

Board of Zoning Adjustment

Staff Report

March 29, 2021



Case No:	21-VARIANCE-0006
Project Name:	Circle K
Location:	6305 E Manslick Road
Owner(s):	Stephen J. Tillman, Parkway Professionals LLC
Applicant:	Rick Schmitt Sr, Circle K
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- Variance from Land Development Code table 5.3.2 to exceed the 80-foot maximum front setback along E Manslick Rd by up to 139 feet as shown on the development plan and the maximum 80-foot street side yard setback along Smyrna Pkwy by up to 76 feet as shown on the development plan.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct 5,200 SF gas station and convenience store on a vacant parcel of approximately 3.44 acres. The site is located within the C-1 zoning district and the Neighborhood form district. The subject site is at the intersection of Smyrna Pkwy and E Manslick Rd to the north of I-265 in south central Louisville Metro. The site was rezoned under docket 8604 with an approved plan for a mixed commercial development. That plan has expired and was not constructed.

STAFF FINDING

The requests are adequately justified and meet the standards of review. The proposed development is in keeping with development in the area and will provide adequate screening adjacent to residential properties. Existing drainage and topography of the area creates a hardship on the applicant to meet the maximum setback requirements and still allow for safe vehicular circulation through the site.

TECHNICAL REVIEW

The Land Development and Transportation Committee reviewed a Revised Detailed District Development Plan with a building design waiver at the 3-25-21 meeting.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 as the structure will 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 other non-residential development in the area has a variety of setbacks.

- (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 as the proposed will be constructed to comply with all building codes, including fire codes. Adequate landscaping and screening will be provided adjacent to residential development and roadways.

- (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 drainage systems on the subject site already occupy a significant portion of the setbacks, leaving a reduced site area for construction.

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 generally vicinity or the same zone, as the existing drainage facilities on the subject site occupy a significant portion of the required setback area.

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 deprive the applicant of the reasonable use of the land, as necessary drainage infrastructure occupies a significant portion of the setback area.

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 is requesting the variance and has not begun construction.

REQUIRED ACTIONS:

- **APPROVED** or **DENY** the **Variance**

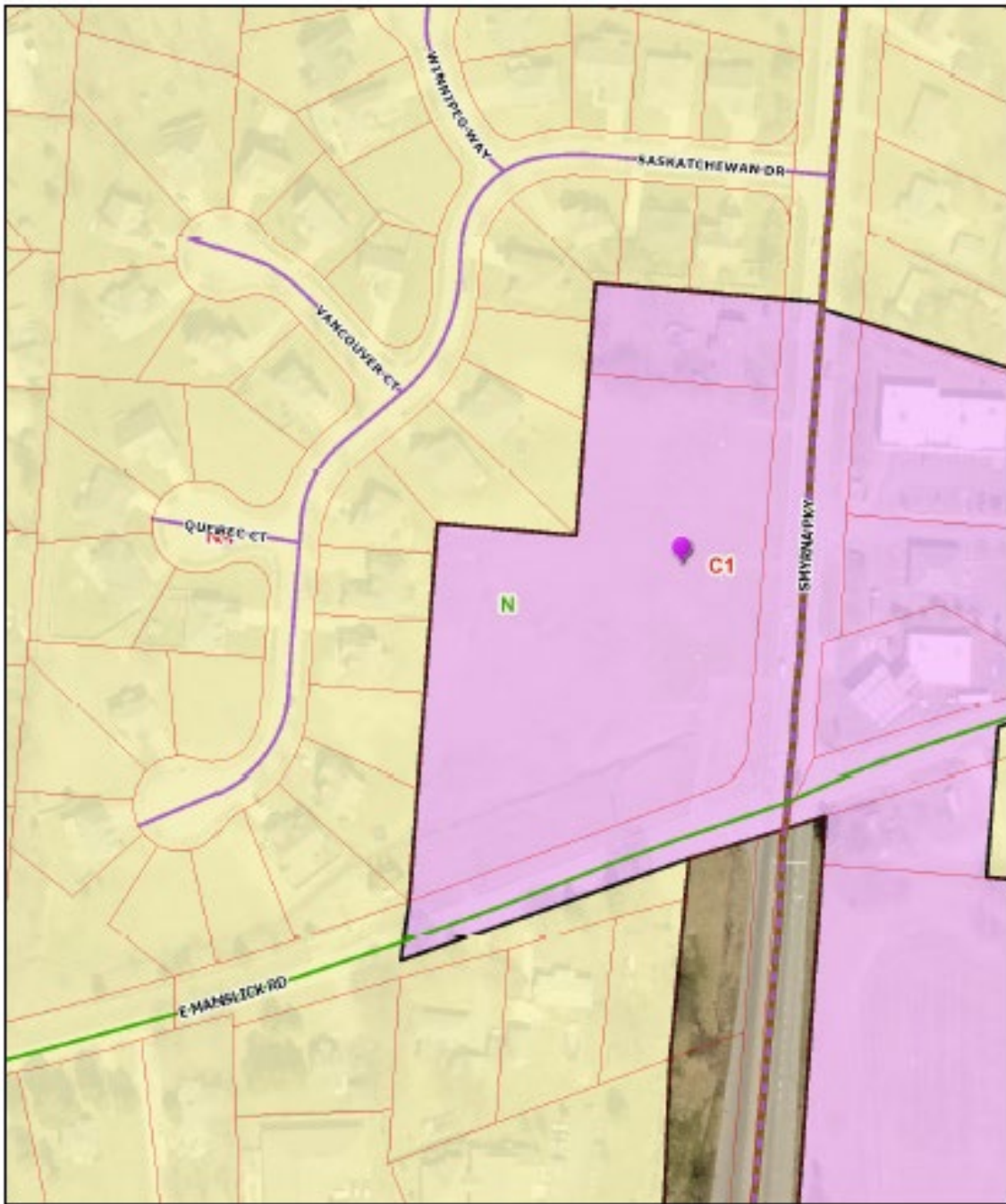
NOTIFICATION

Date	Purpose of Notice	Recipients
3-10-21	Hearing before BOZA	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 23

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



20-DDP-0024

Tuesday, March 16, 2021 | 3:34:40 PM



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2. Aerial Photograph



20-DDP-0024

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