

WAIVER JUSTIFICATION

Louisville Spine & Wellness

4700 Westport Rd. & 917, 919 Fountain Ave.

Case No. 21-ZONE-0117

The proposed waivers of the 30' buffering requirements between a residential and non-residential use under 5.3.2 and the 25' rear landscape buffering requirements along the property line adjacent to the neighboring residential uses under 5.3.1 will not adversely affect the adjacent property owners. The proposed use is only for a doctor's office. The building will serve as a buffer in addition to current screening features between the properties, by reconfiguring the property to place the needed parking area in front of the building and moving it to the back of the property.

The proposed waivers will not violate the Comprehensive Plan. The waiver will permit the applicant to continue to provide adequate screening, including an existing privacy fence, to the neighboring residential uses while allowing an enhanced use of the property to provide additional options to the neighborhood for services like a doctor's office.

The extent of the proposed waivers is the minimum necessary to afford relief to the Applicant. The proposed waiver will permit the applicant to utilize the subject property while mitigating the effects of traffic in the parking lot and off Westport Rd. to the adjacent residential properties.

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. The required buffer does not allow the applicant to utilize the property to any reasonable extent, while providing relief to the adjacent property owner from the effects of the development's parking area and traffic along Westport Rd.

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