

Development Review Committee

Staff Report

May 19th, 2021



Case No:	21-MPLAT-0042
Project Name:	Minor Subdivision Plat
Location:	1034 and 1040 Mary Street
Owner(s):	Montgomery Realtors, LLC
Applicant:	Mark Willmoth, Willmoth International, PSC
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Molly Clark, Planner I

REQUEST(S)

A proposed minor plat to create 7 substandard lots within the Traditional Neighborhood Form District through section 7.8.12.G of the Land Development Code (LDC)

CASE SUMMARY/BACKGROUND

The applicant proposes to create Seven tracts from two tracts at 1034 and 1040 Mary Street. One of the current lots has one primary structure that is 1,288 square feet (SF). The proposal will create seven single-family lots:

Lot #	1	2	3	4	5	6	7
Width (Ft.)	29	29	42	29.9	29.9	29.9	29.9
Area (SF)	3658	3111	4111	3425	3425	3330	2941

While these lots are compliant with the density allowed in an R-6 zoning district, they are substandard with respect to the minimum lot area of 4,500 SF and minimum lot width of 35 feet required for new lots in an R-6 zoning district in the Traditional Neighborhood form district.

Planning Commission staff is not authorized to approve plats that do not meet the minimum regulations per 7.8.12.G of the LDC. However, specific authorization is given to the Planning Commission in 7.1.85 of the LDC to approve subdivisions resulting in substandard lots in the Traditional Neighborhood Form District. This section of the LDC reads as follows:

“Where the Planning Commission finds that subdivision or resubdivision of a legally created lot in the Traditional Neighborhood Form District, Traditional Workplace Form District, or Traditional Marketplace Corridor Form District will not conflict with the established pattern in the neighborhood and will promote the public health, safety, or welfare by facilitating development or rehabilitation of such property compatible with the surrounding neighborhood, then the Planning Commission may approve the requested subdivision notwithstanding the fact that one or more of the resulting lots do not conform to the applicable requirements relating to area or width or size of yards.

“Any request for approval of a subdivision under the provisions of this regulation shall, to the fullest extent practicable, show the lots resulting from said subdivision to be uniform in terms of those features which do not conform to the zoning and form district regulations applicable to the property. A subdivision of property in accordance with the terms of this provision shall not affect the preexisting nonconforming use status pertaining to the property. As a condition of approval, the Planning Commission may require restrictions to be placed on the subdivision plat.”

STAFF FINDING

The request is adequately justified and meets the standard of review. The proposed lots on the plat are similar to other lot patterns within the neighborhood.

TECHNICAL REVIEW

The minor subdivision has received preliminary approvals from MSD, Transportation Planning, MetroSafe and the Louisville Metro Fire Department.

INTERESTED PARTY COMMENTS

Staff has not received any formal comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.2.2 TO ALLOW 2 PROPOSED LOTS TO HAVE REDUCED LOT WIDTHS LESS THAN THE REQUIRED 35 FEET.

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

STAFF: The waiver will not adversely affect adjacent property owners as the proposed lots are similar to other lots in the neighborhood. The existing lots have double frontage on Mary St. and E. Oak St. so the proposed lots will have access to public right of way and street parking.

(b) The waiver will not violate specific guidelines of Cornerstone 2040; and

STAFF: With the proposed minor plat creating a new lot that would allow for new single family homes in an existing neighborhood with existing infrastructure only supports guideline 10 policy 5 of the Comprehensive Plan which is to evaluate developments for their impact on the transportation network and air quality. These proposed lots are close to TARC lines as well as existing sidewalk networks and utility connections. The easy access to utility connections also support guideline 15 policy 1 which is to locate development in areas served by existing utilities or capable of being served by public or private utility extensions. The waiver will not violate specific guidelines of Cornerstone 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. The new proposed lots would be in character with the neighborhood seeing as there are

other lots subdivided in a similar fashion. The existing neighborhood has lots that do not meet the current regulations.

(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 the lot has double street frontage that allows for a second lot to also have access. The regulations are restricting the applicant from creating a lot pattern that matches the surrounding neighborhood.

