

Development and Review Committee

Staff Report

February 17th, 2021



Case No:	20-MPLAT-0135
Project Name:	Cleo Avenue Minor Plat
Location:	1343 Cleo Avenue
Owner(s):	Brentwood Signature Homes LLC
Applicant:	Clarisa De Luna, Brentwood Signature Homes LLC John Miller, Miller Wiry MWG LLC
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Molly Clark, Planner I

REQUEST(S)

- A Waiver from the Land Development Code (LDC) section 5.3.1.C to reduce the required minimum lot width from 50 feet to 32.33 to 33.33 feet.

CASE SUMMARY/BACKGROUND

The applicant is proposing a minor subdivision plat to create 3 lots from 1 lot as well as dedicate right of way within the R5 single family zoning district and neighborhood form district. Each lot will be 6,063 to 6,625 square feet and will be 32.33 to 33.33 feet wide. The proposed lots meet the minimum area of 6,000 square feet required in the neighborhood form district but does not meet the 50 foot minimum width required. The applicant is proposing to build a single family house on each lot.

STAFF FINDING

- Aside from the requested waiver, the request complies with all zoning and subdivision regulations.
- Based upon the information in the staff report, the testimony, and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards for approving a waiver of Section 7.8.60.B.4 as established in the LDC.

TECHNICAL REVIEW

The minor subdivision has received preliminary approvals from MSD, Transportation Planning, Camp Taylor Fire Department and MetroSafe.

INTERESTED PARTY COMMENTS

Staff has not received any formal comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.3.1.C TO ALLOW 3 PROPOSED LOTS TO HAVE REDUCED LOT WIDTHS LESS THAN THE REQUIRED 50 FEET.

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

STAFF: The waiver will not adversely affect adjacent property owners as access will serve single-family residences and traffic will be the minimum necessary to serve them.

(b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Guideline 21, Policy 1 encourages a variety of housing types including, but not limited to detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster and co-housing. The applicant is proposing slightly smaller lots in terms of width to be able to fit 3 single family houses. The houses will also be built in a area with existing infrastructure. The easy access to utility connections also support guideline 15 policy 1 which is to locate development in areas served by existing utilities or capable of being served by public or private utility extensions. The smaller lots create more housing with an area that would have only had one single family house. The waiver will not violate specific guidelines of Cornerstone 2040 as the proposed subdivision will accommodate single-family residences and traffic will be the minimum necessary to serve them.

(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. The proposed lots are wide enough to fit single family homes and the lots meet the required minimum area. In this case, the regulation is limiting the applicant from building more housing in the neighborhood on proposed lots that are in character with the neighborhood.

(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 deprive the applicant of the reasonable use of the land because the lots do meet minimum area and is in character with other lots in the neighborhood. The lots resulting from the subdivision conform to the zoning and form district regulations applicable to the property.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**

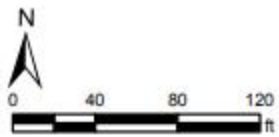
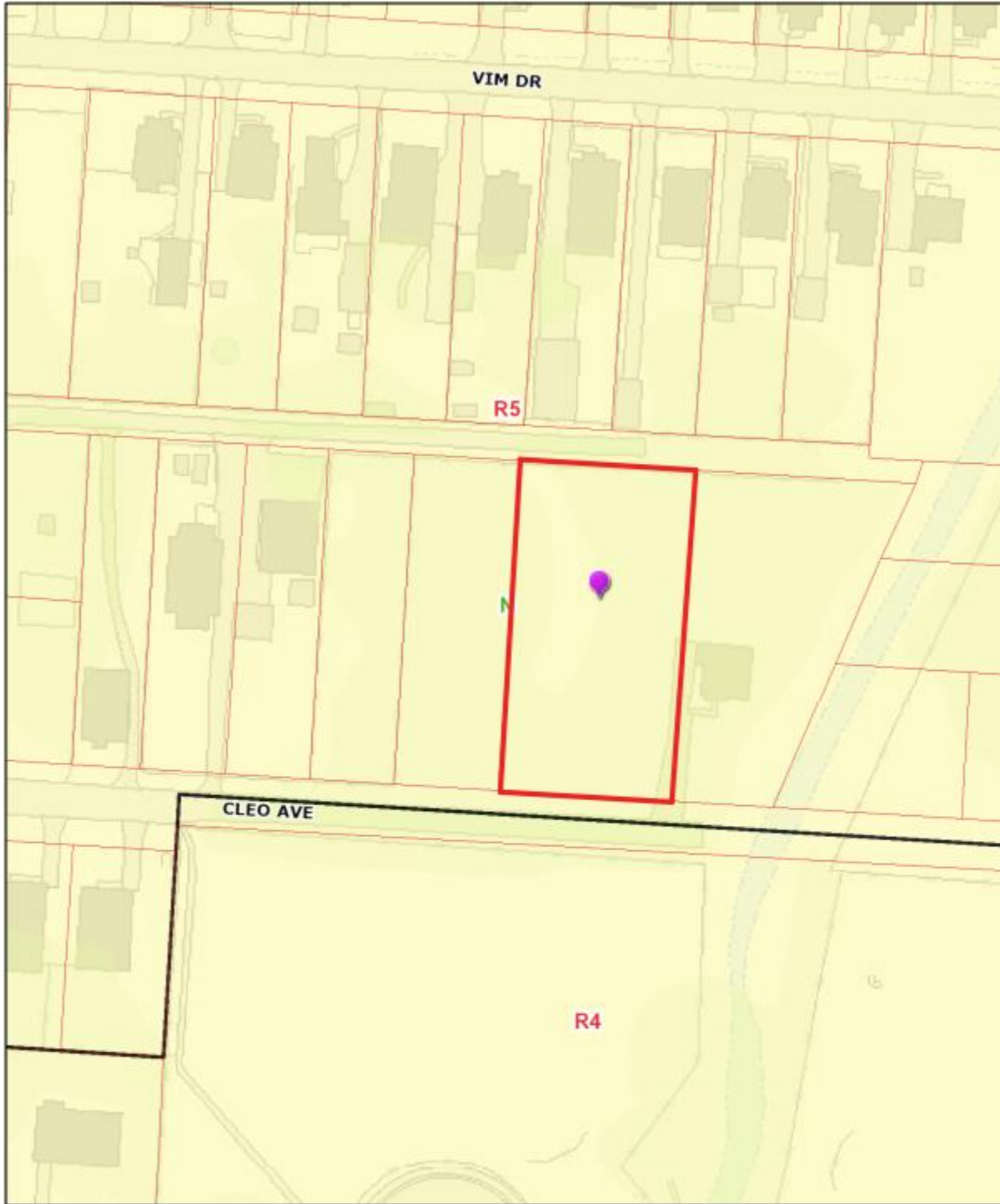
NOTIFICATION

Date	Purpose of Notice	Recipients
11-30-20	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 2

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



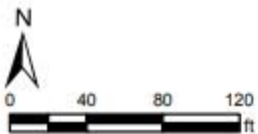
Tuesday, December 8, 2020 | 10:00:29 PM



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2. Aerial Photograph



Tuesday, December 8, 2020 | 9:54:55 PM



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