

### **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?

Granting of the sidewalk waiver complies with chapter 6.2-4.2.c.iv of the Land Development Code which allows the Planning Commission and/or BOZA to grant a waiver when the proposed development impacts less than 50% of the road frontage. The applicant is proposing to construct a building addition along 23% of the S. 13th Street frontage.

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?

There are no connecting walks in the immediate vicinity of the project site. Existing sidewalks in the general vicinity are typically located along one side of the street and are impassible due to lack of maintenance and utility obstructions.

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

There is no negative impact to surrounding neighbors since there are no connecting walks in the area. There are no commercial establishments or services in the general vicinity that warrant pedestrian access from this area.

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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?

The R/W frontage along the property is currently used as a utility corridor that includes overhead electric and water mains with fire hydrants where sidewalks are typically located. This infrastructure would need to be relocated to accommodate sidewalks. The cost to relocate this infrastructure is not feasible and would exceed the cost of the proposed expansion project.



## Sidewalk Waiver Application

Louisville Metro Planning & Design Services

Case No.: 15WAIVER040 Intake Staff: SL

Date: 12-28-15 Fee: 221

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 5<sup>th</sup> Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

### Project Information:

Explanation of Waiver: Construction of sidewalk along the S. 13th street property frontage.

Primary Project Address: 1380 S. 13th Street

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: 031F00020000

Additional Parcel ID(s): \_\_\_\_\_

Proposed Use: Lab/Warehouse Existing Use: Warehouse

Existing Zoning District: EZ-1 Existing Form District: TWFD

Deed Book(s) / Page Numbers<sup>2</sup>: 10326 x 0154

The subject property contains 3.61 acres. Number of Adjoining Property Owners: 3

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)*<sup>1</sup> ☒ Yes ☐ No

If yes, please list the docket/case numbers:

Docket/Case #: 15DEVPLAN1179 Docket/Case #: \_\_\_\_\_

Docket/Case #: \_\_\_\_\_ Docket/Case #: \_\_\_\_\_

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