

Land Development and Transportation Committee Staff Report

November 30, 2017



Case No:	17DEVPLAN1187
Project Name:	8508 Thixton Ln
Location:	8508 Thixton Ln
Owner(s):	Matthew Smith
Applicant:	Matthew Smith
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- **Waiver** from Land Development Code section 7.8.60.B.4 to allow direct single family access to a Collector level road.
- **Floyds Fork Development Overlay Review** for a single family home.

CASE SUMMARY/BACKGROUND

The applicant is seeking to construct a single family home in the R-R zoning district within the Floyds Fork Development Review Overlay. The property is over 5 acres, and contains an active orchard and area for growing hops. Therefore, it would qualify as an agricultural property per Land Development Code regulations and is exempt from the provisions of the Overlay, per LDC section 3.1.B.1. The applicant is also requesting a waiver from LDC section 7.8.60.B.4 to allow direct access from a single family lot to a collector level roadway.

STAFF FINDING

The property is an agricultural use as defined by the LDC and is exempt from the provisions of the Floyds Fork development Review Overlay.

The waiver is adequately justified and meets the standard of review.

TECHNICAL REVIEW

The Kentucky Transportation Cabinet has given preliminary approval for the driveway cut and location.

INTERESTED PARTY COMMENTS

Staff has received no interested party comments regarding this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF 7.8.60.B.4 TO ALLOW A SINGLE FAMILY HOME DIRECT ACCESS TO A COLLECTOR LEVEL ROADWAY

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

STAFF: The waiver will not adversely affect adjacent property owners as site distance does not appear to be an issue and the new access will not have a significant impact on surrounding homes.

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

STAFF: Guideline 7, Circulation, which calls for the proposal's transportation facilities to be compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. This guideline is not violated with the waivers as the private access is compatible with surrounding uses and has little impact on adjacent homes.

- (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 all other aspect of the development are in conformance with the Land Development Code.

- (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 create an unnecessary hardship on the applicant, as the existing shared access easement is on the far side of the active agricultural area. To create a driveway in that area would require a much longer linear distance to avoid disrupting active agricultural operations, representing an unreasonable cost burden for the applicant.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver** of 7.8.60.B.4
- **APPROVED** or **DENY** the **Floyds Fork Development Review Overlay Plan**

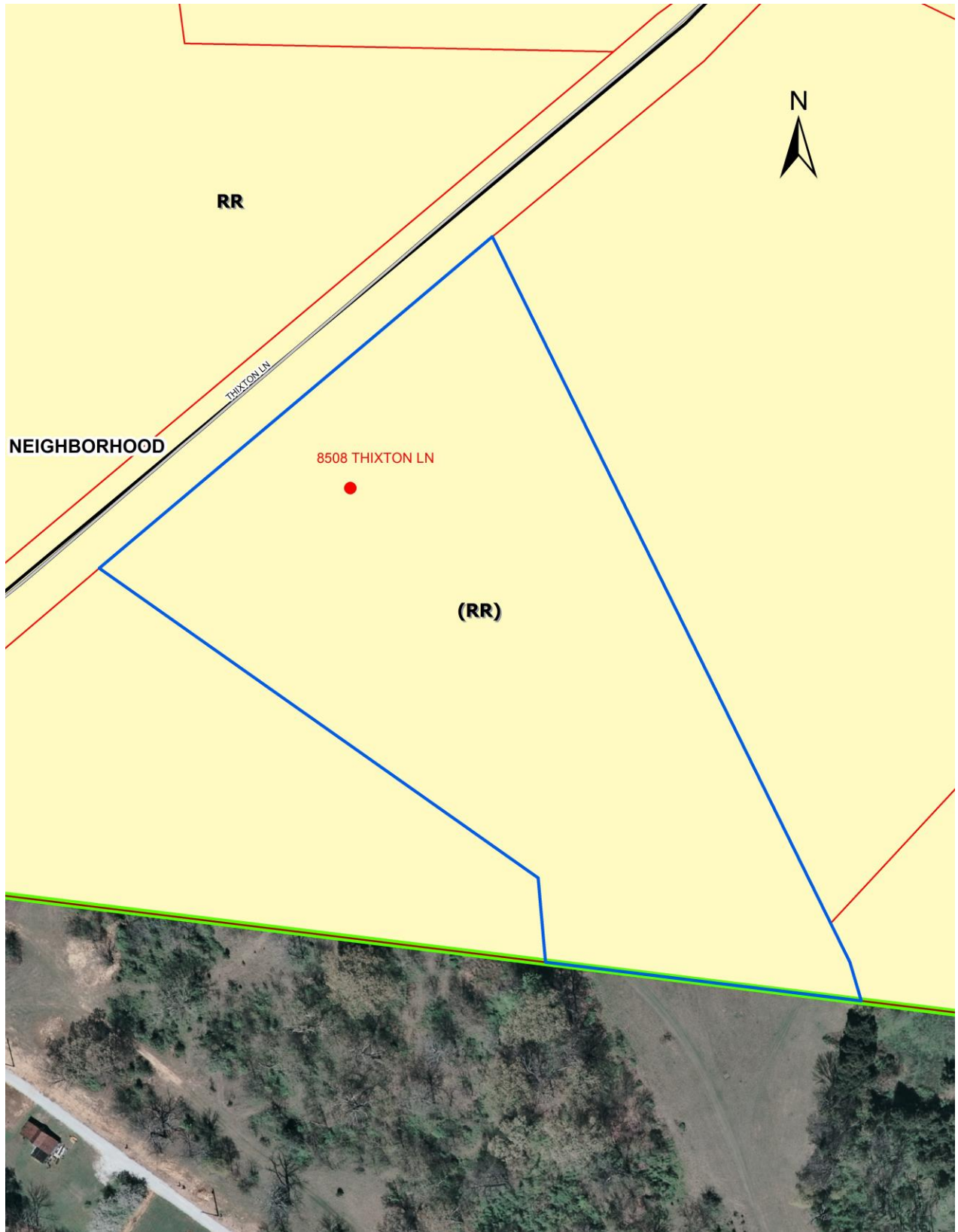
NOTIFICATION

Date	Purpose of Notice	Recipients
11-17-17	Hearing before LD&T	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 22

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