REQUIRED ACTIONS:

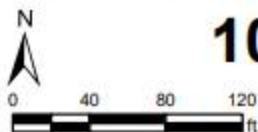
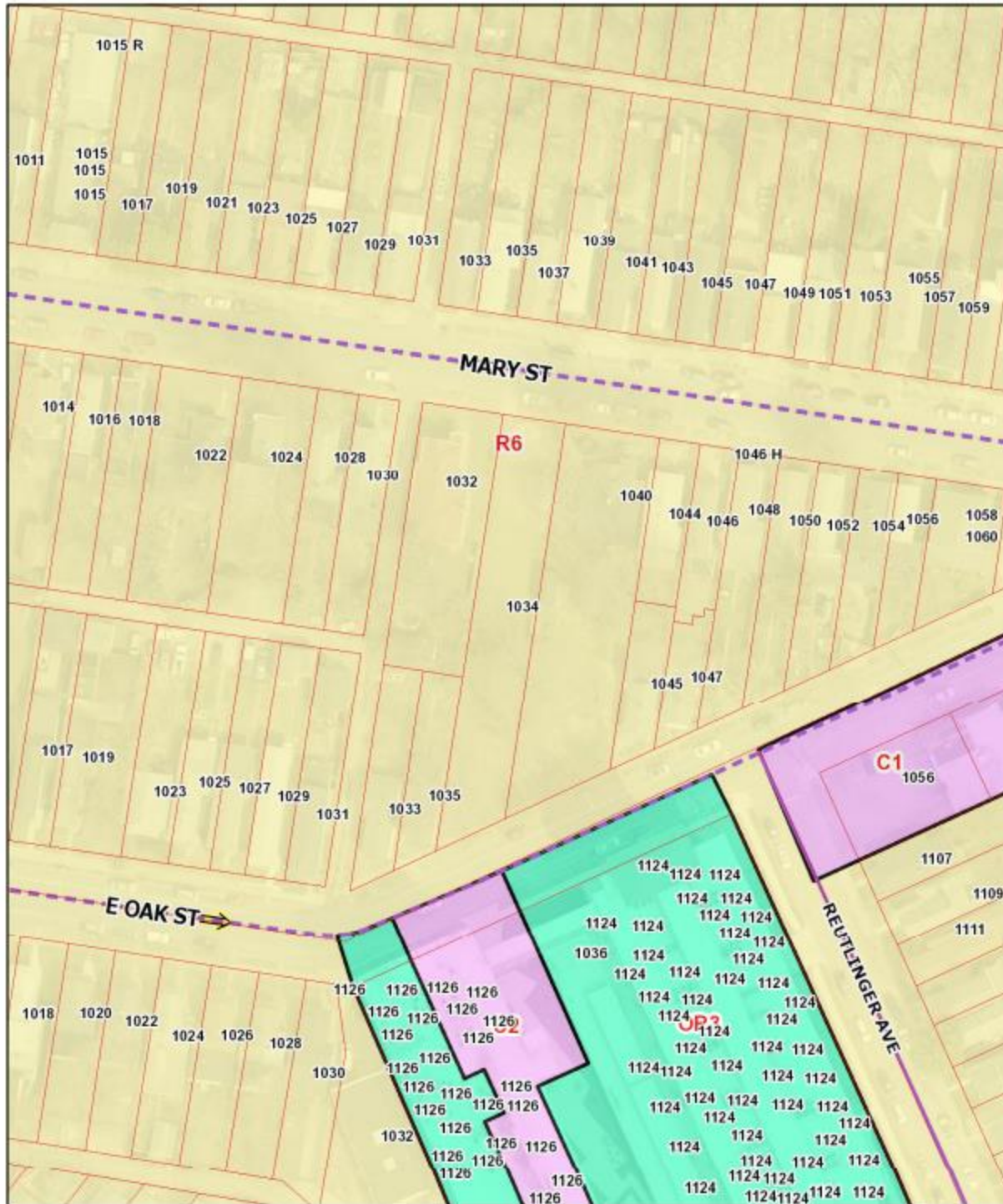
- **APPROVED** or **DENY** the substandard Minor Subdivision in a Traditional Neighborhood form district in accordance with LDC 7.1.85.
- **NOTIFICATION**

Date	Purpose of Notice	Recipients
05/06/21	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District ___

