

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 adjacent lot affected by the waiver, 15101 Dixie Hwy, was purchased in December of 2020 by Kosmos Cement Co LLC and the former tavern was raised. Kosmos Cement Co LLC operates a plant on more than 200 acres of property zoned M3 on the other side of this lot. The waiver will not adversely affect the adjacent property since the request is only to allow the existing conditions to remain. There is not adequate room to continue the operation and add the plantings and buffer required. The C2 zoning within the site is needed to allow the house to remain the applicants home.

2. Will the waiver violate the Comprehensive Plan?

Since with the proposed change of form district to Suburban Workplace and the change of zoning to M2 industrial the lot affected by the waiver will now be surrounded on three sides by industrial uses, with Dixie Highway on the 4th side it appears that the area is in transition. This is further confirmed by the affected lot being owned by Kosmos Cement Co. The plantings and buffer typically required will not be needed as the affected lot will likely serve a use compatible with the surrounding industrial development as is the home within the site and as such the waiver will not violate the Comprehensive Plan.

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

Since the waiver request is only for existing conditions and since complying with the regulations would negatively impact the operation of the existing business such that would make it unfeasible, and since there is no negative impact on the adjacent property and seeing as the area appears to be transitioning to industrial, therefore the waiver is the minimum necessary to afford relief to the applicant.

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?

Since the area is predominantly occupied by industrial uses both south and west of the site and by industrial and an essentially industrial use in the Louisville Gas and Electric plant across Dixie Highway from the site, with no negative impacts on existing adjacent users, with essentially no existing residential, commercial or office uses in the near vicinity, therefore the strict application of the provisions of the regulation would create an unnecessary hardship and deprive the applicant of the reasonable use of the land.