

Development Review Committee

Staff Report

February 20, 2019



Case No:	19WAIVER1002
Project Name:	Allgeier Residence Sidewalk
Location:	5005 S Watterson Trl
Owner(s):	Norman Allgeier
Applicant:	Norman Allgeier
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Waiver** of Land Development Code section 5.8.1.B to not construct a sidewalk for a new single family home.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a single family home on an existing lot zoned R-4 in the Neighborhood form district. The lot is located in the Fern Creek area, south of Bardstown Rd.

STAFF FINDING

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

TECHNICAL REVIEW

There are no outstanding technical issues concerning this request.

INTERESTED PARTY COMMENTS

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

- (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 S Watterson Trl in this area.

- (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. Most of the lots on this side of S Watterson Trl are developed with single family homes, and there are no sidewalks. There is a suburban-style commercial area at the intersection of Bardstown Rd and S Watterson Trl that also has no sidewalks.

- (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 all other provisions of the Land Development Code will be met on 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 **Waiver**

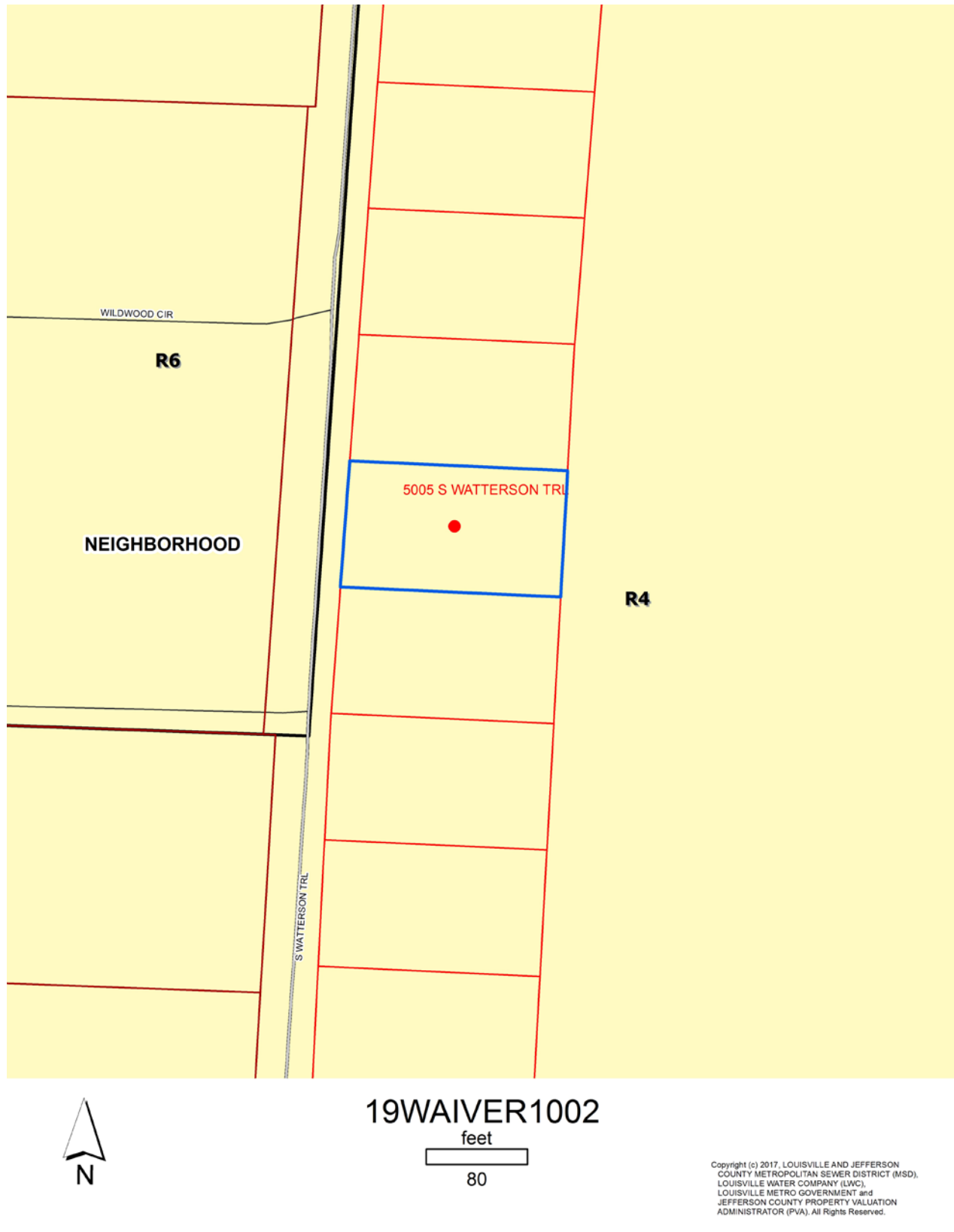
NOTIFICATION

Date	Purpose of Notice	Recipients
2-8-19	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 22

