

Development Review Committee

Staff Report

February 3, 2016



Case No:	15MINORPLAT1147
Project Name:	Oppel Minor Plat
Location:	5602 Chenoweth Run Rd.
Owner(s):	Mark and Susan Oppel
Applicant(s):	Mark and Susan Oppel
Representative(s):	Cardinal Surveying
Project Area/Size:	3.31 Acres
Existing Zoning District:	R-4, Single-Family Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Joel P. Dock, Planner I

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

The applicant proposes to create two tracts from one tract. The subject site is located roughly three-quarters of a mile Northwest of Interstate-265 and Northeast of Billtown Road in Southeastern Louisville Metro. Tract 1 contains an existing single-family home, accessory structures, and direct driveway access to Chenoweth Run Road. Tract 2 is a vacant tract with no current access to this road. Individual direct single-family driveway access for Tract 2 is being proposed to Chenoweth Run Rd, a secondary collector level roadway. LDC 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

The subject site is in the R-4, Single-Family Residential, zoning district and is a single-family house with accessory structures. The subject site is adjacent in all directions to R-4, Single-Family Residential, zoning districts and single-family homes.

PREVIOUS CASES ON SITE

Staff found no previous or associated cases on site.

INTERESTED PARTY COMMENTS

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

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (revised December 2015)

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 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 Chenoweth Run 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 Tract 1 is located so that it is not feasible to create a shared driveway easement between the two 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 or would create an unnecessary hardship on the applicant as the applicant/property owner has engaged in a contract to sell the home only and retain the land for future use or sale. LDC 7.8.60.B.4 prohibits Planning Commission staff from approving the minor subdivision, unless a waiver is granted. Furthermore, the existing driveway serving Tract 1 is located so that it is not feasible to create a shared driveway easement between the two lots.

TECHNICAL REVIEW

A protected waterway exists to the rear of the subject site; it is not impacted by the minor subdivision. The site will be developed in accordance with LDC 4.8.

While tract 2 of the minor subdivision would become a legally created single-family residential building lot upon the granting of the waiver request, the Metropolitan Sewer district has prohibited this lot from being issued a building permit and declared it non-buildable until a variance is granted from the MSD Flood Board. As noted by MSD staff it appears that there are two points of concern to the North and South of the site that fall below the local regulatory flood zone; thus, potentially preventing emergency vehicle access to the site during a major weather event. These areas are located at the Bridge and intersection at Gellhaus Ln. and Chenoweth Run Rd. and the bridge and intersection at Easum Rd. and Chenoweth Run Rd. MSD has approved the plat with the addition of Note #5 to the face of the plat. A necessary step in obtaining a building permit for new construction or land disturbing activity is approval from the MSD. In summary, the approval of this waiver would allow the lot to be subdivided, but construction would not occur without MSD Flood Board approval of the flood zone variance and MSD approval for the land disturbance associated with the building permit.

Transportation Review staff visited the site on 1/21/16 and found that visibility appears to be sufficient in both directions on Chenoweth Run Road.

STAFF CONCLUSIONS

The waiver request 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.

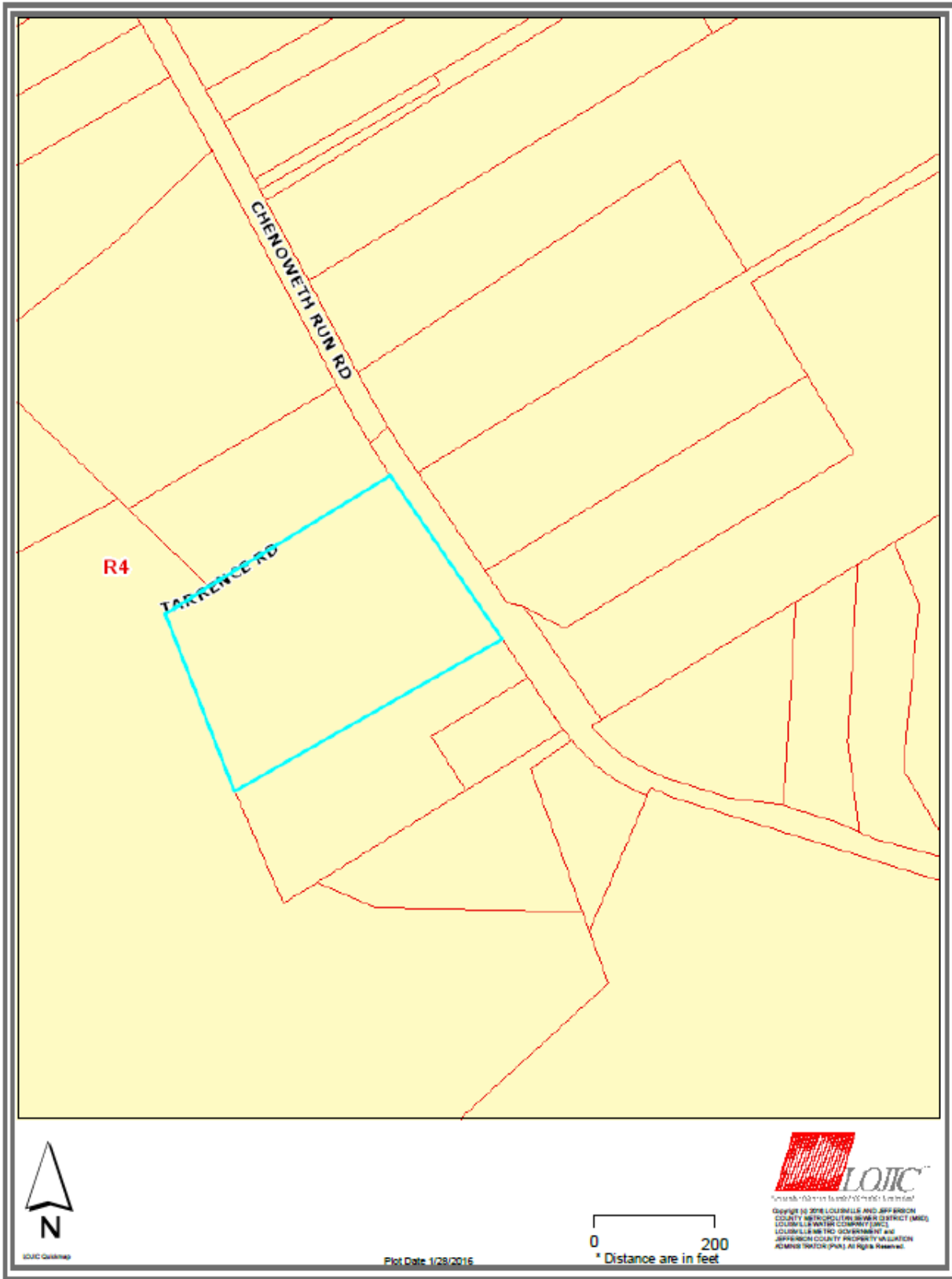
NOTIFICATION

Date	Purpose of Notice	Recipients
1/21/16	DRC	Adjoining property owners, applicant, representative, case manager, and registered users of Council District 20

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Flood Zone Areas of Concern

1. **Zoning Map**



2. Aerial Photograph



3. Flood Zone Areas of Concern

