

### **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 is being requested due to the adjacent property to the East and South will never be developed due to its inclusion in the protected Floyd's Fork Area, properties to the North and Northeast are already developed as apartment communities. The properties to the West are large estates surrounded by housing and commercial developments. These properties, more than likely, will be subdivided and developed as commercial and residential property. The subject site will provide a 25 ft. rear yard setback adjacent to the adjacent residential properties.

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

This waiver will not violate the Comprehensive Plan, the land is appropriately zoned and the waiver of the yard buffer will not cause an impact.

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

The requested waiver is the minimum to obtain relief, the 15' buffer yard unnecessarily restricts the single family residential lots proposed.

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**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 strict application of the regulation would deprive future residents reasonable use of the land. Restricting above and beyond what the residential zoning regulations already set.

ISSUED BY 17008

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

There will be no affects to the adjacent property owners. The proposed street is only accessible by an existing private street and is a cul-de-sac. There is no future opportunity to connect this proposed road to a public road.

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

This waiver will not violate the Comprehensive Plan, the waiver is only to make the proposed road compliant with the existing conditions of the surrounding roads of this development

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

This waiver is the minimum necessary, all other roads in the Glenmary Village development are private. The proposed road will not connect to any other roads other than the existing private roadways and therefore should also be private in order to avoid issues with Public Works' maintenance.

**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 strict application of the regulation would cause an unnecessary hardship on the applicant as well as the Louisville Metro/Jefferson County Public Works department. The only way to access the proposed road is by an existing private roadway. All roads with the Glenmary Village overall development are private. The applicant is asking for a waiver to make this proposed street compliant with all other roads in this development.

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