

Board of Zoning Adjustment

Staff Report

April 24, 2022



Case No:	23-VARIANCE-0037
Project Name:	Corner Lot Variance
Location:	4900 Brownsboro Road
Owner:	4900 Brownsboro Road, LLC
Applicant:	Dinsmore & Shohl, LLP Thorntons, LLC
Jurisdiction:	Louisville Metro
Council District:	7 – Paula McCraney
Case Manager:	Molly Clark, Planner II

REQUESTS:

Variance from section 5.5.1.A.2 to allow a proposed convenience store to exceed the corner lot setback of 5 feet on each street.

Location	Requirement	Request	Variance
Corner Lot	Max 5 feet on each road frontage	179.4 feet(Brownsboro Road Frontage) 71.2 feet (KY 22 Frontage)	174.4 feet 66.2 feet

CASE SUMMARY/BACKGROUND

The subject site is zoned C-1 in the Town Center Form District on 1.49 acres. The site is currently developed with a smaller Thornton's Gas Station and a Dairy Queen restaurant. The applicant is proposing to construct a 6,488 square foot gas station with a detached car wash structure and a detached gas station canopy.

This site is related to a Category 2B case under 22-CAT2-0003. There was a previous Category 2B case under 16DEVPLAN1052 for a proposed gas station for Thorntons.

STAFF FINDINGS

Staff finds that the requested variance is adequately justified and meet the standards of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting variances established in Land Development Code section 5.5.1.A.2 to allow an addition to an existing commercial structure to exceed the maximum corner lot setback.

TECHNICAL REVIEW

The applicant is required to obtain a building permit and the proposed structure may require alterations to the proposed building plans in order to meet building code requirements.

Transportation Planning and MSD have preliminarily approved the proposal

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.5.1.A.2

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all building codes, including fire codes.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as the proposal is replacing an old gas station and the applicant is proposing several improvements to the site.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the existing structure meets the setback requirement and the proposed addition is in the only possible location on site.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance does arise from special circumstances which do not generally apply to the land in the general vicinity or the same zone as the property is irregular in shape and has multiple road frontages.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or 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 proposed addition is in the only possible location on site.

3. The circumstances are the result of actions 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 as the applicant has not started construction and is requesting the variance.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

REQUIRED ACTIONS

APPROVE or **DENY** the **VARIANCE** from section 5.5.1.A.2 to allow a proposed convenience store to exceed the corner lot setback of 5 feet on each street.

