

Development Review Committee
Staff Report
September 6, 2017



Case No:	17WAIVER1023
Project Name:	Castle Road Sidewalk Waiver
Location:	12602 Castle Rd
Owner(s):	Josh Combs
Applicant:	Josh Combs
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Jay Lockett – Planner I

REQUEST(S)

- Waiver of Land Development Code section 5.8.1.B to not provide sidewalks in abutting ROW for a new single family home on an existing lot.

CASE SUMMARY/BACKGROUND

The applicant is proposing to build a new single family home on an existing lot. LDC section 5.8.1.B would normally require sidewalks to be constructed within all ROW adjacent to the site. The applicant is requesting to waive this requirement.

STAFF FINDING

The waiver request is adequately justified and meets the standard of review. There is no existing sidewalk network within the neighborhood, and no future plans to construct a network to tie into. The Scenic Trail ROW is mostly unimproved along the side of this site.

TECHNICAL REVIEW

There is no technical review associated with this request.

INTERESTED PARTY COMMENTS

Staff has received no interested party comments concerning this request.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section
5.8.1.B. to not provide a sidewalk along the Scenic Trail and Castle Road
ROWS adjacent to the subject site:**

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

STAFF: The waiver will not adversely affect adjacent property owners since no adjacent property owners have sidewalks to tie into this lot.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. Neither ROW in question has an existing sidewalk network to tie into.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the regulation would create an unnecessary hardship on the applicant, as sidewalks around the subject site would not tie into any useable pedestrian network.

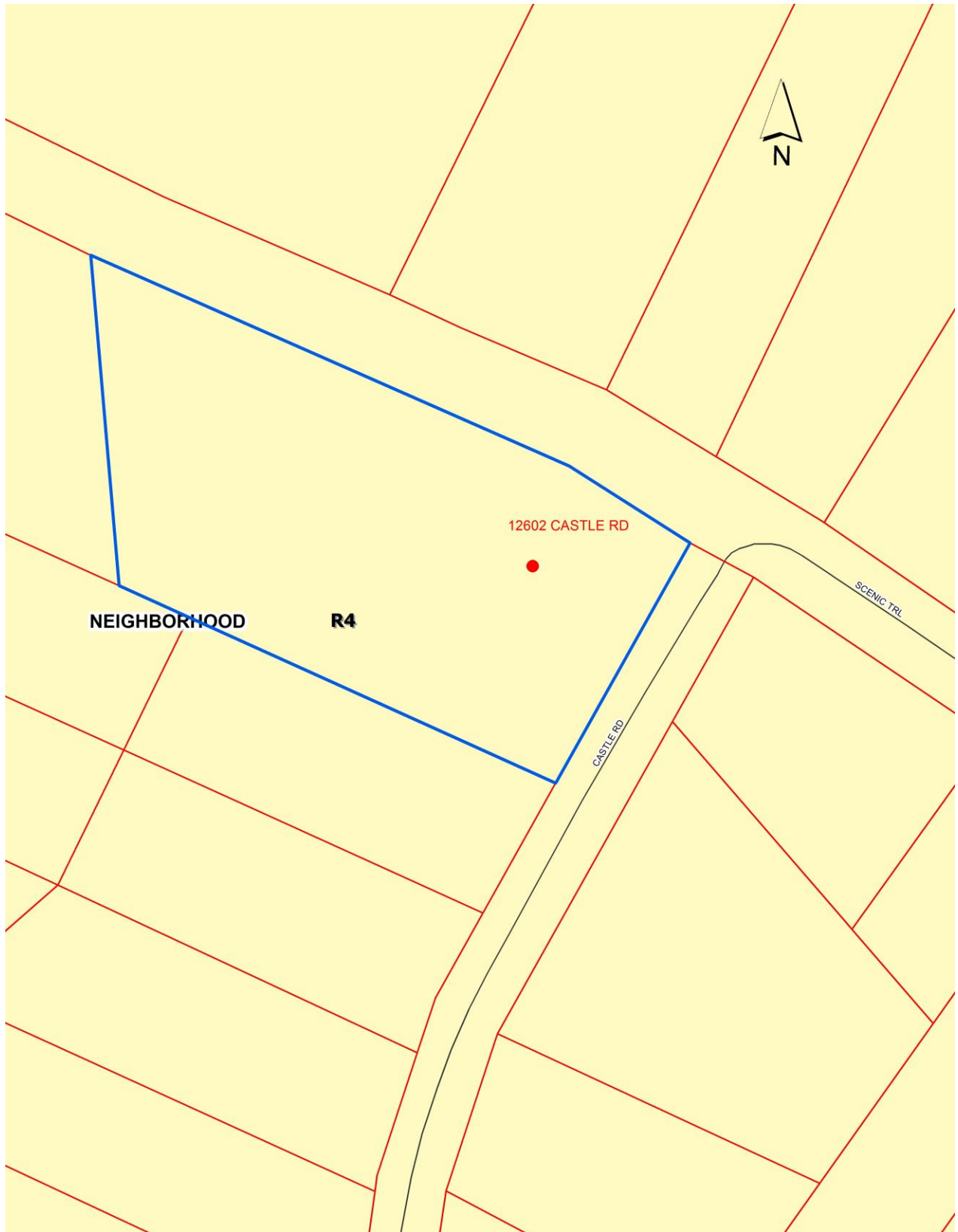
NOTIFICATION

Date	Purpose of Notice	Recipients
9-21-17	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 14

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

