

## Land Development Code Waiver Staff Checklist

Docket #: B-74-05W      Date: 4/25/05      Staff: JBW

- ✓ 1. Completed "Land Development Code Waiver Application". All blanks must be filled in with the exception of "Engineer / Other". Identify waiver request with appropriate LDC Section. The owner's signature is required. All owners identified in the current deed must sign the application.

---

- ✓ 2. Certification Statement, if the owner is in the form of a partnership, corporation, or company.

---

- ✓ 3. A letter of explanation for the proposed Land Development Code Waiver request with justification in accordance with the requirements listed at the end of the Land Development Code Waiver Application.

---

- ✓ 4. Three (3) copy of the site plan (Note: only required if not associated with another Planning and Design Review.

**All plans must show the following minimum information or the submittal can't be accepted.**

Plan drawn to engineer's scale	Property lines with dimensions (new lots shall show bearings)
North arrow shown.	Contour Lines shown on plan (relevant for new construction only)
Vicinity map shown.	Existing and/or proposed structures shown and identified
Site Address	Location, ownership, Deed Book & Page # of adjacent property owners
Tax Block and Lot Number	Net and Gross acreage of site
Zoning of property	If residential, provide net & gross density, and number of dwelling units
Zoning of adjacent properties	Dimensions of drive lanes and point of ingress and egress
Existing Use	Off-street parking including ADA parking spaces shown
Proposed Use	Typical dimensions of parking spaces and aisles
Street names shown	Off-street loading areas
Right-of-way width shown	Accessory structures shown with required screening
Parking Calculations	ILA / VUA calculations (may be shown on tree canopy plan)
Gross building footprint area	Landscape buffer areas (labeled and dimensioned)
Gross Floor Area of Buildings	Form District and Form District boundaries if nearby*
Height of structures	Form District transition zone shown if required by regulation*
Plan Date	Existing sanitary sewer locations
Revision Date Box	Proposed sanitary sewer connections
Owner's name and address	Drainage flow arrows
Legend	Freestanding signs shown on the plan

- ✓ 5. Label matrix and labels with names and addresses of adjoining property owners (APO). If site had a previous public hearing before the Planning Commission the names and addresses of those who spoke at the public hearing shall be provided as well. (From PVA)

---

- ✓ 6. Blue <sup>BORER</sup> DRC Card filled out by applicant to receive date of hearing.

---

- ✓ 7. \$160 plus \$ 1.00 per each APO notice in cash or a check made payable to Louisville Metro Government. The check must include a current address and phone number. The \$1.00 fee for each APO does not apply if submitted in conjunction with another submittal that requires APO's.

---

- ✓ 8. If the above information and materials are submitted, complete the LDC Waiver log in G:\Planning\Data\logs\2004 Access Logs.

---

- ✓ 9. Write a receipt. Total amount goes into Misc. category.

**RECEIVED**

APR 25 2005

**PLANNING &  
DESIGN SERVICES**

- ✓ 10. For Sidewalk Waivers, copy the first page of the application and give to Public Works to prepare Letter of Review.
  - ✓ 11. Write the docket number in red on the lower right corner of each sheet.
  - ✓ 12. Date Stamp each sheet.
  - ✓ 13. Place material in brown case file folder and put in box labeled LDC Waivers in zoning area.
- 
-



# Louisville Metro Planning & Design Services

## APPLICATION FOR LAND DEVELOPMENT CODE WAIVER

For Staff use only

Docket No.: B-74-05W Date: \_\_\_\_\_ Intake Staff: \_\_\_\_\_ Fee: \$ \_\_\_\_\_

Please submit Application Forms in person to PDS Customer Service

Project Name: ROSEWOOD CONDOMINIUMS II

Project Address: 1505 ROSEWOOD AVE. LOUISVILLE 40204  
Address City Zip Code

Previous Cases on Site (BOZA, Subdivision, Zoning): If none please check

Docket Nos.: \_\_\_\_\_

Application is hereby made for one or more of the following waivers of the Land Development Code

- Waiver of Chapter 10, Part 2 Landscaping Design
- Waiver of Chapter 10, Part 1, Tree Canopy
- Sidewalk Waiver
- Other Waiver of the Land Development Code, briefly explain below:  
 Waiver of Section 5.4-2 C 2, to waive 30%

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

RECEIVED

Reason for Request:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

APR 20 2000

PLANNING & DESIGN SERVICES

In order to justify approval of any waiver or modifications of standards, the Planning Commission considers four criteria. Please answer all of the following four items. (Use additional sheets, if needed.)

**A. The waiver will not adversely affect adjacent property owners; and,**

*SEE ATTACHED*

---

---

---

---

---

**B. The waiver will not violate the Comprehensive Plan; and,**

*SEE ATTACHED*

---

---

---

---

---

**C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and,**

*SEE ATTACHED*

---

---

---

---

---

**D. Either:**

1. 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**

2. 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.

