

Development Review Committee

Staff Report

March 15, 2017



Case No:	17MINORPLAT1008
Project Name:	414 E. Brandeis Avenue
Location:	414 E. Brandeis Avenue
Owners/Applicants:	Timothy A. & Billie S. Mueller
Representative:	Todd K. Willett
Project Area/Size:	.088 acres
Existing Zoning District:	R-6 (Multi-Family Residential)
Existing Form District:	Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Zach Schwager, Associate Planner

REQUEST

- Substandard Minor Subdivision in a Traditional Neighborhood Form District

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to create two tracts from three tracts and shift a property line on the south side of Brandeis Avenue. There is currently one structure on 9,369 square feet (total of the three existing lots). The structure is a single-family unit. The proposal will create two single-family lots, one being 3851.7 square feet and the other 5517.3 square feet. While these lots are compliant with the density allowed in an R-6 zoning district, they are substandard with respect to the minimum lot area of 4,500 square feet required for new lots in an R-6 district in the Traditional Neighborhood form district.

Planning Commission staff is not authorized to approve plats that do not meet the minimum regulations per 7.8.12.G of the LDC. However, specific authorization is given to the Planning Commission in 7.1.85 of the LDC to approve subdivisions resulting in substandard lots in the Traditional Neighborhood Form District. This section of the LDC reads as follows:

“Where the Planning Commission finds that subdivision or resubdivision of a legally created lot in the Traditional Neighborhood Form District, Traditional Workplace Form District, or Traditional Marketplace Corridor Form District will not conflict with the established pattern in the neighborhood and will promote the public health, safety, or welfare by facilitating development or rehabilitation of such property compatible with the surrounding neighborhood, then the Planning Commission may approve the requested subdivision notwithstanding the fact that one or more of the resulting lots do not conform to the applicable requirements relating to area or width or size of yards.

“Any request for approval of a subdivision under the provisions of this regulation shall, to the fullest extent practicable, show the lots resulting from said subdivision to be uniform in terms of those features which do not conform to the zoning and form district regulations applicable to the property. A subdivision of property in accordance with the terms of this provision shall not affect the preexisting nonconforming use status pertaining to the property. As a condition of approval, the Planning Commission may require restrictions to be placed on the subdivision plat.”

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single-Family Residential	R-6	TN
Proposed	Single-Family Residential	R-6	TN
Surrounding Properties			
North	Residential	R-6	TN
South	Residential	R-6	TN
East	Residential	R-6	TN
West	Residential	R-6	TN

ASSOCIATED CASES ON SITE

None

INTERESTED PARTY COMMENTS

Staff has not received any formal comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (revised January 2017)

TECHNICAL REVIEW

The minor subdivision has received preliminary approvals from MSD, Transportation Review, Construction Review, Public Health, and the Kentucky Transportation Cabinet.

STAFF CONCLUSIONS

DRC has discretion in this case; this is not a ministerial action. Approval of the requested subdivision requires that this committee finds the request will not conflict with the established pattern in the neighborhood and will promote the public health, safety, or welfare by facilitating development or rehabilitation of such property compatible with the surrounding neighborhood. As a condition of approval, the DRC may require restrictions to be placed on the subdivision plat.

The request is to create two single-family lots. Staff finds that the proposal will promote the public health, safety, or welfare by facilitating development or rehabilitation compatible with the surrounding neighborhood as the substandard lot falls within the range of lots existing on the street. Parcels addressed 430-434 and 458-462 on Brandeis Avenue are 20 feet in width with 420 E. Brandeis Avenue being the widest parcel at 55 feet in width.

Required Actions

- **APPROVE** or **DENY** the substandard Minor Subdivision in a Traditional Neighborhood form district in accordance with LDC 7.1.85.

