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LANDSCAPE WAIVER JUSTIFICATION
KENTUCKY HUMANE SOCIETY
1110 MEADOW AVE

The applicant is requesting a waiver from LDC 10.2.4 to eliminate the landscape buffer that would separate the subject site from itself. The east corner of this property is zoned C1 while the remainder is zoned EZ1. Per the Land Development Code, a 10-15' landscape buffer is required between these two zones. The purpose of this landscape buffer is to provide a screen between uses with different intensities, not to screen a use from itself. Furthermore, providing a buffer between the detention basin and the facility would impede visibility from Preston Highway which could negatively impact the proposed facility. Therefore, we are requesting to waive this portion of the buffer. The buffer and all plantings will still be provided between the subject site and other adjacent properties where required.

1. Will the waiver adversely affect adjacent property owners?

No. This waiver is interior to the property and will have no effect on adjacent property owners.

2. Will the waiver violate the Comprehensive Plan?

No. This waiver does not violate the comprehensive plan because the intent of the regulation is still being met.

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

Yes. The extent of this waiver is limited to that area which is surrounded on both sides by the subject property. The buffer will be provided as required adjacent to properties owned by separate entities.

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 because it would require a buffer to be installed that separates the property from itself, interfering with the proposed main entrance, and making it less of a cohesive design.