

Land Development & Transportation Committee Staff Report

April 13, 2017



Case No:	17WAIVER1001 & 1004
Project Name:	Access Waiver 8800 & 8820 Thixton Lane
Location:	8800 & 8820 Thixton Lane
Owner:	David & Clede Thompson/ Jerry Kurtz
Applicant:	Ritchie Riggs
Representative:	Ritchie Riggs, Goldmark Realtors
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Laura Mattingly, Planner II

REQUEST

- Waiver of Section 6.1.3 to allow new single family access for two tracts on a collector level road.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site lies within the Floyd’s Fork Overlay District, just north of the Jefferson/Bullitt County line. In 2014, the properties were subdivided from two tracts to four, creating the need for additional access for the two new parcels. The minor plat granted shared access easements at the existing access points in order to fulfill the access needs. The applicant has now applied to create new access for the vacant lots in order to more easily sell the properties and move the existing driveway for 8800 Thixton Lane farther from the property line to allow more distance between driveways.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Residential/Vacant	RR	N
Proposed	Single Family Residential	RR	N
Surrounding Properties			
North	Single Family/Agricultural	RR	N
South	Single Family/Agricultural	RR	N
East	Single Family/Agricultural	RR	N
West	Single Family/Vacant	RR	N

PREVIOUS CASES ON SITE

14MINORPLAT1044: Minor subdivision plat to create 4 lots from two and shift a lot line between lots 1B and 2A. Approved July 30, 2014.

INTERESTED PARTY COMMENTS

None

APPLICABLE PLANS AND POLICIES

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Of Section 6.1.3 to allow new single family access to a collector level road for two separate lots.

- (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 deprive the applicant of the reasonable use of land or create an unnecessary hardship as the owner has had issues selling both of the properties with the shared access.

TECHNICAL REVIEW

- KYTC and Transportation Planning have reviewed the proposal and have approved the new access, as long as the existing access for Tract 1B, 8820 Thixton Lane, not be relocated, due to underground utilities.

STAFF CONCLUSIONS

- The proposed waivers appear to be adequately justified based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee must determine if the proposal meets the standards granting LDC Waivers established in the Land Development Code.

REQUIRED ACTION

- **APPROVE** or **DENY** the requested waivers of LDC Section 6.1.3.

NOTIFICATION

Date	Purpose of Notice	Recipients
3/28/17	Hearing before LD&T	Registered neighborhood groups
3/29/17	Hearing before LD&T	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

