

Development Review Committee

Staff Report

January 8, 2020



Case No:	19-WAIVER-0036
Project Name:	Sidewalk Waiver
Location:	2727 Lindsay Avenue
Owner(s):	Joseph S. Harrison
Applicant:	Joseph S. Harrison
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST:

1. **Waiver** of Land Development Code 5.8.1.B to provide the sidewalk for a new single family residence on Lindsay Avenue

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5 Residential Single-family in the Neighborhood form district. It is located on the north side of Lindsay Avenue, just west of the intersection with Pryor Avenue.

According to PVA, the subject site is residential single family. The applicant is proposing to construct a new single-family residence and they are requesting a waiver to not provide sidewalks along Lindsay Avenue. The subject site is surrounded on the west and across the street to the south by R-5 zoned properties, to the north by an R-7 zoned property, and to the east by Louisville Metro owned and R-6 zoned properties.

There are no existing sidewalks on either side of this portion of Lindsay Avenue, nor are there any sidewalks on any of the roads in the vicinity of the subject site. The closest sidewalk appears to be approximately 450 feet away, on Cleveland Avenue. There are sidewalks on Coleen Court and Bexley Court, to the north of the subject site, however these are interior to the Heather Hills subdivision and are unlikely to be used by pedestrians on Lindsay Avenue. Additionally, several nearby parcels are owned by the Metropolitan Sewer District and are unlikely to be developed.

STAFF FINDINGS

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

TECHNICAL REVIEW

Public Works and MSD have provided preliminary approval. If the waiver is denied, Public Works has offered a fee-in-lieu of \$2,629.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this case.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2 TO ALLOW A PORTION OF THE NEW BUILDING (210 SQUARE FEET) TO ENCROACH INTO THE REQUIRED LANDSCAPE BUFFER

- (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 Lindsay Avenue 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 to 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 undeveloped lot on Lindsay Avenue, with the exception of the vacant lot across the street which appears to be utilized by a neighboring property, and the vacant properties owned by Louisville Metro. There are no sidewalks on either side of Lindsay Avenue or on any of the streets in the general vicinity of the subject site. A sidewalk on this property would not be utilized by pedestrians and 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 there are no other sidewalks in the general vicinity of 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 Revised Development Plan and Binding Element Amendments**

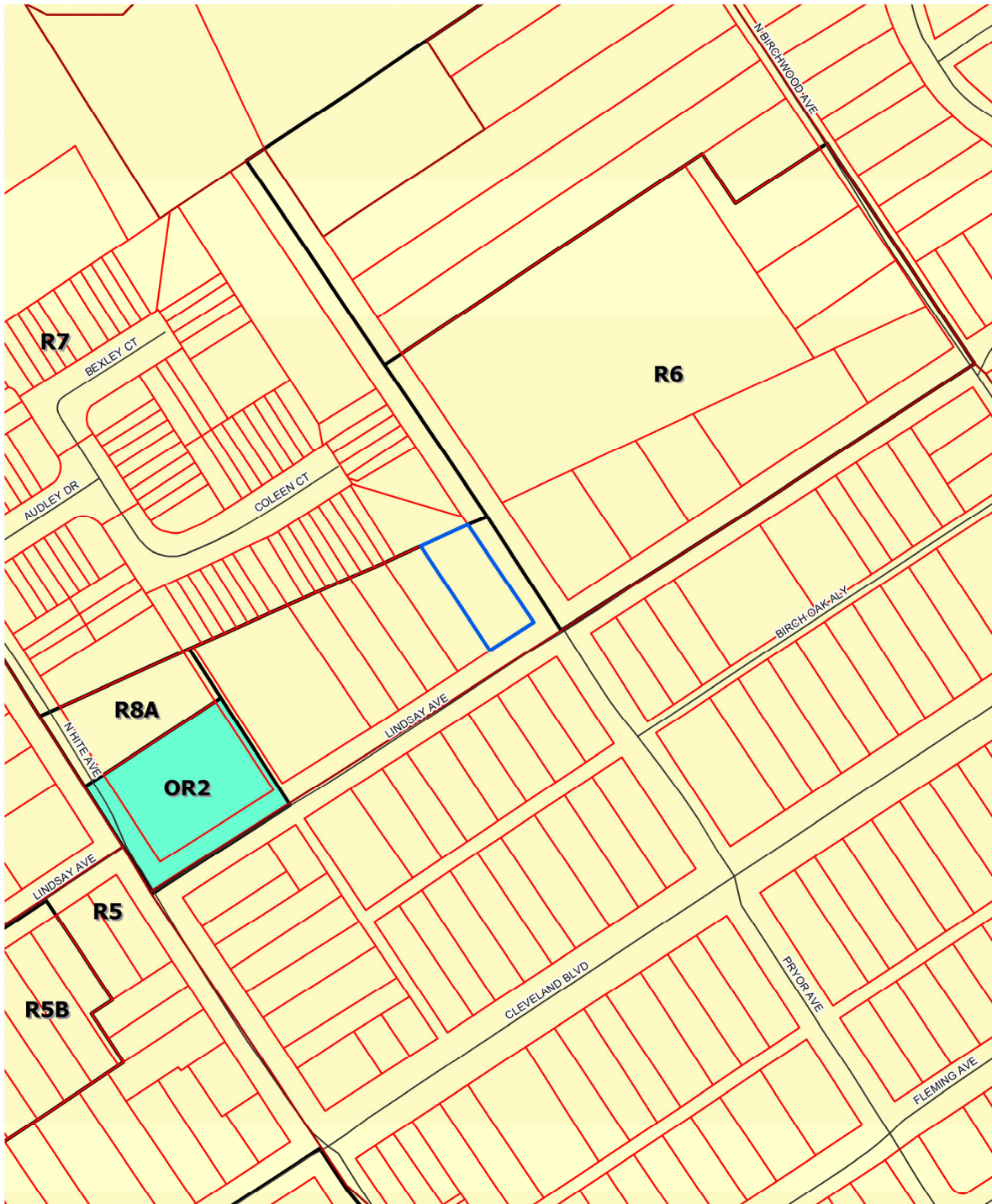
NOTIFICATION

Date	Purpose of Notice	Recipients
1-8-20	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 9

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2727 LINDSAY AVENUE

feet



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Map Created: 8/12/2019



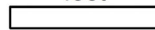
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2. Aerial Photograph



2727 LINDSAY AVENUE

feet



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