

Development Review Committee

Staff Report

January 4, 2017



Case No:	16MINORPLAT1155
Project Name:	Revision of Lot 27 of Wesboro Subdivision
Location:	7208 Wesboro Road
Owners/Applicants:	C2 Home Buyers Inc.
Representative:	Richard Matheny – Cardinal Surveying
Project Area/Size:	.494 acres
Existing Zoning District:	R-4, Single Family Residential
Existing Form District:	Neighborhood
Jurisdiction:	Louisville Metro
Council District:	7 – Angela Leet
Case Manager:	Dante St. Germain, Planner I

REQUEST

- Amendment to Record Plat

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to create two lots from one in the Wesboro Subdivision. This subdivision was recorded in 1946 and consists of medium density single family homes. The lot is located on the south-west corner of the intersection of Wesboro Road and Lynn Way, having frontage on both local-class roads. The lot currently is accessed through a private drive from Lynn Way. The two new lots will share access from Lynn Way at approximately the same location as the current driveway. The applicant further proposes to reduce the building limit line along the Lynn Way frontage from 40' to 30'.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Residential Lot	R-4	Neighborhood
Proposed	Single Family Residential Lot	R-4	Neighborhood
Surrounding Properties			
North	Single Family Residential	R-4	Neighborhood
South	Single Family Residential	R-4	Neighborhood
East	Single Family Residential	R-4	Neighborhood
West	Single Family Residential	R-4	Neighborhood

PREVIOUS CASES ON SITE

Plat Book 9 Page 27: Wesboro Subdivision, recorded 12/21/1946.

INTERESTED PARTY COMMENTS

Neighbors Tom and Amy Scott contacted staff to express opposition to the approval of the record plat amendment. They cited concerns about traffic, about property values as the result of the new pair of lots being too small for rear yards and garages, and about the shared drive which would be out of character for the neighborhood. They appreciate that the property owner is putting work into the property, but believe that making a profit on the property should not occur at the neighbors' expense.

Neighbor Suzanne Coke contacted staff to express opposition. She stated that this subdivision will change the established character of the neighborhood and the existing lot pattern. She stated that the owner lives in Lake Forest and does not care about what happens to this neighborhood, only about maximizing the return on "flipping" the property.

Neighbor Conda Puckett contacted staff to express opposition. She cited the location of the proposed shared drive as potentially causing the residents to park on the street, which would be dangerous as Lynn Lane has no sidewalks and parents use Lynn Lane to wait to pick up their children from the nearby schools. She likes that the owner is putting some work into the property and making it look better, but the owner does not live there and will not have to live with the consequences of the subdivision. A few years ago she wanted to subdivide her own lot and she went to the neighbors to get their consent for the subdivision, and she does not like that this owner has not attempted to do that. She also cited a decrease in property values as the new lots will not have room for garages for the homes.

Neighbors Garey and Jackie Gedrose contacted staff to express opposition. They stated that the owner does not live in the neighborhood, and cited a decrease in property values, exacerbation of an existing traffic problem in the neighborhood due to the nearby schools, and decreased green space in the neighborhood. They stated that there is insufficient room on the lot for another house and garage.

Neighbor Liz Staab contacted staff to express opposition. She stated that the new lots will not have space for rear yards and garages which will reduce property values.

Neighbors Jennifer and Paul Whitfield contacted staff to express opposition. They cited decreased property values and the burden on neighbors to have their homes re-assessed for new tax assessments if values decline. They also cited traffic concerns with the many cars that already park on the street nearby, especially near the street corner, with this being a safety issue for neighborhood children. The proposed shared driveway is also a concern to them.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (LDC)

TECHNICAL REVIEW

Per section 7.1.91 of the LDC, the Planning Commission shall have the power to amend any recorded plat, if reasonable notice and an opportunity to express objections or concerns have been given to all persons affected by the record plat amendment.

The minor subdivision plat is in order and has received preliminary approvals from Transportation Planning, the Metropolitan Sewer District, and the Lyndon Fire Protection District.

The request complies with all zoning and subdivision regulations.

STAFF CONCLUSIONS

- This case was noticed in accordance with Policy 3.03 of the Louisville Metro Planning Commission.
- 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 established in the LDC for amending the recorded plat.

