

# Development Review Committee Staff Report

June 4, 2014



<b>Case No:</b>	<b>13MINORPLAT1026</b>
<b>Request:</b>	<b>Minor Plat Waivers</b>
<b>Project Name:</b>	<b>French Minor Plat</b>
<b>Location:</b>	<b>4240 River Park Dr.</b>
<b>Owner:</b>	<b>Anthony French</b>
<b>Applicant:</b>	<b>Anthony French</b>
<b>Representative:</b>	<b>Renaissance Design Build Inc.</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>5 – Cheri Bryant Hamilton</b>
<b>Case Manager:</b>	<b>Christopher Brown, Planner II</b>

## REQUEST

- Minor Plat Waivers
  - Waiver #1: Waiver from Chapter 7.8.60.B.1 of the Land Development Code
  - Waiver #2: Waiver from Chapter 7.8.12.E of the Land Development Code
  - Waiver #3: Waiver from Chapter 7.8.12.J of the Land Development Code

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to create 2 lots from 3. The Land Development Code (LDC) in 7.8.60.B.1 states that, all lots for any uses or structures shall have access to and abut a public or private road for at least twenty five feet. Lot 2 will have access to a private access easement less than 25'. The waiver is required to allow this existing condition on the site to be maintained when creating Lot 2. The private access easement serving the lots is less than the required 18' pavement width and 30' ROW width as well as creates a lot less than 5 acres on a private access easement. A waiver is required under 7.8.12.E of the Land Development Code as well as 7.8.12.J for the access. In addition, this required approval from the Director of Public Works and Planning Director. The waiver of said standards by the directors has been received in accordance with 6.2.8 of the Land Development Code. This requested waiver will allow the use of the existing driveway to serve Lot 2 at its 11.07' width.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Single family residential	R-5	N
<b>Proposed</b>	Single family residential lots	R-5	N
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Single family residential	R-5	N
<b>South</b>	Single family residential	R-5	N
<b>East</b>	Single family residential	R-5	N
<b>West</b>	Single family residential	R-5	N

## PREVIOUS CASES ON SITE

None

## INTERESTED PARTY COMMENTS

Staff has not received any comments.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS

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

STAFF: The waivers will not adversely affect adjacent property owners since it will maintain the existing conditions on the lot.

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

STAFF: Guideline 3, policy 6 wants 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 traffic generated from these lots will have no impact on the adjacent areas and will maintain use of the existing driveway by creating a private access easement from the existing drive.

- (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 to allow the existing conditions to remain on the lots and use the existing driveway as the primary means of access for the residential lots.

- (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 by not allowing the separation of the lots to create lots with only one dwelling per lot as permitted under the current zoning regulations with use of the existing driveway as a private access easement to the lots.

## TECHNICAL REVIEW

The minor subdivision plat is in order and has received preliminary approvals from Transportation Planning, the Metropolitan Sewer District, Public Health and Wellness, and the Louisville Metro Division #1 Fire Department. The variances required as part of the plat will require approval from the Board of Zoning Adjustment. They will be heard on June 16<sup>th</sup>, 2014.

## STAFF CONCLUSIONS

The proposed waiver appears to be adequately justified based on staff analysis in the staff report. It will allow the existing conditions of the lots to be maintained and create one house per lot rather than the existing two houses on one lot. The existing driveway will provide adequate access to Lot 2. 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 established in the LDC for approving the waivers.

## NOTIFICATION

Date	Purpose of Notice	Recipients
5/21/14	Hearing before LD&T	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 5 Notification of Development Proposals

## ATTACHMENTS

1. Zoning Map
2. Aerial
1. Zoning Map



2. Aerial

