

Development Review Committee
Staff Report
March 4, 2020



Case No:	20-WAIVER-0005
Project Name:	Sidewalk Waiver
Location:	9115 Independence School Road
Owner(s):	Harold A. Miller
Applicant:	Harold A. Miller
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST

1. **Waiver** of Land Development Code section 5.8.1.B to not provide the sidewalk for a new single-family home on Independence School Road

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a single family home on an R-4 zoned parcel in the Neighborhood form district. The subject site is currently developed with a 36'x56' outbuilding. The subject site is in the Highview/Fern Creek neighborhood, on the west side of Independence School Road, north of the intersection with Oak Grove Road and Frohlich Road.

There are currently no sidewalks in the vicinity of the subject site. This is a rural area characterized by large lots (most are over an acre in size), with the closest commercial area located about 7,000 feet to the east, on Bardstown Road. The parcel to the south of the subject site, on the opposite side of Independence School Road, is zoned C-1 Commercial but it is used as a single family residence, according to PVA. The applicant also owns the parcel to the west of the subject site, which is vacant residential land that they do not intend to develop.

According to PVA, the majority of other houses on Independence School Road were built between 1940-1960. There are several large, vacant residential or agricultural lots on the south side of Independence School Road, but the two lots owned by the applicant appear to be the only vacant lots on the north side of Independence School Road.

There do not appear to be any current development plans in the vicinity of the subject site. Additionally, there do not appear to be any TARC stops in the vicinity of the subject site.

STAFF FINDING

The waiver request is not adequately justified and does not meet the standard of review.

TECHNICAL REVIEW

MSD has provided preliminary plan approvals. Public Works does not support the waiver request and has offered the fee-in-lieu amount of \$2,000.

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 FOR A SINGLE-FAMILY HOME ON INDEPENDENCE SCHOOL 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 currently no sidewalks in the vicinity of the subject site.

- (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 in the vicinity of the subject site. However, the fee-in-lieu option is available and would help to provide pedestrian connectivity in the council district.

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

STAFF: The applicant can reasonably comply with one of the listed methods of compliance, as sidewalks are buildable. Additionally, the fee-in-lieu option has been offered.

- (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 not create an unnecessary hardship on the applicant, as sidewalks are required on new single family development sites. Other design measures have not been incorporated by the applicant.

- (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: There are no site constraints that make sidewalk construction impractical.

REQUIRED ACTIONS:

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

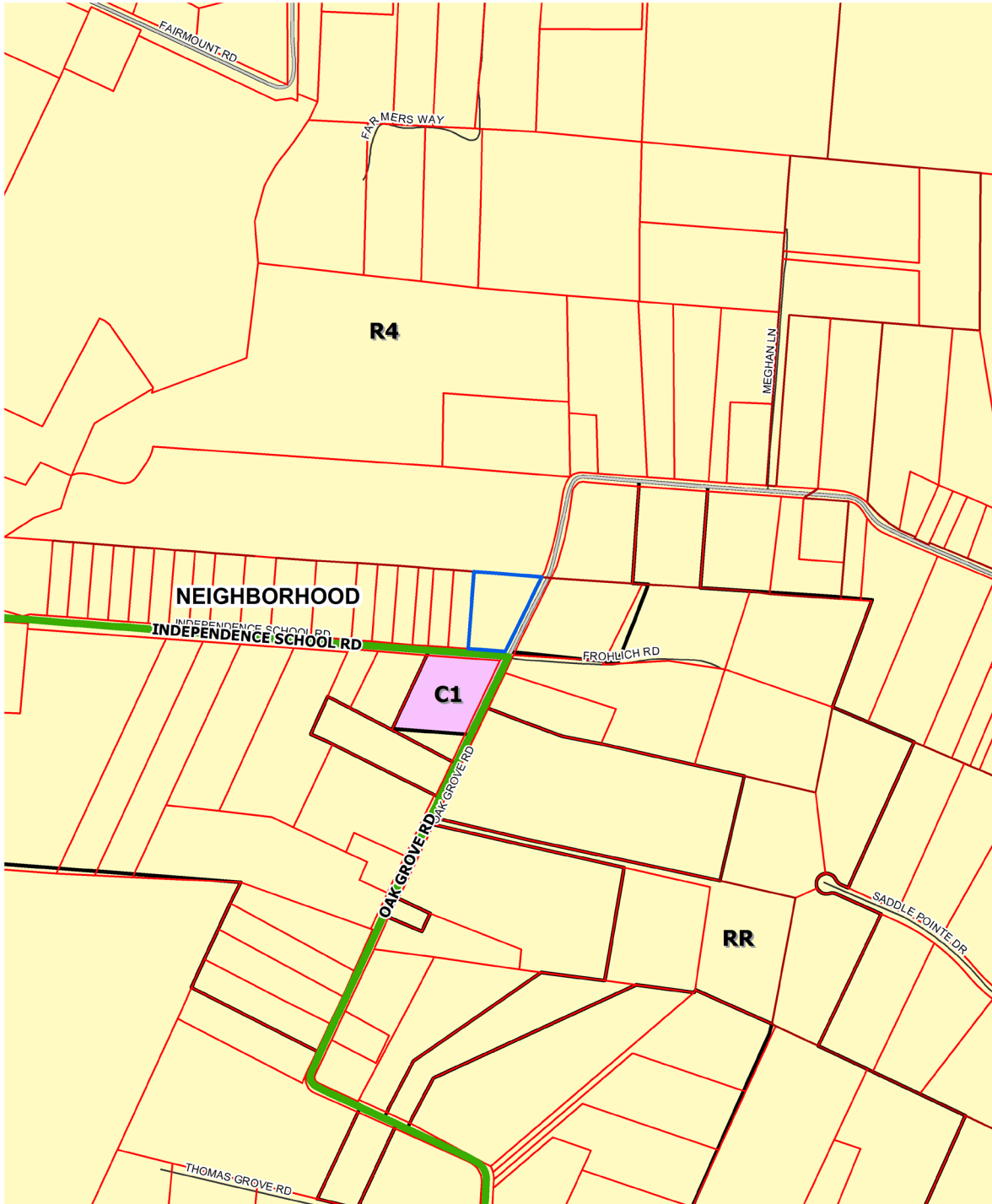
NOTIFICATION

Date	Purpose of Notice	Recipients
3-4-20	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 22

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



9115 INDEPENDENCE SCHOOL ROAD



feet



640

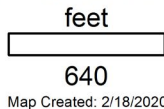
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2. Aerial Photograph



9115 INDEPENDENCE SCHOOL ROAD  **LOJIC**



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