Required Actions

- **APPROVE** or **DENY** the record plat amendment.

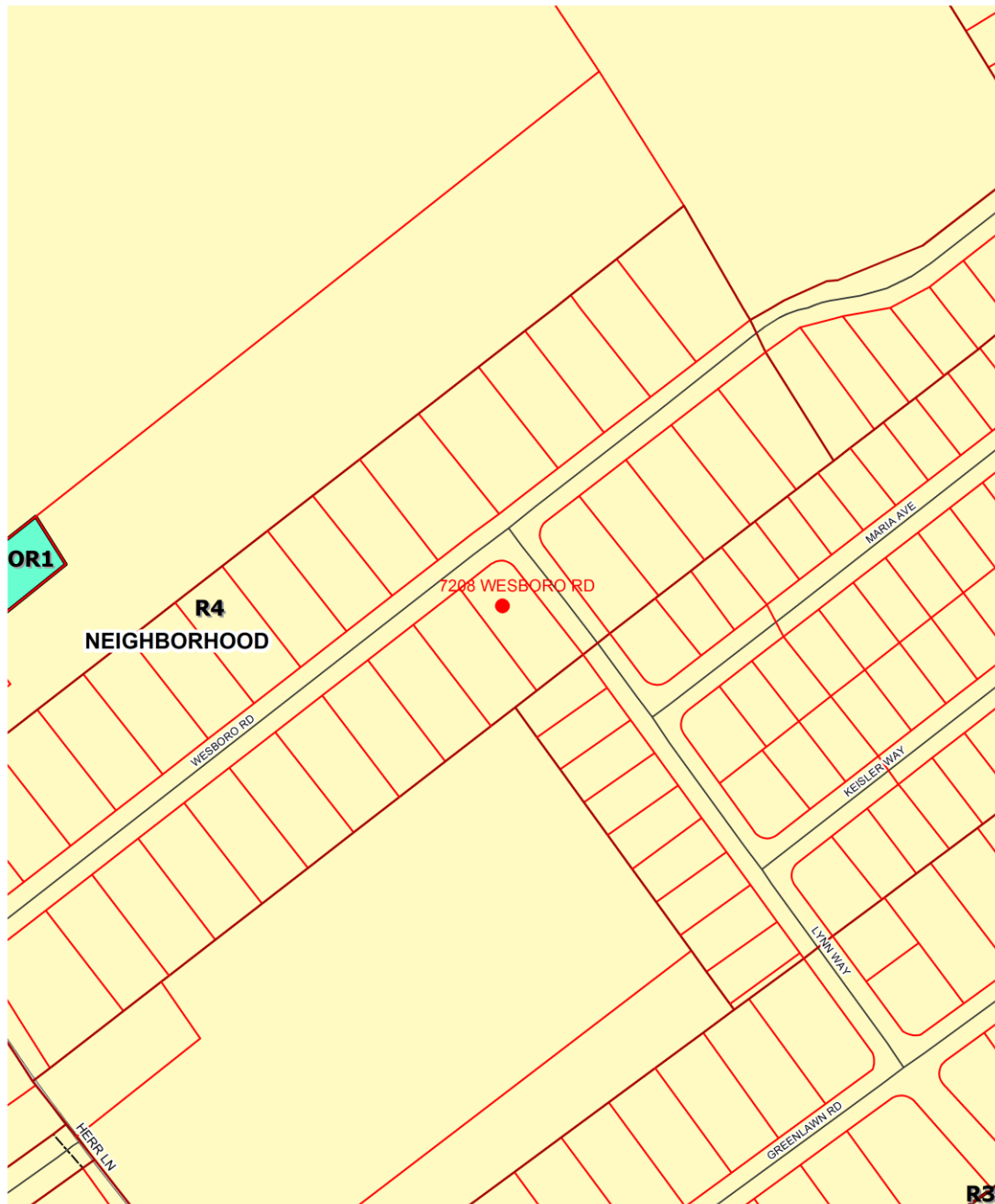
NOTIFICATION

Date	Purpose of Notice	Recipients
12/21/2016	DRC Public Meeting	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial
3. Proposed Plat
4. Emails from Interested Parties

