

WAIVER JUSTIFICATION
422 eMain
Jefferson Development Group

THIS IS A REQUEST FOR A WAIVER OF LDC 5.9.2.D.1 TO ALLOW TRUCK ACCESS VIA THE LOADING DOCK ON JACKSON STREET.

1. The waiver will not adversely affect adjacent property owners.

The waiver will not adversely affect adjacent property owners. Allowing the truck access to a loading dock area off Jackson Street will actually keep trucks off the street and keep the access alley open for traffic. The waiver request is in connection with the development of a new multi-family development. The project will have tenants moving in and out on an almost daily basis once it is operational. The property is zoned C-3 and is located in the Downtown Form District. The waiver will allow the continued redevelopment of the property and will allow for safe vehicular and pedestrian movement. It is anticipated that the RDDDP will be approved by the Louisville Department of Public Works which approval will indicate, among other things, that the plan provides for safe and efficient movement of vehicles and pedestrians.

2. The waiver will not violate the Comprehensive Plan.

The requested waiver would not violate the Comprehensive Plan and would not alter the essential character of the general vicinity. The existing use is a surface level parking lot and is located in a Downtown Form District. The waiver and the redevelopment will allow for new residential options, but it will not alter the essential character of the area. The Downtown Form District is comprised of predominately office, commercial, civic, medical, high-density residential and cultural land uses. The Downtown Form District has a grid pattern of street design to accommodate a large volume of traffic.

3. To the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

The applicant is requesting this waiver to allow for the continued access through the narrow alley. The requested waiver will allow the applicant to keep the current parking spaces and planned circulation routes for the development. The request

is not an unreasonable circumvention of the requirements of the zoning regulation and will allow for safe vehicular movement.

- 4. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship on the applicant.**

Forcing tenants to load and unload in the narrow alley would block traffic and create an unnecessary hardship on the applicant. The strict application of the regulation could require a reduction in the number of parking spaces and shift the location of the new restaurant. The requested waiver will allow the applicant to keep the current design and planned circulation. The waiver will not cause a hazard or nuisance to the public because the Louisville Department of Public Works is anticipated to approve the proposal. This approval will indicate, among other things, that the layout of the site is safe for motor vehicles and pedestrians on site.

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