



# General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 16DEVPLAN1220 Intake Staff: CW

Date: 1-30-2017 Fee: 215

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 5<sup>th</sup> 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
- Other: Waiver of Section 5.5.1.A.1.a

*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 allow primary building entrance to be on southeastern corner of building.

Primary Project Address: 800 S. 13th Street

Additional Address(es): 810 S. 13th Street

Primary Parcel ID: 036K00060013

Additional Parcel ID(s): \_\_\_\_\_

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Proposed Use: Truck repair/storage Existing Use: Vacant

Existing Zoning District: EZ1 Existing Form District: TW

Deed Book(s) / Page Numbers<sup>2</sup>: Deed Book 6612 Page 598

The subject property contains 1.54 acres. Number of Adjoining Property Owners: 4

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)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers: \_\_\_\_\_

Docket/Case #: 16DevPlan 1220 Docket/Case #: \_\_\_\_\_

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?**

The waiver will not adversely affect the adjacent property owners because the buildings along this portion of 13th Street also have their principal entrance to the building somewhere other than facing 13th Street.

**2. Will the waiver violate the Comprehensive Plan?**

The Comprehensive Plan encourages reinvestment, rehabilitation, and redevelopment, in these areas by being flexible in site design. Thus 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?**

The extent of the waiver is the minimum necessary to afford relief since the entrance has only been moved around the corner of the building so that it faces the primary side of the building usage and is still very accessible to the street.

**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?**

Strict application would create an unnecessary hardship by causing confusion of the entrance because parking is provided on the south side of the building with the primary entrance on the east side of the building.

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