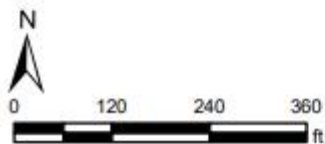
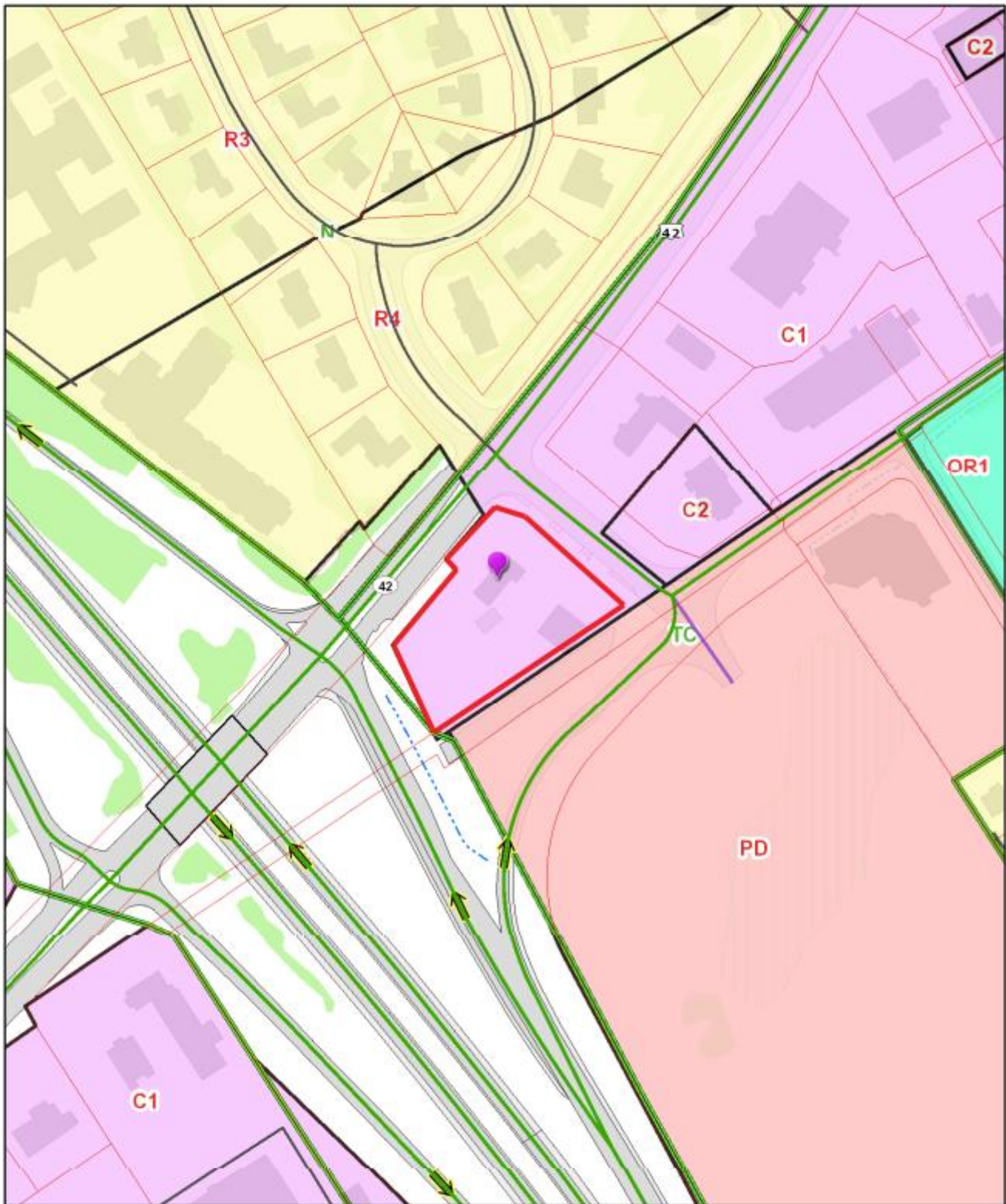
NOTIFICATION

Date	Purpose of Notice	Recipients
4/6/2023	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 7
4/11/2023	Hearing before BOZA	Notice posted on property

ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Site Plan
- 4. Elevations
- 5. Site Photos

1. Zoning Map



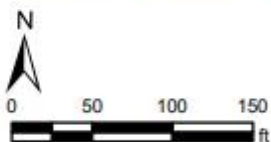
Monday, April 17, 2023 | 5:13:05 PM



LOJIC © 2023

This map is not a legal document and should only be used for general reference and identification

