



# Land Development Report

February 28, 2018 11:14 AM

[About LDC](#)

## Location

**Parcel ID:** 153700940000  
**Parcel LRSN:** 1036824  
**Address:** 12400 OLD HENRY RD

## Zoning

**Zoning:** R4  
**Form District:** NEIGHBORHOOD  
**Plan Certain #:** NONE  
**Proposed Subdivision Name:** NONE  
**Proposed Subdivision Docket #:** NONE  
**Current Subdivision Name:** NONE  
**Plat Book - Page:** NONE  
**Related Cases:** NONE

## Special Review Districts

**Overlay District:** NO  
**Historic Preservation District:** NONE  
**National Register District:** NONE  
**Urban Renewal:** NO  
**Enterprise Zone:** NO  
**System Development District:** A  
**Historic Site:** NO

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## Environmental Constraints

### Flood Prone Area

**FEMA Floodplain Review Zone:** NO  
**FEMA Floodway Review Zone:** NO  
**Local Regulatory Floodplain Zone:** NO  
**Local Regulatory Conveyance Zone:** NO  
**FEMA FIRM Panel:** 21111C0033E

### Protected Waterways

**Potential Wetland (Hydric Soil):** NO  
**Streams (Approximate):** NO  
**Surface Water (Approximate):** NO

### Slopes & Soils

**Potential Steep Slope:** NO  
**Unstable Soil:** NO

### Geology

**Karst Terrain:** YES

## Sewer & Drainage

**MSD Property Service Connection:** NO  
**Sewer Recapture Fee Area:** NO  
**Drainage Credit Program:** MS4 (outside of incentive area)

## Services

**Municipality:** MIDDLETOWN  
**Council District:** 19  
**Fire Protection District:** MIDDLETOWN  
**Urban Service District:** NO

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**APO Listing**  
**12400 Old Henry Road**  
**1<sup>st</sup> Tier**

Block 0295 Lot 0030 Sub 0007  
SHANNON SHERMAN GRAVES  
12309 OLD HENRY RD  
LOUISVILLE, KY, 40223-2231

Block 0295 Lot 0088  
OWENS IRREVOCABLE TRUST  
4955 HIGHWAY 150 NE  
PALMYRA, IN, 47164-8670

Block 0295 Lot 0085  
DAVID & MEAGAN BADGER  
12317 OLD HENRY RD  
LOUISVILLE, KY, 40223-2231

Block 0295 Lot 0059  
DEREK & SANTI K SCHAEFER  
12319 OLD HENRY RD  
LOUISVILLE, KY, 40223-2231

Block 0023 Lot 0620  
DANIEL B & MARY JOSEPHINE GLASS  
12405 OLD HENRY RD  
LOUISVILLE, KY, 40223-2233

Block 1518 Lot 0042 Sub 0042  
MILLER ASSET TRUST  
12409 OLD HENRY RD  
LOUISVILLE, KY, 40223-2233

Block 1537 Lot 0062  
ROBERT II & KRISTIE B WALKER  
12712 MACKINAW DR  
LOUISVILLE, KY, 40243-1016

Block 1537 Lot 0063  
WILMA WHITE WAYNE TRUST  
12710 MACKINAW DR  
LOUISVILLE, KY, 40243-1016

Block 1537 Lot 0095  
HUNTOON LIVING TRUST  
12505 NASSAU LN  
LOUISVILLE, KY, 40243-1023

Block 0023 Lot 0247  
WILLIAM R & ELIZABETH HIGGS  
12304 OLD HENRY RD  
LOUISVILLE, KY, 40223-2232

Block 0295 Lot 0028 Sub 0001  
JAMES T & CYNTHIA MILLER  
12215 OLD HENRY RD  
LOUISVILLE, KY, 40223-2229

**Others**

DOUGLAS L & ROSALINDA MICHAEL  
12400 OLD HENRY RD  
LOUISVILLE, KY, 40223-2234

Herbert P. Fink  
1347 South Third Street, Suite 303  
Louisville, KY 40208

Glenn Price  
Frost Brown Todd LLC  
400 West Market Street Suite 3200  
Louisville, KY 40202

Jonas Wilson  
Frost Brown Todd LLC  
400 West Market Street Suite 3200  
Louisville, KY 40202

Planner  
Metro Planning & Design Services  
444 South 5<sup>th</sup> Street  
Louisville, KY 40202

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**HERBERT P. FINK & ASSOCIATES**  
LANDSCAPE ARCHITECTS/SITE PLANNERS



19 February 2018

To: Ms. Molly Clark  
Planning Technician  
Louisville Metro Planning and Design Services  
444 South Fifth Street, Suite 300  
Louisville, Kentucky 40202

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From: Herbert P. Fink  
Landscape Architect  
1347 South Third Street  
Louisville, Kentucky 40208

Re: Application to Apply for a Waiver to Construct  
A Residential Tennis Court Within a Scenic Corridor  
At 12400 Old Henry Road (Mr. and Mrs. Douglas Michael, Owners)

This is to submit the following plans and attachments regarding the abovementioned waiver request.

