



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 21-WAIVER-0130 Intake Staff: M
Date: 9-20-21 Fee: \$225

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 _____

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: Waiver from 10.2.4.B.3 to allow the property permitter landcape buffer to overlap an easement by 100% and encroach into the landscape buffer area.

Primary Project Address: 3323 Freys Hill Rd.

Additional Address(es): 3325 Freys Hill Rd

Primary Parcel ID: 001301560000

Additional Parcel ID(s): 001300260000

Proposed Use: Multi-Family Residential Existing Use: Vacant/Utility Facility

Existing Zoning District: R-4 Existing Form District: N

Deed Book(s) / Page Numbers²: 4579/520 4492/309

The subject property contains 15.22 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 #: 21-ZONEPA-0062 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?

2. Will the waiver violate the Comprehensive Plan?

3. Is extent of waiver of the regulation 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?

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Contact Information:

Owner: Check if primary contact

Applicant: Check if primary contact

Name: Robert W. Marshall, Jr.

Name: Michael Gross

Company: The Deerfield Company, Inc.

Company: LDG Multifamily, LLC

Address: PO Box 7086

Address: 1469 S. 4th Street

City: Louisville State: KY Zip: 40257

City: Louisville State: KY Zip: 40208

Primary Phone: 502-897-5214

Primary Phone: 502-638-0534

Alternate Phone: 502-468-7591

Alternate Phone: _____

Email: abxmrc@bellsouth.net

Email: mgross@ldgdevelopment.com

Owner Signature (required): Robert Marshall, Jr

DocuSigned by:

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Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: Clifford H. Ashburner

Name: Kelli Jones

Company: Dinsmore & Shohl LLP

Company: Saback Wilson & Lingo Inc.

Address: 101 S. Fifth St. Ste. 2500

Address: 608 S. 3rd. Street

City: Louisville State: KY Zip: 40202

City: Louisville State: KY Zip: 40202

Primary Phone: 502-540-2300

Primary Phone: 502-584-6271

Alternate Phone: _____

Alternate Phone: _____

Email: Clifford.ashburner@dinsmore.com

Email: Kelli.jones@swllnc.com

Certification Statement: A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

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I, _____, in my capacity as _____, hereby
representative/authorized agent/other

certify that _____ is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: Robert Marshall, Jr Date: _____

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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/her duty is punishable as a Class B misdemeanor.

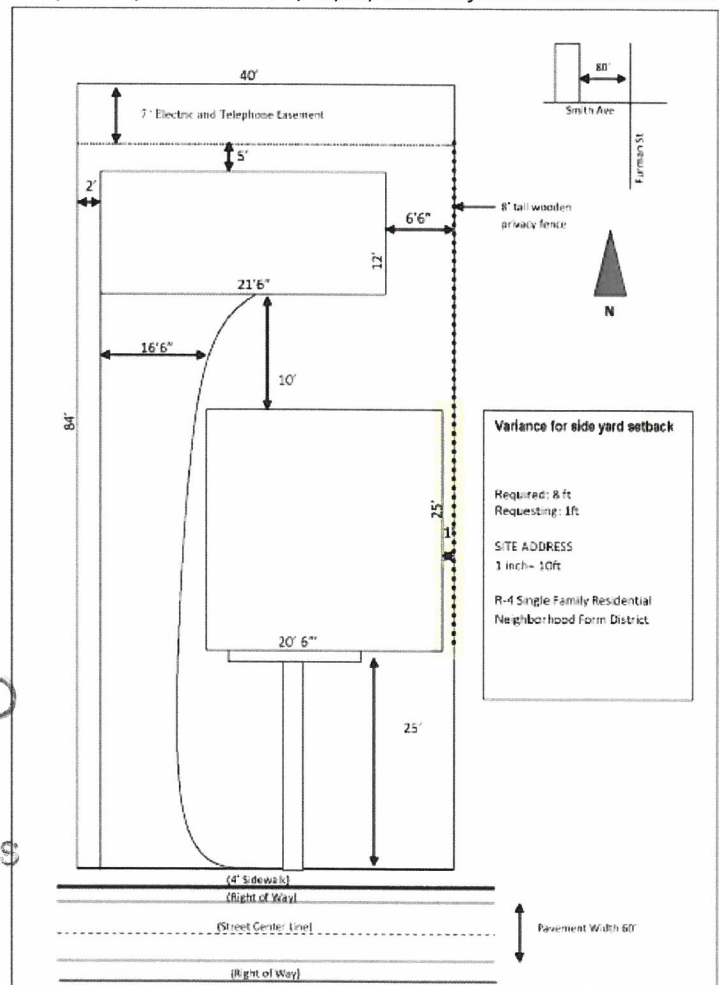
Please submit the completed application along with the following items:

