

Development Review Committee
Staff Report
May 5th, 2021



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|--------------------------|---|
| Case No: | 21-MPLAT-0029 |
| Project Name: | Minor Subdivision Plat |
| Location: | 15405 Brush Run Road |
| Owner(s): | Bethany and Brad Mulhall |
| Applicant: | Christopher Smith - Advance Engineering and Surveying, LLC. |
| Jurisdiction: | Louisville Metro |
| Council District: | 20 – Stuart Benson |
| Case Manager: | Molly Clark, 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 is proposing to create 2 lots from one lot on 14.562 acres. The subject lot is located in the R-4 Single Family Zoning District within the Neighborhood Form District. Each lot meets the minimum lot width (60 ft), minimum lot area (9,000 sf). The applicant is proposing to create one new lot that will access Brush Run Road which is a primary collector level road. The residual lot has an existing single family home.

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 plat is in order and has received preliminary approvals from Transportation Planning, the Metropolitan Sewer District, and MetroSafe.

INTERESTED PARTY COMMENTS

Staff has not received any comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 7.8.60.B.4 TO ALLOW ACCESS TO SINGLE-FAMILY LOTS FROM PRIMARY COLLECTOR LEVEL ROADWAYS.

- (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 1, Policy 4 strives ensure new development and redevelopment are compatible with scale and site design of nearby existing development with the desired pattern of development within the Form district. The waiver will not violate specific guidelines of Plan 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. There are many single family large lots that access off of Brush Run Road and is consistent with the pattern of 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 Transportation Planning and KYTC have preliminarily approved the proposed additional single-family access on this primary collector level roadway. The lots resulting from the subdivision conform to the zoning and form district regulations applicable to the property.

REQUIRED ACTIONS:

- **RECOMMEND** that the Development Review Committee **APPROVE** or **DENY** the **WAIVER** of Land Development Code (LDC) section 7.8.60.B.4 to allow individual single-family driveway access to a collector level roadway

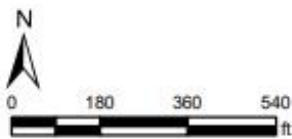
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|----------|---|---|
| 04/20/21 | Hearing before Development Review Committee | 1 st tier adjoining property owners Registered Neighborhood Groups in Council District 20 |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



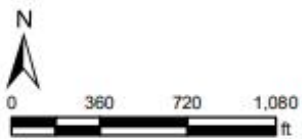
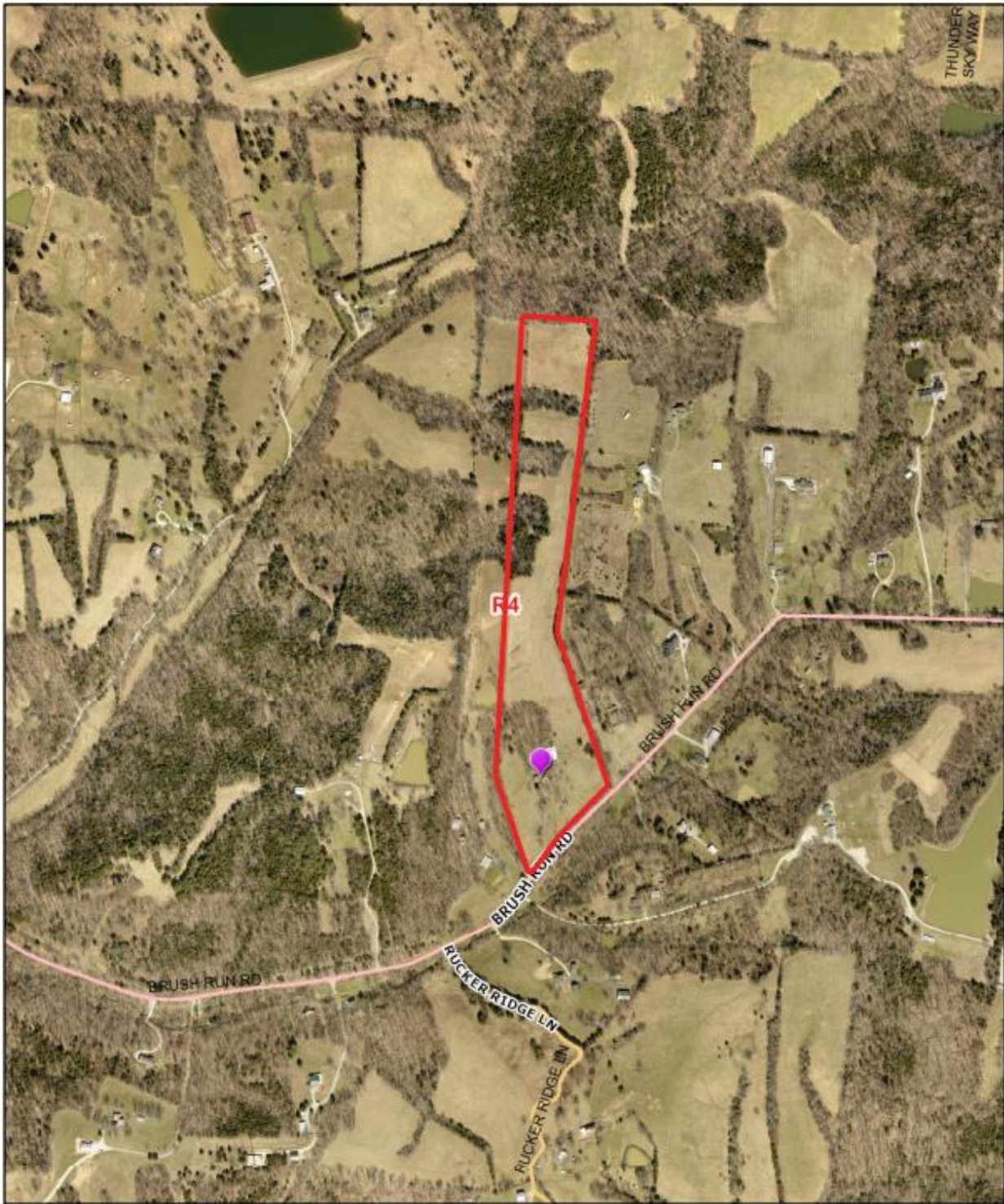
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2. Aerial Photograph



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