Development Review Committee
Staff Report
May 10, 2023

Case No:	23-MPLAT-0040
Project Name:	East Burnett Ave Minor Plat
Location:	605 E Burnett Ave
Owner(s):	Old Fritz Capital Investments LLC
Applicant:	Shane McCloud
Jurisdiction:	Louisville Metro
Council District:	6 – Phillip Baker
Case Manager:	Ethan Lett, Planner I

REQUEST(S)

- Waiver from LDC Section 5.2.2 to allow three lots to be less than the minimum required width of 35'.

CASE SUMMARY/BACKGROUND

The applicant is proposing a minor subdivision to create three lots from one lot in the R-6 zoning district and Traditional Neighborhood form district. The existing lot was created by deed of consolidation in 2004 from Lots 19, 20, and 21 originally recorded in the Merriwether & Taylor's Subdivision. The current lot is 15,750 square feet and will be divided into three 5,250 square foot lots. The new lots would each be 25 feet wide which requires a waiver for minimum lot width.

STAFF FINDING

Staff finds that the proposal and requested waiver is adequately justified as it meets the guidelines of the Comprehensive Plan, requirements of the Land Development Code, and standard of review.

TECHNICAL REVIEW

This minor plat has received preliminary approval from Transportation Planning and MSD.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as the new lot configurations will fit in with surrounding properties that have similarly narrow widths. The majority of lots within this block have a width of only 25 feet.

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

STAFF: Community Form Goal 1, Policy 4 calls for proposals to ensure compatibility with the scale and site design of nearby existing development and with the desired pattern of development within the form district. The majority of lots within the immediate block face are only 25 feet, and many of the lots in the surrounding neighborhood are narrow and below the minimum width requirement. The proposed minor subdivision will therefore match the existing character of the neighborhood and be compatible with the desired pattern of development within the Traditional Form.

(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 minimum relief because the proposed lot widths are the minimum reduction from the standards necessary to create three lots. Any other configuration of the three lots would require a greater deviation from the minimum lot width requirement.

(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. Since the proposed subdivision exceeds the minimum lot area requirements for each proposed lot, and since the proposed subdivision is improving the compatibility of the current space with the character and pattern of development in the surrounding neighborhood, the strict application of the provisions would be unreasonable.

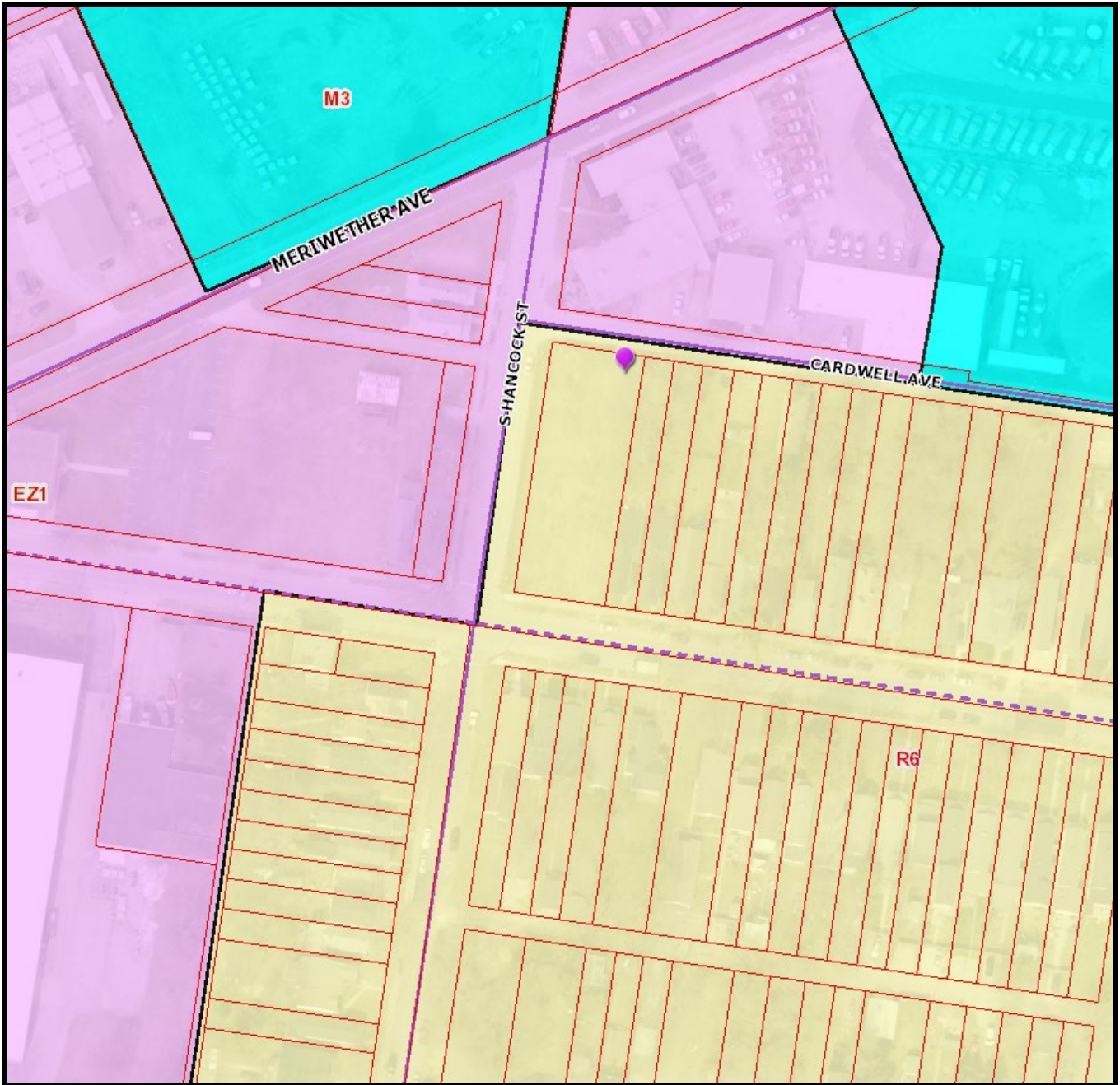**REQUIRED ACTIONS:**

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

NOTIFICATION

Date	Purpose of Notice	Recipients
5/10/2023	Hearing before DRC	1st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 6

ATTACHMENTS

1.   Zoning Map
2.   Aerial Photograph

1. **Zoning Map**

2. Aerial Photograph