



Conditional Use Permit Application

Louisville Metro Planning & Design Services

Case No.: 20-CUP-0083

Intake Staff: JM

Date: 06-01-2020

Fee: _____

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

This is a CUP for: Revisions to originally approved Category 2B (#18588-12 for church expansion)
(e.g., daycare, accessory apartment, etc.)

Project Name: Lakewood Baptist Church

Primary Project Address: 13803 Shelbyville Road, Louisville, Kentucky 40245

Additional Address(es): _____

Primary Parcel ID: 002400400000

Additional Parcel ID(s): _____

Proposed Use: church Existing Use: church

Existing Zoning District: R-4 Existing Form District: Neighborhood

Deed Book(s) / Page Numbers²: D.B. 5808 PGS. 0433 - 0434

The subject property contains 19.10 acres. Number of Adjoining Property Owners: 57
(refer to tax map from PDS)

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)* ¹ ☒ Yes ☐ No

If yes, please list the docket/case numbers:

Docket/Case #: B-192-95 Docket/Case #: B-18588-12/13

Docket/Case #: _____ Docket/Case #: _____

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**PLANNING &
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Contact Information:

Owner: ☐ Check if primary contact

Applicant: ☐ Check if primary contact

Name: John Shaw, Chairman of Trustees

Name: _____

Company: Lakewood Baptist Church, Inc.

Company: _____

Address: 13803 Shelbyville Road

Address: _____

City: Louisville State: KY Zip: 40245

City: _____ State: _____ Zip: _____

Primary Phone: 502-645-1004


Primary Phone: _____

Alternate Phone: 502-254-3744

Alternate Phone: _____

Email: joharon@aol.com

Email: _____

Owner Signature (required): 

Attorney: ☐ Check if primary contact

Plan prepared by: ☒ Check if primary contact

Name: _____

Name: Richard W. Moore, P.E.

Company: _____

Company: R.W.Moore Consulting Engineers

Address: _____

Address: 10213 Linn Station Road, Ste. 3

City: _____ State: _____ Zip: _____

City: Louisville State: KY Zip: 40223

Primary Phone: _____

Primary Phone: 502-641-7853

Alternate Phone: _____

Alternate Phone: 502-426-9842

Email: _____

Email: rwmmoore@aol.com

Certification Statement: A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, John Shaw, in my capacity as authorized agent, hereby
representative/authorized agent/other

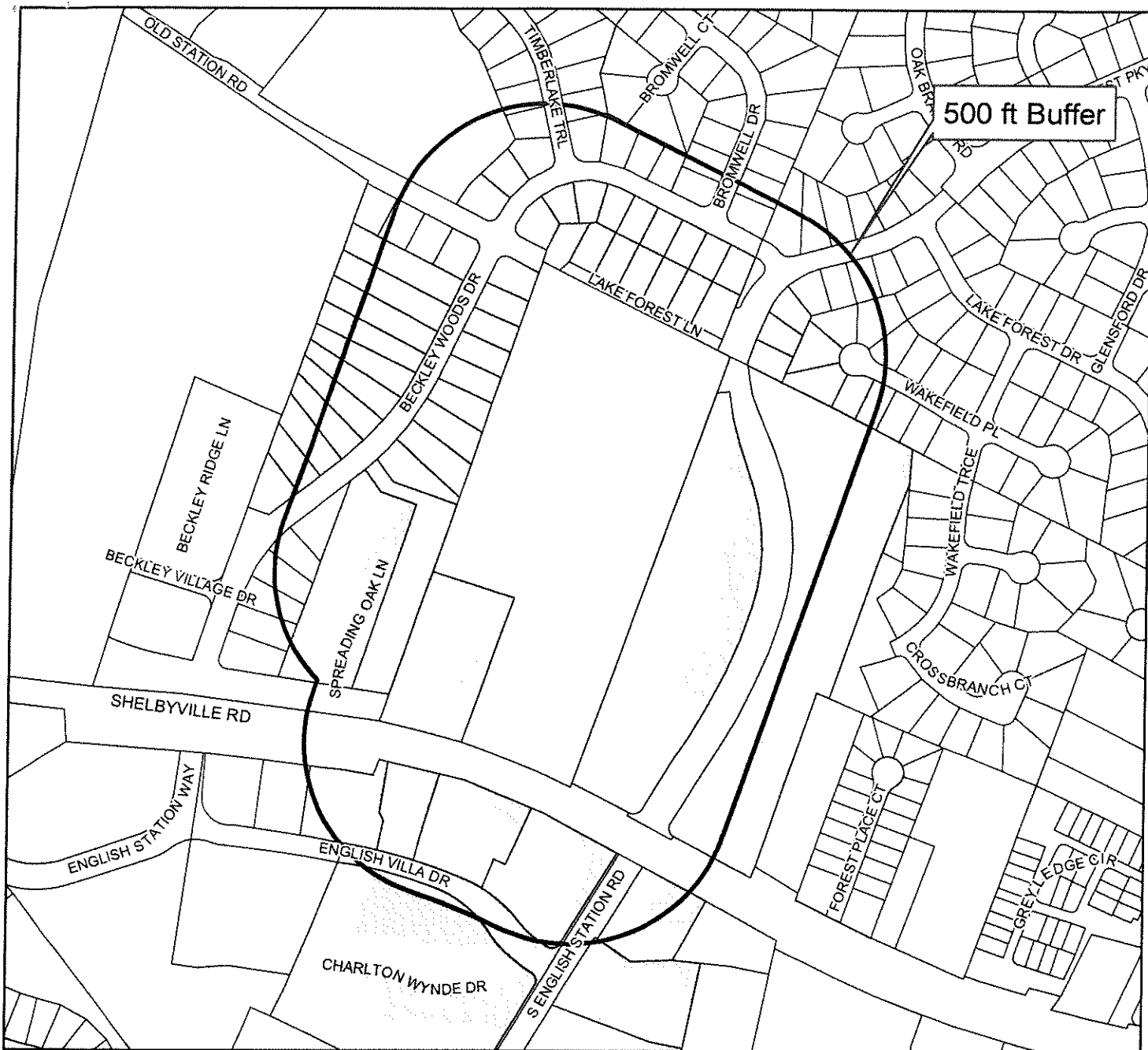
certify that Lakewood Baptist Church, Inc. is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature:  Date: 20 MAY 2020

