

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 waiver will not adversely affect adjacent properties since the required screening and plantings will be provided. The Old Bardstown Road frontage has at least a minimum 5-foot outside of the the LWC easement where plantings can be placed.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive plan in that the devleopment is still providing the required width of the buffers and the required screening, the buffers just overlap existing or proposed easments that are required along the roads.

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

The extent of the waiver is the minimum to afford relief as the development is located between two existing roads that limit the amount of space that can be used for the buffering.

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?

The development will provide a high quality of building design, internal landscape areas and is providing the required buffer widths, screening and planting required by the code.

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