

18DEVPLAN1001

**Dixie Highway Convenience
Store & Gas Station**



**Louisville Metro Board of Zoning Adjustment
Public Hearing**

Zach Schwager, Planner I

October 15, 2018

Requests

- **Variance:** from City of Shively Land Development Code section 5.2.3.D.3.d to allow a structure to encroach into the required rear yard setback.
- **Variance:** from City of Shively Land Development Code section 5.2.3.D.3.b to allow dumpster and pavement to encroach into the required side yard setback.
- **Variance:** from City of Shively Land Development Code section 5.5.1.A.2 to allow the proposed building to exceed the required zero ft. corner setback.

Location	Requirement	Request	Variance
Rear Yard Setback	15 ft.	5 ft.	10 ft.
Side Yard Setback	5 ft.	0 ft.	5 ft.
Corner Setback	0 ft.	111 ft.	111 ft.

Requests

- **Waiver:** from City of Shively Land Development Code section 5.5.1.A.5 to allow a gas canopy and drive aisles to be located between the street and primary structure.
- **Waiver:** from City of Shively Land Development Code section 5.5.1.A.3.a to allow parking to be in front of the proposed building along Dixie Highway and Luken Drive.

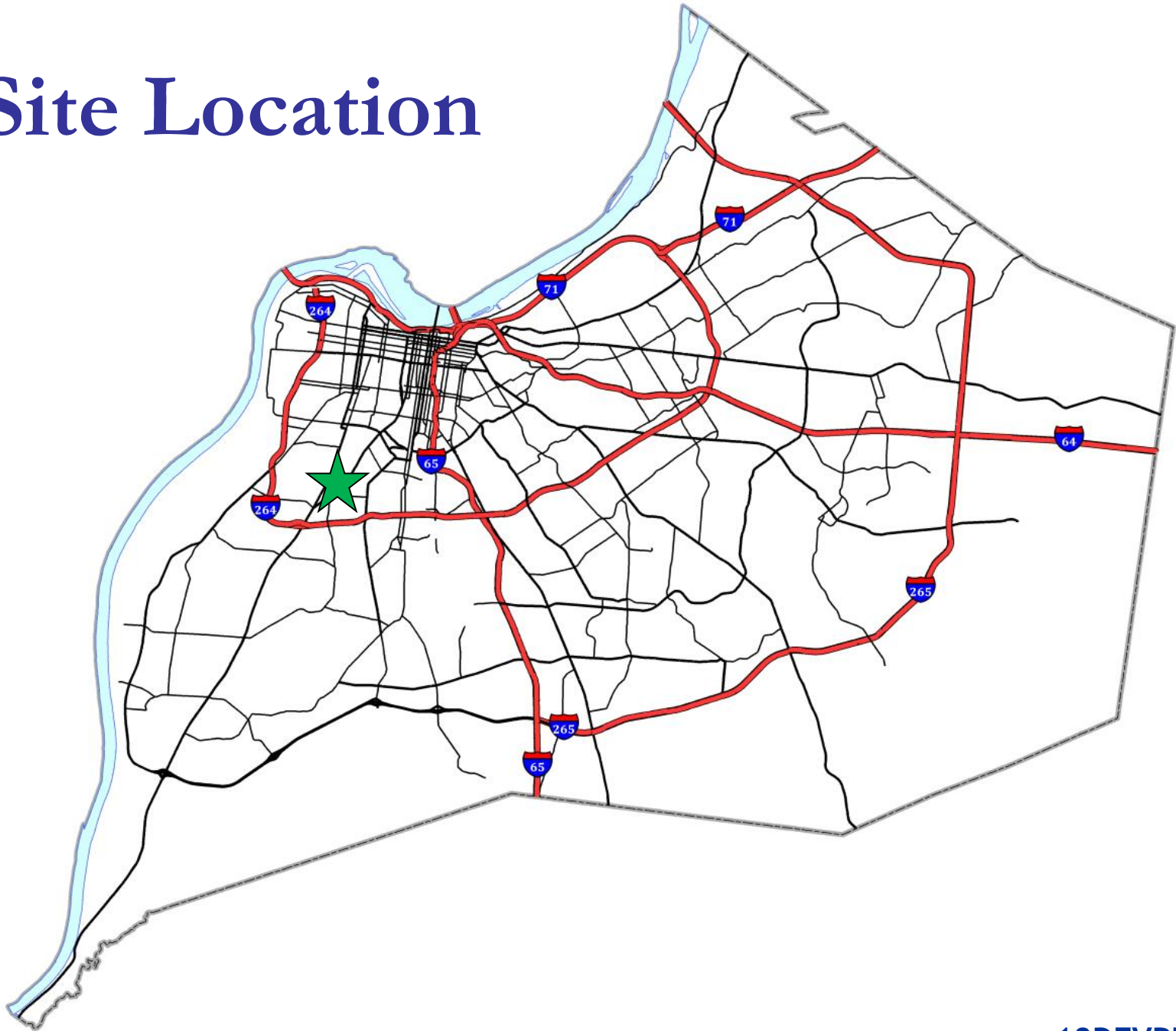
Requests

- **Waiver:** from City of Shively Land Development Code section 10.2.4 to reduce the required rear landscape buffer area from 15 ft. to five ft. and eliminate the required plantings in the existing 15 ft. sanitary, sewer, and drainage easement along the rear of the proposed building.
- **Waiver:** from City of Shively Land Development Code section 10.2.4.B to allow overlap of required landscape buffer area and utility easements by more than 50%.
- **Waiver:** from City of Shively Land Development Code section 10.2.9 to omit the required five ft. vehicular use area landscape buffer area along the south property line adjacent to residential use and along the north property line between the vehicular use area and a roadway (Luken Drive).

