

Development Review Committee

Staff Report

February 15, 2023



Case No:	22-WAIVER-0219
Project Name:	846 South 32 nd Street
Location:	846 South 32 nd Street
Owner(s):	John Sutton
Applicant:	CRP and Associates, LLC
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Clara Schweiger, Planner I

REQUEST(S)

- 22-WAIVER-0219: Waiver of Land Development Code Section 5.4.1.C.3 to Allow an Attached Front-Loaded Garage in the Principal Structure Area and Comprising More Than 50% of the Front Façade of the House
- 22-WAIVER-0008: Waiver of Land Development Code Section 5.4.1.E.3 to Not Provide Access to Parking Through a Rear Alley

CASE SUMMARY/BACKGROUND

The applicant is requesting two waivers in order to construct a 2,000 square foot front-loaded garage addition on approximately 0.60 acres in the R-6 zoning district and Traditional Neighborhood Form District.

STAFF FINDING

Staff finds that the proposal does not meet the guidelines of the Comprehensive Plan or the requirements of the Land Development Code. Staff finds that allowing a front-loaded garage in the principal structure area with no access from the alley does not match the character of the Traditional Neighborhood Form District. The Committee should further discuss whether closing the existing curb cut in front of the existing house is enough to mitigate these two Waiver requests.

INTERESTED PARTY COMMENTS

Staff has received no interested party comments for this case.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 5.4.1.C.3

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

STAFF: The waiver will adversely affect adjacent property owners because a front-loaded garage in the principal structure area is not in keeping with the character of the traditional neighborhood form district.

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

STAFF: The waiver will violate Community Form Goal 1 number 9: Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.

The waiver violates this specific guideline because a front-loaded garage comprising more than 50% of the front façade of the house is not compatible with the building design in this area and in the traditional neighborhood form district.

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

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since there is an accessible rear alley adjacent to this lot.

- (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 applicant has agreed to close one of the curb cuts on S. 32nd street so that there is only one curb cut leading to the proposed garage. However, this does not exceed the minimums of the district. Additionally, the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land and would not create an unnecessary hardship on the applicant since there is access to a rear ally from the subject site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 5.4.1.E.3

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

STAFF: The waiver will adversely affect adjacent property owners as most of the properties in this area have access from a rear alley.

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

STAFF: The waiver will violate Mobility Goal 3 Policy 5: Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.

The waiver violates this specific guideline because the curb cut, and proposed garage will impact pedestrian mobility as allowing a curb cut will impede pedestrian mobility and connection to the existing sidewalk network.

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

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since there is an existing and accessible rear alley.

- (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 applicant has agreed to close one of the existing curb cuts on S. 32nd street so that there is only one curb cut leading to the proposed garage. However, this does not exceed the minimums of the district. Additionally, the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land and would not create an unnecessary hardship on the applicant since there is access to a rear ally from the subject site.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waivers**

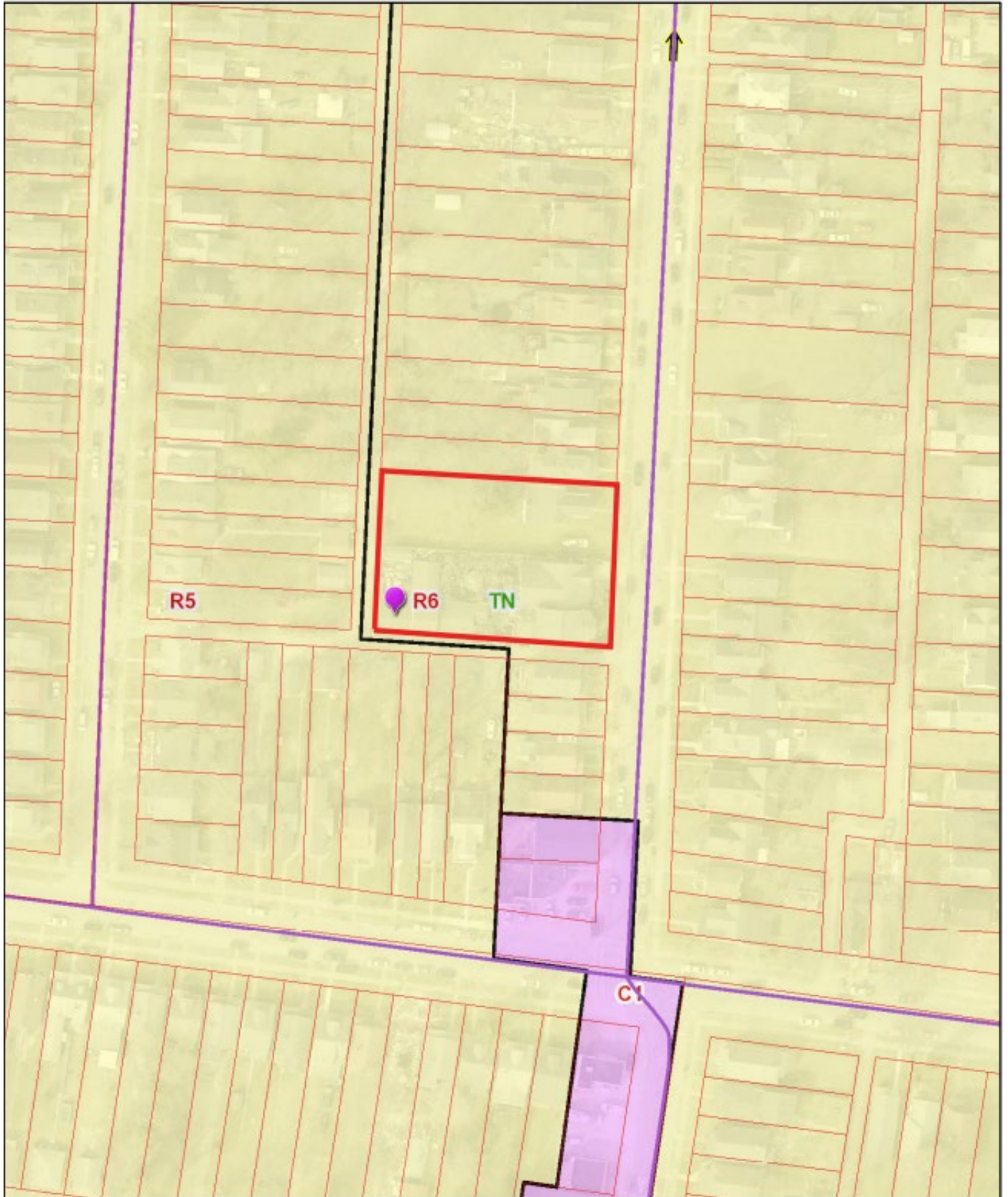
NOTIFICATION

Date	Purpose of Notice	Recipients
2/1/2023	Hearing before DRC	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 5

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

