

# Development Review Committee

## Staff Report

September 15, 2021



<b>Case No:</b>	21-WAIVER-0116
<b>Project Name:</b>	Central Ave Driveway
<b>Location:</b>	1236 Central Ave
<b>Owner(s):</b>	Lucas "Z!" Haukeness
<b>Applicant:</b>	Lucas "Z!" Haukeness
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	6 – David James
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

### REQUEST(S)

- **Waiver** of Land Development Code section 5.4.1.C.2 to permit a driveway that does not lead to either a garage or the rear yard.

### CASE SUMMARY

The applicant has proposed to construct a driveway within the public realm area of their lot in order to facilitate off-street parking. The lot is zoned R-5 in the Traditional Neighborhood form district. The property does not have alley access. The existing home occupies most of the width of the lot preventing access around the side and does not have a garage.

### STAFF FINDING

The request is not adequately justified and does not meet the standards of review. The property does not have adequate length between the front façade and the adjacent right-of-way to accommodate off-street parking as proposed. Parking cars in front of the house in this manner is likely to block the public sidewalk, creating a hazard to the community.

### TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

### INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER**

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The waiver will adversely affect adjacent property owners, as parking cars in front of the property is likely to block the public sidewalk. This could create a hazard for neighbors using the pedestrian network to move through the neighborhood.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will violate the comprehensive plan. Mobility Goal 2, Policy 1 states: 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. Mobility Goal 2 Policy 2 states: Coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users. Mobility Goal 3 Policy 19 states: Encourage design standards that address design issues such as the minimum and maximum length and width and the gradient of driveways to ensure that the driveway or curb cut functions properly and is safe for all users. Mobility Goal 3, Policy 21 states: Prevent safety hazards caused by direct residential access to high speed roadways. The proposed driveway area would be less than 20 feet from the edge of the sidewalk to the front walkway of the property. This length is inadequate, and vehicles would likely overhang onto the public walk and cause a safety hazard. Pedestrians, especially those with limited mobility or those pushing children in strollers, would be negatively impacted by the proposed driveway. For this reason, the proposal would violate the Comprehensive Plan by not adequately providing for all users of the transportation network.

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

STAFF: The extent of the waiver of the regulation would be the minimum necessary to afford relief to the applicant.

- 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

STAFF: The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land. Adequate on-street parking is available near the subject site. The structure was built in 1937 and does not appear to have ever had a driveway. While the applicant may have reasonable concerns of safety due to unsafe driving of others on Central Ave, this is a general concern in many areas of the city and not unique to the subject site.

**REQUIRED ACTIONS:**

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

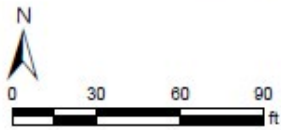
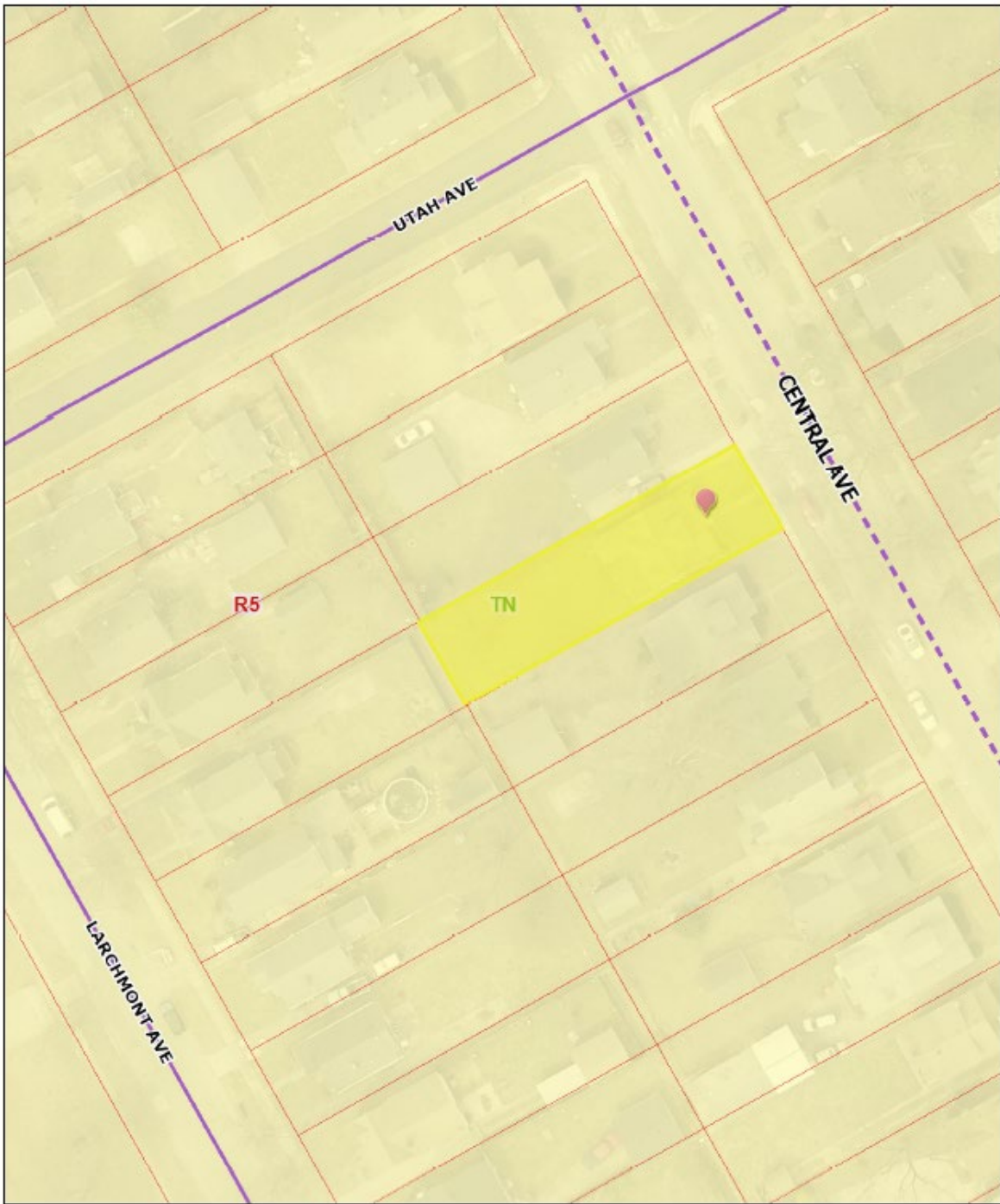
**NOTIFICATION**

Date	Purpose of Notice	Recipients
9-3-21	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 6

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



**21-WAIVER-0116**

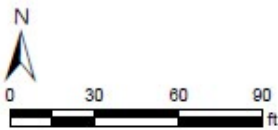
Wednesday, September 8, 2021 | 10:20:15 AM



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2. Aerial Photograph



**21-WAIVER-0116**

Wednesday, September 8, 2021 | 10:19:22 AM



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