

Board of Zoning Adjustment

Staff Report

January 23, 2023



Case No:	22-VARIANCE-0158 & 22-VARIANCE-0160
Project Name:	SpeedWash Car Wash
Location:	4124 Shelbyville Road
Owner(s):	Speedwash 2124, LLC
Applicant:	Speedwash 2124, LLC
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Clara Schweiger, Planner I

REQUEST(S)

- Variance of Chapter 6.4.C.2.e of the St. Matthews Development Code to allow a freestanding sign to encroach into the 15' front yard setback and to be as close as 1' from the right of way of Shelbyville Road for a variance of 14'. (22-VARIANCE-0158)
- Variance of Chapter 6.4.C.2.e of the St. Matthews Development Code to allow a service structure to encroach into the rear yard and to be as close as 15' from the rear property line for a variance of 10'. (22-VARIANCE-0160)

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 5,057 square foot drive through car wash on 1.39 acres in the C-2 zoning district and Neighborhood form district within the City of St. Matthews. The site is currently a vacant parking lot. A change in zoning from OR-3 to C-2 was approved in 2015 under case number 15ZONE1006 to allow more parking for an adjacent car dealership. In 2021 a revised detailed district development plan was approved for the SpeedWash under case number 21-DDP-0020. The detailed plan is being revised now to provide two additional vacuum spaces for a total of 16 spaces.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

TECHNICAL REVIEW

Development Code (2003) St. Matthews

The revised detailed district development plan (22-DDP-0124) and associated waiver (22-WAIVER-0277) were heard at the January 18, 2023 Development Review Committee Meeting.

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments for this case.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE OF CHAPTER 6.4.C.2.e of the St. Matthews Development Code to allow a freestanding sign to encroach into the 15' front yard setback.

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

STAFF: The variance will not adversely affect the public health, safety or welfare because there are signs in the area that are similarly situated and nearly as close to the ROW.

- (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 because there are signs in the area that are similarly situated and nearly as close to the ROW.

- (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 there are signs in the area that are similarly situated and nearly as close to the ROW.

- (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 regulation because there is more ROW on this site than other sites in the area and there are signs in the area that are similarly situated and close to the property line/ ROW line.

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 not arise from any special circumstances. The applicant is encroaching into the front yard setback with a sign.

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 because the sign would not be able to be constructed.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant is not responsible for the existing size and layout of the lot, but they would like to encroach into the front yard setback with a freestanding sign.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE OF CHAPTER 6.4.C.2.e of the St. Matthews Development Code to allow a service structure to encroach into the rear yard and to be as close as 15' from the rear property line for a variance of 10'.

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the service structure will still be screened and buffered in accordance with Development Code regulations

- (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 because the service structure will still be screened and buffered in accordance with Development Code regulations.

- (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 service structure will still be screened and buffered in accordance with Development Code regulations

- (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 regulation because in order for cars to be able to maneuver around the site and into the car wash the service structure needs to be set back on the lot, and the service structure will be screened and buffered in accordance with Development Code regulations.

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 not arise from any special circumstances. The applicant is encroaching into the rear yard setback.

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 because the service structure would block the flow of traffic on the 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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant is not responsible

for the existing size and layout of the lot, but they would like to encroach into the rear yard setback with a service structure.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the variances.

NOTIFICATION

Date	Purpose of Notice	Recipients
01/05/23	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 9

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