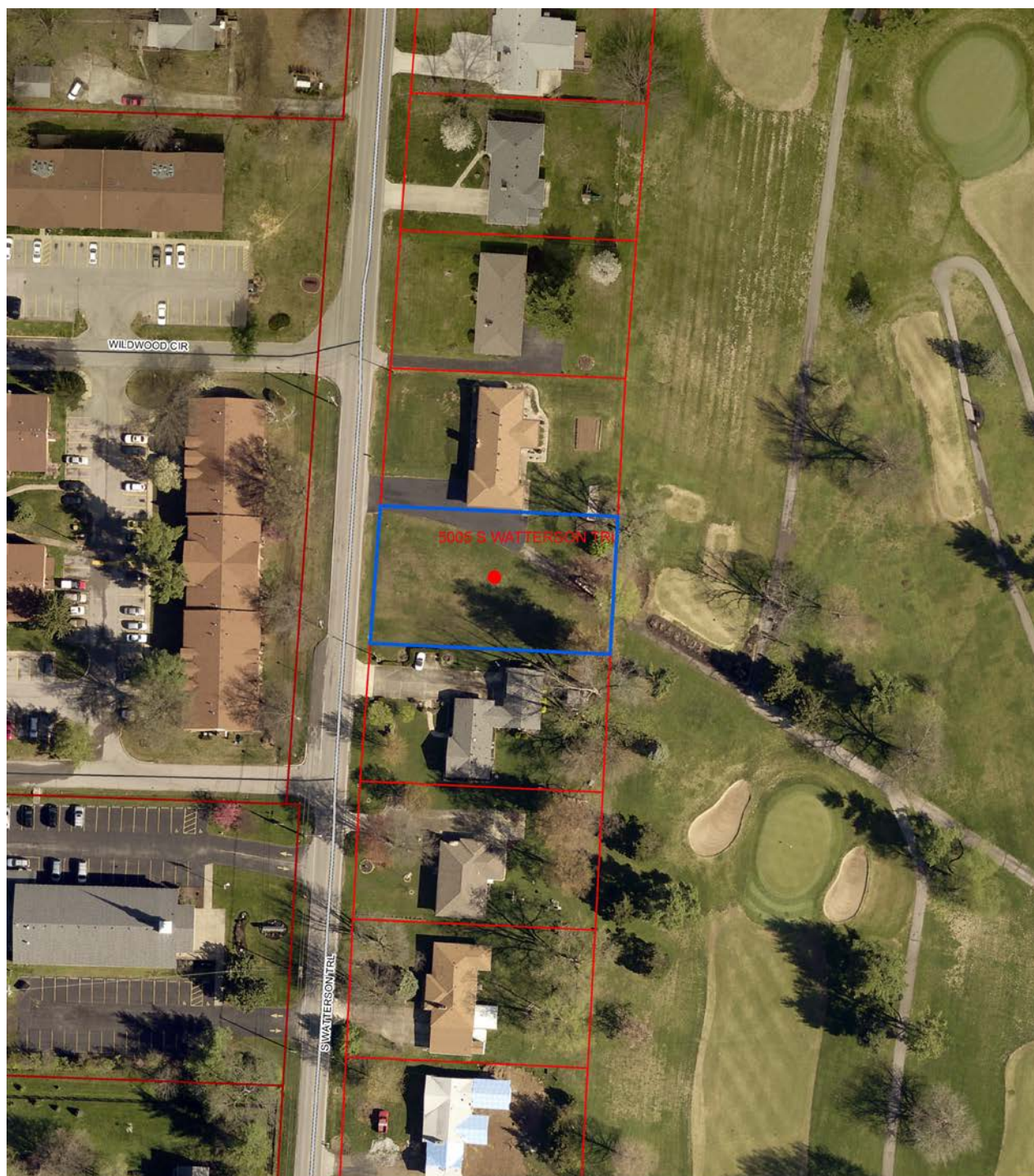
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**

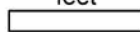


2. Aerial Photograph



19WAIVER1002

feet



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