1. Zoning Map

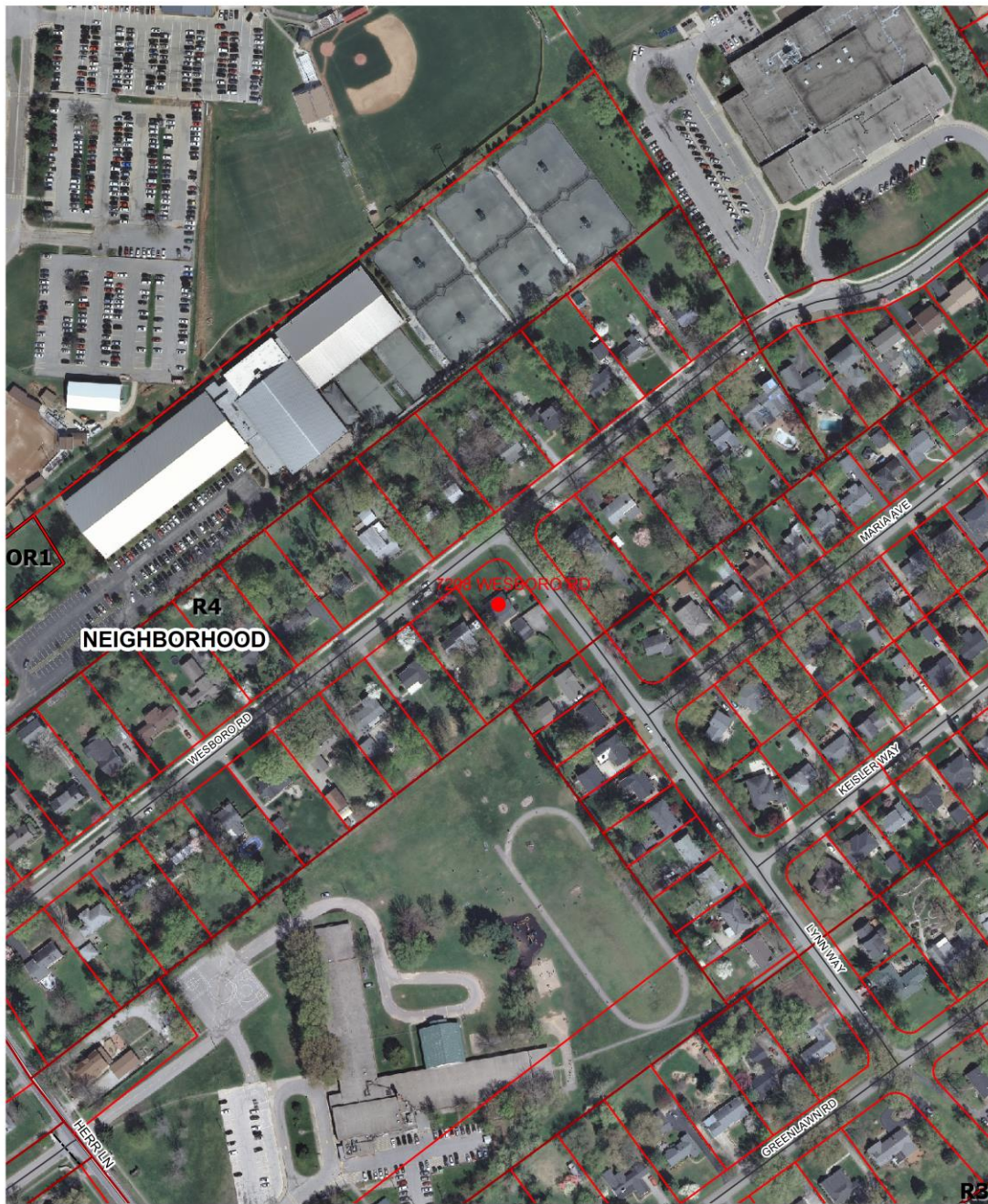


feet
225
Map Created: 12/23/2016



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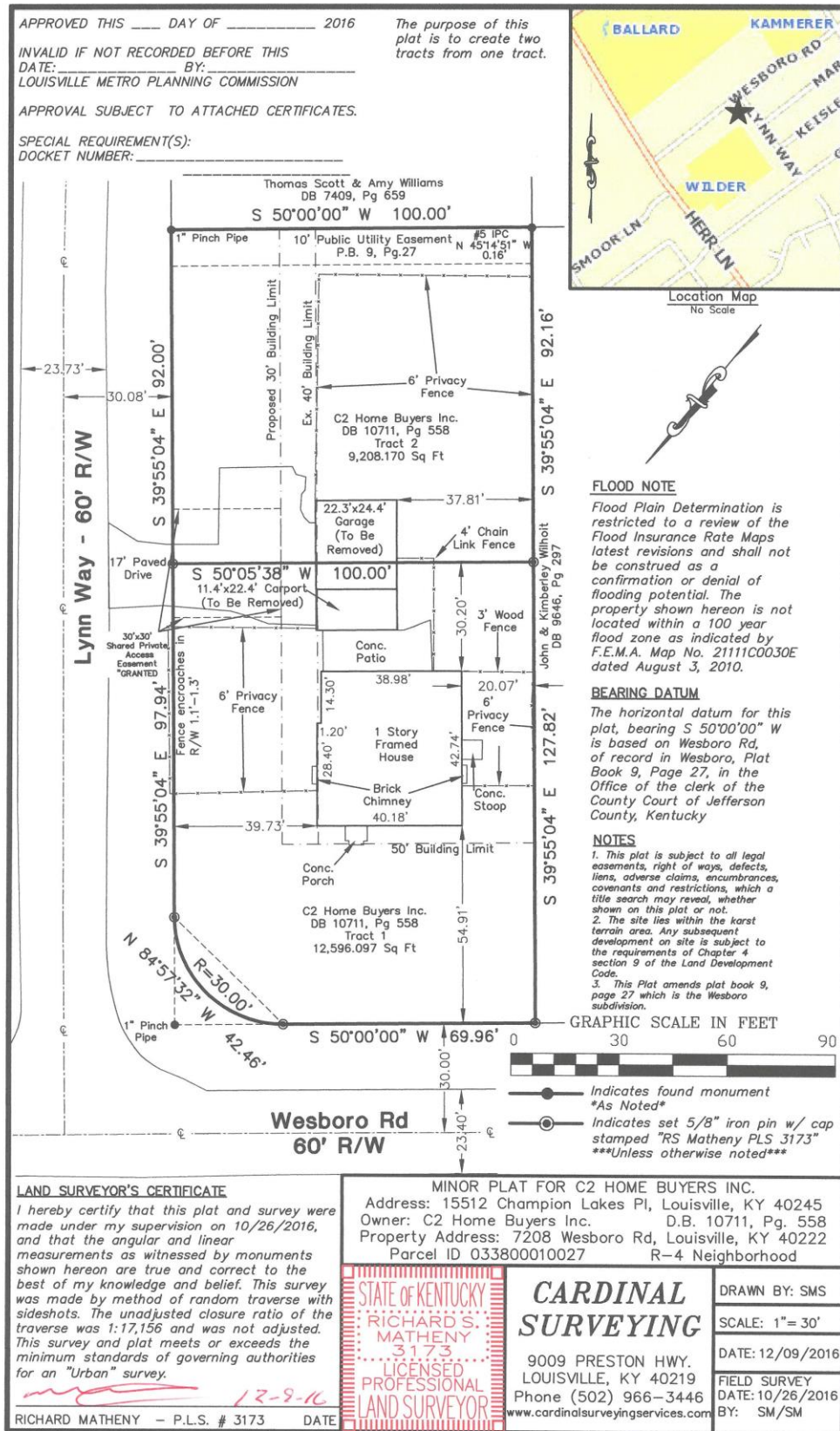
2. Aerial



feet
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Map Created: 12/23/2016

 **LOJIC**
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3. Proposed Plat



4. Emails from Interested Parties

Ms. St. Germain-

I would like to respond on record that I am adamantly opposed to the proposed lot division of 7208 Wesboro Rd. into two separate lots with the intent to construct a structure on the remaining portion adjacent to Lynn Way as described in the attached case 16MINORPLAT1155.