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

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KRS 100.237





(6) When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, administrative official, the mayor and city clerk of any city of the fifth or sixth class so affected within any county containing a city of the first class or a consolidated local government, an owner of every parcel of property adjoining the property to which the application applies, and such other persons as the local zoning ordinance, regulations, or board of adjustment bylaws shall direct. Written notice shall be by first-class mail with certification by the board's secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the board the name and address of an owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

(7) When any property within the required notification area for a public hearing upon a conditional use permit application is located within an adjoining city, county, or planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first-class mail to certain public officials, as follows:

(a) If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission; or

(b) If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

Legend

-  Buffer
-  Subject Site
-  1st Tier Properties
-  2nd Tier Properties



Pre-App Tax Map


Case # 20-CUPPA-0028

feet



470

Map Created: 02/12/2020

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COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.
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20 - CUP - 0083

LAKEWOOD BAPTIST CHURCH (LBC)
NEIGHBORHOOD MEETING MINUTES

March 12, 2020

Neighborhood Attendees: See attached Neighborhood Meeting Attendance Sheet

LBC Members in Attendance: Pastor Jeremy Jessen and Richard Moore, PE

Craig Crawley, Tim Hopkins, Brad Lawler, Marie Moore, Garry Wooden

Meeting was convened by Richard Moore, moderator, at 7:08 PM

Mr. Moore introduced himself as both a member of Lakewood Baptist Church (LBC) and the advising engineer on this project.

Mr. Moore presented a brief historical summary of LBC and its facilities

- Founded in 1986 as a church-plant of Hurstbourne Baptist Church
- Experienced a fire which destroyed a modular building on May 10, 2010
- Original buildings on the property are aging and requiring significant resources to maintain

He reported that these challenges have led LBC to pursue construction of a new 8,962 sf building to house a sanctuary, staff offices, classroom, and nursery space. LBC's intention is to submit a Conditional Use Permit for this new building.

Today, LBC owns 19.1 +/- acres and is zoned R4. LBC is seeking to sell 4.171 acres to a builder for the construction of up to seven single-family homes which are planned to be in the \$500-750,000 price range. Following this sale, LBC will own about 14.9 acres including a 2.5 acre pond.

Church building plans include demolition of two buildings totaling 4,214 sf. Once construction of the new building is completed, the existing leased modular building will be returned to the Lessor. Following that construction and lease return, total building square footage will be 15,296 sf, an approximate 25% increase over existing facilities.

Currently, LBC has 66 parking spaces. Plans call for that to increase to 104.

The new building will tie into a new sewer connection in the Lake Forest subdivision at the NE corner of LBC's property. LBC is also planning for a gated driveway to connect to Lake Forest Lane. The driveway is needed for safe exit of eastbound church attendees, allowing access to the traffic control light at Lake Forest Parkway and Shelbyville Road. The driveway will only be accessed following Sunday morning services and will be used by approximately 5-10 cars each week. The driveway will be secured at other times by a gate.

Plans also include a playground and basketball court.

The current sign on Shelbyville Road will be replaced by an electronic sign that meets current signage requirements.

Per previous BOZA feedback, the following items will likely be required:

- 30' parkway buffer
- Sidewalks across the property frontage. Note: Public Works wants the sidewalks built within the ROW, but that will mean constructing the sidewalk in a drainage ditch.
- 6620 sf landscaping, which is more than actually required, and planting of 47 trees for the tree canopy requirement.
- Screened mechanical and dumpster areas

LBC has previously received a variance to the maximum setback of 80': new building will have setback of 500'.

LBC will be asking for a waiver to the landscaped berm requirement since the berm will be behind existing fencing.

Three additional waivers will be requested: eliminate the requirement for the 6' privacy fence property perimeter buffers on west, north, and east sides of the property. The portion of the requirement for one tree every 100', a total of 84 new trees, was discussed.

Neighbor Question/Comment #1: Will residents on Lake Forest Lane have to stare at a 6' privacy fence directly across from our homes? Also, we saw a builder's sign that new homes were being built on that property, but it's been removed.

- The intention is to sell the property along Lake Forest Lane for building of single-family homes.

Neighbor Question/Comment #2: We're concerned about even more traffic on Lake Forest Lane and the headlights that will shine directly into our windows.

- Cars will only use the driveway to exit the church following Sunday morning services so headlights will not be a problem and the number of cars exiting will be minimal.

Neighbor Question/Comment #3: We are concerned about looking at a fence on Lake Forest Lane. When will it go up and why is it needed?

- The president of Beckley Woods HOA (BWHOA) addressed the question: "None of us want to look at a fence."

Neighbor Question/Comment #4: There are traffic issues already on Lake Forest Lane because it's not a street. There is no room to maneuver and it's impossible to turn left onto the street. Guarantee us that there won't be more than ten cars that will use it.

- A binding element can be added to the Conditional Use Permit to address the frequency of use and volume of traffic allowed. Cars exiting will back up on to church property, not onto Lake Forest Lane.

Neighbor Question/Comment #5: Will the road be used for construction traffic?

- No, all construction traffic will use the existing gated driveway from Shelbyville Road. The new planned driveway will not even be constructed for 5-10 years.

Neighbor Question/Comment #6: Middletown Council member raised concerns about the utility pole and guy wire that sits close to where that driveway will connect.

- Noted. Construction plans have to be provided to Public Works. This is a concept plan, not a construction plan.

Neighbor Question/Comment #7: Will I lose my picket fence when the new perimeter buffer is built? He also raised concern about the high water near his property during heavy rains (5-6' deep).

- BWHOA reminded neighbor that they do not want the 6' privacy fence so his picket fence should not be impacted.
- LBC rep recommended that the homeowner contact the city about a potentially blocked drain line. Question is outside the scope of this meeting.

Neighbor Question/Comment #8: What prevents the church from just filling in the pond and building on it?

- That's outside the scope of this plan.

Neighbor Question/Comment #9: BWHOA president reiterated to his constituents that they do not want a 6' privacy fence, but do want the trees planted.

Neighbor Question/Comment #10: What will the driveway gate look like? We don't want an ugly cattle gate. Why don't you just go to Home Depot and buy the fake wrought iron stuff? It can't be any more expensive.

- Likely a manually-secured T-post style gate. A wrought iron gate will be prohibitively expensive.

Neighbor Question/Comment #11: President of Lake Forest HOA recommended to Middletown councilman that they consider widening Lake Forest Lane and connecting it to Beckley Woods. The neighbors had strong objections to this, especially the notion that it becomes a cut-through.