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



1034 and 1040 Mary Street

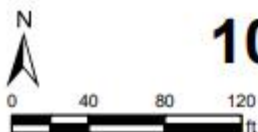
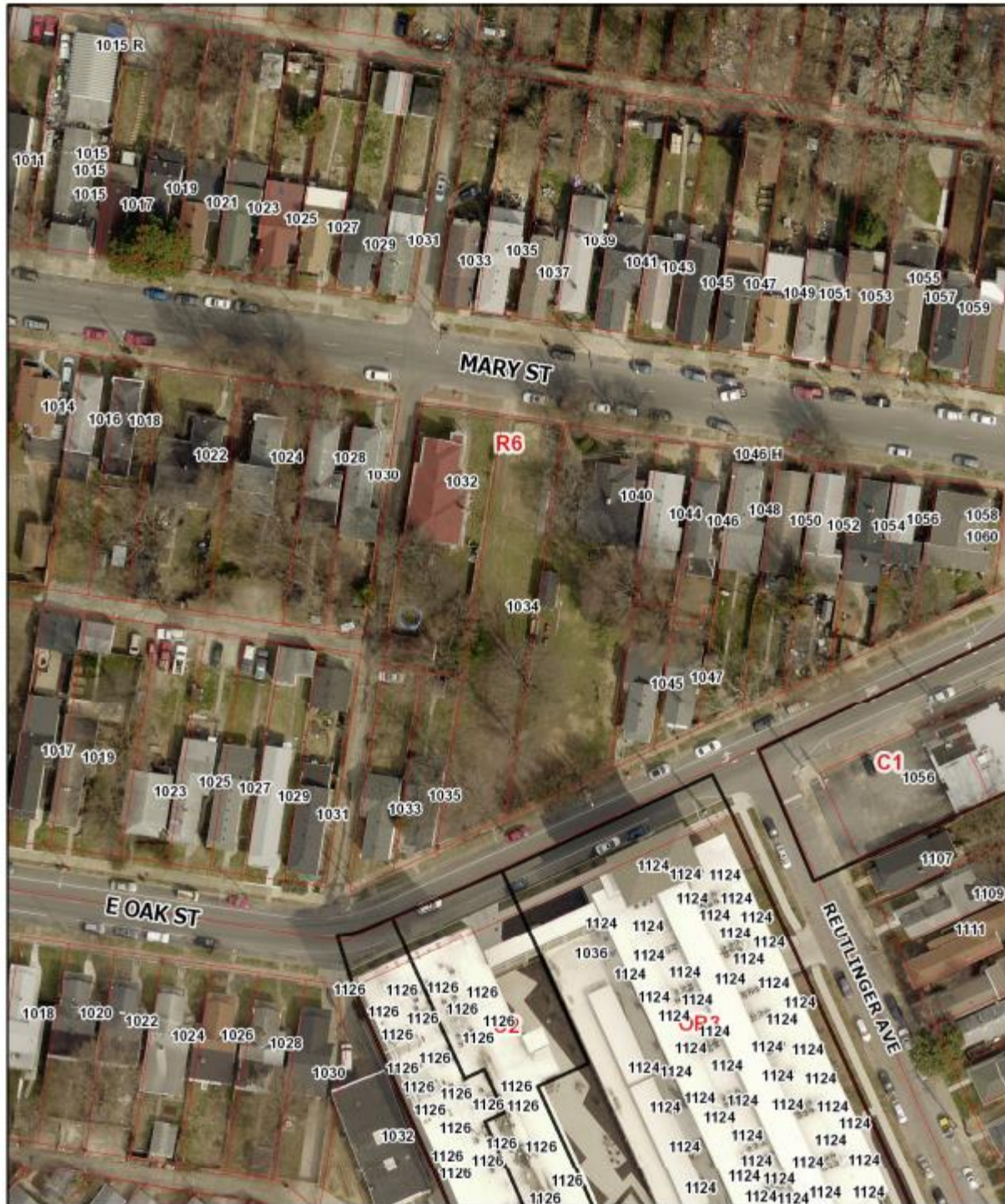


Wednesday, April 28, 2021 | 10:27:23 AM

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3. Aerial Photograph



1034 and 1040 Mary Street



Wednesday, April 28, 2021 | 10:29:06 AM

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