

Development Review Committee
Staff Report
September 6, 2017



Case No:	17MINORPLAT1080
Project Name:	5811 Lovers Ln Minor Plat
Location:	5811 Lovers Lane
Owner(s):	Joseph & Marcella Bland
Applicant:	Marcella (Marci) Bland
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- **WAIVER** of Land Development Code (LDC) section 7.8.60.B.4 to allow individual, single-family driveway access to a collector level roadway.

CASE SUMMARY/BACKGROUND

The applicant proposes to create three lots from one on Lovers Lane and Billtown Road in between Fern Creek Road and Easum Road in Southeastern Louisville Metro. The subject property is surrounded by low density single family homes on tracts greater and one acre. The lot is located on the east side of Lovers Lane with approximately 624' of lineal, road frontage on this primary collector roadway. The only structures currently on the property are a single family home, a barn, and a newly constructed cell tower on proposed Tract 3 with access from Billtown Road. The lot containing the home has an existing drive. Currently, the parcel totals 22.1 acres with proposed lots of 6.67, 10.38, and 5.05 acres.

STAFF FINDING

- This case was noticed in accordance with Policy 3.03 of the Louisville Metro Planning Commission.
- Aside from the requested waiver, the request to subdivide 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 established in the LDC.

TECHNICAL REVIEW

The minor subdivision plat is in order and has received preliminary approvals from the Metropolitan Sewer District, the Health Department, and the Fern Creek Fire Department; conditional approval has been received from Transportation Planning and KYTC. Section 7.8.60.B.4 of the LDC states the following: Direct access to major arterial, minor arterials and collector level roadways from individual single-family lots is prohibited.

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 access will serve a 10.38 acre tract that does not currently have a dwelling.

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

STAFF: Guideline 3, Policy A.3 encourages residential character that is compatible with adjacent residential areas. This type of land subdivision supports this policy as the surrounding lots are largely single family and greater than one acre. The waiver will not violate specific guidelines of Cornerstone 2020 as the proposed minor subdivision will serve single family lots and traffic will marginally impacted. The community abutting Lovers Lane is currently a low-density community.

- (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 proposed tract fronting Lovers Lane is vacant and will be used for residential purposes or sold to an adjoining property. Requiring a shared driveway with an easement between the two lots along Lovers Lane would create an unnecessary hardship on the applicant, thus depriving the applicant of reasonable use of 22.1 acres of land.

- (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 or would create an unnecessary hardship on the applicant as they would be prevented from using a large piece of land in a manner that meets LDC and Cornerstone 2020 guidelines. LDC section 7.8.60.B.4 prohibits Planning Commission staff from approving the minor subdivision, unless a waiver is granted.

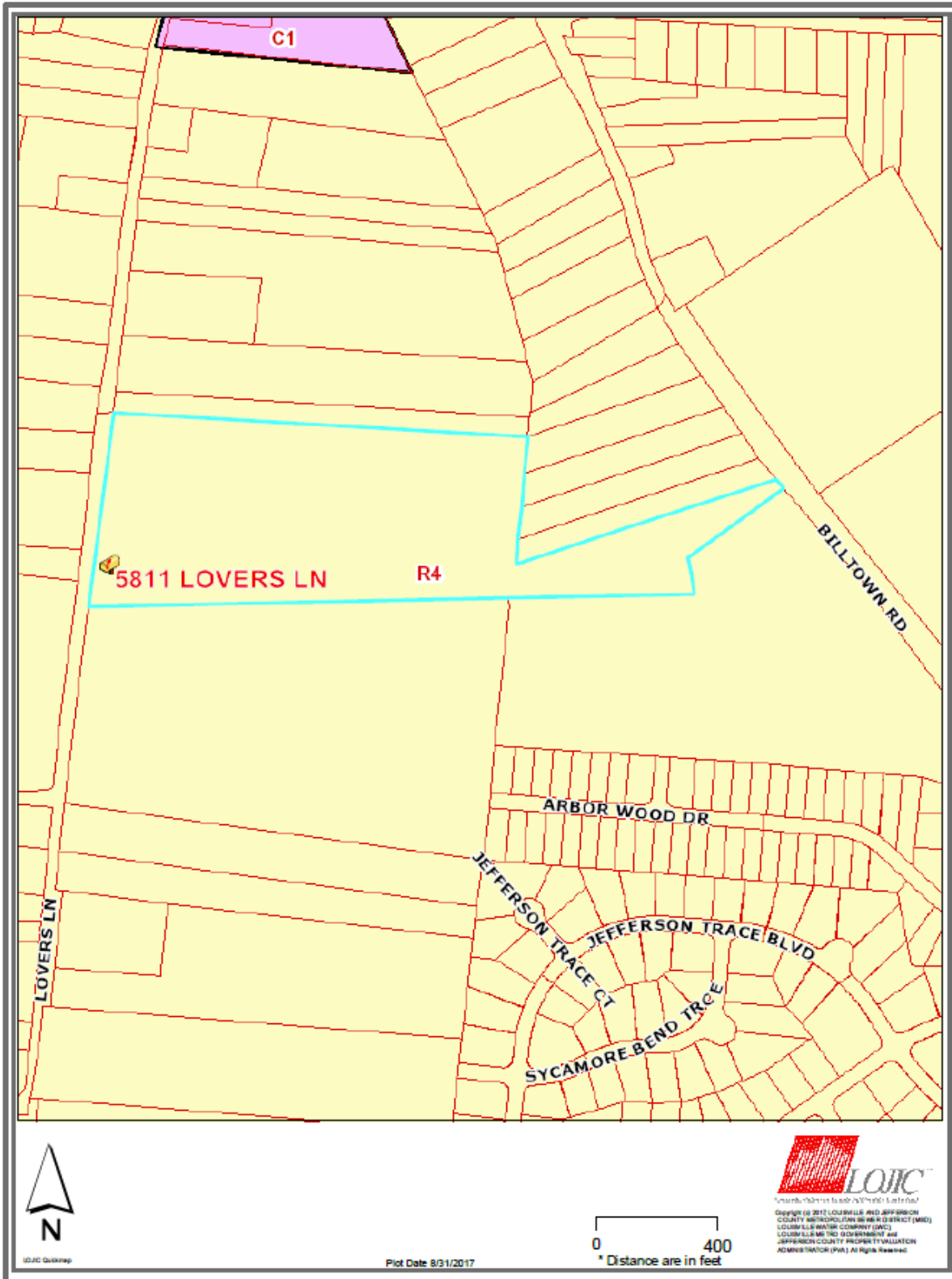
NOTIFICATION

Date	Purpose of Notice	Recipients
8/23/17	Hearing before Development Review Committee	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 22

ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph

3. 1. Zoning Map



2. Aerial Photograph