- Land Development Report¹
- Three copies of the site plan or building rendering (whichever is applicable), including the following elements. *See site plan example below.*
 - Plan drawn to a reasonable scale [engineer's scale (1" = 20') or architect's scale (1/8" = 1')]
 - Vicinity map that shows the distance from the property to the nearest intersecting street
 - North arrow
 - Street name(s) abutting the site
 - Property dimensions
 - Building limit lines
 - Electric, telephone, drainage easements with dimensions
 - Existing and proposed structures with dimensions and distance from property lines
 - Highlight (in yellow) the location of the waivers
- One set of mailing label sheets for: 1st tier Adjoining Property Owners (APOs)³; those listed on the application; and individuals who provided oral or written testimony in support or opposition of previous public hearing regarding the site
- One copy of the APO mailing label sheets
- \$225 Application Fee (Cash, charge or check made payable to Planning & Design Services)**

Resources:

1. Land Development Reports can be obtained online by entering the site address at: <https://www.lojic.org/lojic-online>
2. Deeds and plats can be found at the Jefferson County Clerk's Office, located at the 2nd floor of Metro Hall (527 West Jefferson Street, telephone: 502-574-6220). Many deeds, plats and other records are available online at: <https://search.jeffersondeeds.com>
3. Adjoining property ownership information can be found at the Property Valuation Administrator (PVA) office at 531 Court Place, Suite 504 or via their website: <https://jeffersonpva.ky.gov/property-search>

Sample site plan is for example purposes only and not drawn to scale



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WAIVER JUSTIFICATION

LDG Multifamily, LLC

3323 and 3325 Frey's Hill Road

The proposed waiver of the 15' landscape buffering requirements along the property line adjacent to the neighboring residential uses will not adversely affect the adjacent property owners. The proposed use will see a partially vacant lot redeveloped into a multi-family residential apartment complex. The proposed encroachment is in two locations and will only allow a small encroachment of two trash enclosures. There is existing screening in the area of the proposed buffer area, which will be enhanced by the proposed development.

The proposed waiver will not violate the Comprehensive Plan. The waiver will permit the applicant to utilize the property fully and will provide adequate screening to the neighboring multifamily residential properties.

The extent of the proposed waiver is the minimum necessary to afford relief to the Applicant. The proposed waiver will permit the applicant to fully utilize this property while still providing adequate screening to adjacent residences.

The strict application of the provisions of the regulation would deprive the Applicant of the reasonable use of the land and would create an unnecessary hardship on the Applicant as it would require the Applicant to move the trash enclosures to a location where they are less efficiently serviced.

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21 - WAIVER - 0.130

WAIVER JUSTIFICATION

LDG Multifamily, LLC

3323 and 3325 Frey's Hill Road

The proposed waiver of the landscape buffering requirements along the property line to allow a utility easement for telecom services to completely encroach within the buffer as compared to the 50% encroachment allowed under the Code under Section 10.2.4.B.3. The proposed use will see a partially undeveloped lot turned into a multi-family residential apartment complex.

The proposed waiver will not violate the Comprehensive Plan. The waiver will permit the applicant to utilize the property fully and will not affect the adequate buffering needed for the neighboring residential properties. The subject property is burdened by a very large Louisville Water Company easement in which the required landscape buffer and parking are located.

The extent of the proposed waiver is the minimum necessary to afford relief to the Applicant. The proposed waiver will permit the applicant to fully utilize this property under circumstances that pre-existed this new use.

The strict application of the provisions of the regulation would deprive the Applicant of the reasonable use of the land and would create an unnecessary hardship on the Applicant as it would require the Applicant to reconfigure its proposed development, virtually eliminating the possibility of developing the subject property.

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