Following these questions, the BWHOA president told the audience that the BWHOA board will meet on Sunday, 3/15, and wants to talk to other residents not in attendance at this meeting. He expressed that they generally do not have any concerns about the project but wanted to further discuss the road concerns.

Middletown councilman reminded everyone that Lake Forest Lane is under Middletown jurisdiction.

BWHOA president went on to say that their desire will be for the privacy fence to be eliminated but the trees to be planted as required. They will also want a "nice gate."

Neighbor Question/Comment #12: What is the timetable on all this?

- LBC will apply for the CUP within 90 days of this meeting
- Expect 2-3 months to receive approval

Neighbor Question/Comment #13: What type of trees will be planted?

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- Trees will meet the specifications required by Planning Commission

Neighbor Question/Comment #14: What will it cost to build that road? What's the likelihood it will happen?

- We will not know what building costs will be until the design-build contractor can provide us those estimates. We cannot request the estimates until we receive CUP approval. The driveway is well down the priorities list and will likely not be built for five to ten years.

Neighbor Question/Comment #15: The corner of Lake Forest Lane and Lake Forest Parkway is very dangerous already because cars fly down Lake Forest Parkway. Turning left is really dangerous because it's a blind corner. What is Lake Forest doing to slow those cars down?

- Lake Forest HOA president said that LMPD regularly sets up RADAR and extra enforcement along Lake Forest Parkway to discourage speeding.

BWHOA president gave a closing comment that the BWHOA Board will meet on Sunday and provide a response to LBC on Monday, 3/16.

Meeting adjourned at 8:10 PM.

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Land Development Report

May 18, 2020 12:43 PM

About LDC

Location

Parcel ID: 002400400000
Parcel LRSN: 74519
Address: 13803 SHELBYVILLE RD

Zoning

Zoning: R4
Form District: NEIGHBORHOOD
Plan Certain #: NONE
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: NONE
Plat Book - Page: NONE
Related Cases: B-192-95, B-18588-12

Special Review Districts

Overlay District: NO
Historic Preservation District: NONE
National Register District: NONE
Urban Renewal: NO
Enterprise Zone: NO
System Development District: B
Historic Site: YES

Environmental Constraints

Flood Prone Area

FEMA Floodplain Review Zone: NO
FEMA Floodway Review Zone: NO
Local Regulatory Floodplain Zone or
Combined Sewer Floodprone Area: NO
Local Regulatory Conveyance Zone: NO
FEMA FIRM Panel: 21111C0050E

Protected Waterways

Potential Wetland (Hydric Soil): NO
Streams (Approximate): NO
Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: YES
Unstable Soil: NO

Geology

Karst Terrain: YES

Sewer & Drainage

MSD Property Service Connection: NO
Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
Council District: 19
Fire Protection District: ANCHORAGE MIDDLETOWN
Urban Service District: NO

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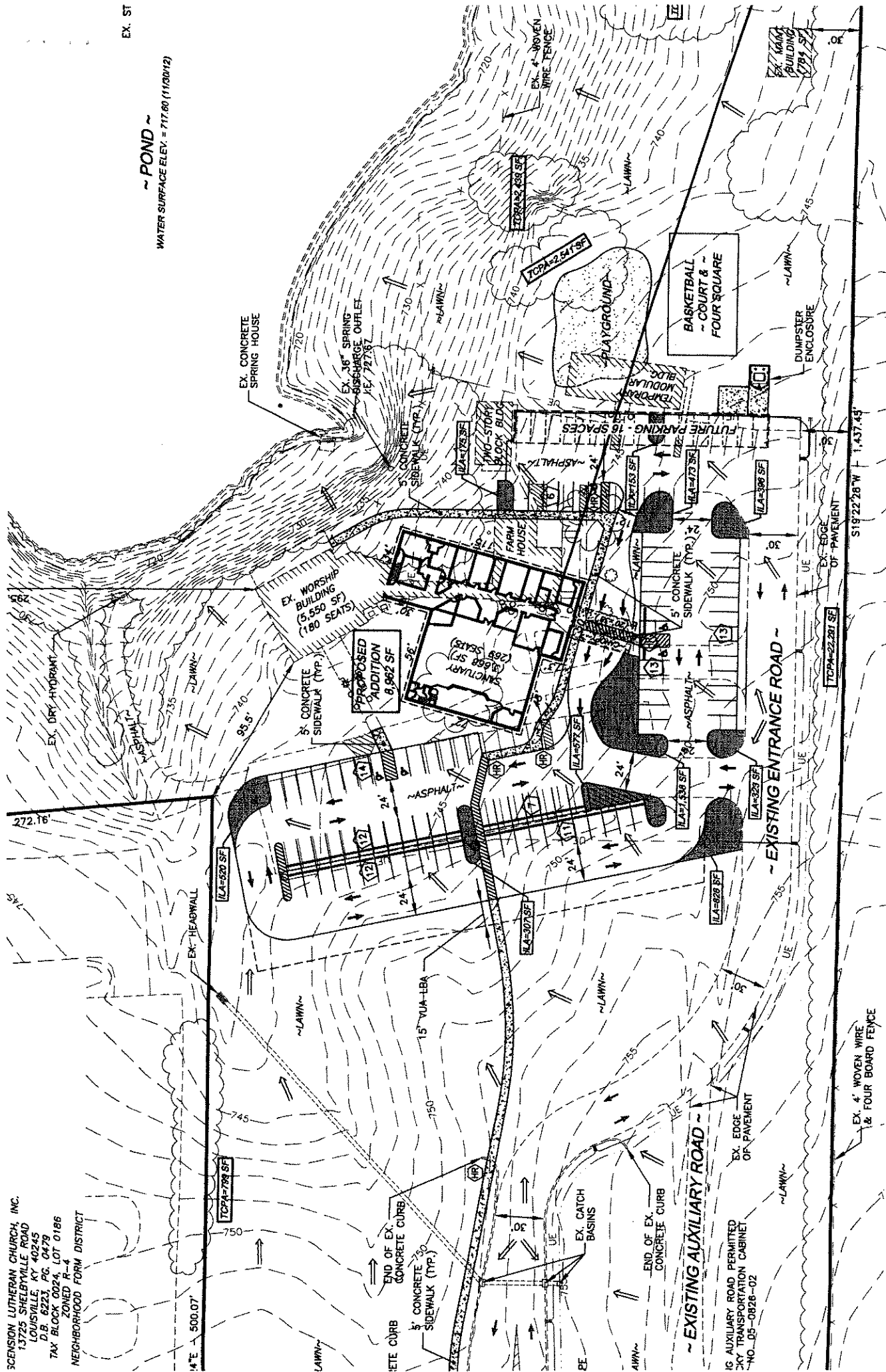
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EX. ST

~ POND ~

WATER SURFACE ELEV. = 717.60 (11/30/12)





Variance Application

Louisville Metro Planning & Design Services

Case No.: 20-Variance-0058 Intake Staff: Jm

Date: 06-01-2020 Fee: _____

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

This is a variance from Section 5.3.1.C.5 of the Land Development Code, to allow the proposed building setback to exceed the required 80' maximum setback along Shelbyville Road.

