

Development Review Committee
Staff Report
July 31, 2019



Case No:	19WAIVER1031
Project Name:	Iroquois Avenue Garage
Location:	822 Iroquois Avenue
Owner(s):	Christopher Redmon
Applicant:	Christopher Redmon
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Dante St. Germain, AICP, Planner II

REQUESTS

• **Waivers**

1. from Land Development Code section 5.4.1.E.4 to allow the footprint of an accessory structure on a lot in single family residential use to exceed the footprint of the principal structure
2. from Land Development Code 5.4.1.E.3 to allow access to an accessory structure from the primary street where alley access is available and feasible

CASE SUMMARY/BACKGROUND

The subject property is located along Iroquois Avenue near the intersection with New Cut Road, in the Iroquois neighborhood. It is located in the Traditional Neighborhood form district, with an 18-foot gravel alley in the rear. The applicant proposes to construct a new 1,200 square foot garage in the rear of the property. The principal structure has a footprint of 884 square feet, and so the applicant requests a waiver to allow the construction of the garage. The garage is proposed to be used for parking a large pickup truck and, in the future, a boat, along with yard equipment and tools.

The property has rear alley access, and the applicant would like to keep the existing curb cut on Iroquois Avenue and access the garage from the front. The applicant therefore requests a second waiver to allow primary street access where alley access is available and feasible.

STAFF FINDING

Staff finds that the requested waiver #1 is adequately justified and meets the standard of review. The requested waiver #2 is not adequately justified and does not meet the standard of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting the requested waivers.

TECHNICAL REVIEW

- Transportation Planning has provided preliminary approval of the plan. The concrete pad at the front of the property is an MSD project to improve drainage that cannot be removed.

INTERESTED PARTY COMMENTS

Staff received an email from interested neighbor Ann Ramser, who stated that a garage of the size the applicant wishes would be out of character for the neighborhood.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1 OF SECTION 5.4.1.E.4

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

STAFF: The waiver will not adversely affect adjacent property owners as the proposed location of the garage will place it behind other structures on adjacent lots, with the result that it is unlikely to cause a hindrance to air and light reaching those lots.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address accessory garages.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant plans to store a large pickup truck and, in the future, a boat in the garage, necessitating the size of the structure.

- (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 because a garage is a reasonable use of the land and the applicant needs a large garage in order to shelter a large pickup truck and, in the future, a boat.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2 OF SECTION 5.4.1.E.3

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

STAFF: The waiver will not adversely affect adjacent property owners as the curb cut on Iroquois Avenue has existed for many years.

- (b) The waiver will violate specific guidelines of Plan 2040; and

STAFF: The waiver will violate specific guidelines of Plan 2040 as Plan 2040 Community Form Goal 1 Policy 12 encourages the use of alleys to access parking lots, especially in traditional form districts.

- (c) The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as the garage could be accessed from the rear alley.

- (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 applicant has not incorporated other design measures that exceed the minimums of the district which compensate for non-compliance with the requirements to be waived, and strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the garage could be accessed from the alley.

