

**Development Review Committee
Staff Report
May 17, 2017**



Case No:	17MINORPLAT1027
Project Name:	Ballinger Minor Plat
Location:	8405 Dawson Hill Road
Owner(s):	Martin F. III & Melissa Ballinger
Applicant:	Martin F. III & Melissa Ballinger
Representative(s):	Al Matherly
Project Area/Size:	32.80720 Acres
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Zach Schwager, Associate Planner

REQUEST

- **WAIVER** of Land Development Code (LDC) section 7.80.60.B.4 to allow individual single-family driveway access to a collector level roadway.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to create four tracts from one tract. The subject site is located almost three-quarters of a mile south of Brush Run Road in Southeastern Louisville Metro. Proposed Tracts 1 and 2 contain existing single-family homes and shared driveway access to Dawson Hill Road, a collector level roadway, along with proposed Tract 4. Proposed Tract 3 does not have any existing structures and has frontage on this road but has no current driveway access. Individual direct single-family driveway access for Tract 3 is being proposed to Dawson Hill Road. LDC section 7.80.60.B.4 prohibits direct access to major arterial, minor arterials and collector level roadways from individual single-family lots, unless a waiver is granted.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Single-Family Residential	R-4	Neighborhood
Proposed	Single-Family Residential	R-4	Neighborhood
<i>Surrounding Properties</i>			
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

Staff found no previous or associated cases on site.

INTERESTED PARTY COMMENTS

Staff has not received any inquiries or comments on the proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (revised January 2017)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS

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

STAFF: The waiver will not adversely affect adjacent property owners as the proposed driveway will serve a single-family residence and traffic will be the minimum necessary to serve the residence.

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

STAFF: Guideline 3, Policy A.6 strives to mitigate adverse impacts of traffic from proposed development on nearby existing communities. The waiver will not violate specific guidelines of Cornerstone 2020 as the proposed driveway will serve a single-family residence and traffic will be the minimum necessary to serve the residence. The community abutting Dawson Hill Road 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 existing driveway serving Tracts 1, 2, and 4 is along the northern part of the property and the terrain to the south leading to Tract 3 has a pond, a stream, and hilly topography making it difficult to navigate. Allowing individual direct single-family access to Tract 3 is the minimum necessary waiver to allow the owner/applicant reasonable use of 10.018 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 owner/applicant of the reasonable use of 10.018 acres of land and would create an unnecessary hardship as they would be forced to create a potentially expensive shared driveway for four lots through difficult terrain. LDC section 7.80.60.B.4 prohibits Planning Commission staff from approving the minor subdivision, unless a waiver is granted.

TECHNICAL REVIEW

There are two ponds and two USGS Intermittent streams on site, which would be impacted by the minor subdivision if a shared driveway easement were proposed. Transportation Planning has not stamped the plat yet as they are requiring a site inspection for the existing gravel driveway. The gravel driveway is currently 10' in width and per LDC 6.2.1.A, 7.8.12.E & LMCO #90-2004 the gravel driveway must be 12' in width. The plat

shows 12' for the width of the driveway as that is what will be approved, but this will need to be field verified by Transportation Planning.

STAFF CONCLUSIONS

The waiver requested appears to be adequately justified and meets the standard of review. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standard for approving a waiver established in the Land Development Code.

Required Actions

- **APPROVE** or **DENY** the waiver of LDC 7.80.60.B.4.

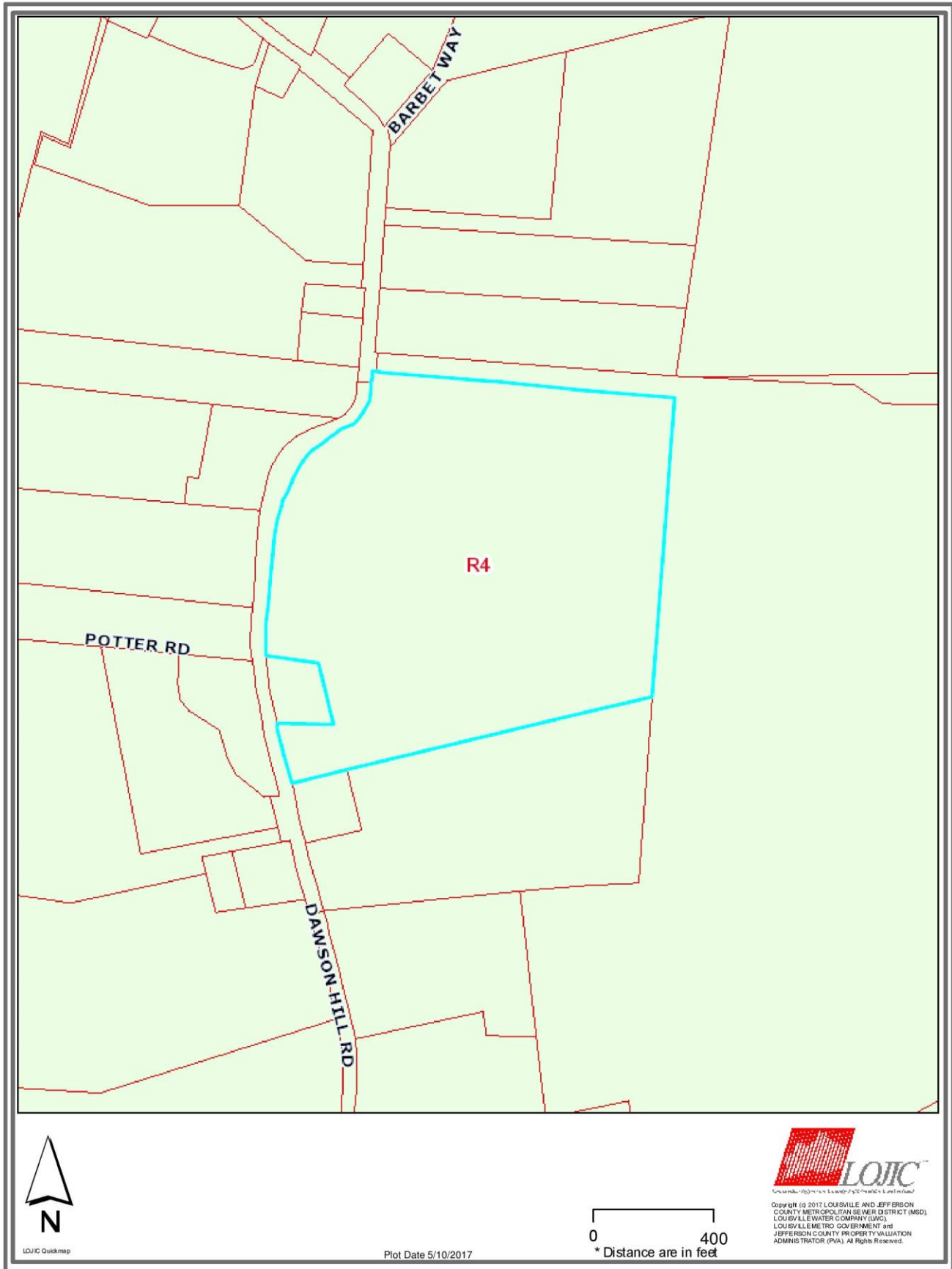
NOTIFICATION

Date	Purpose of Notice	Recipients
5/4/17	DRC	Adjoining property owners, applicant, case manager, and registered users of Council District 20

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Plat

1. **Zoning Map**



2. Aerial Photograph