2. Aerial Photograph



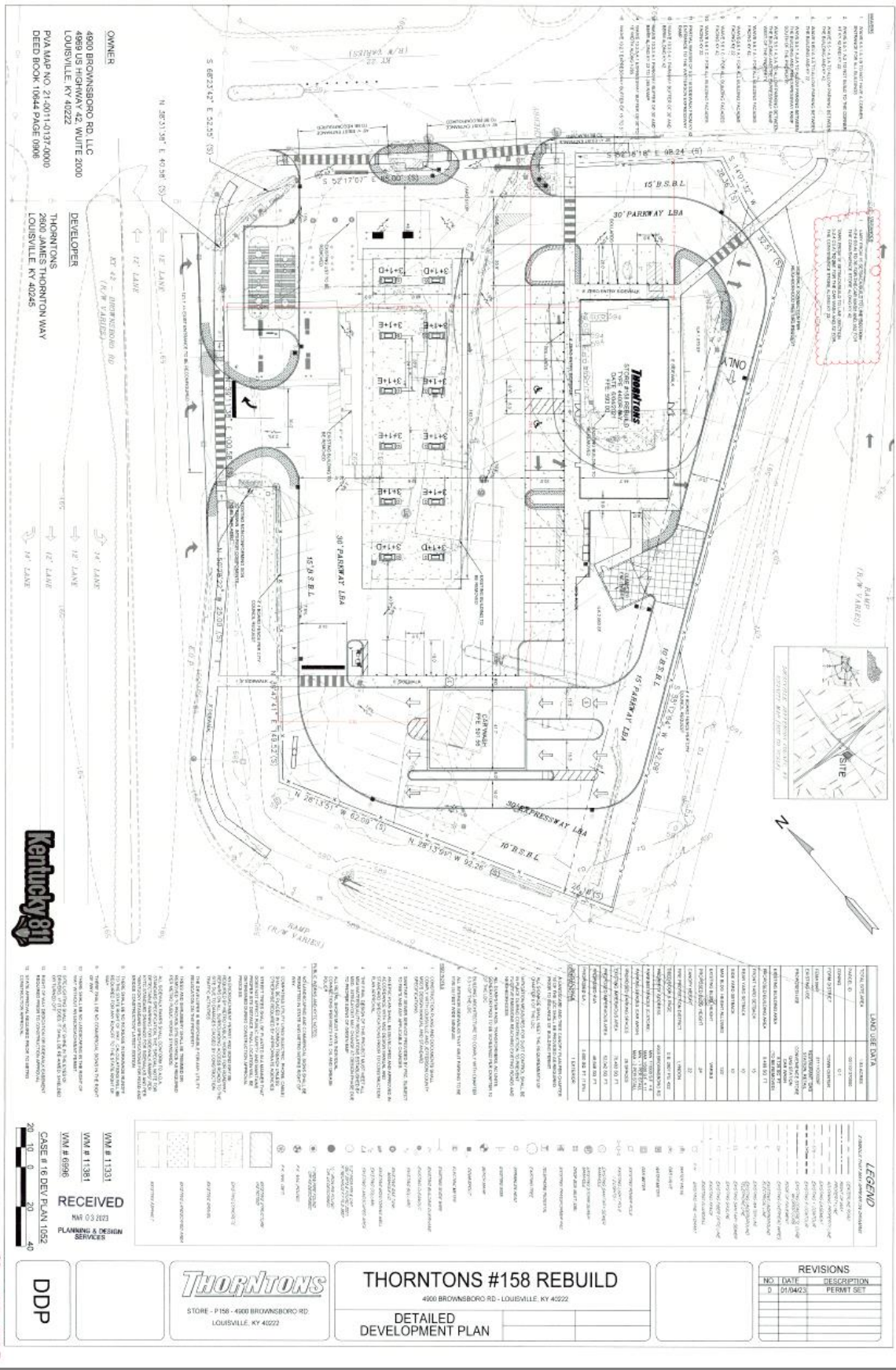
Monday, April 17, 2023 | 5:17:17 PM



LOJIC © 2023

This map is not a legal document and should only be used for general reference and identification

3. Site Plan



4. Elevations



FRONT ELEVATION



REAR ELEVATION

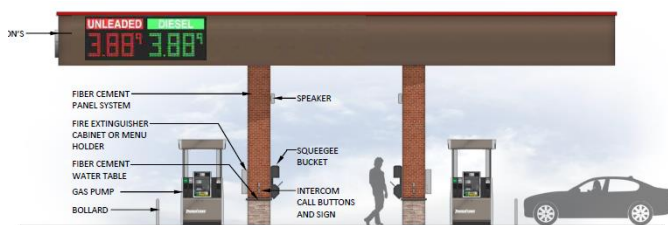


SIDE ELEVATION

SIDE ELEVATION



FRONT ELEVATION



SIDE ELEVATION

5. Site Photos

Subject property.



Subject Site (continued):



Property across the street



