



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 16 DEVPLAN 1220

Intake Staff: DW

Date: 1-30-2017

Fee: _____

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

☐ Landscape Waiver of Chapter 10, Part 2

☒ Other: Waiver of Section 5.5.1.3.b

A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.

Explanation of Waiver: To waive the required vehicular and parking access to alley.

Primary Project Address: 800 S. 13th Street

Additional Address(es): 810 S. 13th Street

Primary Parcel ID: 036K00060013

Additional Parcel ID(s): _____

Proposed Use: Truck repair/storage

Existing Use: Vacant

Existing Zoning District: EZ1

Existing Form District: TW

Deed Book(s) / Page Numbers²: Deed Book 6612 Page 598

The subject property contains 1.54 acres. Number of Adjoining Property Owners: 4

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ ☒ Yes ☐ No

If yes, please list the docket/case numbers: _____

Docket/Case #: 16DevPlan 1220

Docket/Case #: _____

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General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect adjoining property owners because there is an existing curb cut to access the site, and alley is an alley that dead ends into a railroad track at end of property.

2. Will the waiver violate the Comprehensive Plan?

The Comprehensive Plan encourages reinvestment, rehabilitation, and redevelopment, in these areas by being flexible in site design. Thus the waiver will not violate the Comprehensive Plan.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

The extent of the waiver is the minimum to afford relief by allowing the existing entrance to be used.

4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The strict application of the provisions would create an unnecessary hardship by requiring applicant to incur the cost of an unnecessary entrance that would not be of benefit to the site. Comments from metro also feel that alley access would not be necessary due to the existing curb cut.

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