

Louisville Metro Board of Zoning Adjustment  
August 17, 2015

Docket No. 15CUP1030

Modified Conditional Use Permit to allow the cemetery to expand and a Waiver to reduce the Gene Snyder Parkway Buffer to 10 ft. on property located at 10911, 10915 Dixie Highway and 5900 Applegate School Lane

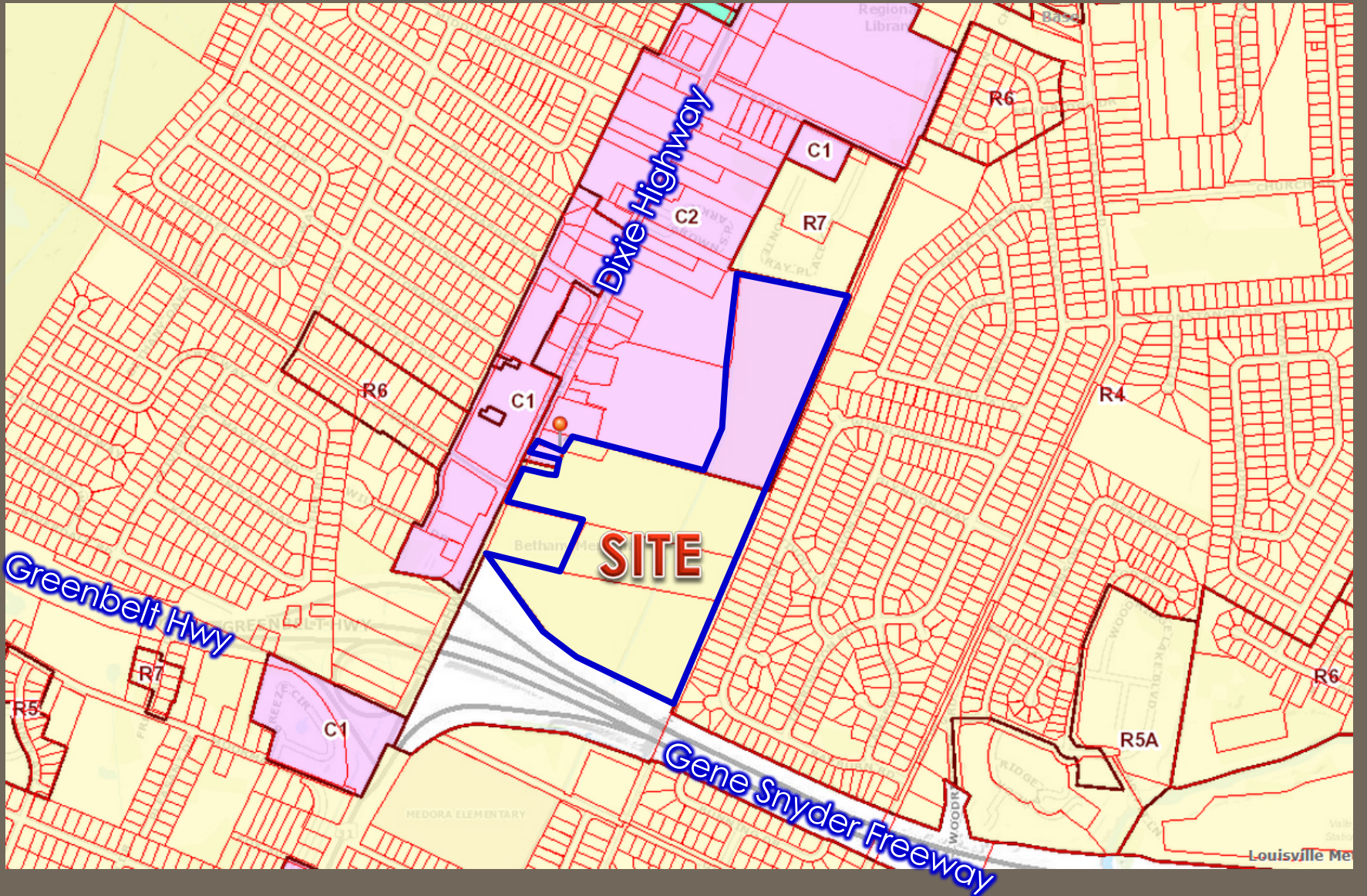
**BETHANY MEMORIAL CEMETERY**

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# Tab 1

## LOJIC Zoning Map



Tab 2

Aerial photograph of the site and  
surrounding area



Tab 3

Ground level photographs of the site  
and surrounding area



View of site from Dixie Highway along the Gene Snyder off ramp. Area of expansion outlined in yellow.





Dixie Highway

View of site from Dixie Highway looking north. Area of expansion outlined in yellow.



View of main entrance to site from Dixie Highway looking east.



View of site from Gene Snyder off ramp.

An aerial photograph of a highway interchange. A multi-lane highway with a double yellow line runs from the bottom center towards the top. To the left, a road branches off. To the right, a road branches off and is bordered by a metal guardrail. The area to the right of the guardrail is filled with green trees and vegetation. The sky is clear and blue. Text labels are overlaid on the image: 'Gene Snyder Freeway' on the left, 'Dixie Highway' in the center, and 'SITE' on the right.

