



General Waiver Application

Louisville Metro Planning & Design Services

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AUG 04 2017

Case No.: _____

Intake Staff: _____

Date: _____

Fee: _____

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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:

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

Landscape Waiver of Chapter 10, Part 2.4.B.3; 10.2.4.B.1; 10.2.4.B.7 & 10.2.12

Other: Waiver of Section _____

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 bring existing parking lot into current code compliance

Primary Project Address: 7715 Bardstown Road

Additional Address(es): 7723 Bardstown Road

Primary Parcel ID: 005601060000

Additional Parcel ID(s): _____

Proposed Use: Restaurant Existing Use: Vacant and restaurant

Existing Zoning District: C1 Existing Form District: N

Deed Book(s) / Page Numbers²: 8776/853

The subject property contains 1.742 acres. Number of Adjoining Property Owners: 5

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 #: _____ Docket/Case #: _____

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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 waivers are for the conditions of the existing parking lot as constructed in 1999. Adjoining property to the north and east is zoned C1 and consists of a driveway to a church and a vacant lot owned by the church.

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2. Will the waiver violate the Comprehensive Plan?

The comprehensive plan calls for the subject property and adjoining property to be developed as commercial; therefore, the waivers do not violate the comprehensive plan

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

The waivers requested are the minimum necessary for the existing site conditions to be in compliance with the current code.

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 waivers would create an extreme hardship on the current owner of the existing business, in that a loss of parking spaces would create a loss of business.