

**Sidewalk Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers the following 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. How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?**

Since there are no homes fronting this portion of Rockcrest Way and this request is only to eliminate the sidewalk on the east side; since there is an existing sidewalk on the west side which provides a pedestrian connection along this road and since there are existing utilities which conflict with the provision of the sidewalk; the applicant proposes, as an alternative, to plant additional trees to assist in reducing the urban heat island, and therefore this request conforms to the Comprehensive Plan and the intent of the Land Development Code.

**2. Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?**

This stretch of Rockcrest Way is bordered by open space with no residential lots fronting on it other than at the street intersections and the area is impacted by several existing utility lines that as installed impede the construction of the sidewalk. The applicant proposes, as an alternative, to plant an additional 75 trees to assist in reducing the urban heat island, possibly in coordination with Trees Louisville or in a location(s) recommended by the City's urban forester and for all of these reasons this request is in keeping with the Comprehensive Plan and LDC.

**3. What impacts will granting of the waiver have on adjacent property owners?**

Since no residential lots directly abut this stretch of Rockcrest Way and since a sidewalk shall be constructed on the east side of the road providing a continuous pedestrian connection, the granting of the waiver will not have a significant impact on the adjacent property owners.

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**4. Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?**

During the construction of infrastructure and specifically the underground electric supply, rock was found to be close to the surface. The placement of the 3 phase electric and the associated electric vault, manhole and resulted in a berm to cover these items which now negatively impact the provision of a sidewalk in this location. It is an unnecessary hardship when no residential lots abut the frontage, when a sidewalk is provided on the other side of the road and especially when the planting of additional trees where we have a deficit of tree canopy may be more beneficial to the community.

**16 WAIVER 1026**