Case Summary / Background

- The subject property is located in the City of Shively.
- The applicant proposes to construct a new gas canopy and convenient store/gas station.
- The structure is proposed to encroach into the required rear yard and side yard setback.
- The structure is proposed to exceed the 0 ft. corner setback.
- The applicant also requests waivers for parking location, gas canopy location, and landscaping.

Site Location



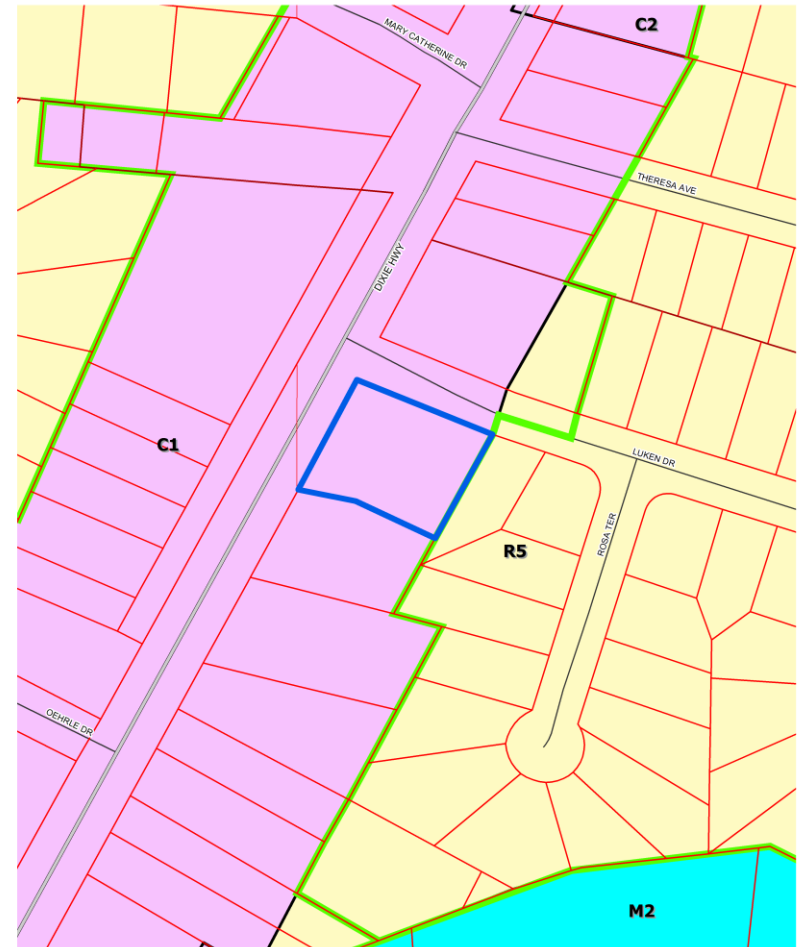
Zoning/Form Districts

Subject Property:

- Existing: C-1/Traditional Marketplace Corridor

Adjacent Properties:

- North: C-1/Traditional Marketplace Corridor
- South: C-1/Traditional Marketplace Corridor
- East: R-5/Traditional Neighborhood
- West: C-1/Traditional Marketplace Corridor



3611 Dixie Highway
feet

100

Map Created: 10/2/2018



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Aerial Photo/Land Use

Subject Property:

- Existing: Vacant Commercial

Adjacent Properties:

- North: Public/Semi Public
- South: Multi Family Residential
- East: Single Family Residential
- West: Commercial/Single Family Residential



3611 Dixie Highway

feet

100

Map Created: 10/2/2018



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Sign in

Bramer Kitchen & Bath

Palacio-Miller Agency
Nationwide Insurance

Google

 **LOUISVILLE**
METRO

18DEVPLAN1001

Site Photos-Subject Property



The front of the subject property.

Site Photos-Subject Property



Southern property line.

Site Photos-Subject Property



Rear of existing building.

Site Photos-Subject Property



Looking west down Luken Drive.

Site Photos-Subject Property



Property across Luken Drive from the subject property.

Site Photos-Subject Property



Property to the rear of the subject property.

Site Photos-Subject Property



Properties across Dixie Highway
from the subject property.

Site Photos-Subject Property



Looking south down Dixie Highway.

Site Photos-Subject Property



Property to the right of the subject property.

Site Photos-Subject Property



Proposed gas canopy and pump parking location.

Site Photos-Subject Property



Area between the subject property and property to the rear.

Site Photos-Subject Property



BOZA public hearing notice sign.

Conclusions

- The variances and waivers 1, 2, and 4 appear to be adequately justified and meet the standard of review.
- Waivers 3 and 5 are not adequately justified and do not meet the standard of review.
- Staff is requesting a continuous 8' privacy fence along the south and east property lines to screen the commercial use from residential use.

Conclusions

- The Board will need to make a separate motion for waivers 3 and 5. Findings a, b, c, and d will need to be adjusted in regards to this motion.

Required Actions

- **Variance:** from City of Shively Land Development Code section 5.2.3.D.3.d to allow a reduction in the required 15 ft. rear yard setback to five ft. Approve/Deny
- **Variance:** from City of Shively Land Development Code section 5.2.3.D.3.b to allow dumpster and pavement to encroach into the required five ft. side yard setback. Approve/Deny
- **Variance:** from City of Shively Land Development Code section 5.5.1.A.2 to allow the proposed building to exceed the required zero ft. corner setback. Approve/Deny

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Recommend Approval/Denial to the City of Shively

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