Primary Project Address: 13803 Shelbyville Road, Louisville, Kentucky 40245

Additional Address(es): _____

Primary Parcel ID: 002400400000

Additional Parcel ID(s): _____

Proposed Use: church Existing Use: church

Existing Zoning District: R-4 Existing Form District: Neighborhood

Deed Book(s) / Page Numbers²: D.B. 5808 PGS. 0433 - 0434

The subject property contains 19.10 acres. Number of Adjoining Property Owners: 23

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ ☒ Yes ☐ No

If yes, please list the docket/case numbers:

Docket/Case #: B-192-95 Docket/Case #: B-18588-12

Docket/Case #: 20-Cul-0063 Docket/Case #: _____

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Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The requested variance will not adversely affect the public health, safety or welfare since it will not encroach into or affect any vehicular or pedestrian traffic on the site or along the street frontage.

2. Explain how the variance will not alter the essential character of the general vicinity.

The requested variance will not alter the essential character of the general vicinity since the proposed addition will follow the existing condition of extended setbacks on the subject site.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The requested variance will not cause a hazard or nuisance to the public since it will not encroach into or affect any vehicular or pedestrian traffic on the site or along the street frontage.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The requested variance will not allow an unreasonable circumvention of the zoning regulations since the current setback for the church existed prior to the current zoning regulations.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The requested variance arises from special circumstances which do not generally apply to the land in the general vicinity or the same zone since the church existed at an extended setback.

2. Explain how 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.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by not allowing the proposed addition to the church to be built following the existing setback of the structure that the addition would connect to once the construction is completed.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the current structure existed at the setback prior to the current zoning regulations.

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Contact Information:

Owner: ☐ Check if primary contact

Applicant: ☐ Check if primary contact

Name: John Shaw, Chairman of Trustees

Name: _____

Company: Lakewood Baptist Church, Inc.

Company: _____

Address: 13803 Shelbyville Road

Address: _____

City: Louisville State: KY Zip: 40245

City: _____ State: _____ Zip: _____

Primary Phone: 502-645-1004

Primary Phone: _____

Alternate Phone: 502-254-3744

Alternate Phone: _____

Email: joharon@aol.com

Email: _____

Owner Signature (required): 

Attorney: ☐ Check if primary contact

Plan prepared by: ☒ Check if primary contact

Name: _____

Name: Richard W. Moore, P.E.

Company: _____

Company: R.W. Moore Consulting Engineers

Address: _____

Address: 10213 Linn Station Road, Ste. 3

City: _____ State: _____ Zip: _____

City: Louisville State: KY Zip: 40223

Primary Phone: _____

Primary Phone: 502-641-7853

Alternate Phone: _____

Alternate Phone: 502-426-9842

Email: _____

Email: rwm Moore@aol.com

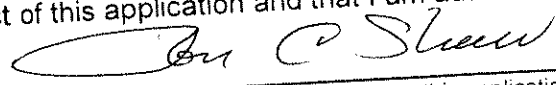
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Certification Statement: A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, John Shaw, in my capacity as authorized agent, hereby
representative/authorized agent/other

certify that Lakewood Baptist Church, Inc. is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature:  Date: 20 MAY 2020

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

13803 Shelbyville Road

Conditional Use Permit Application

Lakewood Baptist Church

13803 Shelbyville Rd

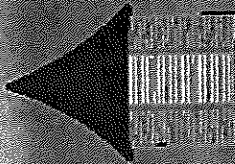
Legend

- 13803 Shelbyville Rd
- Church
- Graeter's Ice Cream
- Greener Horizons
- Kids Academy
- Walgreens Store Louisville

Google Earth

800 ft



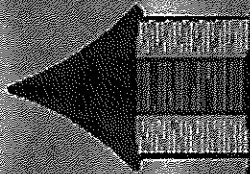


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2020 VARIOUS 005



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VARIANCE 40058



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 20-waiver-0046

Intake Staff: JM

Date: 06-01-2020

Fee: _____

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/Planning-Design>.

Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

☒ Landscape Waiver of Chapter 10, Part 2

☒ Other: Waiver of Section 10.3.5

A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.

Explanation of Waiver: To eliminate the required visually continuous berm as needed to screen the vehicle use area with an average height of at least three (3) feet and shrub massings on or fronting the berm with at least one-third of the frontage length planted within the 30' parkway buffer.

Primary Project Address: 13803 Shelbyville Road, Louisville, Kentucky 40245

Additional Address(es): _____

Primary Parcel ID: 002400400000

Additional Parcel ID(s): _____

Proposed Use: church Existing Use: church

Existing Zoning District: R-4 Existing Form District: Neighborhood

Deed Book(s) / Page Numbers²: D.B. 5808 PGS. 0433 - 0434

The subject property contains 19.10 acres. Number of Adjoining Property Owners: 23