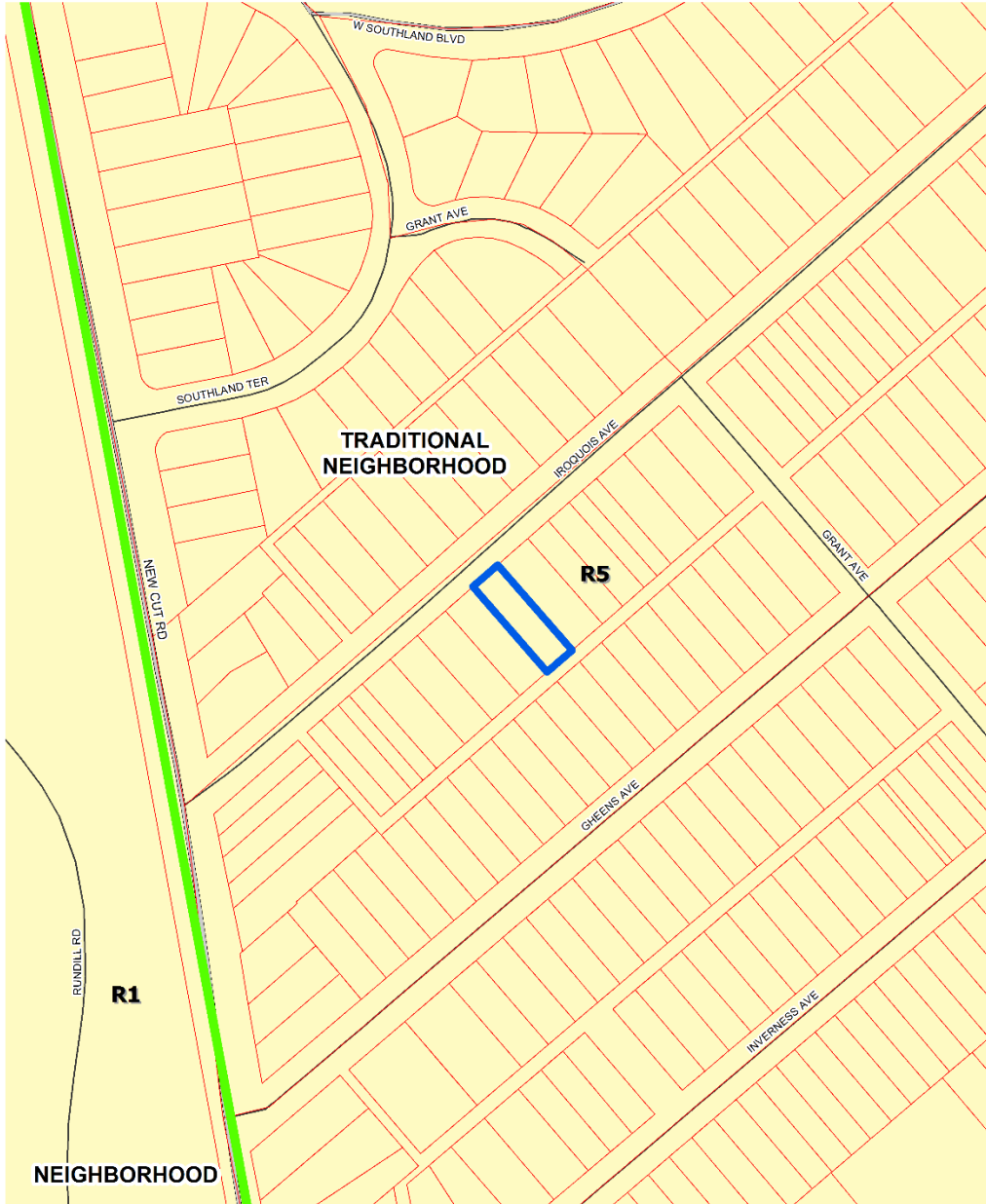
NOTIFICATION

Date	Purpose of Notice	Recipients
07/18/2019	DRC Public Meeting	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 21

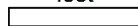
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



822 Iroquois Avenue
feet



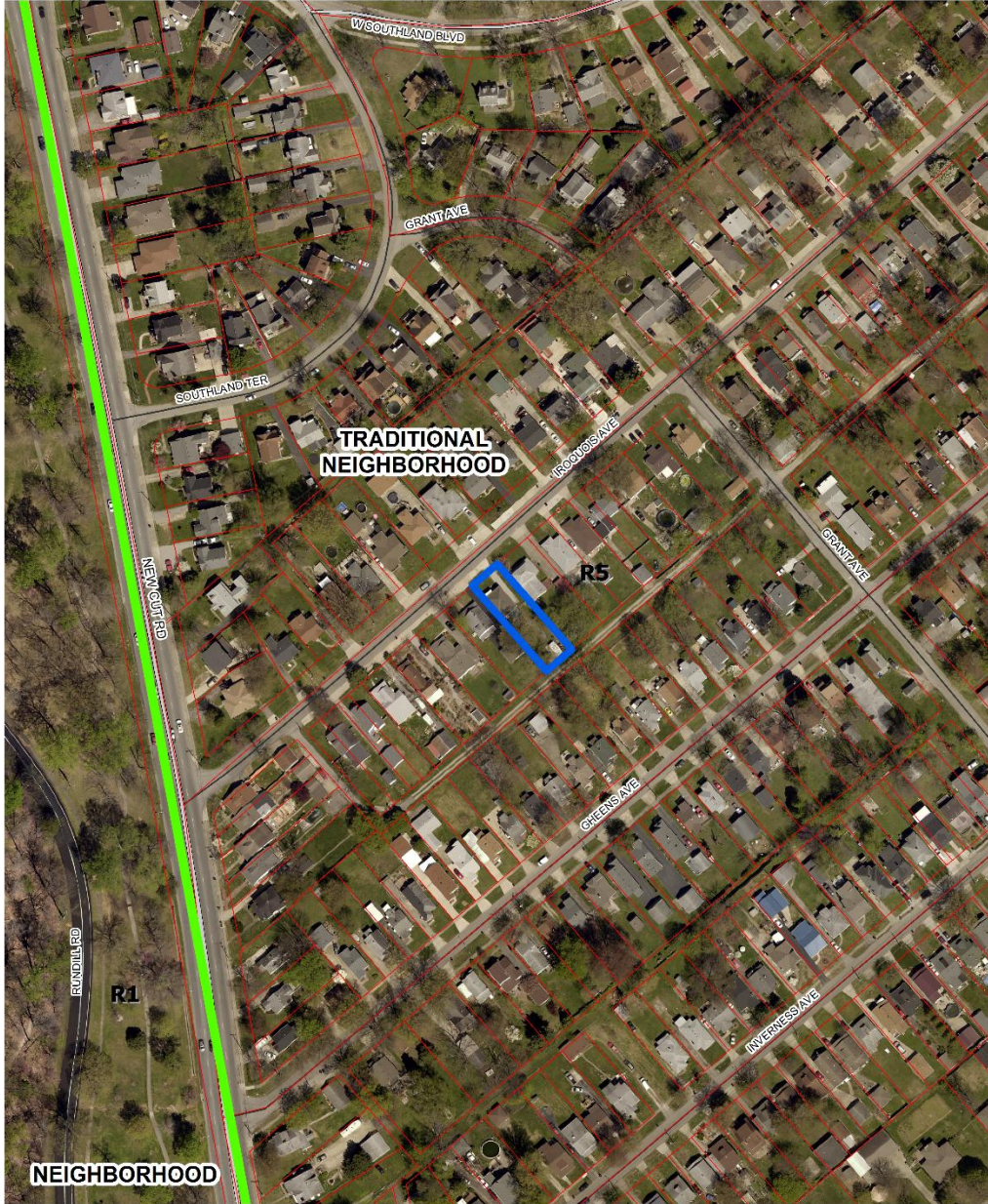
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Map Created: 7/23/2019



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2. Aerial Photograph



822 Iroquois Avenue
feet



175

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