



General Waiver Application #4

Louisville Metro Planning & Design Services

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 5.5.1.A.3.a.

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 allow parking in front of the building and to not provide a 3' wall for side parking adjacent to roadway 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 #: 22-DDP-0058

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 a full bay of parking is provided in front of the existing office condominiums next to the site, since side parking was allowed for the development across the street without a wall being provided and since neither of these circumstances will result in a health or safety issue and is instead consistent with the existing development in the area, therefore, the waiver 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 provided to screen the parking from the roadway frontage and since a similar buffer was provided for the adjacent existing offices where the parking is located in front of the buildings and side parking provided for the development across the street, 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?

Due to the location of the lot between 2 roadways, both Brookridge Village Blvd and the Gene Snyder Freeway, and also due to the linear shape of the lot, there is no way to design the site to not have side parking that exceeds 40% of the sites frontage and in the case of this use, to not have a drop off area and circulation in front of the building. For these reasons, the extent of the waiver is the minimum necessary to afford relief to the applicant.

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 proposed use could not be designed differently on this site, since a similar situation exists with the adjacent developments in regard to the location of parking in front of and on the side of the building and the screening thereof and therefore the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant and deprive him of the reasonable use of the land.