

Development Review Committee

Staff Report

April 14, 2021



Case No:	21-MPLAT-0031
Project Name:	Smith Minor Plat
Location:	16101 Dry Ridge Road
Owner(s):	Mary and John Smith
Applicant:	Tim Gehlhausen
Jurisdiction:	Louisville Metro
Council District:	20- Stuart Benson
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- **WAIVER** of Land Development Code (LDC) section 7.8.60.B.4 to allow individual single-family driveway access to a collector level roadway.

CASE SUMMARY/BACKGROUND

The applicant proposes to create five lots from one along Dry Ridge Rd. The subject property is surrounded by single family residential zoning. The subject property is located on the east side of Dry Ridge Rd. with approximately 3,608 feet of frontage on this secondary collector roadway. The existing lot currently has a single-family residence and several accessory buildings. Proposed lot 1 will be served by the existing access. The proposed plat is creating 4 new single family lots and the applicant is requesting to have access for each new lot off Dry Ridge Rd.

STAFF FINDING

Staff finds that the request is adequately justified and meets the standard of review for lot 2 due to the location of the existing access for lot 1 and the stream and required buffer.

Staff finds that the waiver request for Lots 3, 4, and 5 is not adequately justified as the lot widths allow for shared access.

TECHNICAL REVIEW

The minor subdivision plat is in order and has received preliminary approvals from the Metropolitan Sewer District, and the Fern Creek Fire Department, and the Health Department. Transportation Planning approval is pending per the DRC decision.

Transportation Planning will need to determine best location for access for newly created lots.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 7.8.60.B.4 TO ALLOW ACCESS TO SINGLE-FAMILY LOTS FROM SECONDARY COLLECTOR LEVEL ROADWAYS.

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

STAFF: The waiver for lot 2 will not adversely affect adjacent property owners as safe individual access can be created for this lot. Granting the waivers for lots 3, 4 and 5 will adversely impact adjacent property owners, as an excess of driveway entrances on a collector level roadway may cause safety concerns via conflicts of vehicles entering and leaving the roadway.

- (b) The waiver will not violate specific guidelines of the Comprehensive Plan; and

STAFF: Guideline 1, Policy 4 strives to ensure new development and redevelopment are compatible with scale and site design of nearby existing development with the desired pattern of development within the Form district. The waiver for lots 3, 4 and 5 will violate specific guidelines of the Comprehensive Plan as the number of entrances proposed to serve the proposed lots exceeds the minimum necessary.

- (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 not the minimum necessary to afford relief to the applicant. While proposed lot 2 would be difficult to connect to the existing driveway due to the location of the stream and buffer and the existing access for lot 1, the waiver for lots 3, 4, and 5 is not the minimum necessary to afford relief to the applicant. A shared access for these three lots is feasible.

- (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 for lot 2, as the location of the existing access for lot 1 and the stream make shared access infeasible for this lot.

The strict application of the provisions would not deprive the applicant of the reasonable use of the land for lots 3, 4, and 5 because shared access is feasible for these lots. The lots resulting from the subdivision conform to the zoning and form district regulations applicable to the property.

REQUIRED ACTIONS:

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

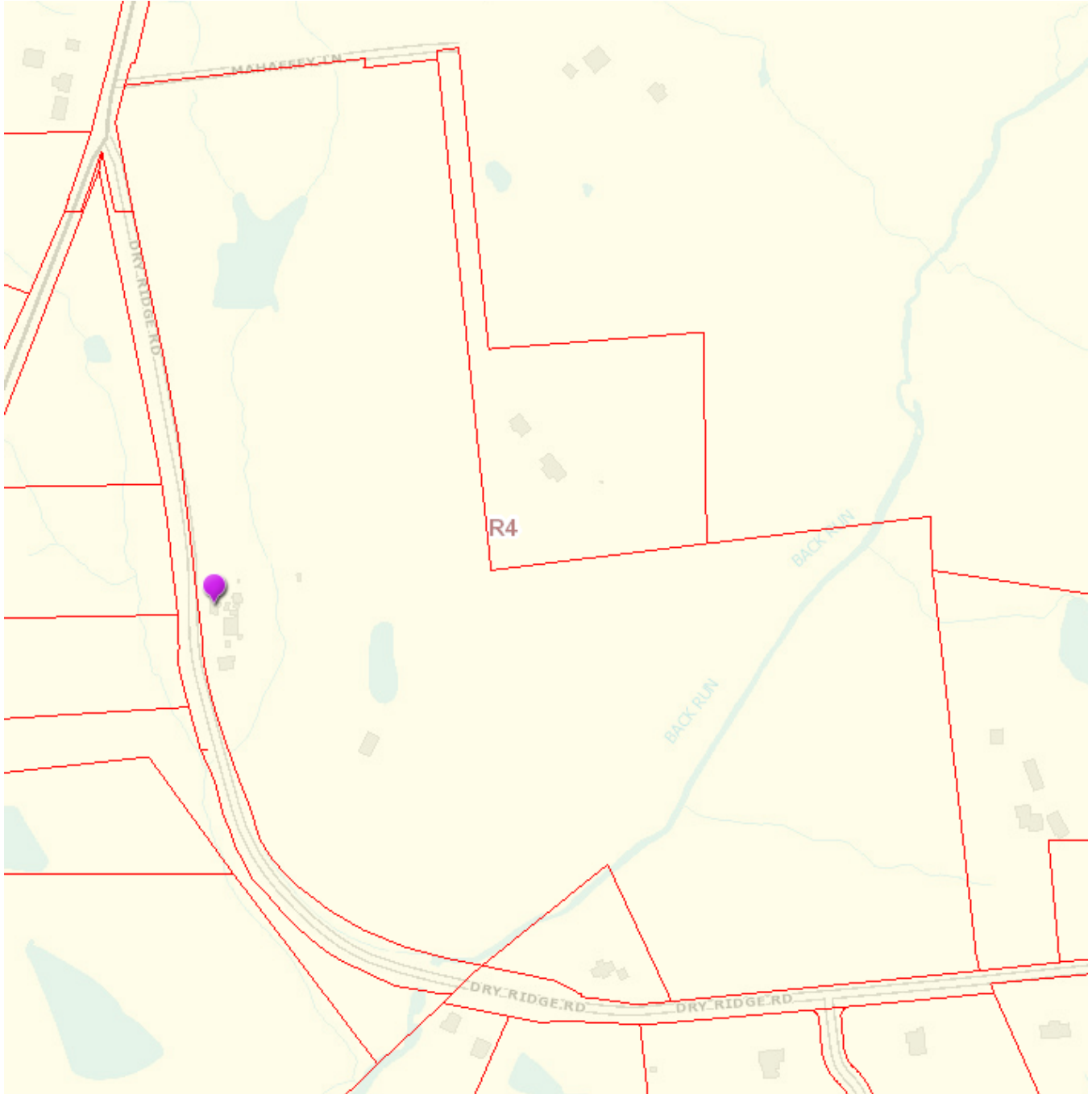
NOTIFICATION

Date	Purpose of Notice	Recipients
03/30/2021	Hearing before DRC on 04/14/2021	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 20

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

