

Land Development and Transportation Committee
Staff Report
February 22, 2018



Case No.	18WAIVER1002
Project Name	Residential Garage
Location	1716 Kurz Way
Owner(s)	David A. Nicholson
Applicant	David A. Nicholson
Jurisdiction	Louisville Metro
Council District	12 – Rick Blackwell
Case Manager	Beth Jones, AICP, Planner II

REQUEST(S)

Waiver to permit an accessory structure building footprint to exceed the footprint of the principal structure (LDC 5.4.2.c.1.)

CASE SUMMARY/BACKGROUND

The site is located on the south side of Kurz Way at the intersection with Eugene Way. The applicant is proposing to construct a garage at the rear of the subject site. The site is currently developed with a residential principal structure, a garage and two additional accessory structures. All structures excepting the residence are to be removed and a new garage is to be constructed.

According to the applicant, the footprint of the existing principal structure is 1,050 sq ft; the proposed garage has a footprint of 1,440 sq ft. The size of the garage will exceed the principal structure by 390 sq ft.

STAFF FINDING

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

TECHNICAL REVIEW

There are no outstanding technical review issues associated with this request.

INTERESTED PARTY COMMENTS

Staff has received no interested party comments concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC 5.4.2.c.1.

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

STAFF: The waiver will not adversely affect adjacent property owners as the placement and size of the proposed garage is not out of character for the vicinity.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The proposal meets Guideline 3, Policies 1 and 2 which calls for compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the 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 is the minimum necessary to afford relief to applicant as the proposal meets all remaining requirements.

- (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 not cause an unnecessary hardship on the applicant as a smaller garage could be built.

REQUIRED ACTION

Approve or Deny the proposed **Waiver** of LDC 5.4.2.c.1.

NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1st tier adjoining property owners Registered neighborhood groups for Council District 12

ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Site Plan

1. Zoning Map



2. Aerial Photograph



3. Site Plan

