

**Development Review Committee**  
**Staff Report**  
May 22, 2019



<b>Case No:</b>	19WAIVER1014
<b>Project Name:</b>	Sidewalk Waiver
<b>Location:</b>	6904-6906 Old Fegenbush Ln
<b>Owner(s):</b>	Don Hamilton, Prescott Homes, LLC
<b>Applicant:</b>	Don Hamilton, Prescott Homes, LLC
<b>Jurisdiction:</b>	Louisville
<b>Council District:</b>	24 – Madonna Flood
<b>Case Manager:</b>	Lacey Gabbard, AICP, Planner I

**REQUEST(S)**

1. **Waiver** of Land Development Code section 5.8.1.B to not provide the sidewalk for two new single family homes along Old Fegenbush Lane

**CASE SUMMARY/BACKGROUND**

The applicant is proposing to construct two single family homes on two existing R-4 zoned lots in the Neighborhood form district. The lots are located in the Highview area, east of Fegenbush Lane and both south and west of Old Fegenbush Lane. Both 6904 and 6906 Old Fegenbush were purchased within the last year and are now in the process of constructing single family homes.

In 2018, 18MINORPLAT1002 created the 8 lots in the general vicinity of the subject site. One of the resultant lots, an undeveloped neighboring property at 6908 Old Fegenbush, was recently purchased by a different owner and currently has a lateral extension permit for a single family home. The 6902, 6898, 6896, and 6894 parcels are also currently undeveloped residential properties that were all purchased in early 2018. 6900 Old Fegenbush Lane is the only lot involved with the minor plat which currently has an existing single family structure, which was constructed in 1920 according to PVA.

Transit stops exist on Fegenbush but only on the stretch north of Fern Valley Road. Fegenbush Lane is a minor arterial and Old Fegenbush Lane is a local road.

**STAFF FINDING**

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

**TECHNICAL REVIEW**

There are no outstanding technical issues concerning this request.

**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 SIDEWALK FOR TWO NEW SINGLE FAMILY HOMES ALONG OLD FEGENBUSH LANE**

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

STAFF: The waiver will adversely affect adjacent property owners, as there are sidewalks on the east side of Old Fegenbush Lane adjacent to the subject properties. Additionally, this area of Fegenbush Lane is experiencing rapid growth which will be supported by sidewalks.

- (b) The waiver will not violate specific guidelines of Plan 2040; 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.

The subject sites are located in an area where new development is taking place, including the two new single family homes proposed on the subject sites. There are sidewalks present on Old Fegenbush Lane on the opposite side of the street, so there appears to be opportunity for future connectivity.

- (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 waiver of the regulation is not the minimum necessary to afford relief to the applicant, as this area is experiencing new development in addition to the new single family homes proposed on the subject sites.

- (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 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.

**REQUIRED ACTIONS:**

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

**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>5-22-19</b>	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 24

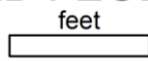
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



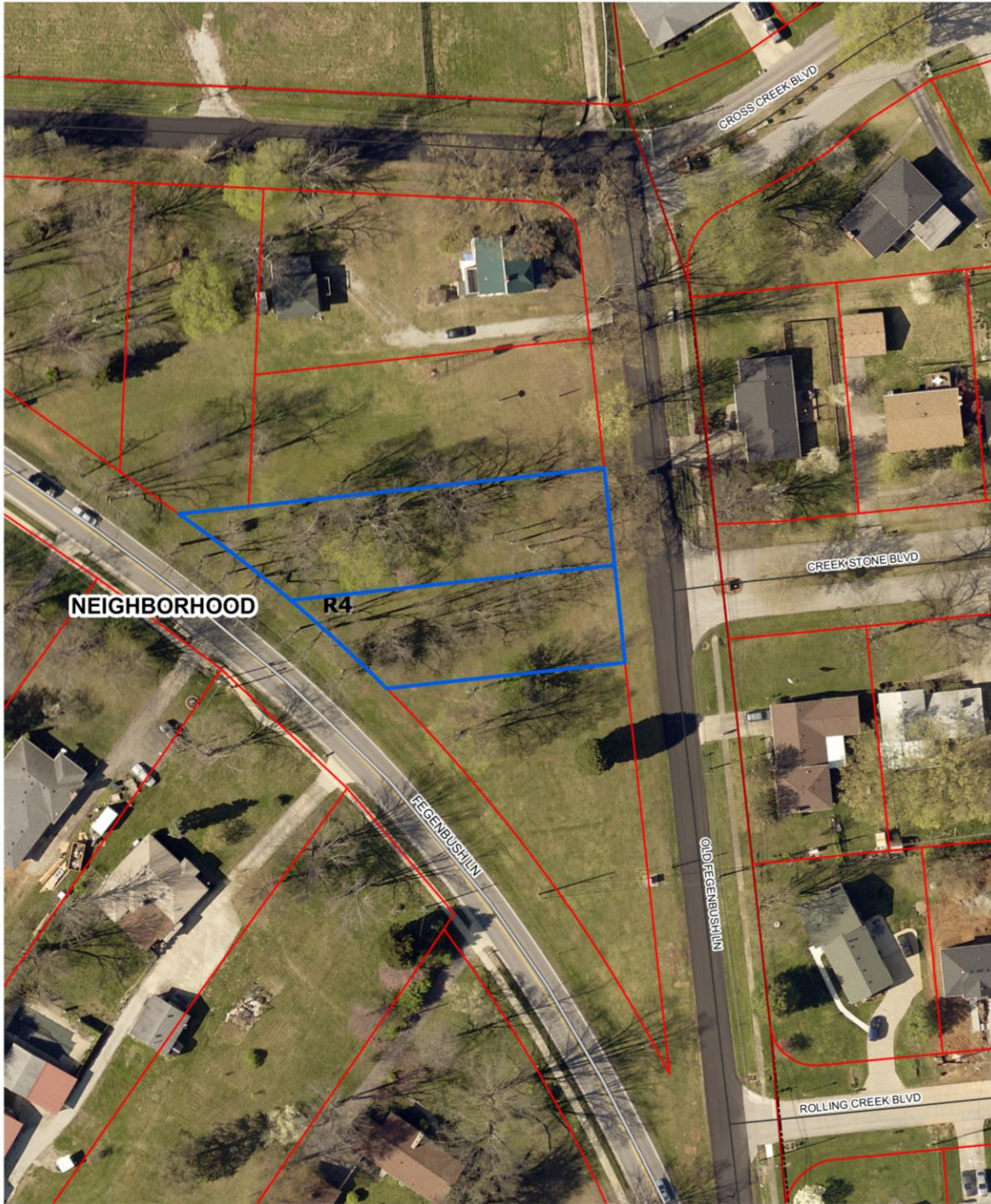
6904-6906 OLD FEGENBUSH LANE



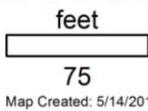
Map Created: 5/14/2019

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2. Aerial Photograph



6904-6906 OLD FEGENBUSH LANE



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