



**Louisville Metro Planning & Design Services**  
**LAND DEVELOPMENT CODE WAIVER SUBMITTAL**  
**REQUIREMENTS**

**SUPPLEMENTAL INFORMATION SHEET**

**Application is hereby made for one or more of the following waivers of the Land Development Code**

Waiver of Chapter 10, Part 2 Landscaping Design

Waiver of Chapter 10, Part 1, Tree Canopy

Sidewalk Waiver

Other Waiver of the Land Development Code, briefly explain below:

Waiver of Section 5.5.4.B.1 to omit the 6 ft berm, to allow the preservation of the existing tree mass/vegetation within the 50 ft LBA area for Lot #2

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**Reason for Request:** Because the applicant is attempting to save trees in this area where they presently exist and to plant trees where they do not exist plus install fencing, either security or privacy, as appropriate instead of a berm which will eliminate the possibility of any tree preservation.

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### **LAND DEVELOPMENT CODE WAIVER SUBMITTAL REQUIREMENTS**

In order to justify approval of any waiver or modifications of standards, the Planning Commission considers four criteria. Please answer all of the following four items. (Use additional sheets, if needed.)

- A. The waiver will not adversely affect adjacent property owners because of the goal to save existing landscaping along northeast property line adjacent to residentially zoned properties, with saved plus added landscaping including potential of fencing as maybe needed, the berm would eliminate all existing vegetation in what is designated on the plan as a TCPA.
  
- B. 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.
  
- C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the applicant is not asking to eliminate screening and buffering, but rather to provide a different kind.
  
- D. 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 it would be forced to install a berm that would probably stir up neighbor opposition in an area where the applicant thinks that tree preservation is preferred and serves a better purpose.