



# General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 22-WAIVER-0071 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 5<sup>th</sup> 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 5.6.1.C.1

*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 door on the building façade facing Haldeman Ave.

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 Numbers<sup>2</sup>: 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)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers:

Docket/Case #: \_\_\_\_\_ Docket/Case #: \_\_\_\_\_

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 and the residential properties on the west side of Haldeman Ave were built in 1964/1965, and the current view from Haldeman Ave is a wood fence. The expansion will be a vast visual improvement.

**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, a door would not be a usable function for the site. The proposed building addition will add an additional door for access to the business.

**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., and a door would not be a usable feature for the business.

**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 applicant plans to incorporate other design measures that exceed the minimums of the district by adding an additional door for access to the business on the proposed building expansion and will also add additional landscaping along the Haldeman Ave side of the building.

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