



Sidewalk Waiver Application

Louisville Metro Planning & Design Services

Case No.: 18 WAIVER 1008 Intake Staff: HP
Date: 3/28/18 Fee: \$271.00

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

Explanation of Waiver: The waiver is to eliminate the sidewalk requirement along Old Henry Road

Primary Project Address: 12400 Old Henry Road

Additional Address(es): _____

Primary Parcel ID: 153700940000

Additional Parcel ID(s): _____

Proposed Use: Residential Existing Use: Residential

Existing Zoning District: R-4 Existing Form District: Neighborhood

Deed Book(s) / Page Numbers²: DB 8735 Pg 178

The subject property contains ~3.53 acres. Number of Adjoining Property Owners: 16

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: _____ Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

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Sidewalk Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers the following criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. **How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?**

See Attached

2. **Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?**

See Attached

3. **What impacts will granting of the waiver have on adjacent property owners?**

See Attached

4. **Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?**

See Attached

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Contact Information:

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Owner: Check if primary contact

Applicant: Check if primary contact

Name: Mr & Mrs Douglas Michael

Name: (same)

Company: _____

Company: _____

Address: 12400 Old Henry Road

Address: _____

City: Louisville State: KY Zip: 40223

City: _____ State: _____ Zip: _____

Primary Phone: _____

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

Owner Signature (required): *Glenn Price*

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Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: Glenn Price

Name: Herbert P. Fink

Company: Frost Brown Todd LLC

Company: Herbert P. Fink & Associates

Address: 400 West Market Street Suite 3200

Address: 1347 South 3rd Street Suite 303

City: Louisville State: KY Zip: 40202

City: Louisville State: KY Zip: 40202

Primary Phone: 779-8511

Primary Phone: 636-5596

Alternate Phone: 553-9830

Alternate Phone: _____

Email: gaprice@fbtlaw.com

Email: herbfink@bellsouth.net

Certification Statement: A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, Glenn Price, in my capacity as representative, hereby representative/authorized agent/other

certify that Mr. & Mrs. Douglas Michael is (are) the owner(s) of the property which name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: *Glenn Price* Date: 3/28/18

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

Please submit the completed application along with the following items:

Land Development Report¹

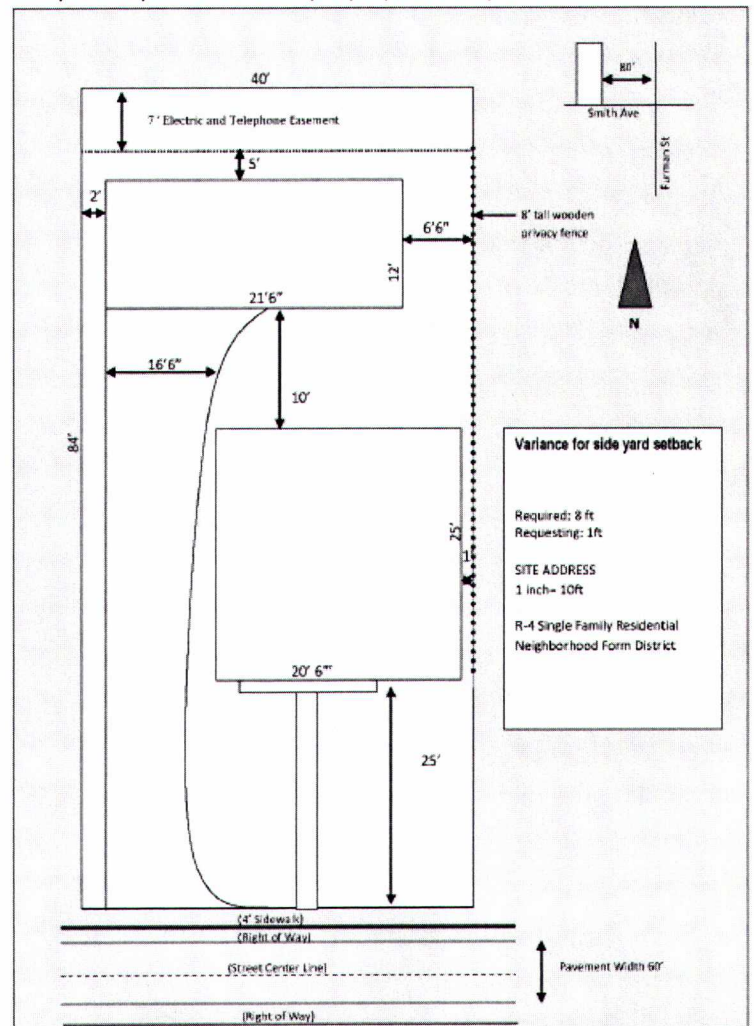
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- Four copies of the site plan or building rendering (whichever is applicable), including the following elements. *See site plan example below.*
 - Plan drawn to a reasonable scale [engineer's scale (1" = 20') or architect's scale (1/8" = 1')]
 - Vicinity map that shows the distance from the property to the nearest intersecting street
 - North arrow
 - Street name(s) abutting the site
 - Property dimensions
 - Building limit lines
 - Electric, telephone, drainage easements with dimensions
 - Existing and proposed structures with dimensions and distance from property lines
 - Highlight (in yellow) the location of the waivers
- One set of mailing label sheets for: 1st tier Adjoining Property Owners (APOs)³; those listed on the application; and individuals who provided oral or written testimony in support or opposition of previous public hearing regarding the site
- One copy of the APO mailing label sheets
- \$215 Application Fee + \$1 per mailing label (*Cash, charge or check made payable to Planning & Design Services*)