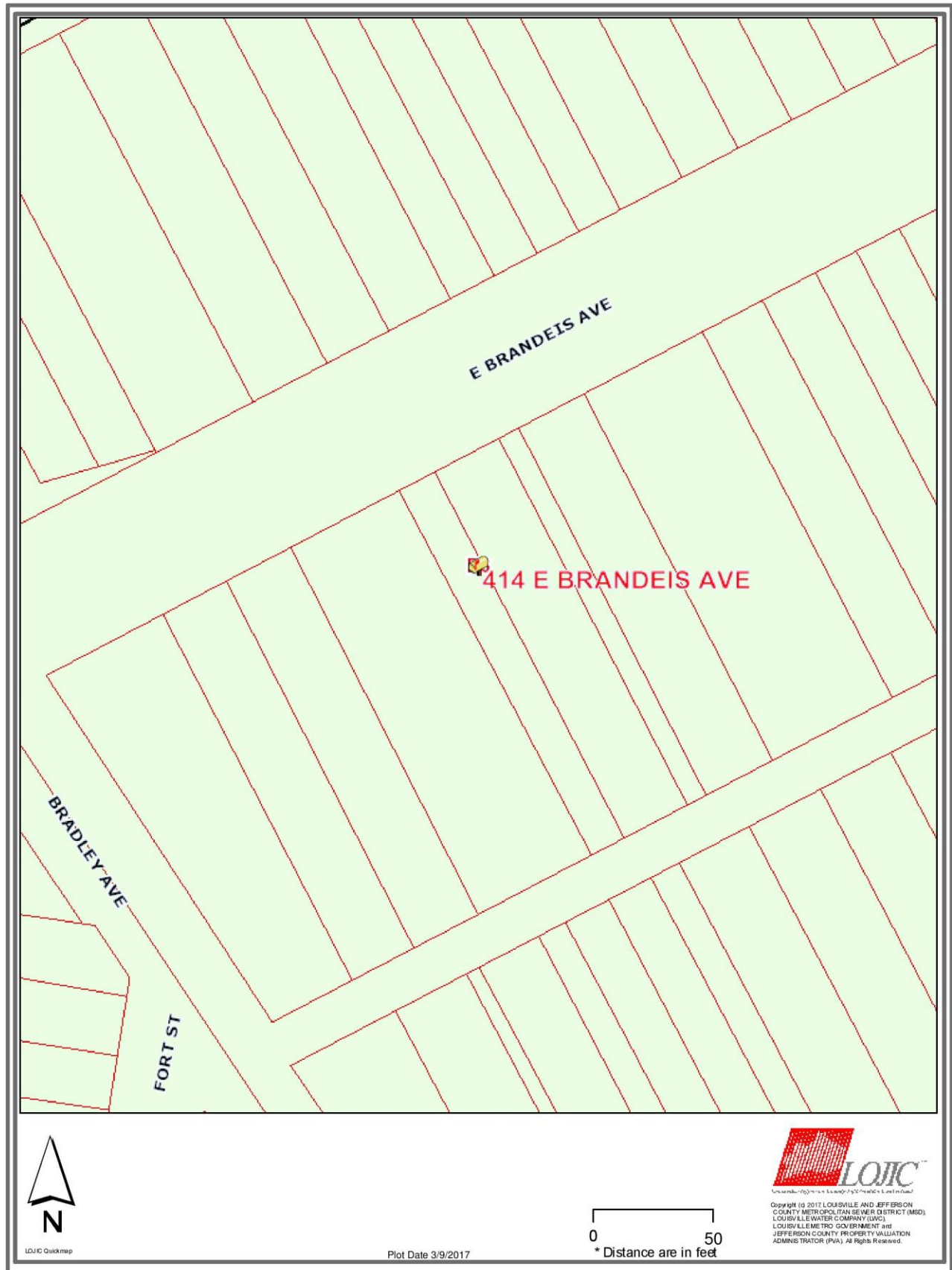
NOTIFICATION

Date	Purpose of Notice	Recipients
3/3/17	Hearing before DRC	1 st tier adjoining property owners Registered neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial
3. Proposed Plat

1. Zoning Map



1. Aerial



2. Proposed Plat

