailed Statement of Compliance with all applicable Guidelines and Policies of Plan 2040 a Comprehensive Plan for Louisville Metro.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because over fifty percent of the required setback area is still provided, the compensation basin in this location is better situated adjacent to existing catch basins, and this encroachment allow this site to be productively developed in something other than an impractical manner, requiring grading that may not be possible due to the narrow lot.
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 applicant would otherwise have a very difficult time developing this narrow-lot property with the requisite compensation while providing much needed vehicular and pedestrian access.