

Development Review Committee

Staff Report

April 3, 2019



Case No:	19WAIVER1011
Project Name:	3808 Kahlert Ave Waiver
Location:	3808 Kahlert Ave
Owner(s):	Rosa Ortiz
Applicant:	Rosa Ortiz
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Waiver** of Land Development Code section 5.4.1.B.1.e to allow parking in the public realm area of a home within the Traditional Neighborhood form district.

CASE SUMMARY/BACKGROUND

The applicant is proposing to install a concrete parking pad within the public realm area of their existing home. The home is located within the Traditional Neighborhood form district, on a portion of Kahlert Ave that dead-ends at I-264. The property is located within the Jacobs neighborhood of Louisville Metro.

STAFF FINDING

The request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

INTERESTED PARTY COMMENTS

The office of Metro Council District 15, Kevin Triplett, has expressed opposition to granting any waivers to allow parking in the public realm of houses within his district.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners, as most other properties on this block have similar parking areas in the public realm or principle structure areas of their homes.

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

STAFF: Community form goal 1, policy 4 requires that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Mobility goal 2, policy 1 requires development to provide transportation facilities and systems that accommodate all users and allow for context-sensitive solutions that recognize the distinguishing characteristics of each of the Form Districts. While the bulk of the Jacobs neighborhood has alley access, the subject site is on a dead-end block with no alley access. The side setbacks of the house are not sufficient to allow for a driveway to lead to the private yard or accessory structure area as required by the form district standards. The proposed parking area is similar to other properties on the same block as the subject site.

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

STAFF: The extent is the minimum necessary to afford relief to the applicant.

- (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 create an unnecessary hardship on the applicant. The pavement width of the right-of-way is about 18 feet total, which is insufficient to allow safe on-street parking and still maintain two travel lanes. Combined with the inaccessibility of the rear of the subject site, the applicant does not have a safe place to park a car on or near their property without relief.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**

NOTIFICATION

Date	Purpose of Notice	Recipients
3-25-19	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 15

ATTACHMENTS

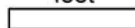
1. Zoning Map
2. Aerial Photograph

1. Zoning Map



19WAIVER1011

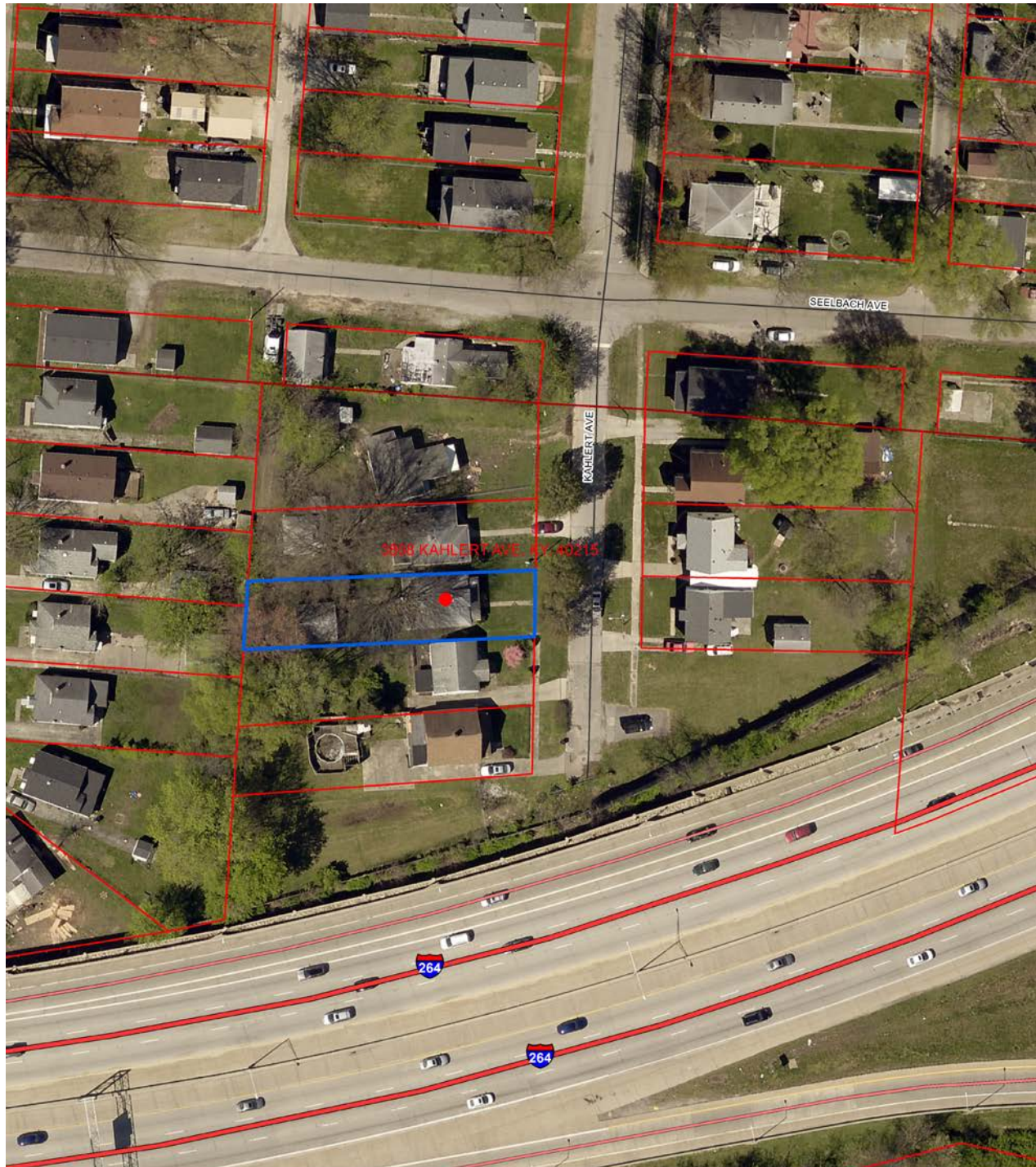
feet



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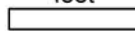
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2. Aerial Photograph



19WAIVER1011

feet



60

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