



26-VARIANCE-0092

Board of Zoning Adjustment
Staff Report
August 17, 2026

Flying Horse C-Store

Location: 6311 Commerce Park Court
Applicant: Upton Quick Stop Inc.
Representative: DSA Engineering Solutions, PLLC
Jurisdiction: Louisville Metro
Council District: 13 – Dan Seum, Jr.
Case Manager: Sydney Fawcett, AICP, Planner I

REQUEST & RECOMMENDED ACTION

1. **26-VARIANCE-0092:** Variance from Land Development Code Table 5.3.2 to allow the proposed building to exceed the maximum front yard setback of 80 feet (Proposed Setback of 141 feet, for a Variance of 61 feet)
 - Staff finds the justification for the request is adequate and recommends the Board of Zoning Adjustment **APPROVE** the Variance

CASE SUMMARY

The subject site is approximately 1.49 acres and zoned C-M Commercial Manufacturing in the Neighborhood form district. The site is located along New Cut Road south of Highway 841. The site is currently undeveloped, and the applicant is proposing to construct a 3,828 square foot convenience store with associated gas canopy and 15 parking spaces. Non-residential developments within the Neighborhood form district are required to maintain a maximum front yard setback. Due to the size of the proposed building, the development is held to a maximum setback of 80 feet. However, the gas canopy is proposed to be in front of the convenience store which limits where the building can be constructed. The requested variance is associated with a Revised Detailed District Development Plan (26-DDP-0022) which is docketed for the Wednesday, August 19th, 2026, Development Review Committee meeting.

STANDARD FOR REVIEW AND STAFF ANALYSIS FOR 26-VARIANCE-0092

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

STAFF FINDING: The requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public as the proposed development does not impede the safe movement of vehicles or pedestrians along the public rights of way. The proposed structure

will not encroach into any neighboring properties and meets all other setback requirements in the Land Development Code.

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 FINDING: The requested variance will not alter the essential character of the general vicinity as the surrounding non-residential and residential developments have varying front yard setbacks.

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

STAFF FINDING: The requested variance does arise from circumstances which do not generally apply to land in the same zone. Commercially zoned properties typically have minimal setbacks. However, non-residentially developed properties in the Neighborhood form district and required to be constructed within the maximum setback. Due to the size of the proposed structure, the maximum setback for the site is 80 feet.

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 FINDING: The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land as the proposed development maintains a similar site design found with most convenience stores and gas stations. Without the variance, the applicant would be required to redesign the site to allow the proposed structure to be closer to the front property line with parking and vehicular circulation in the rear.

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 FINDING: The circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as

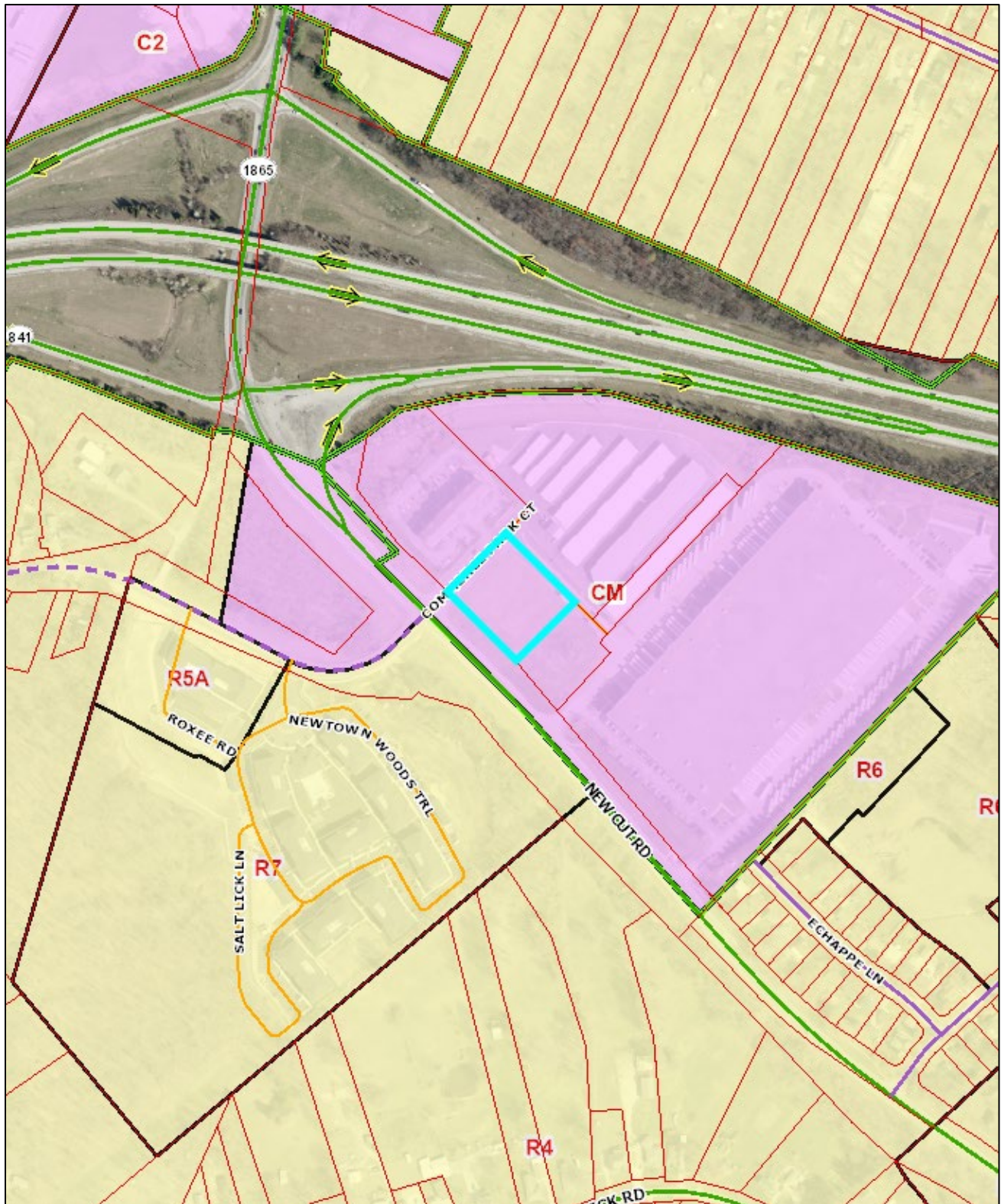
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
7/30/2026	Board of Zoning Adjustment Public Hearing	1 st tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 13
7/31/2026	Board of Zoning Adjustment Public Hearing	Sign Posting on Property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. ZONING MAP



2. AERIAL PHOTOGRAPH