Resources:

1. Land Development Reports can be obtained online by entering the site address at: <http://ags2.lojic.org/lojiconline/>
2. Deeds and plats can be found at the Jefferson County Clerk's Office, located at the 2nd floor of Metro Hall (527 West Jefferson Street, telephone: 502-574-6220). Many deeds, plats and other records are available online at: <http://www.landrecords.jcc.ky.gov/records/S0Search.html>
3. Adjoining property ownership information can be found at the Property Valuation Administrator (PVA) office at 531 Court Place, Suite 504 or via their website: <https://jeffersonpva.ky.gov/>
4. View agency comments at: <http://portal.louisvilleky.gov/codesandregs/mainsarch>. Enter your case number in the 'Permit/Case/Docket Number' search bar and then select your case under the 'Application Number' tab.

Sample site plan is for example purposes only and not drawn to scale



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SIDEWALK WAIVER JUSTIFICATION

12400 Old Henry Road ("Property")

Reason for request. This is a request for a waiver of the installation of sidewalks pursuant to the Land Development Code ("LDC"). Sidewalks are as required by a Minor Plat dated November 9, 2005 ("Plat") and approved by Louisville Metro Planning Commission on November 17, 2005 for Docket Number 244-05.

1. The Proposed Waiver conforms to the Comprehensive Plan and the intent of the Land Development Code.

A. Comprehensive Plan

The only Comprehensive Plan Guideline that applies to this request is Bicycle, Pedestrian and Transit Guideline 9. The language calls for sidewalks along streets of all development "where appropriate". The building of a private tennis court at Property will not cause any pedestrian traffic along Old Henry Road. In addition, there are no other sidewalks in the area, thus no connection to other pedestrian transit. The proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policy 9.1. Although the sidewalk was to be installed pursuant to the Plat, installing sidewalks at the Property is not appropriate at this time. The installation of the sidewalks would require numerous trees to be removed and adversely impact the tree canopy in addition to the existing 50-foot scenic corridor setback.

B. The intent of the Land Development Code

The intent of the Land Development Code Sec. 5.8.1 is to provide sidewalks along abutting rights-of-way of the development; however, the installation of the sidewalk at this time would not be appropriate because it would substantially damage the existing tree canopy.

2. Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and overall intent of the Land Development Code?

Compliance with the regulations is not appropriate in this case because of the unique location of the existing trees and vegetation on the Property. The granting of the waiver will result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code because it would prevent the introduction of sidewalk construction within the tree canopy area, which would damage and/or cause the removal of substantial trees.

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3. Are there any impacts that the granting of the waiver may have on adjacent property owners?

No. The grant of the waiver will have no impact on adjacent property owners because the tennis court is private and will not generate pedestrian traffic to or through the site: pedestrian trips to and from the tennis court are nonexistent. The installation of a sidewalk would negatively impact the neighbors by reducing the tree canopy and removing natural vegetation in the scenic corridor setback.

4. State why the strict application of the provision of the regulations would deprive the Applicant of the reasonable use of the land or would create an unnecessary hardship on the Applicant.

Without the grant of the waiver, the Applicant would be required to build a sidewalk that is not connected to any other pedestrian paths; moreover, it is unlikely that a sidewalk will ever be constructed in this vicinity. The strict application of the regulations would also require the Applicant to remove trees and other natural vegetation. The waiver will not allow an unreasonable circumvention of the requirements of the regulations and is suitable for this location.

- **The waiver will not adversely affect the public health, safety or welfare.**

Any installation of a sidewalk in connection with the proposed tennis court fence would require the removal of existing trees and natural vegetation. The grant of the waiver would help protect, rather than adversely affecting, the public health, safety or welfare.

- **The waiver will not alter the essential character of the general vicinity.**

There are no sidewalks in the area and the Property is also subject to a 50-foot scenic corridor setback.

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