We have owned and lived at 2020 Lynn Way since 1999 which is the property abutting 7208 Wesboro Rd. to the southeast and the most directly affected by a proposed new house to be constructed immediately adjacent to mine. When we purchased our property it was with the confidence that there would be no immediate neighbors or dwellings to the West of our property, which abuts Wilder Elementary, and to the North of us which is the property in question. We knew that we would always have open green space on two sides of our property with as much comfortable distance between us and our neighbors as possible in this area. We intentionally did not want to purchase a property that was more densely populated like St. Matthews and the Highlands.

The original plat for Wesboro Rd and similarly for Greenlawn Rd. parallel to the south and opposite side of Wilder Elementary was intended to be ½ acre lot density and dividing this lot would be inconsistent with that intent. 7208 Wesboro Rd. was not intended to be divided and the rear yard was not meant to be an “infill” lot. The proposed lot division leaves no rear yard for the existing structure or opportunity for a garage assuring that the remaining property would be unattractive to buyers and dramatically reduce the marketable value in turn reducing the average market property value of the surrounding area.

The fact that this lot division would create a shared drive access from Lynn Way will further decrease the attractiveness and potential market value of both properties considering the increased likelihood of conflict between the two opposing neighbors. It will also lead to more cars parked on Lynn Way at the intersection which is currently heavily trafficked creating more hazards and endangering children walking to local schools. A shared drive would not be consistent with this area. This will additionally increase the likelihood of transient occupants which would negatively affect property values.

Myself and other surrounding property owners have made substantial value added upgrades to our properties recently that will be negated by the proposed division and construction of an additional structure. The most dramatically affected would be 7300 Wesboro Rd. that has just invested in a substantial renovation and addition to upgrade their existing property. A similar renovation to 7208 Wesboro Rd. would be more appropriate to the area and have more positive affect on its value as well as surrounding property values.

The density of this neighborhood has been established for 50 years. The traffic congestion related to normal neighborhood activity plus the school activity is at a maximum acceptable level. The loss of green space and feel of congestion and constriction is not acceptable to myself and hopefully others. While I appreciate the new owners (of which none have had the courtesy to approach me about their intentions or to introduce themselves) effort to provide some much needed attention to that property and a make a profit on that effort, I cannot accept the opportunistic approach of attempting to make a windfall at my expense.

The remaining existing structure at 7208 Wesboro Rd. will never be sold for a value that is commensurate with the surrounding area or appreciate in value and will forever be a negative burden on its neighbors.

I therefore ask that you deny the request to divide this property into two separate lots. I would be happy to discuss this further if anyone is interested.

Anyone that I have attached to this email that has an opinion should make statement to be included in the public record to Dante St. Germain as well.

Thank you for your time.

Tom Scott
2020 Lynn Way
Louisville, KY 40222
502-612-8460

Dante,

I am writing in regards to the property on 7208 Wesboro Road. My husband and I live at 7108 Wesboro Road. My husband has lived here for almost 30 years. I have lived here for the 18 years we have been married. Wilder Estates has been a well established and desireable neighborhood for over 50 years. The 1/2 acre lots with trees and ample green space make it very desireable. Many residents are long term like us and work hard to maintain and improve our own homes and the area. Our neighborhood was established with individual lots of 1/2 acre. We and our neighbors want to maintain the integrity of our neighborhood!

We are very concerned that so few neighbors were contacted concerning the new owners of 7208 wanting to get a waiver to divide the lot. We are vehemently opposed to the granting of this variance. There is not enough room for another home with a garage and driveway, a home with another driveway or a home itself to be placed on that lot that would not totally be out of place and totally undesirable. It would have to butt up to the property line for 2020 Lynn Way and back up to the property on on 7206 Wesboro Rd. It would have no back or side yards and only parking on the street. We and our neighbors have worked long and hard to maintain our homes, adding improvements , maintaining our green space. We are vehemently opposed to the division of the 1/2 acre lot and the detrimental effect it will have on our property values and the integrity of our neighborhood. We feel that the new owners are looking only for the quick bucks in flipping the existing home and dividing the property into 2 lots. They obviously do not care about our neighborhood or they would have communicated with some of their neighbors.

With Kammerer Middle and Wilder Elementary within a block in two directions , the congestion caused by the constant on street parking makes it much more difficult for walkers to school and the many dog walkers in the neighborhood.

