

Board of Zoning Adjustment

Staff Report

June 1, 2026



Case No:	26-VARIANCE-0055
Project Name:	Swig Parking Lot
Location:	6402 Bardstown Rd
Applicant:	Noperl Indy LLC
Representative:	Land Design & Development, Inc
Jurisdiction:	Louisville Metro
Council District:	22 – Kevin Bratcher
Case Manager:	Abby Bills, Planner I

REQUEST

- **Variance** from Land Development Code Section 5.1.12.A.2.a to allow a parking lot to encroach in the front yard infill setback.

Location	Requirement	Request	Variance
Front Yard Infill Setback	51 ft.	16 ft.	35 ft.

CASE SUMMARY

The subject site is approximately 0.5 acres in the C-1 Commercial zoning district and Town Center Form District. The site is located on Bardstown Rd, between Ferndale Rd and Beulah Church Rd. The subject property is currently undeveloped, and the applicant is proposing to construct a Swig soda shop and a parking lot with 8 spaces. A section of the proposed parking lot will be located in the front yard infill setback, therefore a variance is required.

A related waiver to allow parking in front of the building in a traditional form district was previously approved by the Development Review Committee under case 25-WAIVER-0044.

STAFF FINDING

Staff finds that the requested variance is adequately justified for approval based on the analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

1. The requested variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public since the proposed parking lot is contained within the subject property and is not directly adjacent to any residential property. The proposed

structure and parking lot will additionally be buffered from Bardstown Rd and will be required to comply with all applicable landscaping and screening requirements.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations because the location of the parking lot falls in line with the existing parking lots of the adjoining properties, including the properties that determine the infill setback. Therefore, the applicant is meeting the intent of the infill regulation despite the parking lot encroachment.

3. The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to the land in the general vicinity, or in the same zone. The subject site is subject to infill context that did not apply to the surrounding properties on the same block face, as these properties were developed before the block face reached the 50% occupation requirement in LDC 5.1.12.A.1.

4. The strict application of the provision 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 the land and would create an unnecessary hardship on the applicant. Upholding the infill setback for the parking lot would be unnecessary as the proposal meets the intent of the infill standards, and compliance with the infill setback would deprive the applicant of developing a large portion of the site.

5. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has requested the variance and construction has not yet begun.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance** from Land Development Code Section 5.1.12.A.2.a to allow a parking lot to encroach in the front yard infill setback.

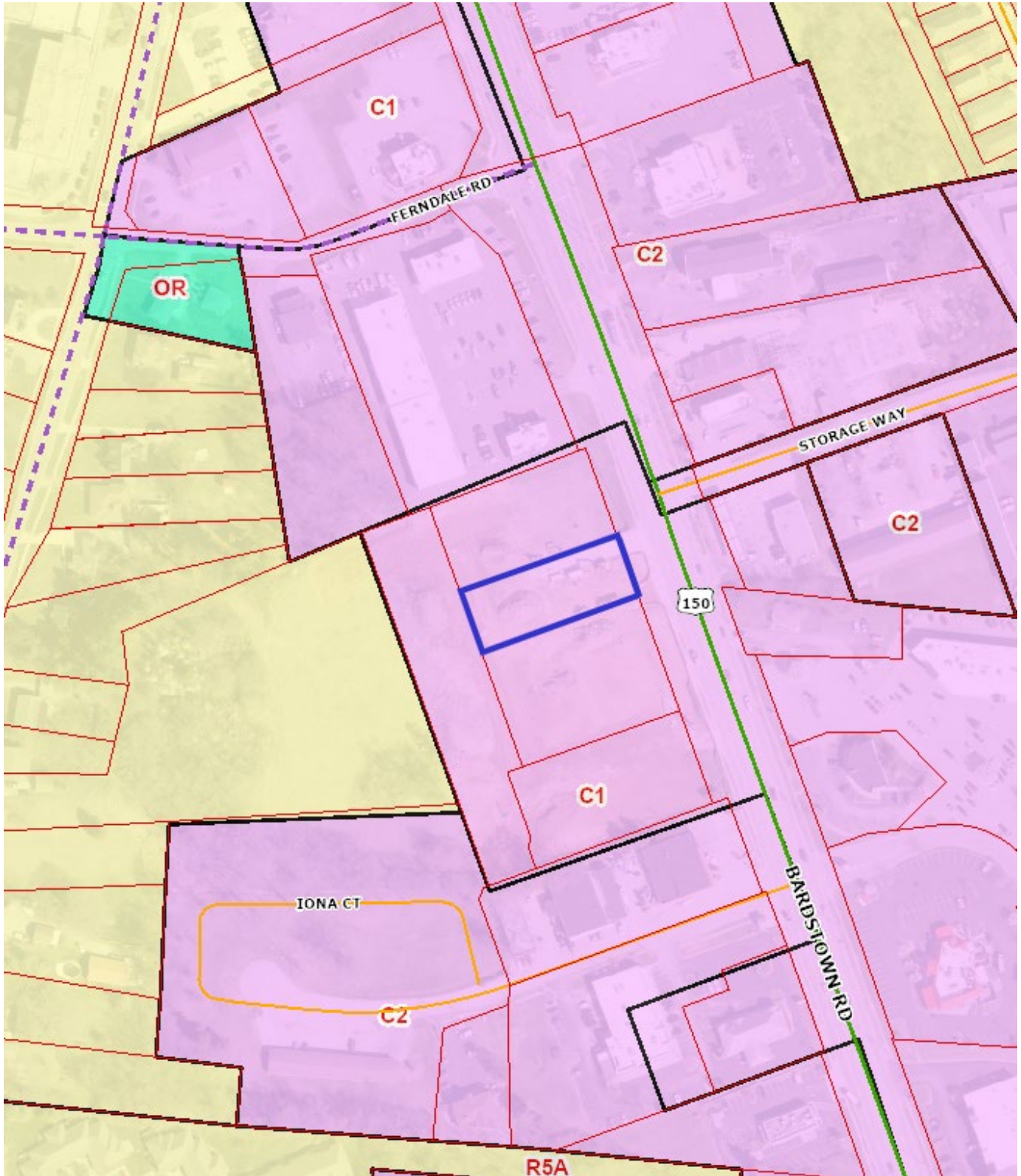
NOTIFICATION

Date	Purpose of Notice	Recipients
05/14/2026	Hearing before BOZA	1 st tier adjoining property owners and current residents
05/12/2026		Registered Neighborhood Groups in Council District 22

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