1. Existing conditions plan of the proposed tennis court site. Scale 1"=10'0" with date 29 January 2018 (one sheet)
2. Proposed plan for development of a residential tennis court at the subject site. Scale 1"=10'0" with date 29 January 2018 (one sheet)
3. Proposed plan noting location of the waiver. Scale 1"=10'0" with date 29 January 2018 (one sheet)

Although the subject site contains 3.89 acres, the proposed residential tennis court can only be located in the area as shown on the attached plans.

The existing lake is on the south area of the site. Lateral fields consume the western area of the site. The entrance drive and many existing large deciduous and evergreen trees are on the north area of the site, as noted on the attached plans.

Existing large trees abound the proposed tennis court site and substantially screen the tennis court site for existing residential sites across Old Henry Road.

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Three large deciduous trees located within the proposed tennis court site will have to be removed, and one large 28" white pine located to the west of the proposed tennis court site will need to be removed since the pine tree boughs will extend over an area of the proposed tennis court site and will drop pine sap onto the tennis court surface, which is detrimental to the tennis court color-coat surface. As the pine tree grows larger, this situation will affect a greater area of the proposed tennis court.

Proposed buffer plantings are planned to replace the white pine, and other buffer plantings are planned per the proposed plan for the tennis court development.

### **Site Drainage**

The proposed tennis court area and the existing residence are located on the highest elevation of the site. The proposed tennis court stormwater drainage will be into adjacent swales, which in turn will drain to the site lake.

### **Tennis Court Lighting**

The proposed tennis court lighting will be provided by four 22' height poles with twin 70-degree fixtures per pole. The community-friendly sharp cut-off metal halide lighting and forward-throw luminaires will project light only onto the tennis court area.

### **Proposed Tennis Court Site Grading**

The proposed tennis court location will, for the most part, maintain the existing elevation of the proposed site on the north area of the site and will require approximately up to 18" of fill to the south area of the site.

### **Old Henry Road Elevation**

Old Henry Road is approximately three feet lower than the subject site in the area of the entrance drive. As Old Henry Road proceeds southwest adjacent to the subject site, the roadway continues to rise but still remains lower than the subject site. The difference in elevation assists in providing screening for the proposed tennis court area.

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**Ms. Molly Clark**  
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We trust the attached development plans and the contents of this letter will assist in the review of this waiver request. However, if more information is needed, please let us know.

Thank you.



Herbert P. Fink  
Landscape Architect

HPF/dw

Attachments: (1) Existing Conditions Plan  
(1) Proposed Plan for Development  
(1) Proposed Plan Noting Waiver Location

cc: Mr. and Mrs. Douglas Michael  
12400 Old Henry Road  
Louisville, Kentucky 40223

Mr. Glenn A. Price, Jr., Esq.  
Attorney-At-Law  
Frost Brown Todd  
400 West Market Street – 32<sup>nd</sup> Floor  
Louisville, Kentucky 40202

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**GENERAL WAIVER JUSTIFICATION ADDENDUM  
Request for a Waiver of Land Development Code §10.3.6  
12400 Old Henry Road**

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**REQUEST.** This is a request for a waiver of Land Development Code §10.3.6.A (Table 10.3.2) to allow a residential tennis court to encroach into the required setback of a residential lot abutting Old Henry Road, a scenic corridor [12400 Old Henry Road].

**1. The waiver will not affect adjacent property owners.**

Large existing trees surround the proposed residential tennis court and substantially buffer the tennis court from Old Henry Road. The tennis court will be hidden or substantially screened from homes on the opposite side of Old Henry Road. For this reason, neither the tennis court nor its location on the property will adversely impact adjacent property owners.

**2. The waiver will not violate the Comprehensive Plan.**

The waiver will not violate the Comprehensive Plan. The site is located in the Neighborhood Form District. This lot is one of the larger lots in this section of Old Henry Road.

