



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 22-WAIVER-0073 Intake Staff: EL

Date: 5/2/22 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 _____

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 a 13' LBA along the rear of the property

Primary Project Address: 1904 Frankfort Ave.

Additional Address(es): _____

Primary Parcel ID: T.B. 69H, Lot 2

Additional Parcel ID(s): _____

Proposed Use: Liquor Store Existing Use: Liquor Store

Existing Zoning District: C-1 Existing Form District: TNFD

Deed Book(s) / Page Numbers²: D.B. 10684, Pg. 684

The subject property contains 0.384 acres. Number of Adjoining Property Owners: 1

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?

No, the waiver will not adversely affect the adjacent property owners as the existing building was built in 1965 prior to the current LDC regulations.

2. Will the waiver violate the Comprehensive Plan?

No, 3.1.2 of the Comprehensive Plan states that the TNFD will require particular emphasis on preservation and renovation of existing buildings in stable neighborhoods. The existing building has been on this site for 57 yrs.; the residential properties behind the existing building were built in 2006 and the commercial property to the east of the residential properties has existed since 1960.

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

Yes the extent of the waiver regulation is the minimum necessary to afford relief to the applicant due to the fact that the building was built in 1965 prior to the current regulations.

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 deprive the applicant of the reasonable use of the land because of the extreme elevation changes on the lot and the existing building being in built in 1965.

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