

Development Review Committee

Staff Report

March 29, 2023



Case No:	23-WAIVER-0005
Project Name:	1512 West Main Street
Location:	1512 West Main Street
Owner(s):	David Poff
Applicant:	David Poff
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	John Michael Lawler, Planner I

REQUEST(S)

- Waiver of Land Development Code Section 5.5.1.3.b to Waive the Requirement for Access to Come Off the Alley

CASE SUMMARY/BACKGROUND

The applicant is proposing a 6,516 square foot building addition to their site on 0.656 acres in EZ-1 zoning and the Traditional Work Place Form District. The building would be used for primary goods storage and handling. The proposed structure is located along the Southern property line which abuts Pirtle Street. The Traditional Work Place Form District dictates that access should come from an alley, when available. Access is currently coming from the adjoining property to the West, 1514 West Main Street.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code. Access is already available and being used on an adjacent site. Staff finds that the Waiver is adequately justified and the minimum relief necessary to allow the expansion on the site.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER:

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

STAFF: The waiver will not adversely affect adjacent property owners since the applicant and the adjacent property to the west are already taking access from Main Street. Several other sites along this portion of Main Street are not using available alleys, and all properties in the general vicinity are being used for commercial warehousing. The use and nature of the requested access is compatible with the surrounding area.

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

STAFF: Community Form Goal 1, Policy 12 calls to ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Community Form Goal 2, Policy 14 calls to encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. The existing access for the site will be adequate for the use and appropriate for the surrounding area. It also allows for one access to be used for two sites, limiting the number of curb cuts along Main Street.

- (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 the minimum necessary to afford relief to the applicant since they already have access along Main Street and can reasonably expect to use the land that abuts Pirtle Street for structures rather than for access. The existing access on Main Street is adequate and appropriate for the use and surrounding area, so there is no need to include access to Pirtle Street.

- (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 deprive the applicant of the reasonable use of the land or would create an unnecessary hardship because the subject site's access is already coming off Main Street. The requirement for access to come from Pirtle Street is redundant and would limit the applicant's reasonable use of the land.

REQUIRED ACTIONS:

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

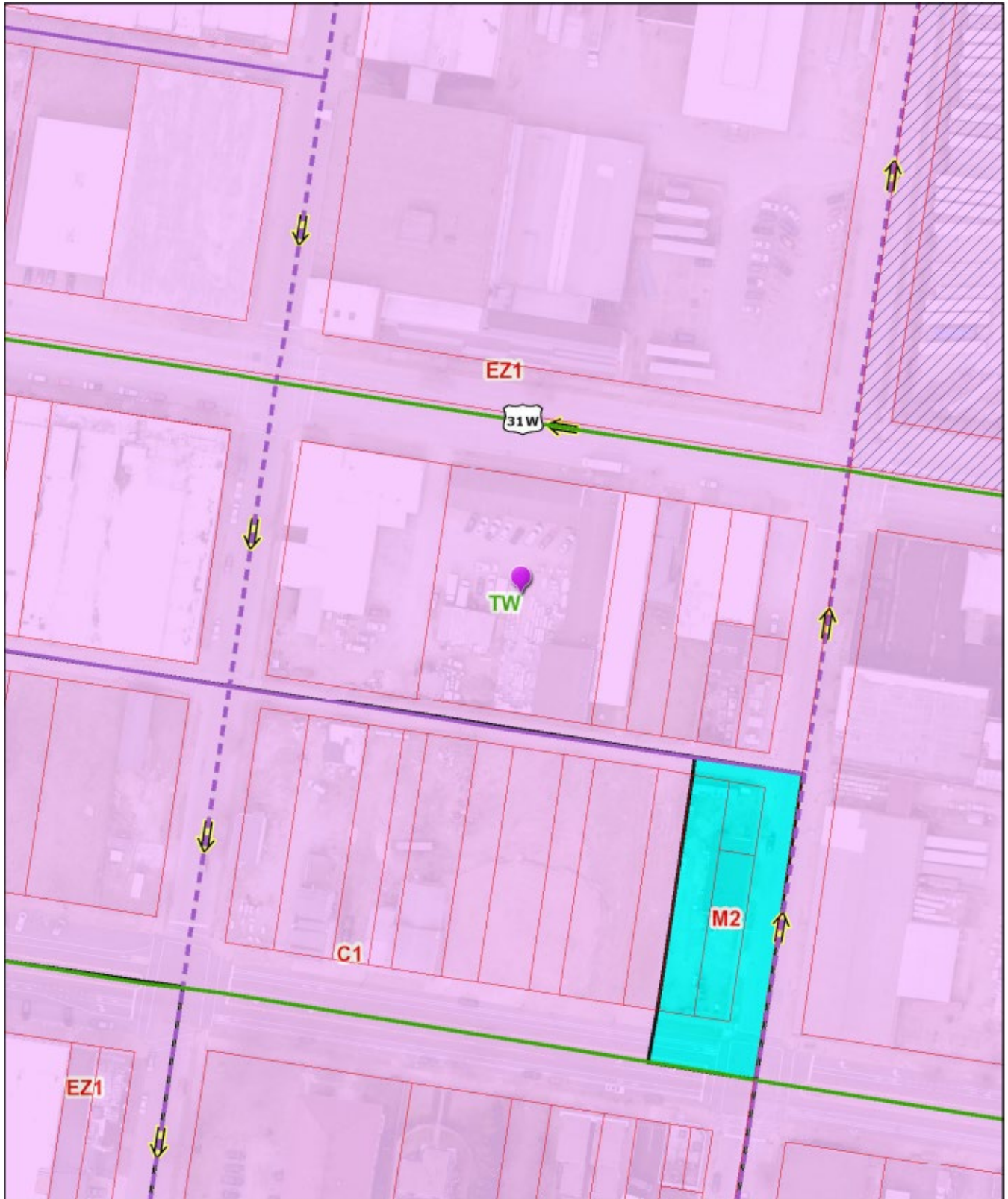
NOTIFICATION

Date	Purpose of Notice	Recipients
3/17/2023	Hearing Before DRC on 3/29/2023	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