Please place this on record that Garey and Jackie Gedrose are vehemently opposed to dividing the lot at 7208 Wesboro Road. We want the integrity of our neighborhood of 1/2 acre lots maintained.

Jackie Gedrose

Ms. St. Germain-

I would like to respond on record that I am adamantly opposed to the proposed lot division of 7208 Wesboro Rd. into two separate lots with the intent to construct a structure on the remaining portion adjacent to Lynn Way as described in the attached case 16MINORPLAT1155.

The original plat for Wesboro Rd and similarly for Greenlawn Rd. parallel to the south and opposite side of Wilder Elementary was intended to be ½ acre lot density and dividing this lot would be inconsistent with that intent. 7208 Wesboro Rd. was not intended to be divided and the rear yard was not meant to be an “infill” lot. The proposed lot division leaves no rear yard for the existing structure or opportunity for a garage assuring that the remaining property would be unattractive to buyers and dramatically reduce the marketable value in turn reducing the average market property value of the surrounding area.

The remaining existing structure at 7208 Wesboro Rd. will never be sold for a value that is commensurate with the surrounding area or appreciate in value and will forever be a negative burden on its neighbors.

I therefore ask that you deny the request to divide this property into two separate lots. I would be happy to discuss this further if anyone is interested.

Thank you, Liz Staab

7314 Wesboro Road
Louisville, KY 40222

Dear Dante St. Germain,

I am writing today to state my opinion on the matter of 7208 Wesboro CASE NO 16MINORPLAT1155.

I am in agreement with The Scott's at 2020 Lynn Way and am stating my support in this matter. The proposed division of the property at 7208 Wesboro should not be granted.

Having two lots, especially with a proposed shared driveway or without a proposed shared driveway would not be in the best interest of the neighborhood in reference to the financial aspect that Tom Scott has already stated, with that said, it would affect the Scott's personally from their financial standpoint and home value as already stated. Not to mention the sharing of the driveway. I most certainly would never wish to share a driveway with anyone. I find the whole concept a nightmare.

The proposal of the possibility of two dwellings in that confined space would also make for a congested corner that is already handling its fair share of traffic with school children, both from Wilder Elementary and Kammerer Middle School. Parents of both park along there and the rest of Lynn Way, all hours of the day & evening for school functions, dropping and picking up their children, hence this brings a safety issue to our neighborhood children. We already have evidence of this congestion at the opposite corner of Lynn Way and Greenlawn. There is a family there that has 2 Senior citizens, their grown 4 children and their spouses and children. There is at the very least 4-8 cars there at any given time, compounded with another neighbor that has his work trucks on the street as well. We do not need anymore congestion, we are overloaded already.

It is my opinion that new owners underestimated the cost of repairs and are over budget and wish to compensate such loss by dividing the lots. A close friend had looked at that home, the attic was nailed shut. There was significant water damage evidence in the floors and walls, to support the theory that water was just coming in from the roof and walls of the home. There was a mold issue. There were no gutters in place. It was felt by the friend and his contractor the home should have been demolished and a new one built from ground up in its place and not renovated, as the renovation cost would be more than the home was worth.

From my personal financial point, we bought our home from my husbands grandfather's estate - July 2008. We've made our own renovations, repairs and updates over the last 8 years. I was just given a new increased tax assessment for those blessings for 2015. If a new dwelling goes up that does not match the financials of the neighborhood, my home value decreases, yet I'm paying taxes on a higher assessed home. It takes a lot of time and effort on the homeowner to get have the property re-visited and reassessed for a decrease in taxes. I do not believe myself or my neighbors should be subjected to that burden. May I had, all our homes were most likely hit with that tax increase, generating more income for the city and the betterment of our school children. Decreased property values, leading to reassessments would in turn be a tax decrease for the city and our school children.

Please do not grant the proposed lot division to the aforementioned property. Their poor planning does not my problem make, nor the neighborhood, and especially not for the Scott's, whom are most affected in this matter.

Incidentally, I was not given notice of this proposed division. It should have been given to all of the residents of Wilder Estates. I found out by the Neighborhood App. for which I am the lead.

Sincerely

Jennifer (and Paul) Whitfield
2010 Lynn Way
40222

502-777-5726