



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 22-WAIVER-0072 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 5.9.2.A.1.b

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 not provide a pedestrian connection along Haldeman Ave. to the building entrance

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

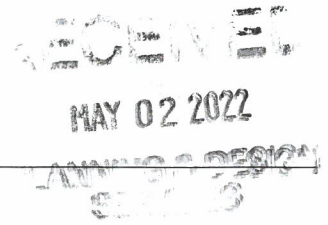
The subject property contains 0.384 acres. Number of Adjoining Property Owners: 1

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 current access to the site has been from Frankfort Ave. since 1965 when the building was built. The steep slopes and wall along Haldeman Ave. would not allow for easy access up to the site due to the steep slope of the land.

2. Will the waiver violate the Comprehensive Plan?

No, 2.1.3 of the Comprehensive Plan states to evaluate the appropriateness of a land development proposal in the context of the effect of the proposed development on the movement of people and goods. Being that the site has a steep slope along Haldeman Ave, access to the site is best served from Frankfort Ave

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 as the site is at a steep elevation along Haldeman Ave. The site has safe pedestrian access from Frankfort Ave.

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 access from Haldeman Ave to the proposed/existing building would create an unnecessary hardship on the applicant by incurring unreasonable costs to cut into an extremely steep slope and wall that would not be a safe and accessible access to the site.

APPROVED
MAY 02 2022
PLANNING & DESIGN SERVICES