

Development Review Committee

Staff Report

September 20, 2023



Case No:	23-WAIVER-0092
Project Name:	Garage Waiver
Location:	6135 Overhill Drive
Owner(s):	Miguel Hernandez
Applicant:	Miguel Hernandez
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Ethan Lett, Planner I

REQUEST(S)

- **Waiver** from LDC Section 5.4.2.C.1 to allow the footprint of a proposed accessory structure to exceed the footprint of the principal structure

CASE SUMMARY/BACKGROUND

The applicant is proposing a 30'x40'x12' accessory structure in the rear yard of a single-family residence for storage of vehicles, lawn mowing equipment, household tools and recreation items. The subject site is a 0.24-acre lot zoned R-4 and in the Neighborhood form district. At 1,200 sq. ft., the structure's footprint is approximately 10% larger than the principal structure's footprint of 1,089 sq. ft. The applicant has requested a waiver to allow the accessory structure to exceed the footprint of the principal structure.

STAFF FINDING

Staff finds that the request is not adequately justified for approval based on staff's analysis contained in the standard of review. The Development Review Committee should discuss if the applicant has sufficiently justified the request.

INTERESTED PARTY COMMENTS

Please see attached citizen comments.

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 since the proposed garage is a large and tall structure within close proximity to neighboring property lines. The height of the structure is likely to cause negative visual and light-related impacts.

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

STAFF: Community Form Goal 1, Policy 4 calls for ensuring that development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the form district. Community Form Goal 1, Policy 9 calls for proposals to 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. Though the proposed building is for an accessory use, the scale of the structure is not compatible with existing residences on a quarter-acre lot within a single-family subdivision. No design elements or mitigation measures have been proposed to achieve a transition or screen the building. Due to the building's size and proximity to neighboring property lines, there would be little space to provide such elements.

- (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 the proposed accessory structure is approximately 10% larger than the primary structure and occupies nearly 50% of the required rear yard.

- (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 not incorporated other design measures that exceed the minimums of the district or compensate for non-compliance with the requirements to be waived. The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship since the primary use of this lot is a single-family residence and the proposed building is much larger than a conventional detached garage or storage building.

REQUIRED ACTIONS:

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

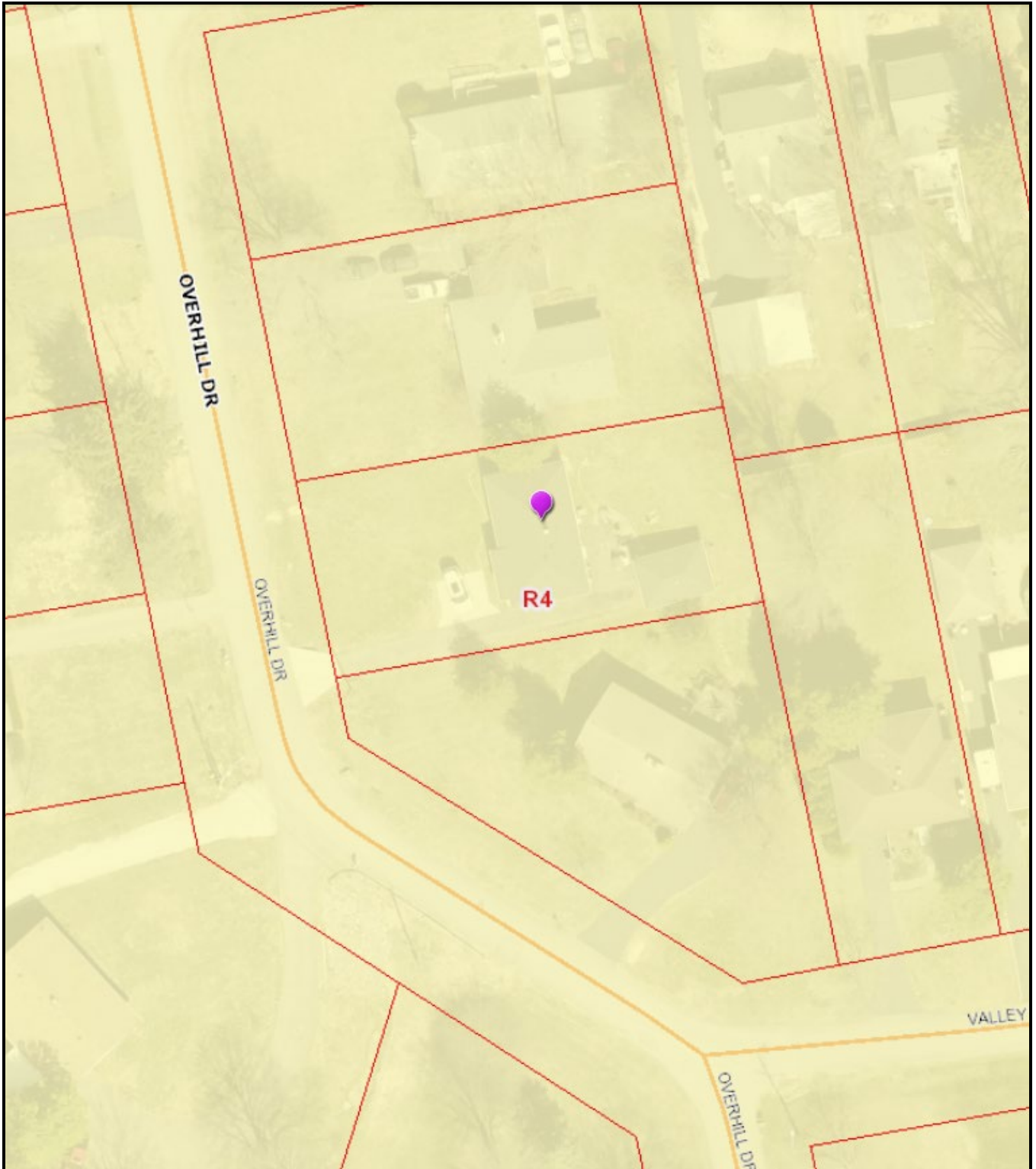
NOTIFICATION

Date	Purpose of Notice	Recipients
9/6/2023	Hearing before DRC	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 24

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

