

# Development Review Committee

## Staff Report

August 15, 2018



<b>Case No:</b>	18WAIVER1030
<b>Project Name:</b>	1112 Payne St Waivers
<b>Location:</b>	1112 Payne St
<b>Owner(s):</b>	The Wynnfield Company, LLC.
<b>Applicant:</b>	The Wynnfield Company, LLC.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Jay Lockett, Planner I

### REQUEST(S)

- **Waiver** of Land Development Code section 5.8.1.B to not provide sidewalks in the Bishop St right-of-way.
- **Waiver** of Land Development Code section 5.4.1.E.3 to not provide access from the alley for a proposed single family home.

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct two new single family homes at the intersection of Payne St and Bishop St. The subject site is zoned R-6 in the Traditional Neighborhood form district. Due to the presence of existing electrical transmission and telephone infrastructure adjacent to the site, the applicant is requesting two waivers from the Land Development Code.

### STAFF FINDING

The requests are adequately justified and meet the standards of review.

### TECHNICAL REVIEW

The requests have been reviewed by transportation planning staff, and they concur that the requests are justified by the presence of existing infrastructure in the area.

### INTERESTED PARTY COMMENTS

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

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC 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 there are currently no existing sidewalks along the northeast side of the Bishop St right-of-way, nor has there been historically.

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

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The narrow historic right-of-way of Bishop St has existing telephone poles directly adjacent to the subject site. It would be very difficult to install a proper sidewalk along this right-of-way without moving the existing infrastructure there. There is an existing sidewalk on the opposite side of Bishop St that can serve pedestrians in this area.

- (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 the applicant will still maintain the sidewalk along the Payne St right-of-way to Public Works standards.

- (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 either need to construct an impractical sidewalk, or undertake the expensive process of moving public utility equipment.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC SECTION 5.4.1.E.3**

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

STAFF: The waiver will not adversely affect adjacent property owners, as the site will still be accessed and parking provided in the accessory use area through an existing curb cut.

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

STAFF: Guideline 2, Policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, Policy 1 states to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the

pattern of development within the form district. Guideline 3, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. The proposed parking area is consistent with nearby developments in the area. The access point already exists and transportation planning staff has confirmed that it can continue to be used in a safe manner to provide access to the site.

- (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 second proposed house will have access from the alley as required by the Land development Code.

- (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 the access point is existing, and the area where an access would be required by the regulation has existing electrical and telephone equipment that would interfere with construction.

#### **REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Waivers**

#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
8-1-18	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4

#### **ATTACHMENTS**

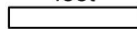
1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



18WAIVER1030

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2. Aerial Photograph



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