

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.

Waiver of LDC 5.5.2 to not require vehicular and pedestrian connections between parking lots of abutting developments.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners. The property to the south is a commercially-zoned coffee shop with no vehicular stub-in to the applicant's property, thus providing a connection would not result in any vehicular connection. Additionally, the applicant is planning on constructing a sidewalk along Bardstown Road, thus providing a pedestrian connection to both the JCPS property to the north and the commercially-zoned property to the south. The church to the east will not be adversely affected by not having either a pedestrian nor a vehicular connection because the church's parking lot is at minimum 100 feet away from the applicant's property line, and it does not have any pedestrian connection remotely close to the subject property, and, furthermore, any connection would be to a low-lying portion of the church's property, thus not making any connection feasible for the church. Finally, the school to the north does not have a parking lot that abuts this development.

2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Plan 2040 Comprehensive Plan filed with the original rezoning application. Additionally, there will be increased pedestrian access along Bardstown Road as this development will provide a sidewalk along its frontage with Bardstown Road where none currently exists.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because there are no viable vehicular connections to make from this subject property to the surrounding properties, and the pedestrian connections proposed fit with the nature of the surrounding properties. The church and school are already developed sites with no nearby pedestrian or vehicular access to this site. Providing either connections would not result in any additional pedestrian or vehicular access. Likewise, a pedestrian connection is proposed to the adjacent commercially-zoned property, and the only requested waiver is the vehicular connection, which is the minimum waiver necessary due to the fact that there is no respecting vehicular connection on the adjoining property.

4. Strict application of the provisions of the regulation would deprive the applicant of a

reasonable use of the land and would create an unnecessary hardship on the applicant because the need for the waiver is based upon the confluence of factors of the surrounding parcels. The church and the school are both developed site. There is open space and detention in a low-lying area between the subject site and the church's structures and parking lot, thus negating any positive benefit from connections. The site to the south has no vehicular connection to stub into, and this application proposes to add the sidewalk along Bardstown Road to create the requisite pedestrian access to the properties to the north and south.