*SEE ATTACHED*

---

---

---

---

---

RECEIVED

APR 25 2005

PLANNING &  
DESIGN SERVICES

A. The adjacent property owners will not be adversely affected because all of the required setbacks and design guidelines will be met or exceeded except the one open space requirement. The building will be built inline with the neighboring facades and side setback will be 2ft more than the required 3ft. The building's height (approximately 35') will not be out of scale with the neighboring properties and will mediate between the original building (1505 Rosewood) and the adjacent property. No additional on-street parking will be required because at least the five required parking spaces will be housed under the building.

B. This building is designed to both meet the requirements of the comprehensive plan as well as help the existing 1505 building fit into the neighborhood. The height of the new building (approximately 35ft) will be slightly higher than the neighboring building (approximately 28 ft) but shorter than 1505 Rosewood (approximately 42 ft), providing a more gentle transition between the homes. The new building's width will be similar to the adjacent properties as well (27 ft). It will have a pitched roof in the similar style as the adjacent buildings. The front setback will be as required (30 ft), an average of the two adjacent buildings. The number of dwelling units, 11, is also well below the maximum allowed, 17.1 (34.8 per acre).

C. The requested waiver is for a small percentage of the open space, 3% (650 sqft). The unusual placement and shape of the existing building does not allow use of some of the open spaces because of the 10ft minimum dimension requirement. As mentioned in answers A and B, all other setback, height and design guidelines have been followed if not exceeded.

D. 2. Unfortunately, because of building code and zoning requirements other design options are not possible. The design requires that the new building be 5 ft from the adjacent property instead of 3ft for a fire exit (Kentucky Building Code 1006.3.1.1). This additional 2 ft would account for 1%. The option of building a taller building with a smaller footprint is not possible because of the 3 story /45 ft requirement (Table 5.3.1 LDC). A smaller footprint would also not allow enough space for the number of parking spaces required under the building. This is the only way to allow the full use of the 1 FAR allowed for this property.

RECEIVED

APR 25 2015

PLANNING &  
DESIGN SERVICES

**Engineer/Designer (if applicable)**

Print Name JOSEPH & JOSEPH ARCHITECTS

Address 550 FOURTH ST. #100 Zip Code 40202

Daytime Phone 583-8888 Fax 583-8414 E-mail MM.JOSEPHJOSEPH@BELLSOUTH.NET

**Attorney (if applicable)**

Print Name \_\_\_\_\_

Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Daytime Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**Contact Person**

Print Name \_\_\_\_\_

Address KEVIN R. ORR / 3911 LECANDS RD. Zip Code 40207

Daytime Phone 235-8899 Fax \_\_\_\_\_ E-mail ORRRESE5@INSIGHTBB.COM

The undersigned has read the application associated with the above listed review request and is familiar with the information submitted herewith. It is agreed and understood that the undersigned will be held responsible for its accuracy. The undersigned warrants their authority to bind the owner and to subject the property to restrictions and conditions that may be attached to the proposed development. Note: Category 3 reviews are not subject to binding elements unless they include plan certain or another discretionary review.

**Applicant (if other than owner)**

Print Name KEVIN R. ORR Signature [Signature]

Address 3911 LECANDS ROAD LOUISVILLE, KY Zip Code 40207

Daytime Phone 235-8899

**Owner(s)**

Print Name HIGHLANDS RESTORATION GROUP LLC Signature [Signature] MEMBER

Address 11915 Creech Lodge Dr. Anchorage, Ky Zip Code 40223

Daytime Phone 502-553-0240

Print Name Highlands Restoration Group LLC Signature [Signature] Member

Address 14607 Woodlake Trace Lou KY Zip Code 40245

Daytime Phone 502-314-4782

RECEIVED

APR 25 2011

**CERTIFICATION STATEMENT**

I hereby certify that HIGHLANDS RESTORATION, LLC is the owner of the property located at 1505 ROSEWOOD AVE. LOUISVILLE, KY 40204 which is the subject of this application, and that I, KEVIN R. ORR, in my capacity as GENERAL CONTRACTOR/DEVELOPER, am authorized to sign this application on behalf of the owner.

I understand that knowingly providing false information on this Application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010 et seq., knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his duty is punishable as a Class B misdemeanor.

[Signature]  
Signature

4/25/05  
Date

KEVIN R. ORR  
Printed Name and Title

**Note:** A Certification Statement must be submitted with an application form requiring the owner's signature if the owner of the subject property is a corporation, limited liability company, partnership, association, trustee, etc., or if someone other than the owner signs the application.

RECEIVED

APR 25 2005

PLANNING &  
DESIGN SERVICES