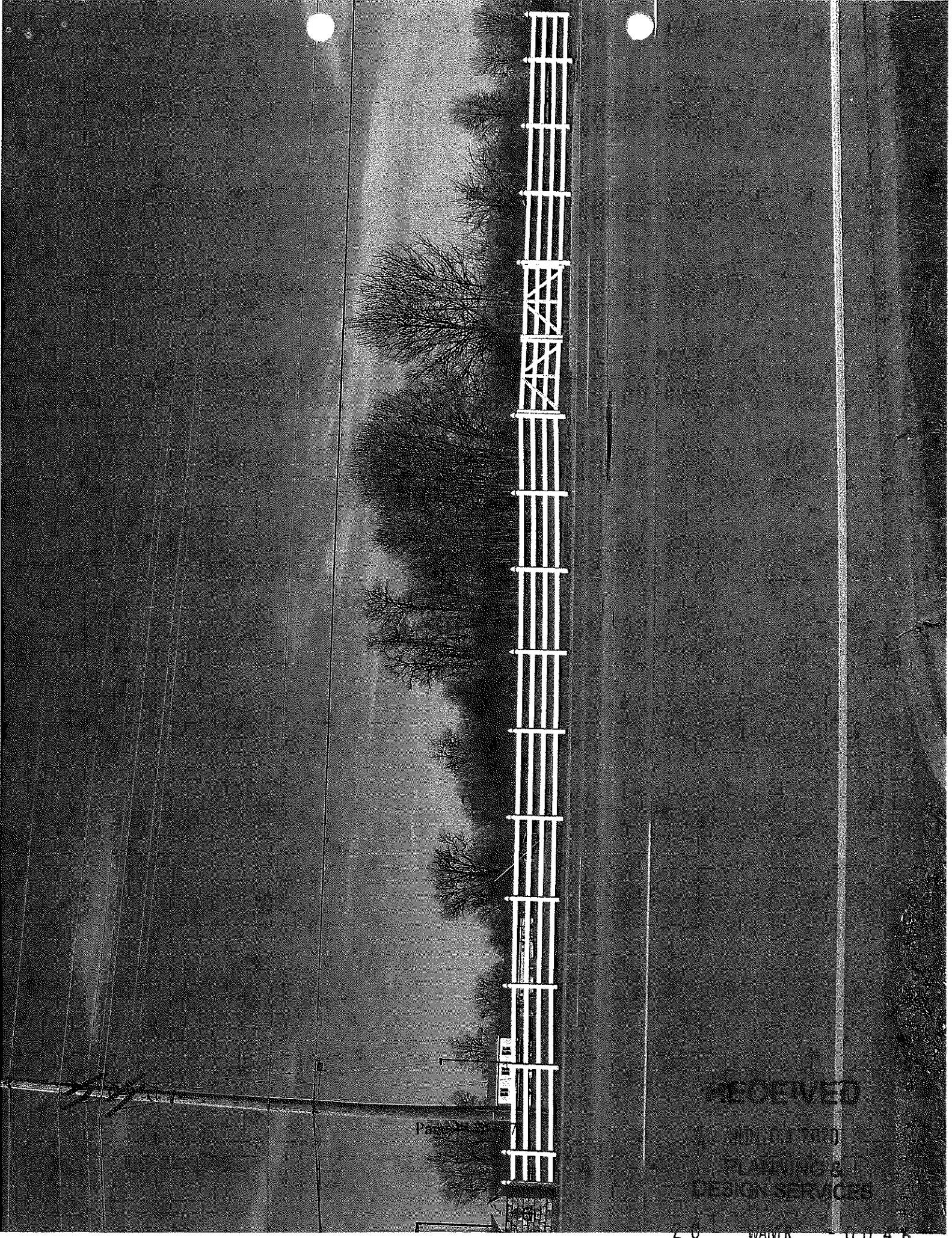
Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ ☒ Yes ☐ No

If yes, please list the docket/case numbers:

Docket/Case #: B-192-95 Docket/Case #: B-18588-12

Docket/Case #: _____ Docket/Case #: _____

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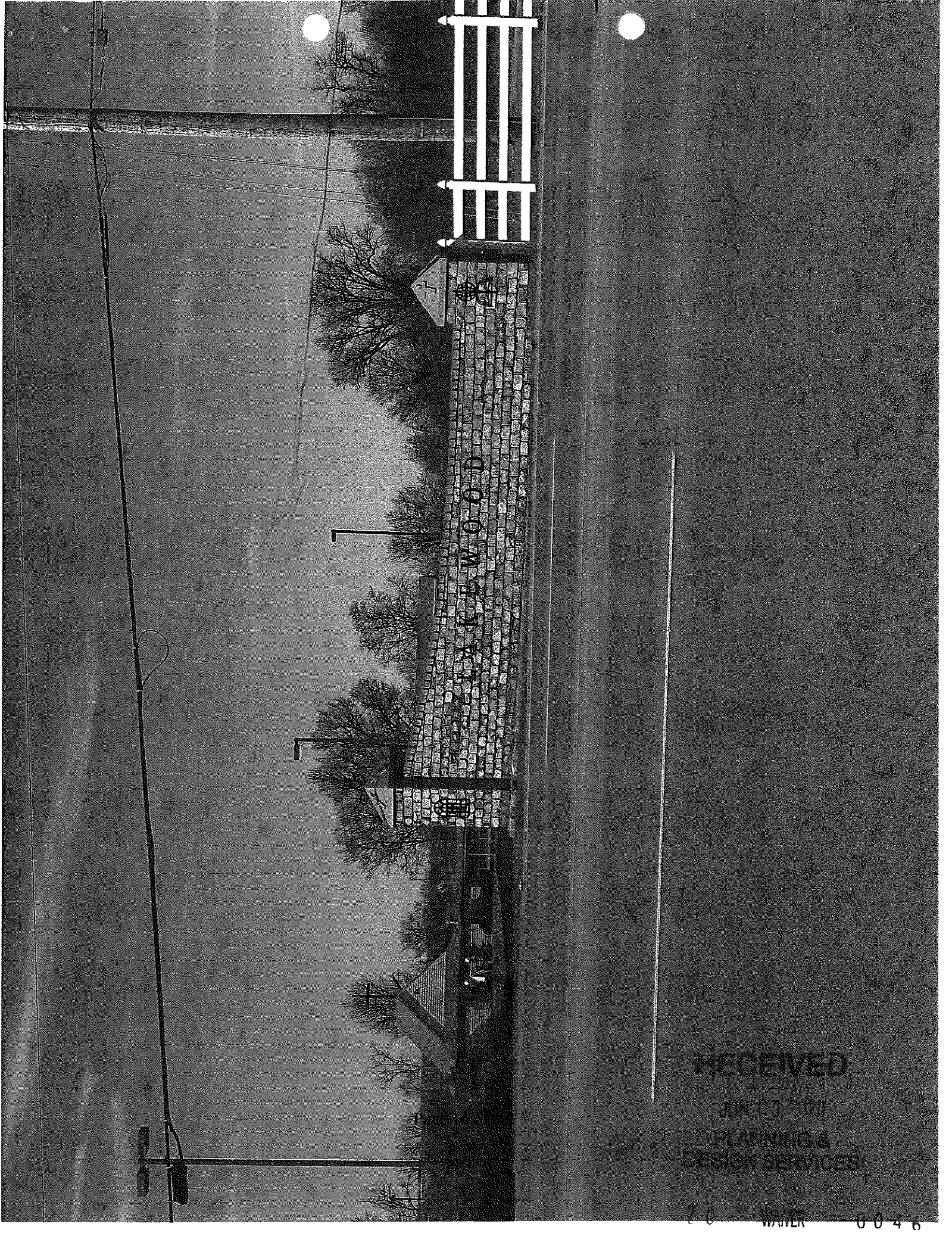
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20 WATKINS 0044

