



**OFFICE OF PLANNING & DESIGN SERVICES
DEVELOP LOUISVILLE**

444 S 5th St., Suite 300
Louisville, KY 40202
(502) 574-6230

<https://louisvilleky.gov/government/planning-design>

Waiver Justification

Waiver of Land Development Code Section(s): 5.4.1.C.2 . In accordance with Chapter 11.8 of the Land Development Code, the Planning Commission or Board of Zoning Adjustment must consider, but is not limited to, the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the waiver will not adversely affect adjacent property owners; and,

Neighbors on one side of my house are my strongest advocates for me getting approved for having a driveway. They would love to see this happen. There is no adverse affect to other property owners. The only difference with my driveway from others is that it doesn't go on the side of the house fully. This is a very minimal cosmetic only rule and it will look just fine and will attach to my sidewalk bordering my house.

2. Explain how the waiver will not violate the Comprehensive Plan; and,

Page 68, Policies, Land use and Development, #15: Develop and review corner clearance standards to reduce or restrict new driveways or other connections in the functional area of an intersection or interchange in order to promote safety and traffic flow **(The driveway is not on a corner or an intersection)**

Page 68, Policies, Land use and Development, #16: Develop and assign access classifications for roadway segments based upon the current condition of the roadway and any planned improvements. Standards will address access control, driveway and curb cut spacing, median spacing, and signal spacing. **(The waiver does not relate to “driveway and curb cut spacing”)**

Page 68, Policies, Land use and Development, #19: 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. **(This waiver is not based on the driveway functioning properly and being safe for all users. This is not in question. The question is cosmetic. When it comes to safety, allowing me to have a driveway is the safest measure and my safety has been put at risk since my initial denial of application.)**

3. Explain how the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and,

In my denial the only reason stated was for the reasoning that the driveway doesn't go along the side of

my house and stops in front of it because of cosmetic reasons. The rest of the proposal was approved by Faisal Al Zadjali, Engineer in Planning & Design Services.

4.

b. Explain how 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.

My car has been hit two times in the past 2 months. Once on 6/19/21 and once on 8/17/21. on 6/19/21 my car was hit while parked on the street (Central Ave) in front of my house leaving a scratch across the full length of the drivers side of the car. On 8/17/21 the car was hit again, this time flattening the tire, damaging the wheel and potentially the axel, damaging both doors on the drivers side, damaging the rear bumper, the rear fender, the rear tail light. I haven't taken the car in to have it assessed yet because the person who hit the car has not given proof of their insurance yet. This could cost me a huge amount of money, or raise my insurance deductible. If I was in the car or getting out of the car on the drivers side I would have been killed or terribly injured. I also have friends and children who visit my house and they could have been killed or injured when getting out of the car.

Attached are pictures and videos of both of the accidents. The video below from 8/17/21 highlights the unnecessary hardship very clearly. If you are only receiving a printed version please request the video link to be shared or type it out to watch it.

Video from collision into the car while being parked on the street on 8/17/21

<https://drive.google.com/file/d/1RTRRNdnSSX-M5Sxuuc-RCEZnw4X29A2V/view?usp=sharing>

Photo of the damage from the collision into the car while being parked on the street on 8/17/21



Video of scratch from car being hit while parked on the street on 6/19/21

https://drive.google.com/file/d/1duScUVJtT7bNvCULKx_wMBsDJhC3oXab/view?usp=sharing

Photo of scratch from car being hit while parked on the street on 6/19/21

