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January 28, 2021

Ms. Molly Clark  
Louisville Metro Planning & Design Services  
444 S 5<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Louisville, KY 40202

**RE: Louisville Dive Center  
Building Design Waiver**

Ms. Clark,

As you know, during the course of review for this project it was determined that a building design waiver is needed from LDC Chapter 5.5.2.A.1 because the proposed building will not have windows or doors at the ground level that face Roosevelt Avenue. The existing building has a first-floor elevation that is several feet above the exterior ground elevation, so although windows are provided on that first floor, they are not at exterior ground level. The owner chose not to have windows and doors on the pool portion of the structure for two primary reasons. First, they wanted to ensure the privacy of the students participating in class. Second, they wanted to make sure the pool area is safe because, as you can imagine, broken glass in a pool area could cause quite a problem.

With regard to specific justification for this waiver please note the following:

**1. Will the waiver adversely affect adjacent property owners?**

No. Roosevelt Avenue is a dead-end street and the only adjacent property is another commercial property with no windows facing Roosevelt Avenue. There is one small glass door on that façade, but the façade is mostly blank.

**2. Will the waiver violate the Comprehensive Plan?**

No. The waiver will not violate the Comprehensive Plan because it will allow an existing business to expand their services and the proposed improvements will improve the aesthetics of this existing commercial property.

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

Yes. There will be windows facing Roosevelt Avenue on the existing portion of the building that is being renovated, they just aren't at ground level because the first floor is

elevated above the exterior ground level. There will also be clear windows and doors at the new primary entrance which faces the property to the south. Providing windows in the pool area would have a negative impact on the classes being taught and for all of these reasons, this request 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 requirement to be waived 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?**

The strict application of the regulations would require the applicant to make changes to the building that would negatively affect the intended use and would therefore create an unnecessary hardship on the applicant. Furthermore, required landscaping including ILA trees and VUA buffer plantings will help to further mitigate any perceived negative impact to Roosevelt Avenue.