

Planning Commission
Staff Report
September 3, 2020



Case No:	20-WAIVER-0054
Project Name:	LDC Waiver
Location:	2605 Granger Road
Owner(s):	Beth Johnson
Applicant:	Chad Stoyell, Stoyell Built Homes
Jurisdiction:	Louisville Metro
Council District:	13 – Mark Fox
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST:

1. **Appeal** of a denial of a **Waiver** of Land Development Code 5.8.1.B to not provide the sidewalk on Granger Road for a new single family home

CASE SUMMARY/BACKGROUND

The subject site is zoned R-4 Residential Single Family in the Village form district. It is located in the Fairdale neighborhood on the north side of Granger Road, to the west of the intersection with Slate Drive. According to PVA, it is currently vacant residential land.

The applicant is constructing a new single family residential structure. They are requesting to not provide the sidewalk on Granger Road. The subject site is surrounded on all sides by other R-4 zoned parcels.

There are no existing sidewalks on either side of this portion of Granger Road, which terminates almost 3,000 feet to the east of the subject site, and intersects with South Park Road over 3,000 feet to the west of the subject site. There do not appear to be any other vacant parcels in the vicinity of the subject site, and the surrounding structures were primarily built in the early 1950s.

There do not appear to be any TARC stops within the vicinity of the subject site.

This case was denied by the Development Review Committee on August 5, 2020. The applicant is appealing the decision to the Planning Commission.

STAFF FINDINGS

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

TECHNICAL REVIEW

Public Works has offered a maximum fee-in-lieu of \$2,000. There are no outstanding technical issues associated with this request.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this case.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.8.1.B TO NOT PROVIDE THE SIDEWALK ON GRANGER ROAD

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

STAFF: The waiver will not adversely affect adjacent property owners, as there are no sidewalks in the vicinity of the subject site, which is located in an established neighborhood with very few, if any, vacant parcels.

- (b) Granting of the waiver will result in a development in compliance with the Comprehensive Plan and the overall intent of this Land Development Code; and

STAFF: Land Use & Development Goal 1, Policy 1.3 promotes sidewalks along the streets of all developments. Land Use & Development Goal 1, Policy 1 states that in order for promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate. Land Use & Development Goal 3, Policy 5 states that developments should be evaluated for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.

There are no existing sidewalks on either side of this portion of Granger Road. A sidewalk on this property would not be utilized by pedestrians and does not seem appropriate since there does not appear to be the opportunity for future connectivity. Additionally, there does not appear to be a TARC stop anywhere in the vicinity of the subject site.

- (c) The applicant cannot reasonably comply with one of the listed methods of compliance (section 6.2.6.C); and

STAFF: Sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future. If the waiver request is denied, Public Works has offered a maximum fee-in-lieu of \$2,000.

- (d) Strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as a sidewalk on this property would not be utilized by pedestrians and does not seem appropriate since there does not appear to be the opportunity for future connectivity

- (e) There are site constraints that make sidewalk construction impractical or sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future, except for areas where sidewalks are recommended within a Planning Commission or legislatively adopted plan recommending sidewalk construction.

STAFF: Sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future. Additionally, a Public Works inspector visited the subject site on July

14, 2020 and determined that building sidewalks is not feasible. This email, as well as the pictures taken by the inspector, are included in the case file.

REQUIRED ACTIONS:

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

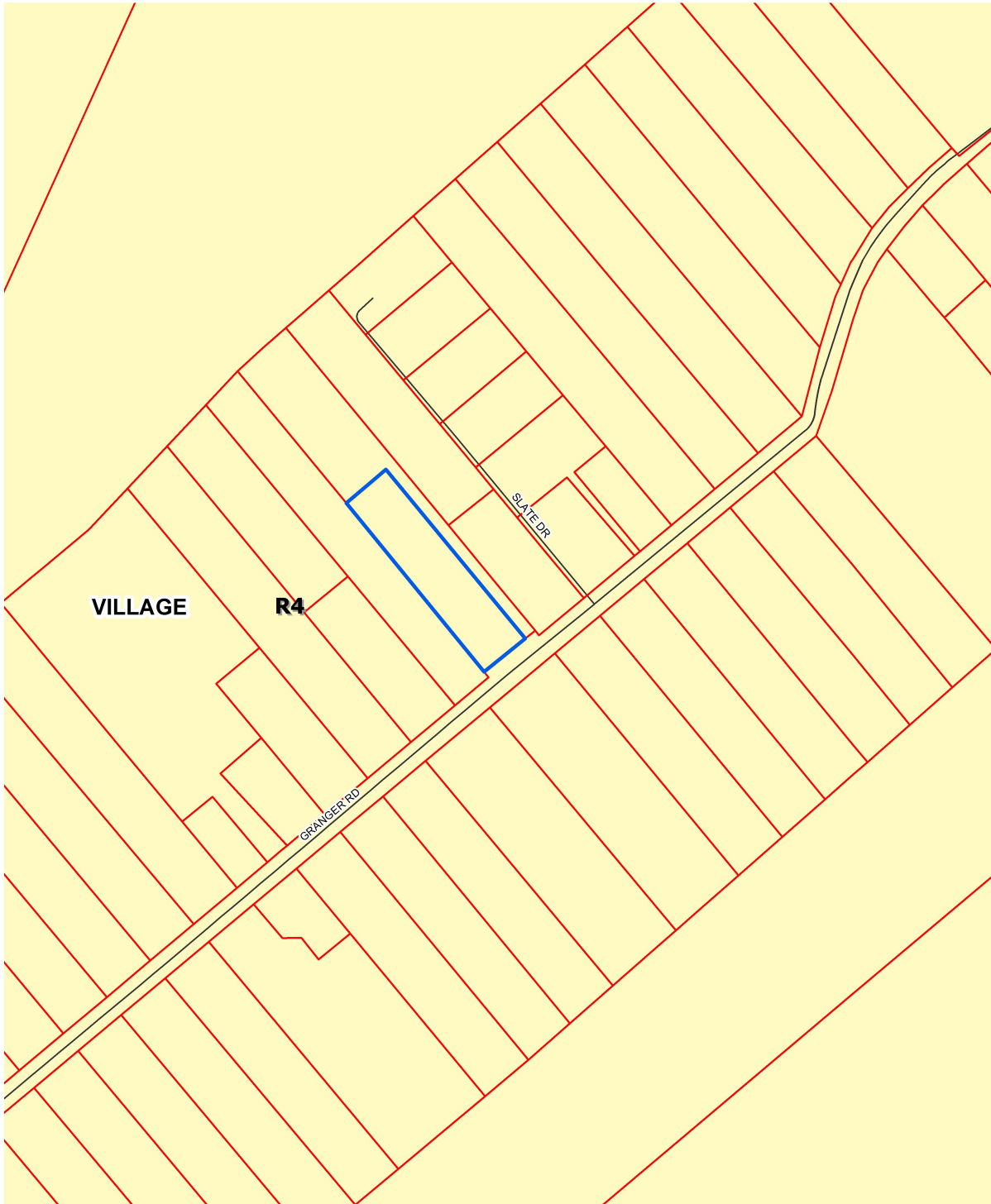
NOTIFICATION

Date	Purpose of Notice	Recipients
8-5-20	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 13
9-3-20	Hearing before Planning Commission	

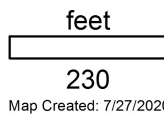
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2605 GRANGER ROAD



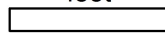
Copyright (c) 2020, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



2605 GRANGER ROAD

feet



230

Map Created: 7/27/2020



Copyright (c) 2020, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.