Compatibility Guideline 3. The proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 3, 9 and 22. Due to substantial existing and proposed screening and landscaping, the existing residential lot and proposed residential tennis court will be compatible with the scale and site design of nearby residential lots. The tennis court will not be a source of adverse visual impacts because of substantial buffering, both existing and to be provided. Nuisances such as undue lighting, noise or odors will not be associated with the tennis court.

Open Space Guideline 4. The proposal conforms to Open Space Guideline 4. Although not permanently preserved, the residential tennis court will provide for outdoor recreation for the homeowners and their guests in a manner that will ensure compatibility between differing land uses in the neighborhood.

Landscape Character Guideline 13. The proposal conforms to Landscape Character Guideline 13 because plant communities provided on-site are natural plant species which will filter views of the tennis court from off-site.

No other Guidelines of the Comprehensive Plan apply to this request.

**3. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.**

Although the site is 3.89-acres, the proposed residential tennis court can only be located where shown on the site plan [i.e., "Proposed Plan for the Development of a Residential Tennis Court," filed herewith]. A large lake is located on the south part of the site. Lateral fields consume the western area of the site. The entrance drive and many existing large deciduous and evergreen trees are situated on the north area of the site. Because this location is the only location suitable for the tennis court, it constitutes the minimum necessary to afford relief to the applicant.

**4. The applicant has incorporated design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect), AND the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant.**

Because existing and proposed buffering will exceed the minimums otherwise required, and will provide a substantial screening of the tennis court to benefit residents on the opposite side of Old Henry Road, the applicant has incorporated design measures exceeding the minimums of the district which will provide a net beneficial effect.

In addition, the strict application of the provisions of the regulation would deny the applicant of the ability to erect a tennis court any place on the subject property, which would deprive applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant.

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**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

**1. Will the waiver adversely affect adjacent property owners?**

See Attached	<b>RECEIVED</b> MAR 02 2018 PLANNING & DESIGN SERVICES
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**2. Will the waiver violate the Comprehensive Plan?**

See Attached
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**3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**

See Attached
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**4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

See Attached
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**Contact Information:**

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Owner:  Check if primary contact

Applicant:  Check if primary contact

Name: Mr. & Mrs. Douglas Michael

Name: (same) MAR 02 2018

Company: \_\_\_\_\_

Company: \_\_\_\_\_ PLANNING &  
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Address: 12400 Old Henry Road

Address: \_\_\_\_\_

City: Louisville State: KY Zip: 40223

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Primary Phone: \_\_\_\_\_

Primary Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

Owner Signature (required): 

Attorney:  Check if primary contact

Plan prepared by:  Check if primary contact

Name: Glenn Price

Name: Herbert P. Fink

Company: Frost Brown Todd LLC

Company: Herbert P. Fink & Associates

Address: 400 West Market St Suite 3200

Address: 1347 South 3rd Street Suite 303

City: Louisville State: KY Zip: 40202

City: Louisville State: KY Zip: 40208

Primary Phone: 779-8511

Primary Phone: 636-5596

Alternate Phone: 553-9830

Alternate Phone: \_\_\_\_\_

Email: gaprice@fbtlaw.com

Email: \_\_\_\_\_

**Certification Statement:** A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, Glenn Price, in my capacity as representative, hereby *representative/authorized agent/other*

certify that Mr. & Mrs. Douglas Michael is (are) the owner(s) of the property which *name of LLC / corporation / partnership / association / etc.*

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature:  Date: 2/28/18

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

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# General Waiver Application

Louisville Metro Planning & Design Services

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Case No.: 18waiver1008 Intake Staff: MC  
Date: 3/2/18 Fee: \$231.00

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5<sup>th</sup> Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

### Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section 10.3.6.A

*A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.*

Explanation of Waiver: To allow a residential tennis court to encroach in to the 50' scenic corridor setback

Primary Project Address: 12400 Old Henry Road

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: 153700940000

Additional Parcel ID(s): \_\_\_\_\_

Proposed Use: Residential Existing Use: Residential

Existing Zoning District: R-4 Existing Form District: Neighborhood

Deed Book(s) / Page Numbers<sup>2</sup>: DB 8735 Pg 0178

The subject property contains ~3.53 acres. Number of Adjoining Property Owners: \_\_\_\_\_

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers:

Docket/Case #: \_\_\_\_\_ Docket/Case #: \_\_\_\_\_

Docket/Case #: \_\_\_\_\_ Docket/Case #: \_\_\_\_\_

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