

Development Review Committee

Staff Report

June 28, 2017



Case No:	17WAIVER1012
Project Name:	Rogers Street Firehouse
Location:	1122 Rogers Street
Owner:	Rogers Street Firehouse, LLC.
Representative:	Cliff Ashburner, Dinsmore & Shohl, LLC
Project Area/Size:	740 SF
Existing Zoning District:	OR-3, Office Residential
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Jay Lockett, Planner I

REQUEST

- **Waiver** of Land Development Code (LDC), section 10.2.4 to eliminate the required 10’ property perimeter landscape buffer area (LBA)

CASE SUMMARY

The applicant proposes to eliminate the required ten foot LBA along both sides the proposed 740 SF addition to the existing structure. The existing structure is built up to the lot line on both sides, and the applicant wishes the new addition to follow the existing structure lines.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Proposed/Existing	Office	OR-3	TN
<i>Surrounding Properties</i>			
North	Residential	R-6	TN
South	Cemetery	R-1	TN
East	Residential	R-6	TN
West	Residential	R-6	TN

PREVIOUS CASES ON SITE

- 09-022-82: Change in zoning from R-6 to R-9 (OR-3) (approved 06/03/1982)
- 17VARIANCE1030: Variance to reduce side setback to 0’ for addition (approved 06/19/17)

INTERESTED PARTY COMMENTS

Staff has not received any inquiries on this proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Section 10.2.4 to reduce required 10' property perimeter LBA

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the property to the NE is screened by an existing fence. The property to the SW is vacant and owned by the applicant.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. This request is in keeping with these policies in that the parking area will remain a mix of alley access behind the building and on-street parking appropriate for the Traditional Neighborhood Form area. The expansion will help ensure that this historic building continues to be occupied with an appropriate use with low impact on surrounding residential properties.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

- (d) Either:

(i) The applicant has 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
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the existing structure is built out to the lot lines and the narrow lot would be significantly constrained by the required setbacks.

TECHNICAL REVIEW

The Board of Zoning Adjustment has approved a variance in case 17VARIANCE1030 that is contingent upon the approval of this waiver.

STAFF CONCLUSIONS

The waiver has been adequately justified and meets the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for approving a waiver as established in the LDC.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Waiver** of LDC, section 10.2.4 to reduce the required 10' property perimeter landscape buffer area (LBA) to 0' to allow an expansion of an existing structure.

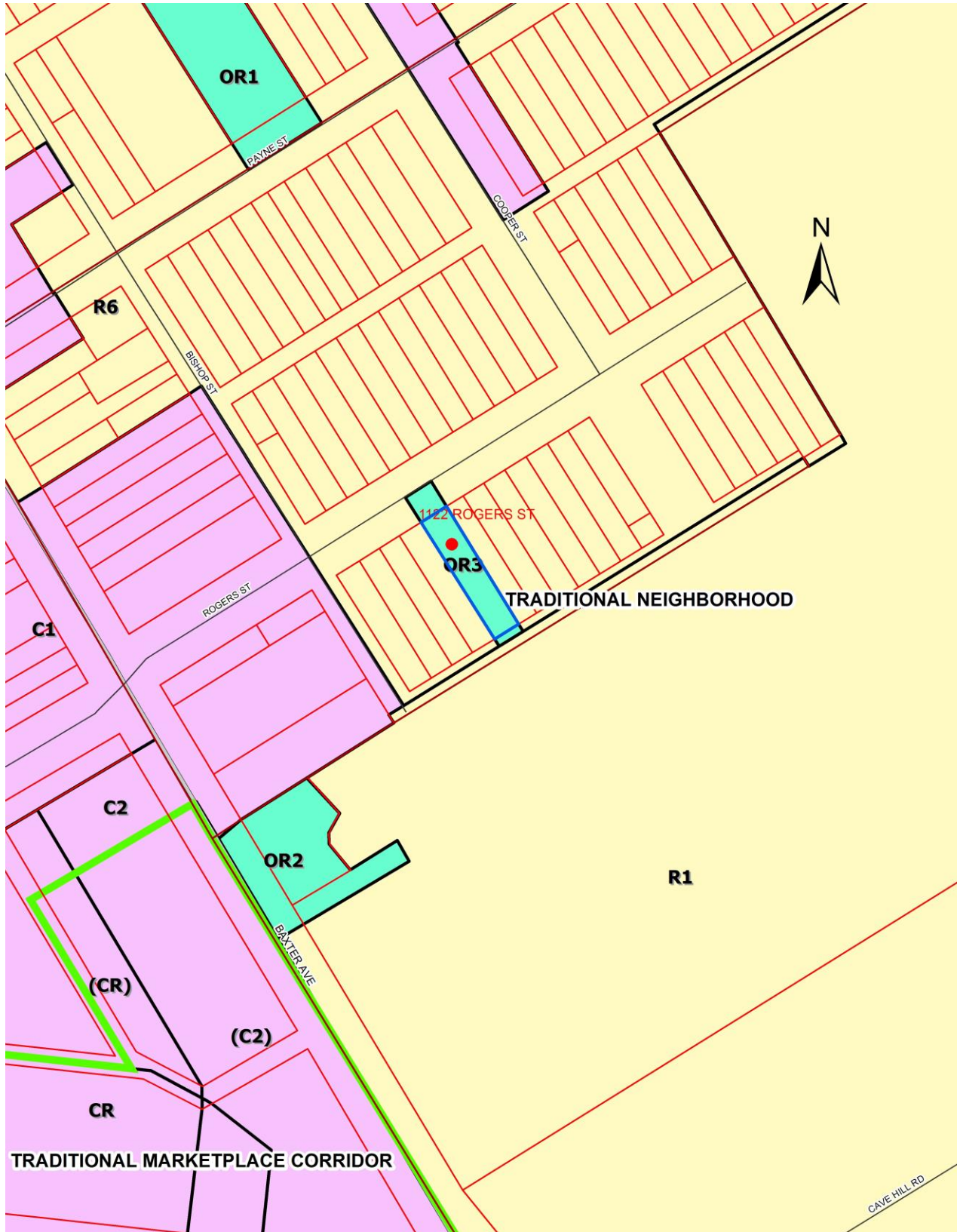
NOTIFICATION

Date	Purpose of Notice	Recipients
6-15-17	DRC	Adjoining property owners, applicant, owner, and registered users of Council District 4.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial

