



General Waiver Application

Louisville Metro Planning & Design Services

#2

Case No.: _____ Intake Staff: _____

Date: _____ 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 10.2.11

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 reduce the VUA landscape buffer area from 10' to 5' along a portion of the sites frontage.

Primary Project Address: 10300 Brookridge Village

Additional Address(es): _____

Primary Parcel ID: 350500050000

Additional Parcel ID(s): _____

Proposed Use: Hotel Existing Use: vacant

Existing Zoning District: OTF Existing Form District: Town Center

Deed Book(s) / Page Numbers²: 11338x401

The subject property contains 2.51+/- acres. Number of Adjoining Property Owners: _____

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 #: 09-026-98W Docket/Case #: _____

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

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?

Since the 5' vehicle use area landscape buffer being requested with this waiver is consistent with the buffer provided/required when the adjacent offices were constructed this request is appropriate. The reduction is only proposed where due to the narrowness of the site and the need for appropriate circulation at the front of the hotel is required. The landscaping required will be provided in this area. For all these reasons, the waiver request will not adversely affect the adjacent property owners.

2. Will the waiver violate the Comprehensive Plan?

Since the plantings/screening required by the Land Development Code can and will be provided in the reduced buffer and since the same buffer was provided for the existing offices on the lot, the waiver will not violate the Comprehensive Plan.

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

The extent of the waiver is the minimum necessary to afford relief to the applicant to allow for the provision of area essential to customer checkin and vehicle circulation. No reduction in the required plantings is requested.

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 provision of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship since the reduction in the landscape buffer requested by this waiver is the same buffer previously approved to screen the VUA for the existing office parking (no waiver needed then), the waiver is only requested along a small portion of the sites frontage and the resultant buffer is sufficient in size to provide the plantings required.