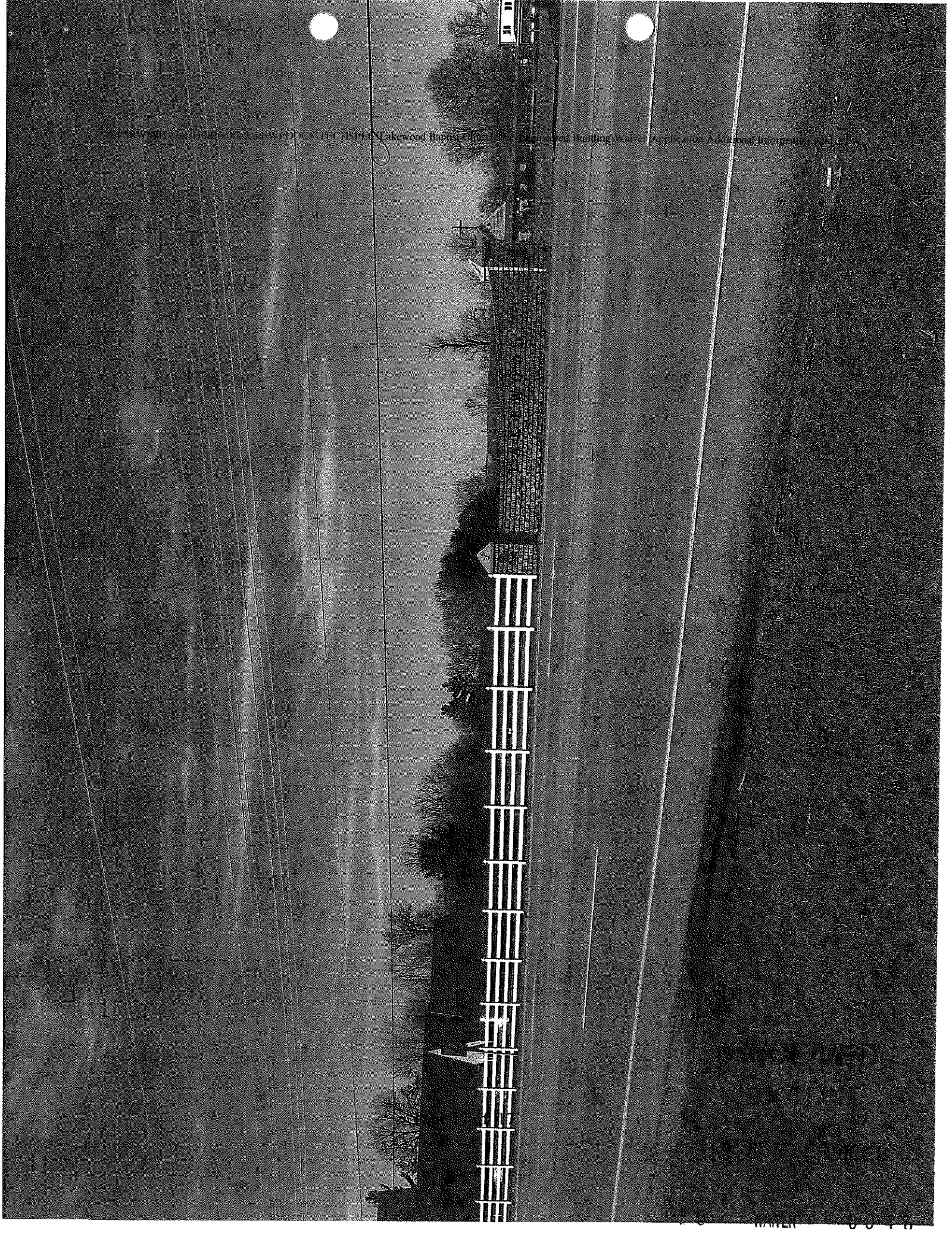


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WPAWMBH (see also Lakewood WPDCCS) (HSPEN) Lakewood Baptist Church - Requested Building Waiver Application Additional Information and



ADDITIONAL INFORMATION (NORTH PROPERTY LINE WAIVER)

1. Will the waiver adversely affect adjacent property owners?

Lakewood Baptist Church has a Contract to sell the 4.587 acres, as shown on the Conditional Use Permit Development Plan (CUPDP), to Trilogy Equities II, LLC (Trilogy). Once sold, the north property line for Lakewood Baptist Church will be the property line common with Trilogy. The waiver to eliminate the required 20' property perimeter landscape buffer area along the north property line will not adversely affect Trilogy. From the north property line, the proposed 8,962 SF Building is over 480 feet away and is separated from the adjacent property owner by over three (3) acres of wooded area and a 2.6 +/- acres pond. In addition, the elevation of the Trilogy property is from 10' to 50' below the ground elevation at the proposed building which further screens it from view. The attached Google earth aerial map shows the wooded area and the pond. The church plans were presented to Trilogy and they agreed that the proposed 8,962 SF building would not have a detrimental effect on the Trilogy development and the 20' property perimeter landscape buffer area was not needed. Trilogy issued the attached letter wherein they agreed that the project be approved as presented.

2. Will the waiver violate the Comprehensive Plan?

No, this waiver will not violate specific guidelines of the Comprehensive Plan since the proposed 8,962 SF Building is buffered from the north property line (i.e., common property line with Trilogy) by over three (3) acres of wooded area and a 2.6 +/- acres pond. The attached Google earth aerial map shows the wooded area and the pond. In addition, the proposed 8,962 SF Building will be compatible with the existing building and will be located over 480 feet from the north property line at the closest point. Finally, Trilogy has reviewed the proposed Conditional Use Permit Development Plan and they have agreed that the project be approved as presented (see attached letter).

