

# Development Review Committee

## Staff Report

October 31, 2018



<b>Case No:</b>	18WAIVER1041
<b>Project Name:</b>	Olges Residence
<b>Location:</b>	17558 Aiken Rd
<b>Owner(s):</b>	Wayne Olges
<b>Applicant:</b>	Wayne Olges
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	19 – Julie Denton
<b>Case Manager:</b>	Jay Lockett, Planner I

### REQUEST(S)

- **Waiver** of Land Development Code 5.8.1.B to not provide sidewalks for the construction of a single family home.

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a single family home on a vacant 3.8 acre parcel. LDC section 5.8.1.B requires all development to provide sidewalks in the adjacent right-of-way. The applicant is requesting to waive that requirement for this development, as the subject site is in a largely rural area and there is no existing sidewalk network to tie into in the area. The site was part of a larger lot that had an existing home on it before being subdivided under docket 18MINORPLAT1051.

### STAFF FINDING

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

### TECHNICAL REVIEW

There are no outstanding technical issues associated with this review.

### INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties associated with this request.

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC SECTION 5.8.1.B TO NOT PROVIDE SIDEWALKS FOR THE CONSTRUCTION OF A SINGLE FAMILY HOME

- (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 existing sidewalks in the area.

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

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. The waiver would allow the site to be developed in keeping with the general character of the area. The area is generally developed as large lot single family homes, and there are no existing sidewalks in the vicinity.

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

STAFF: The extent of the regulation is the minimum necessary to afford relief to the applicant, as all other provisions of the Land Development Code will be met on site.

- (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 provisions of this regulation as would create an unnecessary hardship on the applicant, as they would have to incur the costs of sidewalk construction that would likely never link to any other section of sidewalk or serve pedestrians in a meaningful way.

#### **REQUIRED ACTIONS:**

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

#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
10-22-18	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 19

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



18WAIVER1041

feet



200



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2. Aerial Photograph



18WAIVER1041

feet



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