

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?

This site is unique that it is an undeveloped part of metro Louisville. The sidewalks and street entrances that appropriately apply to most areas in the Traditional Neighborhood form district are not as familiar in this area. The site is zoned M-3 and faces the interstate (north) and is adjacent to a junk yard and truck loading facility. Across Cabel Street is a large warehouse. There are no sidewalks on Cabel Street and if a sidewalk were to be added for this development, it would be a small section that would dead end at the termination of the property line. Please see diagram 1 and photographs.

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?

The Land Development code intends to create a defining character/conformity to the different neighborhoods and make logical use of built vs. open space in regards to the environment, vehicular and pedestrian circulation. With those goals in mind, adding a small, dead ending, section of sidewalk along Cabel Street, where no other sidewalks exist and street parking is not provided, will only be an odd, nonfunctional use of land. The land would be put to much better use as a green space with trees.

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

Adjacent property owners on Cabel Street do not have sidewalks. The small section of property facing Cabel Street would be an odd, small, dead-ending section of sidewalk. At most, the removal of trees along the street frontage (required to install sidewalk) would have a negative impact on adjacent property owners. The trees help shield the properties from the view & sound of the interstate. This waiver will not effect the adjacent property owner on Adam's Street

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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?

The topography and elevation changes on the site, as well as large well established trees along the street will cause this to be a difficult and very expensive sidewalk to construct. The construction would require extensive amounts of soil to be moved (potentially killing all of the trees along the street and many of the large established trees would need to be removed. It is the applicants desire to preserve as many large trees and as much green space as possible especially since the interstate is directly across the street. The financial hardship of this component would more than likely put the project on hold and ultimately cause the owner to reconsider the entire project.