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20 - WAIVER 7 0044

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

The waiver relies upon natural buffer areas consisting of three (3) acres of wooded area and a 2.6 +/- acres pond that will buffer the north property line from the proposed 8,962 SF Building proposed to be located over 480 feet from the north property line. The attached Google earth aerial map shows the wooded area and the pond. Trilogy has reviewed the proposed Conditional Use Permit Development Plan and they have agreed that the project be approved as presented (see attached letter).

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 applicant is relying on the natural buffer area that exists today to address the landscape buffer area requirement along the north property line. The area is buffered by over three (3) acres of wooded area and a 2.6 +/- acres pond which provides a natural buffer. The attached Google earth aerial map shows the wooded area and the pond. The proposed 8,962 Building is located over 480 feet from the north property line. In addition, the elevation of the Trilogy property is from 10' to 50' below the ground elevation at the proposed building which further screens it from view. Trilogy has reviewed the proposed Conditional Use Permit Development Plan and they have agreed that the project be approved as presented (see attached letter).

ADDITIONAL INFORMATION (WEST PROPERTY LINE WAIVER)

1. Will the waiver adversely affect adjacent property owners?

The waiver to eliminate the required 15' property perimeter landscape buffer area along the west property line will not adversely affect the adjacent property owners. Along the west property line some properties have a chain link fence, some properties have no fence, some properties have a woven wire fence and some properties have a four (4) board fence. Along the west property line there are numerous existing trees as shown on the attached Google Earth aerial map of the property. Some of the property owners even enjoy accessing the church's property to walk their dogs, to sit in lawn chairs and enjoy the serene surrounding of the pond area and the wildlife. A fence would prohibit them from doing this. The proposed 8,962 SF Building is located away from the west property line more toward the center of the property and is separated from the west property line by a 2.6 +/- acres pond. The elimination of the 15' property perimeter landscape buffer area along the west property line was discussed at length with representatives of Beckley Woods at the Neighborhood Meeting. Beckley Woods agreed with the elimination of the 15' property perimeter landscape buffer area and 6 foot privacy fence if Lakewood Baptist Church agreed to plant the trees as indicated on the Conditional Use Permit Development Plan under the west property line waiver request (i.e., 2 large (Type A) or medium (Type B) trees per 100 linear feet - 22 trees). Finally, the Beckley Woods Residents Association has issued the attached letter in support of this agreement.

2. Will the waiver violate the Comprehensive Plan?

No, this waiver will not violate specific guidelines of the Comprehensive Plan since the proposed 8,962SF Building is buffered from the west property line by numerous existing trees and a 2.6 +/- acres pond as shown on the attached Google Earth aerial map of the property. In addition the proposed Multi-Purpose building will be compatible with existing

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buildings and will be located over 300 feet from the west property line at the closest point. The elimination of the 15' property perimeter landscape buffer area along the west property line was discussed at length with representatives of Beckley Woods at the Neighborhood Meeting. Beckley Woods agreed with the elimination of the 15' property perimeter landscape buffer area and 6 foot privacy fence if Lakewood Baptist Church agreed to plant the trees as indicated on the Conditional Use Permit Development Plan under the west property line waiver request (i.e., 2 large (Type A) or medium (Type B) trees per 100 linear feet - 22 trees). Finally, the Beckley Woods Residents Association has issued the attached letter in support of this agreement.

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

The waiver relies upon natural buffer areas consisting of existing tree massing and a 2.6 +/- acres pond that will buffer the west property line from the proposed 8,962 SF Building proposed to be located over 300 feet from the west property line. The attached Google Earth aerial map shows the wooded area and the pond. The elimination of the 15' property perimeter landscape buffer area along the west property line was discussed at length with representatives of Beckley Woods at the Neighborhood Meeting. Beckley Woods agreed with the elimination of the 15' property perimeter landscape buffer area and 6 foot privacy fence if Lakewood Baptist Church agreed to plant the trees as indicated on the Conditional Use Permit Development Plan under the west property line waiver request (i.e., 2 large (Type A) or medium (Type B) trees per 100 linear feet - 22 trees). Finally, the Beckley Woods Residents Association has issued the attached letter in support of this agreement.

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 applicant is relying on the natural buffer area that exists today to address the landscape

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buffer area requirement along the West property line. There are numerous existing mature trees along the west property line as shown on the attached Google Earth aerial map. Some of these trees may have to be removed if a fence were installed. The proposed 8,962 SF Building is over three hundred (300) feet away from the west property line at the closest point and a 2.6 +/- acres pond provides a natural buffer. The elimination of the 15' property perimeter landscape buffer area along the west property line was discussed at length with representatives of Beckley Woods at the Neighborhood Meeting. Beckley Woods agreed with the elimination of the 15' property perimeter landscape buffer area and 6 foot privacy fence if Lakewood Baptist Church agreed to plant the trees as indicated on the Conditional Use Permit Development Plan under the west property line waiver request (i.e., 2 large (Type A) or medium (Type B) trees per 100 linear feet - 22 trees). Finally, the Beckley Woods Residents Association has issued the attached letter in support of this agreement.

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**ADDITIONAL INFORMATION
(EAST PROPERTY LINE WAIVER)**

1. Will the waiver adversely affect adjacent property owners?

The waiver to eliminate the required 20' property perimeter landscape buffer area along the east property line will not adversely affect the adjacent property owners. Along the east property line there are numerous existing trees as shown on the attached Google Earth aerial map of the property that screens both properties from each other. The proposed 8,962 SF Building is located 160 feet from the east property line. The elimination of the 20' property perimeter landscape buffer area along the east property line was discussed with representatives of the Lake Forest Homeowners Association. This was discussed again at the Neighborhood Meeting. Following discussions, the Lake Forest Homeowners Association agreed with the elimination of the 20' property perimeter landscape buffer area and they issued the attached letter in support of eliminating the 20' property perimeter landscape buffer area.

2. Will the waiver violate the Comprehensive Plan?

No, this waiver will not violate specific guidelines of the Comprehensive Plan since the proposed 8,962SF Building is buffered from the neighbor by numerous existing trees along the common property line as shown on the attached Google Earth aerial map of the property. In addition the proposed 8,962 SF Building will be compatible with the existing building that will remain and it will be located 160 feet from the east property line at the closest point. The proposed 8,962 SF Building will replace an existing concrete block building and a farmhouse. The elimination of the 20' property perimeter landscape buffer area along the east property line was discussed at length with representatives of the Lake Forest Homeowners Association. This was discussed again at the Neighborhood Meeting. The Lake Forest Homeowners Association agreed with the elimination of the 20' property perimeter landscape buffer area along the east property line and they issued the attached letter in support of the elimination of the 20' property perimeter landscape buffer area

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along the east property line.

