

**Development Review Committee**  
**Staff Report**  
February 28, 2018



<b>Case No:</b>	18WAIVER1004
<b>Project Name:</b>	4620 Glen Rose Road Residence
<b>Location:</b>	4620 Glen Rose Road
<b>Owner(s):</b>	Jeffery Mack & Gloria Canicosa
<b>Applicant:</b>	Jeffery Mack
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	24 – Madonna Flood
<b>Case Manager:</b>	Dante St. Germain, Planner I

**REQUEST**

- **Sidewalk Waiver** from Land Development Code section 5.8.1.B to not provide sidewalks in the right-of-way abutting a new development

**CASE SUMMARY/BACKGROUND**

The subject property located along Glen Rose Road, approximately 500 feet from the intersection of Glen Rose Road with Preston Highway. The property is currently undeveloped, and the applicant proposes to construct a new single-family residence on the lot.

No sidewalks exist along Glen Rose Road. Preston Highway has a wide shoulder but no sidewalks south of Glen Rose Road. Sidewalks exist along Preston Highway to the north of Glen Rose Road, which is the opposite side of Glen Rose Road from the subject property. The applicant requests a waiver to not provide sidewalks when the new residence is constructed.

This property was granted a variance in 2017 under docket number 17VARIANCE1073 to allow the residence to encroach into the required infill street side yard setback.

**STAFF FINDING**

Staff finds that the requested waiver is adequately justified and meets the standard of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting a waiver established in the Land Development Code from section 5.8.1.B to allow a residence to be constructed without providing sidewalks in the abutting right-of-way.

**TECHNICAL REVIEW**

- The plan has received preliminary approval from Transportation Planning subject to waiver approval.

**INTERESTED PARTY COMMENTS**

No interested party comments were received by staff

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.8.1.B**

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

STAFF: The waiver will not adversely affect adjacent property owners as no sidewalks currently exist along Glen Rose Road, with the nearest sidewalk being approximately 500 feet away along Preston Highway, along the opposite side of Glen Rose Road.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 Objective C2.5 Streetscape describes the streetscape of the Neighborhood Form as including street trees, landscaping, signage or feature consistent with the existing pattern of community design which may or may not include sidewalks. This goal is not violated because the existing pattern of community design in this location does not include sidewalks.

Guideline 1: Community Form policy B 3 describes sidewalks as an example design element to encourage human interaction in the Neighborhood Form rather than as a requirement. Guideline 9 policy 1 encourages sidewalks along the streets of all developments where appropriate. This policy is not violated because a sidewalk with no connection to other sidewalks and no foreseeable future connection is not appropriate.

- (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 a partial waiver that required the applicant to build a partial sidewalk would be no more appropriate for this location than a full sidewalk.

- (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 deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring the applicant to build sidewalks with no foreseeable future connection to other sidewalks.

**NOTIFICATION**

Date	Purpose of Notice	Recipients
02/15/2018	DRC Public Meeting	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 24

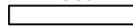
## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation

1. **Zoning Map**



4620 Glen Rose Road  
feet



110  
Map Created: 10/19/2017

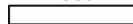


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2. Aerial Photograph



4620 Glen Rose Road  
feet



110  
Map Created: 10/19/2017



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3. **Site Plan**

