

**Development Review Committee**  
**Staff Report**  
Nov. 30, 2016



<b>Case No:</b>	16MINORPLAT1121
<b>Request:</b>	To allow direct access to a secondary collector level roadway from individual single family lot.
<b>Project Name:</b>	16MINORPLAT1121
<b>Location:</b>	16MINORPLAT1121
<b>Owner:</b>	Carl Sparrow
<b>Applicant:</b>	Kenneth and Rebecca Baize
<b>Representative:</b>	Richard Matheny – Cardinal Surveying
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20 – Stuart Benson
<b>Case Manager:</b>	Ross Allen – Planner I

**REQUEST**

- Waiver from Land Development Code section 7.8.60.B.4 to allow direct access to a secondary collector level roadway from individual single family lot.

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant is proposing to create 5 new tracts from two existing tracts and shift property lines between tracts 1 and 2 revised and dedicate right of way on tract 1, 2, and 8 along the frontage on Back Run Rd. Tract 1 has no direct access to/from Back Run Road which is a secondary level collector road for an individual single family lot zoned R-4 within a Neighborhood Form District. Proposed tracts 4 and 5 have a 30' x 30' shared access while tracts 2 and 3 already have access points. A condition of approval will need to be requested by DRC so the applicant will need to obtain a bond for the vegetation removal and the driveway access that would be within the public right of way.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

Tract 1 (Only)	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Farmland	R-4	Neighborhood
<b>Proposed</b>	Single Family Residential	R-4	Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Farmland	R-4	Neighborhood
<b>South</b>	Farmland/Single Family Residential	R-4	Neighborhood
<b>East</b>	Single Family Residential	R-4	Neighborhood
<b>West</b>	Farmland/Single Family Residential	R-4	Neighborhood

**PREVIOUS CASES ON SITE**

10139: A Minor plat to create 3 tracts of land (10207 Back Run rd.) which expired as of 6/5/2008 as a result of inactivity.

14402: A minor plat to create 3 tracts from 1, staff approved on 7/22/2010.

## INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of LDC section 7.8.60.B.4 to allow direct access to a secondary collector level roadway from individual single family lot.

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

STAFF: The waiver will not adversely affect adjacent property owners since the lot has a frontage of approximately 600 linear feet fronting Back Run Road allowing for an ingress/egress from the property as is the case with other four tracts along the North side of Back Run Road.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020, Guideline 8, Policy 9 stresses the avoidance of access to development through areas of significantly lower intensity or density development if such access would create significant nuisances. Guideline 8, Policy 10 encourages road designs that should provide sight distances consistent with probable traffic speed, terrain, alignments and climatic extremes. The proposed development is for low-density lot creation in a rural, but slowly developing area where individual single-family driveway access will not cause a nuisance to surrounding residents.

- (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 since the lot is zoned as an R-4, single family residential, and without access to the tract a dwelling would have no access from the secondary level collector roadway. Last, the portion of Back Run Road where the tract is located has a very straight path to the east and west allowing for potential safe entry and exiting onto Back Run Road.

- (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 since access to the lot from Back Run Road can only occur through two conditions: 1.) A 30' x 30' shared access be proposed between tracts 1 and 2, which the applicant chose not to do OR 2.) Request the waiver to allow direct access from Back Run Road (Secondary Collector Roadway). If the waiver is not approved allowing the direct access from Back Run Road then then access to the property could only be achieved through a shared access.

## TECHNICAL REVIEW

- Transportation Planning reviewed the proposed access for tract 1, located at the far west of the property, almost directly across from the driveway access for 9920 Back Run Road. Transportation planning stated that the ability for the applicant to align the access point with the access of 9920 Back Run Road would be the best possible solution. However, the applicant would need to remove vegetation, east and west of the proposed access location along the frontage, for the proposed access point which would be partially located in the public right of way, requiring a bond, if the waiver is approved. (e-mail from Tammy Markert on Friday Nov. 11, 2016 @ 4:03 pm)

## STAFF CONCLUSIONS

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 standards for granting a LDC Waiver from section 7.8.60.B.4 as established in the Land Development Code to allow a direct access to a secondary collector level roadway (Back Run Road) from individual single family lot.

