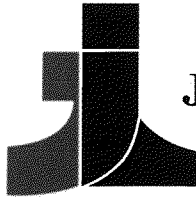


CBROWN



**Jacobi, Toombs & Lanz, Inc.**  
*Consulting Engineers & Land Surveyors*

May 1, 2014

Louisville Metro Planning & Design Services  
444 S. 5<sup>th</sup> Street  
Louisville, KY 40202

RE: Highlands Latin School, Case 13DEVPLAN1089, Parcel ID 022-0093-0000  
Justification for Waiver from LDC Section 6.2.6, and Binding Element #13

Enclosed please find a revised Sidewalk Waiver to allow partial compliance with LDC Section 6.2.6 and a revised Development Plan to reflect the waiver and other recommendations of the Louisville Metro Planning and Design Services staff.

The Applicant also requests a waiver of the Binding Element #13, Docket #09-003-06, wherein the property owner agrees to participate in a sidewalk building project by contributing \$10,000 at the request of Metro government to assist with sidewalk improvements in front of the site. In lieu of the \$10,000 contribution, the applicant agrees to install a sidewalk from the property entrance to a TARC stop on the west side of the property. The exact location of the sidewalk will be determined through the construction document phase of the project.

By granting the requested waiver and relief from Binding Element #13, we believe we can more adequately conform to the overall intent of the LDC and provide a modern, aesthetically pleasing and safe school.

Sincerely,  
**JACOBI, TOOMBS & LANZ, INC.**

Michael C. Harris, P.E.  
Vice President

**RECEIVED**

MAY 05 2014  
PLANNING &  
DESIGN SERVICES

1829 E. Spring Street, Suite 201  
New Albany, IN 47150  
812-945-9585  
812-945-6656 Fax

124 Bell Ave  
Clarksville, IN 47129  
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1060 N. Capitol Avenue, Ste E360  
Indianapolis, IN 46204  
317-829-3474  
317-829-3473 Fax

1400 South 1<sup>st</sup> Street  
Louisville, KY 40208  
502-583-5994  
502-583-7321 Fax

## **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?**

The waiver proposes to provide a partial sidewalk waiver under 6.2.6(B)(2)(c(iv) since less than 50% of the street frontage is being developed. The owner will construct sidewalks from the property entrance to a TARC stop on the west side of the property.

**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?**

Compliance with the regulations would not be appropriate since less than 50% of the street frontage is being developed. Granting a partial waiver would allow the property to comply with the Comprehensive Plan while accurately reflecting the scale of the development.

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

No apparent impacts since there are currently no other sidewalks along Shelbyville Road connecting adjacent properties to this site.

**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?**

Strict application of Section 6.2.6 would cause a violation of Section 4.8.6 and result in unreasonable construction costs to the applicant that would not benefit the applicant or users of this site.

**Contact Information:**

**Owner:**             *Check if primary contact*

**Applicant:**         *Check if primary contact*

Name: Brian Lowe

Name: \_\_\_\_\_

Company: HLS, LLC

Company: \_\_\_\_\_

Address: 4603 Poplar Level Road

Address: \_\_\_\_\_

City: Louisville      State: KY    Zip: 40213

City: \_\_\_\_\_      State: \_\_\_\_\_    Zip: \_\_\_\_\_

Primary Phone: 502/966-9115

Primary Phone: \_\_\_\_\_

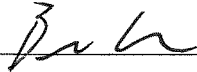
Alternate Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Email: blowe@memoriapress.com

Email: \_\_\_\_\_

**Owner Signature (required):**



**Attorney:**             *Check if primary contact*

**Plan prepared by:**     *Check if primary contact*

Name: Glenn Price

Name: Michael C. Harris, P.E.

Company: Frost Brown Todd, LLC

Company: Jacobi Toombs & Lanz, Inc.

Address: 400 W. Market St., Ste 3200

Address: 1400 South 1st Street

City: Louisville      State: KY    Zip: 40202

City: Louisville      State: KY    Zip: 40208

Primary Phone: 502/589-5400

Primary Phone: 502/583-5994

Alternate Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Email: gaprice@fbtlaw.com

Email: m.harris@jtleng.com

13DEVPLAN1089