

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 adjacent property zoned residential is vacant and has frontage along a heavily traveled Parkway. The owner is not aware of an intention to develop the adjacent property with a residential use. The proposed driveway crossing utilizes the site for full traffic circulation within the site. This feature will help to reduce backup on Bardstown Road.

2. Will the waiver violate the Comprehensive Plan?

The proposed development will improve the property and create a neighborhood space in-line with the comprehensive plan for this area.

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

The waiver of this Buffer is the minimum necessary to allow the site to be developed. Approximately 28% of the property is within the Bardstown Road Parkway Buffer. The proposed encroachment allows full circulation of the site. This feature will help prevent back-ups on Bardstown Road.

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?

(b) The strict application of this Buffer would severely restrict the re-development of this property. The re-development of this property will reduce the amount of pavement in the Buffer and provide the required plantings. This site will provide an amenity to the neighborhood.