

Development Review Committee
Staff Report
May 22, 2019



Case No:	19WAIVER1019
Project Name:	Sidewalk Waiver
Location:	701 Homestead Blvd
Owner(s):	Gary Goldblatt
Applicant:	Robert L. Eberenz, Jr. Builder, LLC
Jurisdiction:	Louisville
Council District:	9 – Bill Hollander
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST(S)

1. **Waiver** of Land Development Code section 5.8.1.B to not provide the sidewalk for a new single family home along Homestead Boulevard

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a single family home on an existing lot zoned R-5 in the Neighborhood form district. The homeowner's home was destroyed by fire and they are rebuilding. The lot is located in the Rockcreek Lexington Road area, east of I-64 and south of Pee Wee Reese Road.

Before the fire at the subject site, there were no undeveloped lots on Homestead Boulevard or any of the surrounding properties. With a few exceptions, the other homes in the vicinity were built in the mid-1950s, according to PVA. There are no sidewalks on either side of Homestead Boulevard in this area. The sidewalk on Rock Creek Drive to the north of the subject site is internal to the Metro-owned park.

STAFF FINDING

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

TECHNICAL REVIEW

There are no outstanding technical issues concerning this request.

INTERESTED PARTY COMMENTS

Staff received an email in support of the request which is included in the case file.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.8.1.B TO NOT PROVIDE THE SIDEWALK FOR A NEW SINGLE FAMILY HOME ALONG HOMESTEAD BOULEVARD

- (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 existing sidewalks along Homestead Boulevard or any of the streets in the vicinity.

(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 site appears to be the only currently vacant lot on Homestead Boulevard, and the current vacant state is due to a fire which destroyed the previously existing structure. There are no sidewalks on either side of Homestead Boulevard or on any of the streets in the general vicinity of the subject site. A sidewalk on this property does not seem appropriate since there does not appear to be the 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 the minimum necessary to afford relief to the applicant, as all other provisions of the Land Development Code will be met on the subject 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 the regulation would create an unnecessary hardship on the applicant, as they would be forced to construct an impractical sidewalk that would likely never connect to any useable pedestrian network.

REQUIRED ACTIONS:

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

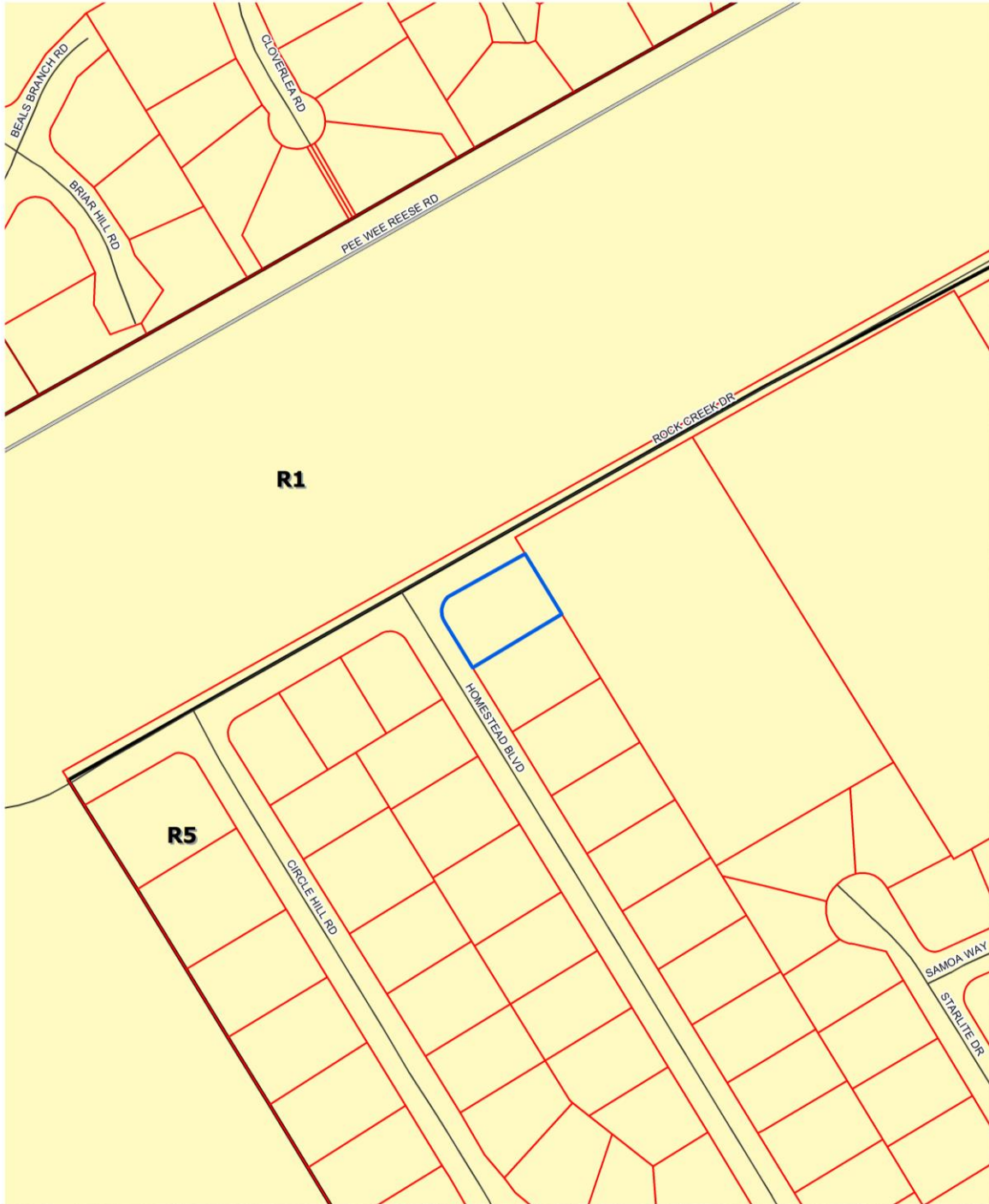
NOTIFICATION

Date	Purpose of Notice	Recipients
5-22-19	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9

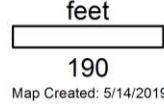
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



701 HOMESTEAD BLVD



Map Created: 5/14/2019



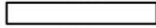
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2. Aerial Photograph



701 HOMESTEAD BLVD

feet



190

Map Created: 5/14/2019



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