



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 14 PARK 1002 Intake Staff: SPH
Date: 6-2-14 Fee: \$313.00

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
- Other: Waiver of Section 10.2.4 to reduce the 10 ft perimeter LBA to 5 ft

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: See attached justification

Primary Project Address: 1505 Rosewood Avenue

Additional Address(es): _____

Primary Parcel ID: Block 27E, Lot 79

Additional Parcel ID(s): _____

Proposed Use: Multi-family Residential Existing Use: same/no change

Existing Zoning District: R-7 Existing Form District: Trad. Neighborhood

Deed Book(s) / Page Numbers²: Deed Book 8488, Page 271

The subject property contains 0.49 acres. Number of Adjoining Property Owners: 153

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 #: B-74-05 Docket/Case #: _____

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

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JUN 02 2014

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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.

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Waiver of: Section 10.2.4 to reduce the 10 ft property perimeter LBA to 5 ft.

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Explanation of Waiver: This plan was approved a number of years ago with this same setback/LBA encroachment when the condo building had a front entry garage on the lower level. The garage has been removed for a number of technical construction reasons, but the encroachment remains the same. Apparently this waiver was not specifically requested at the time of that prior plan approval even though it was contemplated. The same amount of landscaping will be provided in the LBA as if the full LBA distance was provided. In meetings with DPDS staff, they appeared to think that it was better to leave the building where shown on the plan than to reduce interior open space.

1. The waiver will not adversely affect adjacent property owners because, as stated above, the required LBA plant materials, in order to assure adequate screening, will be provided.
2. The waiver will not violate the Comprehensive Plan because Guidelines 3 and 13 and the applicable Policies thereunder, because internal and perimeter landscaping will still be provided despite the not-as deep landscape area along the left side facing the site.
3. The extent of waiver of the regulation the minimum necessary to afford relief to the applicant because this is the only area where a landscape waiver is necessitated in order to preserve internal open space with respect to a plan previously approved and with respect to added condominiums contemplated in the declaration of condominium regime.
4. Strict application of the provisions of the regulation will not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant would not have the benefit of the previously approved plan where the same LBA waiver was contemplated but apparently never officially approved.

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