Waiver Justification Statement

Goose Holdings, LLC

9614 Old Six Mile Lane

The applicant requests a waiver to allow the entrance drive, parking areas, proposed and existing buildings, and trash receptacles to encroach into the required 15-foot Landscape Buffer Area. The proposed waiver will not adversely affect adjacent property owners in that the waiver will allow for a driveway in approximately the same location as the existing driveway to the subject property. Further, the area to the Northwest of the driveway will be improved with a detention area that will appear as open space. The applicant has also committed to including landscape buffering and a solid fence on the Southeast side of the proposed driveway.

The proposed waiver will not violate the Plan 2040 comprehensive plan. The proposed development is for an 18-unit multifamily community. The subject property is located between Jeffersontown High School and single family residences to the Southeast, with multifamily residences across Old Six Mile lane and nearby. The proposed use is compatible with the existing land use pattern and represents appropriate infill development. Because the property is as narrow as it is, and the location of the proposed access point mirrors the existing driveway, the encroachment into the landscape buffer area is unavoidable to allow for functional site circulation, parking, building placement, and service areas.

The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The applicant is constrained by the location of the existing driveway, and the configuration of the parcel requires certain site elements—specifically the driveway, parking, buildings, and trash receptacles—to encroach into the Landscape Buffer Area. The applicant will offset these encroachments with landscaping along the Southeast side of the driveway in order to soften the appearance of the access point.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land. As stated above, the applicant is constrained by the location of the existing driveway and other access points across Old Six Mile Lane. Allowing the applicant to improve the driveway into the subject property and limited encroachment of site elements into the Landscape Buffer Area while also incorporating landscape material and a solid fence will prevent this unnecessary hardship.

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