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

The waiver relies upon natural buffer areas consisting of existing tree massing to buffer the neighbor from the proposed 8,962 SF Building proposed to be located 160 feet from the east property line. The attached Google Earth aerial map shows the existing tree canopy along the east property line. The elimination of the 20' property perimeter landscape buffer area along the east property line was discussed with representatives of the Lake Forest Homeowners Association. This was discussed again at the Neighborhood Meeting. Following these discussions, the Lake Forest Homeowners Association agreed with the elimination of the 20' property perimeter landscape buffer area and they issued the attached letter in support of eliminating the 20' property perimeter landscape buffer area.

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 applicant is relying on the natural tree buffer area that exists today to address the landscape buffer area requirement along the east property line. There are numerous existing mature trees along the east property line as shown on the attached Google Earth aerial map. Many of these trees would have to be removed if a fence were installed. The proposed 8,962 SF Building is one hundred sixty (160) feet away from the east property line at the closest point. The elimination of the 20' property perimeter landscape buffer area along the east property line was discussed at length with representatives of the Lake Forest Homeowners Association. In addition, it was discussed again with the Lake Forest Homeowners Association at the Neighborhood Meeting. The Lake Forest Homeowners Association agreed with the elimination of the 20' property perimeter landscape buffer area and they issued the attached letter in support of eliminating the 20' property perimeter landscape buffer area.

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ADDITIONAL INFORMATION
(WAIVER TO ELIMINATE BERM IN PARKWAY BUFFER)

1. Will the waiver adversely affect adjacent property owners?

The waiver to eliminate the continuous 3' high berm and shrub massing within the 30' Parkway Buffer to screen the closest vehicle use area will not adversely affect the adjacent property owners. Under Docket/Case # B-192-95, Lakewood Baptist Church was granted permission to install a four (4) board white vinyl fence and stone entrance walls along the front of the property on both sides of the entrance driveway. Pictures of the four (4) board white vinyl fence and stone entrance walls built along the Shelbyville Road frontage are attached. To provide for a continuous 3' high berm and shrub massing would require that it be located behind the four (4) board white vinyl fence and stone entrance walls. The fence and stone entrance walls would mostly block from view the continuous 3' high berm and shrubs massing. In addition, the closest vehicle use area is over four hundred thirty five (435) feet from the west-bound driving lane of Shelbyville Road. In addition, the closest vehicle use area is eight (8) feet lower in elevation than the west-bound driving lane of Shelbyville Road. This vehicle use area will be screened from Shelbyville Road with a fifteen (15) foot landscape buffer area landscaped with trees and shrubs. In this four hundred thirty five (435) feet the church is proposing a grass yard area. Finally, the church will be planting ten (10) trees [one (1) type A tree for each forty (40) feet of road frontage] in the Parkway Buffer which will help block from view the nearest vehicle use area.

2. Will the waiver violate the Comprehensive Plan?

No, this waiver is not intended to circumvent or violate the Comprehensive Plan to screen the vehicle use area since the church was granted permission under Docket/Case # B-192-95 to construct a four (4) board white vinyl fence and stone entrance walls along the front of the property on both sides of the driveway (see attached pictures). In addition, in order to provide for a continuous 3' high berm, the berm would have to be located behind the

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fence and stone entrance walls which would mostly block from view the continuous 3' high berm and shrub massing. Also, the closet vehicle use area is over four hundred thirty five (435) feet away from the west-bound driving lane of Shelbyville Road. In addition, the closet vehicle use area is eight (8) feet lower in elevation than the west-bound driving lane of Shelbyville Road. This vehicle use area will be screened from Shelbyville Road with a 15 feet landscape buffer area landscaped with trees and shrubs. In this four hundred thirty five (435) feet, the church is proposing a grass yard area. Finally, the church will be planting one (1) type A tree for each forty (40) feet of road frontage in the Parkway Buffer which will also help block from view the nearest vehicle use area.

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

The extent of the waiver is the minimum necessary to afford relief to the applicant to eliminate the continuous 3' high berm and shrub massing within the 30' Parkway Buffer to screen the vehicle use area since the church was granted permission under Docket/Case # B-192-95 to install a four (4) board white vinyl fence and stone entrance walls along the front of the property on both sides of the entrance driveway. Pictures of the four (4) board white vinyl fence and stone entrance walls are attached. To provide for a continuous 3' high berm and shrub massing would require that it be located behind the four (4) board white vinyl fence and stone entrance walls. The fence and stone entrance walls would mostly block from view the continuous 3' high berm and shrub massing. In addition, the closet vehicle use area is over four hundred thirty five (435) feet away from the west-bound driving lane of Shelbyville Road. In addition, the closet vehicle use area is eight (8) feet lower in elevation than the west-bound driving lane of Shelbyville Road. This vehicle use area would be screened from Shelbyville Road with a 15 feet landscape buffer area landscaped with trees and shrubs. Within the four hundred thirty five (435) feet the church is proposing a grass yard area. Finally, the church will be planting ten (10) trees [one (1) type A tree for each forty (40) feet of road frontage] along the Parkway Buffer which will help block from view the nearest vehicle use area since the canopy of the trees

would mostly be above the top of the four (4) board white vinyl fence and stone entrance walls.

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 provisions of the regulation would create an unnecessary hardship on the applicant by not allowing the 3' high continuous berm and shrub massing to be eliminated from the Parkway Buffer because it would be mostly hidden from view behind the four (4) board white vinyl fence and stone entrance walls approved under Docket/Case # B-192-95. The closest vehicle use area is over four hundred thirty five (435) feet away from the west bound driving lane of Shelbyville Road. In addition, the closest vehicle use area is eight (8) feet lower in elevation than the west-bound driving lane of Shelbyville Road. This vehicle use area will be screened from Shelbyville Road with a 15 foot landscape buffer area landscaped with trees and shrubs. In this four hundred thirty five (435) feet, the church is proposing a grass yard area. Finally, the church will be planting ten (10) trees [one (1) type A tree for each forty (40) feet of road frontage along the Parkway Buffer] which will help block from view the nearest vehicle use area since the canopy of the trees will mostly be above the top of the four board white vinyl fence and stone entrance walls.