



General Waiver Application

Louisville Metro Planning & Design Services

#5

Case No.: _____ Intake Staff: _____

Date: _____ 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 5.5.1.A.3.d.

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 omit the connection between parking lots of abutting developments.

Primary Project Address: 10300 Brookridge Village

Additional Address(es): _____

Primary Parcel ID: 350500050000

Additional Parcel ID(s): _____

Proposed Use: Hotel Existing Use: vacant

Existing Zoning District: OTF Existing Form District: Town Center

Deed Book(s) / Page Numbers²: 11338x401

The subject property contains 2.51+/- acres. Number of Adjoining Property Owners: _____

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 #: 09-026-98W Docket/Case #: 22-DDP-0058

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

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?

Since the adjacent office condominiums have requested that this development not connect to their existing parking, fearing this connection will result in hotel guests using their limited parking, it could be said that the concern is that the requirement to connect rather than the waiver might result in adversely affecting the adjacent property owners.

2. Will the waiver violate the Comprehensive Plan?

Since the site is not located on a major thoroughfare, since the 2 uses are not one that would likely benefit from a connection between them, since the connection could have a negative impact on the adjacent development and since there is sufficient access, parking and appropriate circulation provided, therefore allowing the waiver will not violate the Comprehensive Plan.

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

Since the applicant is able to provide the connection, since it is not needed or beneficial to the 2 affected uses and since the connection required could result in a negative impact to the existing offices, therefore, the extent of the waiver is the minimum necessary to afford relief to the applicant.

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 provision of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship since the existing adjacent use is requesting the the connection not be made, since the connection might negatively impact the office condominiums, and since the connection would likely NOT result in reduced traffic on the roadway, therefore the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant and deprive him of the reasonable use of the land.