

Justification for LDC WAIVERS

4906 Outer Loop

Proposed Use is an Insurance Office R4 to OR-1

14ZONE1033

Case No. 14ZONE1033

Four LDC waivers are requested as part of this Rezoning application.

1st Waiver A request to reduce the requirements for a 25 LBA under LDC 10.2.4 from 25 feet to 20 feet along the rear property line.

2nd Waiver A request to waive the required 15 foot LBA between OR-1 and C-1 under LDC 10.2. 4 to 0 feet on the west side yard based on existing conditions between the site and an existing 18 inch drainage pipe.

3rd Waiver A request to waive the continuous 8 foot screen requirement in LDC 10.2.b on the west side yard line based on existing conditions and drainage needs.

4th Waiver A request to reduce the required 30 foot Parkway Setback buffer along Outer Loop under LDC 10.3. 5 from 30 feet to 26.25 based on the presence of an existing porch with modifications.

1st LDC waiver

A waiver is requested from Section 10.2.4 of the Land Development Code to reduce the required 25 foot LBA with a 1.5 multiplier to 20 feet on the rear yard line. The request is made because the lot size with proposed modifications and need for parking lot and handicap access only allows room for a 20 foot LBA.

The waiver should be granted for the following reasons.

1. The waiver should be granted because waiving the LDC requirement will not adversely affect adjacent property owners because adequate buffering is proposed in terms of an 8 foot fence and five trees to buffer the neighbor behind. This is an existing house with modifications and thus it is not possible to meet the 25 foot LBA.
2. The waiver should be granted because the waiver will not violate Cornerstone 2020, the Comprehensive Plan for Louisville and Jefferson County because the area was platted and developed before the new LDC Chapter 10 standards were in effect.

3. The extent of the waiver of the regulation is the minimum needed to afford the applicant relief because the building's size and orientation are existing. The new parking must be placed in this location. A handicap ramp is needed to provide good access to the building.

4. The waiver should be granted because the strict application of the requirements of the Code will create an unnecessary hardship on the applicant because the proposed buffering is adequate to screen the use. The use is a low intensity office use.

For these reasons, the applicant request that a waiver from Section LDC 10.2.4 of the Land Development Code allowing for a 20 foot LBA along the rear yard line.

2nd LDC waiver

A waiver is requested from Section 10.2.4 .of the Land Development Code to waive the required 15 foot LBA on the west side yard. The request is made based on existing conditions and the need for a new sewer and drain easement to accommodate an EXISTING drainage pipe from the subdivision behind.

The west side yard backs up to the rear of a Speedway gas station. It is a solid brick wall. There is already a 6 foot privacy fence in good condition separating the uses. There is no need for a new 8 foot fence to be built. This use is the less intensive use and the applicant does not desire any additional buffering.

A second problem is there is an 18 inch drainage pipe about 3 feet in the ground about 7 feet west of the existing house. For whatever reason, MSD does not have an easement for this pipe which serves the subdivision behind providing drainage out to Outer Loop. MSD has asked that an easement be granted as part of this project. It takes up the entire LBA area. Given the shallowness of the drain pipe, the planting of trees above it is not wise.

The waiver should be granted for the following reasons.

1. The waiver should be granted because waiving the LDC requirement will not adversely affect adjacent property owners. The rear of a Speedway does not need buffering nor does the applicant desire it. Additionally, the drainage needs and existence of a drainage pipe making the planting of trees not prudent.

2. The waiver should be granted because the waiver will not violate Cornerstone 2020, the Comprehensive Plan for Louisville and Jefferson County because existing conditions and concerns overweigh the need for compliance in this situation.

3. The extent of the waiver of the regulation is the minimum needed to afford the applicant relief because the building's size and orientation are existing. The new parking

must be oriented in this location. A handicap ramp is needed to provide good access to the building.

4. The waiver should be granted because the strict application of the requirements of the Code will create an unnecessary hardship on the applicant because of issues associated with the drainage concerns and the need to grant an easement.

For these reasons, the applicant request that a waiver from Section LDC 10.2.4 of the Land Development Code requiring a 15 foot LBA along the rear yard line.

3rd LDC Waiver A request to waive the required continuous 8 foot screen in LDC 10.2.b based on existing conditions and drainage needs.

The applicant also request that the required 8 foot screen be waived based on existing conditions. Currently, there is an existing 6 foot privacy fence in good repair between the two uses. There is also an eighteen inch MSD drainage pipe about 3 feet below the surface. The area is also a little low and serves as natural drainage for the lot to the north. MSD has requested an easement for this pipe.

1. The waiver should be granted because waiving the LBA requirement for an 8 foot continuous screen will not adversely affect adjacent property owners because there is an existing 6 foot screen and the neighboring uses is the back brick wall side of a Speedway. The existing 6 foot privacy fence provides adequate screening.
2. The waiver should be granted because the waiver will not violate the intent of Cornerstone 2020, the Comprehensive Plan for Louisville and Jefferson County because adequate screening exists based on existing conditions.
3. The extent of the waiver of the regulation is the minimum needed to afford the applicant relief because the continuous screen is not needed. This screen is consistent with the area and the absence of a new fence will help with drainage concerns.
4. The waiver should be granted because the strict application of the requirements of Section 10.2.4 of the Code will create an unnecessary hardship on the applicant because installation of additional screening in this case is not needed and is an expense when the drainage concerns have to be considered.

For these reasons, the applicant request that a waiver from Section 10.2.4 of the Land Development Code for the required 8 foot continuous screen LBA between OR1 and C1 be granted.

4th LDC Waiver A request to reduce the required 30 foot Parkway Setback buffer along Outer Loop under LDC 10.3.5 from 30 feet to 26.25 based on the presence of an existing porch with modifications.

A waiver is requested from Section 10.3.5 of the Land Development Code to reduce the required 2 from 30 feet to 26.25 based on an existing front porch. The porch will be in the same location but the roof line is being modified and an attached sign is being placed on the front of porch. The conditions create an encroachment into the 30 foot Parkway buffer area introduced in the 2003 L.D.C.

The waiver should be granted for the following reasons.

1. The waiver should be granted because waiving the LDC requirement will not adversely affect adjacent property owners because conditions and the location of the house are existing. Given this is an older home, its setback from the road is similar to the house next to it and it has gotten closer to Outer Loop only because of Outer Loop expansions and right of way takings initiated by the Government. The modification proposes to make the building's roof line to look more attractive and functional, and to provide attractive attached signage for its use.
2. The waiver should be granted because the waiver will not violate Cornerstone 2020, the Comprehensive Plan for Louisville and Jefferson County because the area was platted and developed before the new LDC Chapter 10 standards and Parkway Standards were in effect.
3. The extent of the waiver of the regulation is the minimum needed to afford the applicant relief because the building's front porch location is existing. The placement of the sign on the porch makes it a change requiring this waiver.
4. The waiver should be granted because the strict application of the requirements of the Code will create an unnecessary hardship on the applicant because the porch location is existing and the modification is reasonable.

For these reasons, the applicant request that a waiver from Section LDC 10.3.5 of the Land Development Code allowing for a reduction of the 30 feet buffer to 26.25 based on the presence of an existing porch with modifications.