

Board of Zoning Adjustment

Staff Report

May 18, 2026



Case No:	26-VARIANCE-0048
Project Name:	T+C Maintenance Garage
Location:	6301 Pendelton Road
Applicant:	Peek A Boo LLC
Representative:	OHM Advisors
Jurisdiction:	Louisville Metro
Council District:	14 – Crystal Blast
Case Manager:	Catherine Gomez, Planner I

REQUEST

- **Variance** from Land Development Code (LDC) Table 4.8.1 to encroach into the required 100ft Protected Waterway Buffer.

Location	Requirement	Request	Variance
Protected Waterway Buffer	100 ft	47 ft	53 ft

CASE SUMMARY

The subject site is zoned M-2 Industrial in the Neighborhood Form District along Pendleton Road. The applicant is proposing a 6,150 square foot maintenance garage on a site with existing storage and maintenance buildings, and an office space related to the industrial use. The proposed garage will be used to store items that are currently stored outside. The site is adjacent to Weaver Run, a protected waterway, and because of this, the site is required to have a 100ft stream buffer from the top of the bank. Since the existing maintenance building is encroaching into the stream buffer, the applicant is requesting a Variance to permit both the existing structure and the additional maintenance garage to encroach into the Protected Waterway buffer.

STAFF FINDING

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, or cause a hazard or nuisance to the public because the proposed structure must be constructed to comply with all building codes and the Land Development Code except for the requested relief. The additional maintenance garage will be built on a site with existing industrial use. The site maintains all required landscape buffer areas and building setbacks set by the neighboring residential properties.

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 as the site conditions are existing and have been encroaching into the stream buffer area without adverse effect.

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 does not arise from circumstances which do not generally apply to land in the general vicinity as Weaver Run places a stream buffer on properties in the general vicinity.

4. 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 create an unnecessary hardship on the applicant as adherence to the setback standards would not permit the applicant to build the proposed maintenance garage. The rest of the site is used for outdoor storage and will not be best suited for the placement of the garage. Additionally, the maintenance garage will store existing storage visible to the public from the street view and remove outdoor storage from the protected waterway buffer.

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

STAFF: The circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, as the applicant has requested the Variance before obtaining building permits.

- a. The variance is necessary because the requirements of this section represent an extreme hardship such that minimal or no reasonable economic use of the land is available without reducing the width of the required Buffer Area.

STAFF: The requirements of this section does not represent an extreme hardship on the applicant such that minimal or no reasonable economic use of the land is available since there are existing industrial use on the site.

- b. The size, shape, or topography of the property, as of March 1, 2003, is such that it is not possible to construct a single family detached dwelling without encroaching into the required Buffer Area.

STAFF: This standard does not apply to the site since the site is used industrially.

- c. Encroachment into the required Buffer Area shall be limited to the minimum necessary to accommodate the proposed use.

STAFF: Encroachment will be limited to the minimum necessary to accommodate the proposed use as the applicant has maintained a 50' landscape buffer area from the top of the bank and the 25' buffer required by MSD.

- d. The Applicant shall commit, to the satisfaction of the County, to mitigation measures that substantially offset any potential adverse impacts of the proposed encroachment during site preparation, construction, and post-construction.

STAFF: The applicant shall commit to provide a building that will store outdoor storage items inside, which will have a positive effect on the site and the protected waterway. This will offset any potential adverse impacts of the proposed encroachment.

- e. Approval of the variance will not result in a reduction in water quality.

STAFF: The variance will not result in a reduction in water quality as the proposed garage is intended to store items that were previously stored within the waterway buffer.

REQUIRED ACTION:

- **APPROVE** or **DENY** the **Variance** from Land Development Code (LDC) Table 4.8.1 to encroach into the required 100ft Protected Waterway Buffer.

