

LANDSCAPE WAIVER JUSTIFICATION STATEMENT

**THE REVOLUTION IN COUNSELING (APPLICANT)
SOBER LIVING COMMUNITIES, LLC (OWNER)
1043 S. JACKSON STREET
CASE NO. 21-CUP-0156**

November 5, 2021

In conjunction with the proposed conditional use permit on the property located at 1043 S. Jackson Street (Property), the applicant is requesting a waiver of Land Development Code Section 10.2.4.B.6 to omit the landscape buffer area (LBA), including plantings and screening obligations, required along the perimeter property lines for residential properties whereon a conditional use permit for a rehabilitation home operates adjacent to other properties also zoned residential. As it applies to the Property, the LBA is unnecessary because no new construction or site work is proposed onsite and the existing structure will appear as it does today, a residential structure in character with other surrounding residential structures. Additionally, the Property is only twenty-four feet (24') wide, which, considering the long-existing structure on the Property, is far too narrow of a lot to establish a 10' foot LBA on three of its perimeter property lines along with the residential structure. The requested waiver complies with the criteria for granting waivers as more fully explained herein and, therefore, should be approved.

The requested waiver will not adversely affect adjacent property owners because any use even slightly resembling a commercial nature will be undetected from the exterior of the existing residential structure; no change will occur to the current status quo of how the Property relates to its neighboring properties; the adjacent property to the north is a residential structure almost identical to the structure on the Property, the property to the south is vacant and owned by the Owner, and the property immediately to the east fronts E St. Catherine Street and maintains a garage structure abutting the Property's rear property line.

The requested waiver will not violate Plan 2040 A Comprehensive Plan for Louisville Metro due to all the reasons stated in the justification statement that accompanies the conditional use permit application. In addition, the requested waiver does not violate Plan 2040 because the Property is primarily used residentially as a Rehabilitation Home where residents reside together in one housekeeping unit and the exterior of the building, should the CUP be approved, will appear exactly as the residential structure it does today, thereby warranting no need for extra buffering and screening to soften the residential appearance of the building to the neighboring residential properties, one of which is vacant and fronts an alley.

The extent of the waiver is the minimum necessary to afford relief to the applicant because landscape plantings simply cannot be installed along the perimeter property lines of the Property because, given the 24' width of the lot, installation of the LBA would deplete the usable space on the Property to a 4' wide strip of area in the Property's center, thereby completely destroying the ability for the owner to establish any use on the Property, including maintaining the existing structure. The rear property line does have mature trees, providing for natural screening of the rear yard from the rear yard area located along

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the western façade of the garage on property located at 527 E Saint Catherine Street. The proposed CUP will not alter the existing residential character of the Property; therefore no LBA is needed to screen adjacent residential character from the residential character of the Property.