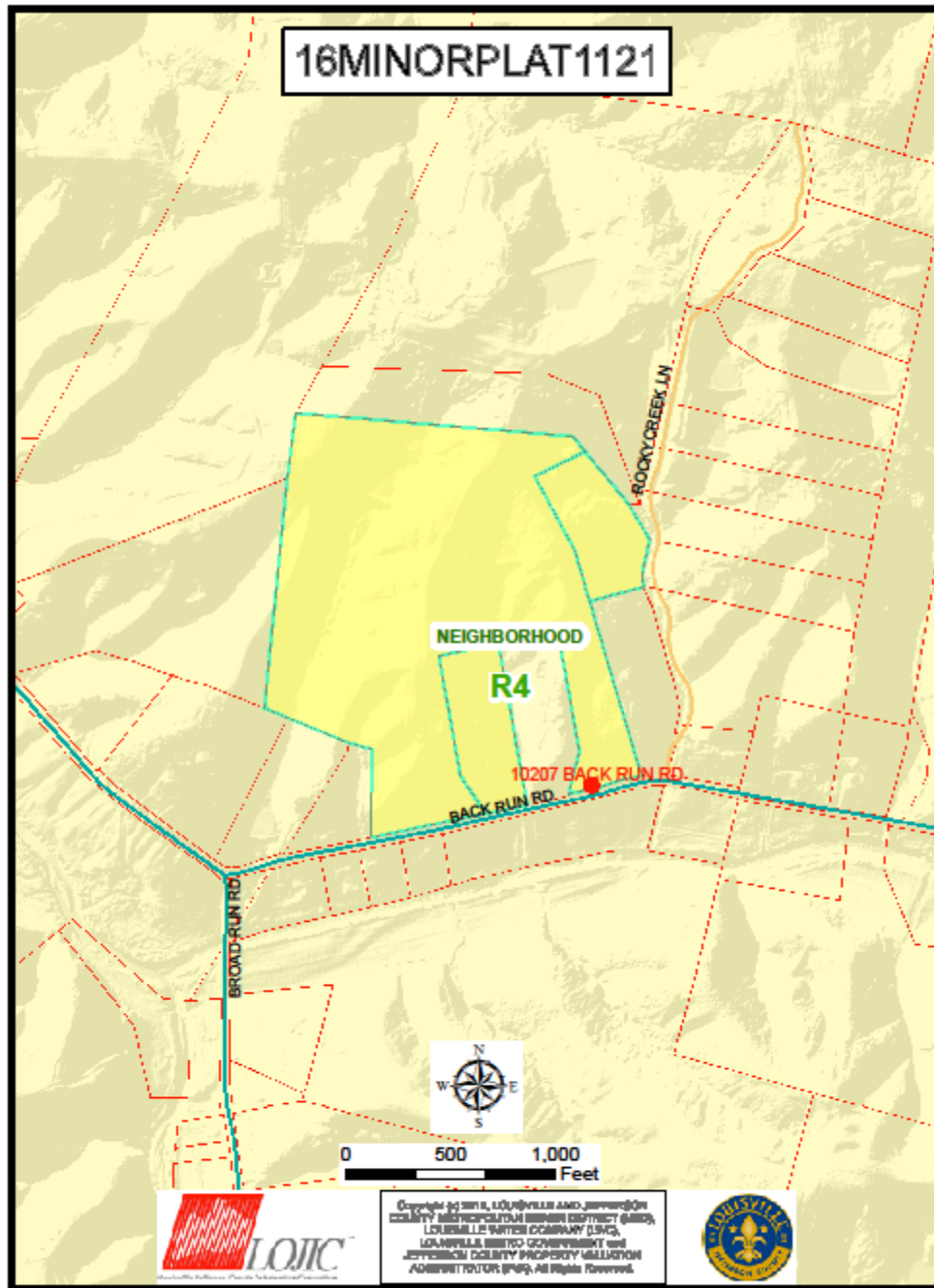
## NOTIFICATION

Date	Purpose of Notice	Recipients
Nov. 23, 2016	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