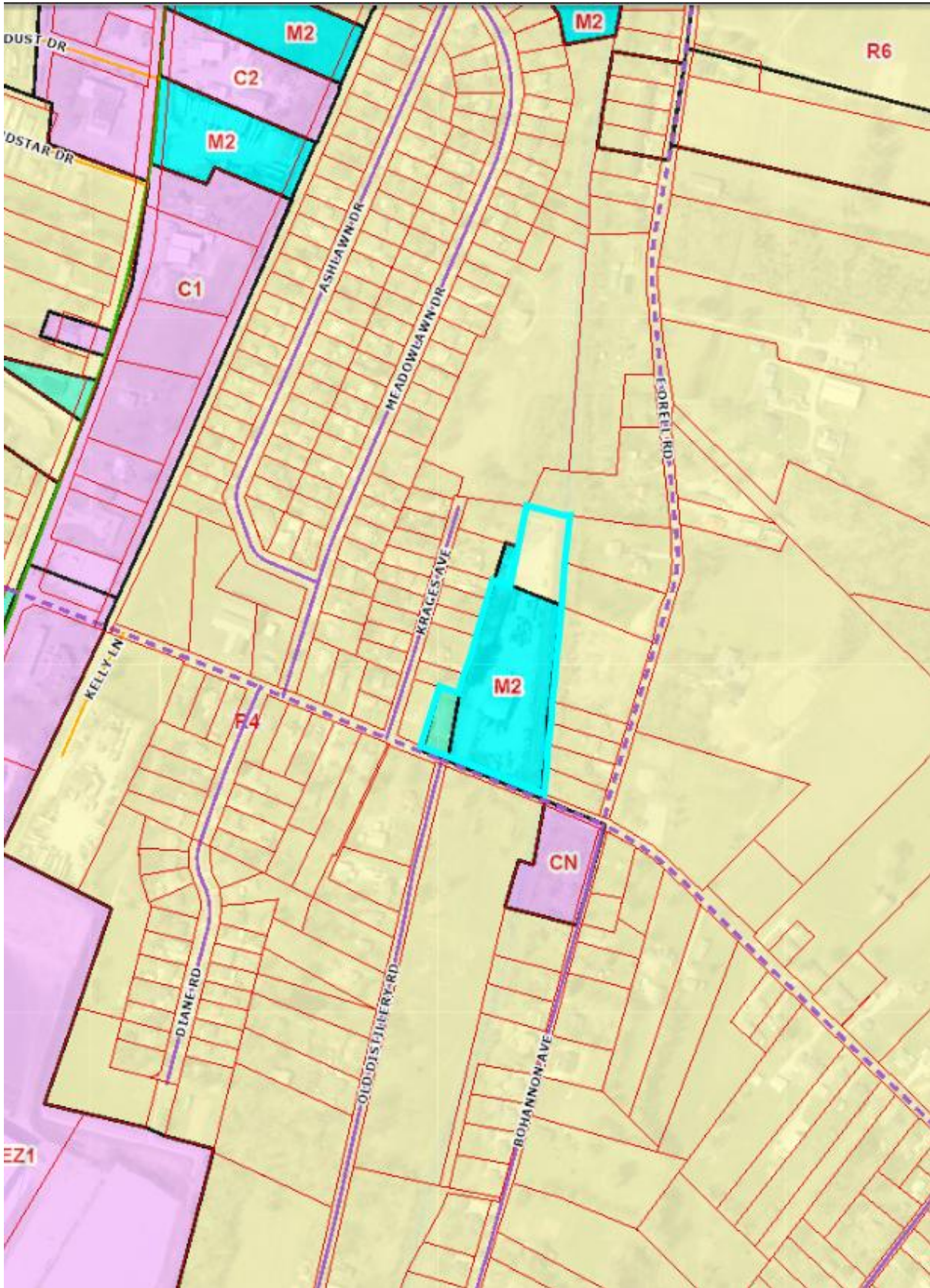
NOTIFICATION

Date	Purpose of Notice	Recipients
05/01/26	Hearing before BOZA	1 st tier adjoining property owners and current residents. Registered Neighborhood Groups in Council District 11
05/06/26	Hearing before BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

