

**Land Development and Transportation Committee**  
**Staff Report**  
June 28, 2018



<b>Case No:</b>	18WAIVER1017
<b>Project Name:</b>	2402 S English Station Driveway
<b>Location:</b>	2402 S English Station Rd
<b>Owner(s):</b>	Tim and Colleen Creed
<b>Applicant:</b>	Kimbel Homes, LLC.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20 – Stuart Benson
<b>Case Manager:</b>	Jay Lockett, Planner I

**REQUEST(S)**

- **Waiver** of Land Development Code Section 7.8.60.B.4 to allow direct single family access to a collector level roadway.

**CASE SUMMARY/BACKGROUND**

The applicant is proposing to construct a new single family home on an approximately 5 acre site. The lot was created by minor plat under docket 16MINORPLAT1108, and as part of that process the property owner agreed to a shared driveway location in compliance with LDC section 7.8.60.B.4, as S English Station Road is classified as a Secondary Collector. This property was subsequently transferred to the current property owners who are looking to construct a home. The property, including an older home that has since been demolished, has been traditionally served by an individual driveway in the same location as the applicants are now proposing. The frontage of the site along S English Station Rd lies within the Floyd's Fork Development Review Overlay, and creating a new shared driveway would likely involve the removal of multiple mature trees within the overlay.

**STAFF FINDING**

The request is adequately justified and meets the standard of review.

**TECHNICAL REVIEW**

Transportation Planning Staff has expressed concerns regarding sight lines with respect to the sharp curve to the north of the subject site.

**INTERESTED PARTY COMMENTS**

The owners of the adjacent property to the north and west of the subject site, Ray and Evelyn Gilliland, have expressed support for the waiver and keeping the driveway in the traditional location.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC SECTION 7.8.60.B.4**

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

STAFF: The waiver will not adversely affect adjacent property owners as the lots are for single-family residential use with lot sizes that are compatible with the rural surroundings. The proposed access point is in keeping with the historic use of the site and the general character of the area.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 8, Policy 9 stresses the avoidance of access to development through areas of significantly lower intensity or density development if such access would create significant nuisances. Guideline 8, Policy 10 encourages road designs that should provide sight distances consistent with probable traffic speed, terrain, alignments and climatic extremes. The proposed development is for low-density lot creation in a rural, but slowly developing area where individual single-family driveway access will not cause a nuisance to surrounding residents. Maintaining the historic access point will allow for the preservation of mature trees within the Floyd's Fork Development Review Overlay.

- (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 driveway is to be located in the same location that has traditionally served as an access point for the subject property.

- (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 a creating a new driveway at the southern end of the subject site would require significant expense and removal of mature trees which the applicant would prefer to preserve.

**REQUIRED ACTIONS:**

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

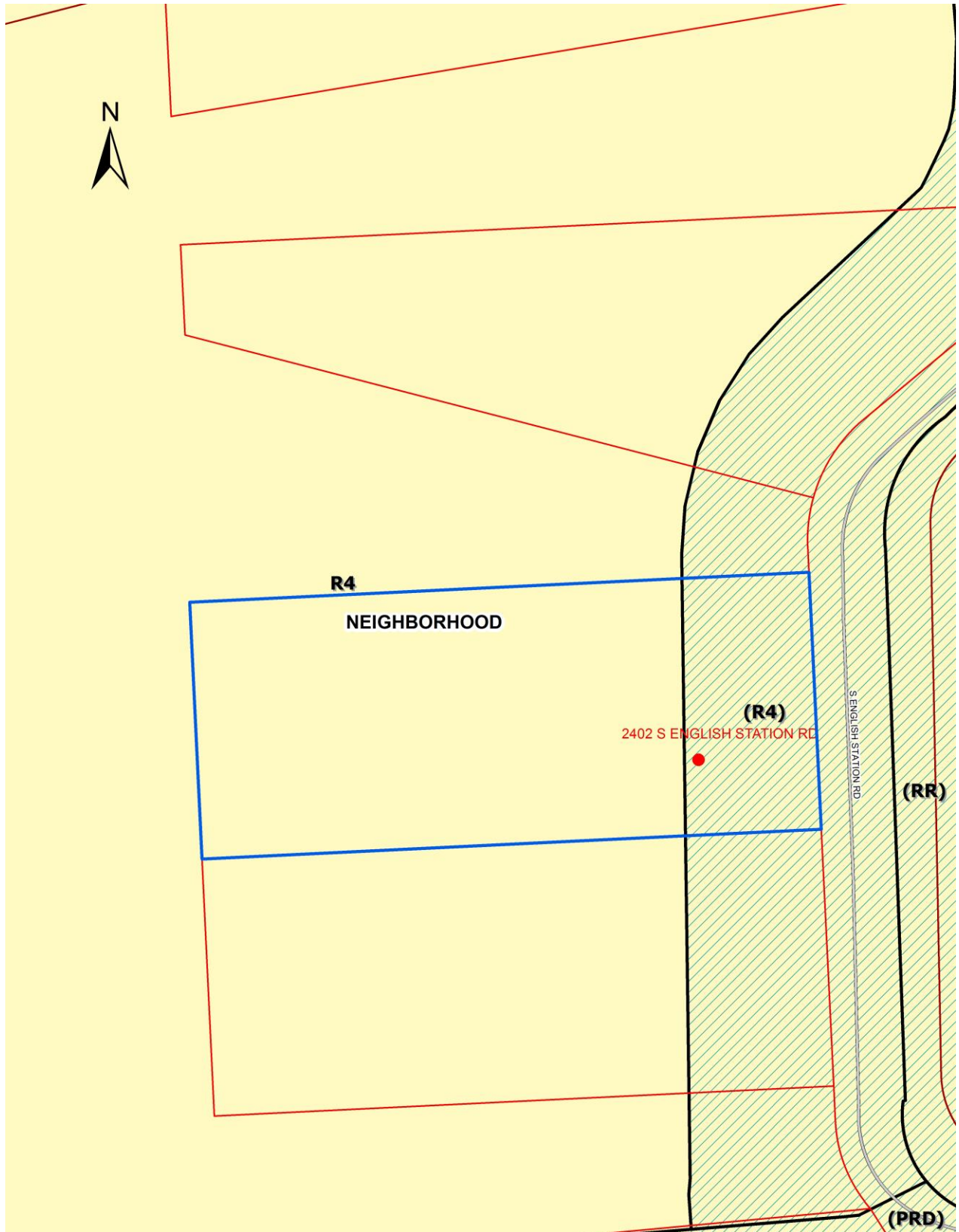
**NOTIFICATION**

Date	Purpose of Notice	Recipients
6-11-18	Hearing before LD&T	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 20

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**





2. **Aerial Photograph**

