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WAIVER JUSTIFICATION
Southwest Town Center Outlot
February 10, 2020

The applicant is requesting a waiver from LDC 10.2.4.B.3 to allow a landscape buffer to overlap an easement by more than 50%. With regard to the specific justification for this variance, please note the following:

1. Will the waiver adversely affect adjacent property owners?

This waiver will not affect adjacent property owners because it is an existing condition that is present on the subject site as well as the adjacent properties.

2. Will the waiver violate the Comprehensive Plan?

No. This waiver will not violate the comprehensive plan because it will help to promote redevelopment of an underutilized parking area which will help to revitalize this existing shopping center.

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

Yes. The waiver is limited to the extent of existing conditions. Plants will be provided as required.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirement 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 create an unnecessary hardship on the applicant because this is an existing condition.

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