

WAIVER JUSTIFICATION STATEMENT

Thorntons

4900 Brownsboro Road

4902 Brownsboro Road

4904 Brownsboro Road

The requested waiver of Section 10.2.4.A of the Land Development Code, to allow the applicant to reduce the required 35' Landscape Buffer Area (LBA) to 5' along the southwestern property line adjacent to the I-264 off ramp and KY-22 and to 18' along the southeastern property line adjacent to the I-264 ramp to US Highway 42, will not adversely affect the adjacent property owners. The requested waiver will allow the applicant to maintain adequate parking areas and allow cars to move around the property easily to avoid congestion.

The requested waiver will not violate the Comprehensive Plan. The subject site exists in the Town Center Form District. The Town Center Form District "is often located at...the intersection of a major thoroughfare and a collector roadway with connections to surrounding neighborhoods." The subject property is located at the corner of KY-22 and US Highway 42, next to the I-264 ramps. The waiver will not violate the Comprehensive Plan and will instead allow the proposed development to preserve the town center that already exists in keeping with the goals and objectives of the Comprehensive Plan.

The waiver of the regulation is the minimum necessary to afford relief to the applicant. The waiver will permit the applicant to utilize the property fully and adaptively while also maintaining the essential character of the general vicinity. The required LBA would reduce the amount of usable area on the site and compromise the functionality of the proposed development due to traffic on KY-22 and US Highway 42.

The strict application of the regulations would create an unnecessary hardship on the applicant, as the applicant would be required to redesign the layout of the structures in a way that would decrease the useable area of the site.