Gene Snyder  
Freeway

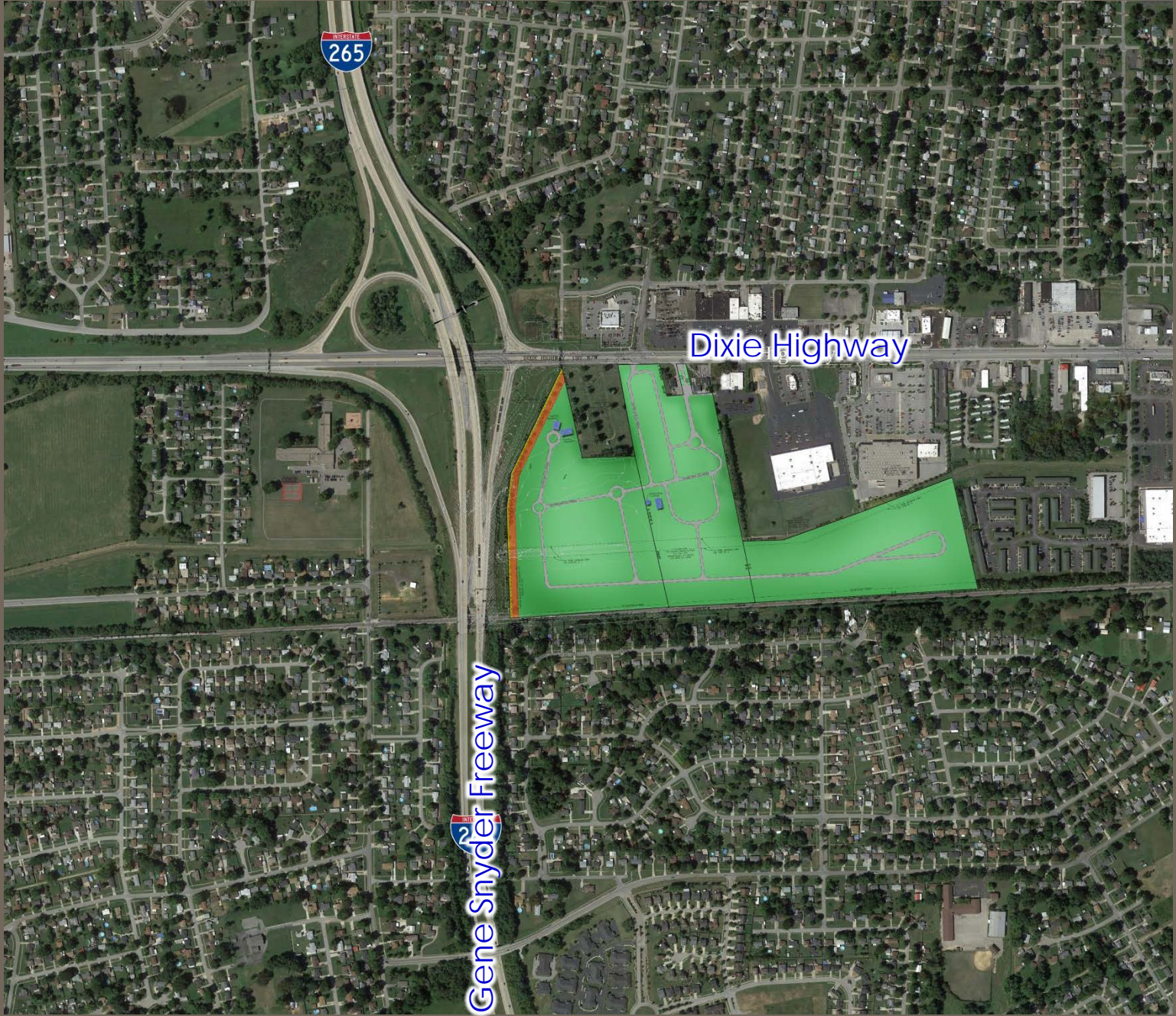
Dixie Highway

SITE

View of Gene Snyder off ramp towards Dixie Highway. Site is to the right (north).

# Tab 4

## Color Development Plan



Gene Snyder Freeway

Dixie Highway

# Gene Snyder Freeway

## Dixie Highway



PROJECT DATA	
TOTAL SITE AREA	
EXISTING ZONING	
EXISTING FORM DISTRICT	
EXISTING USE	

### GENERAL NOTES

1. Parking areas and drive lanes
2. A portion of the site is within 2111 C 0235 D dated February 100-year flood by levee, dike,
3. Boundary taken from deed(s)

Tab 5

Waiver Justification Statement



### **General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 10.3.7 to reduce the Gene Snyder Parkway Buffer from 50 ft to 10 ft.

Explanation of Waiver: Because the setback along the interstate in this area is actually along the Snyder Freeway off-ramp, not the Snyder Freeway itself, and the setback for the cemetery appears to mimic much of the setback for other uses along the interstate in this area. Moreover, there is a 160 ft strip of State Right-Of-Way between the cemetery and the off-ramp.

1. The waiver will not adversely affect adjacent property owners because no properties can see the area impacted by this waiver, and the only affected people might be those traveling the off-ramp from the Snyder Freeway onto Dixie Highway. But those people would have the benefit of the additional 160 ft State ROW in addition to the 10 ft buffer. As this property is a cemetery, it is beautifully landscaped and maintained in a park-like setting.
2. The waiver will not violate the Comprehensive Plan because the only Guideline that could possibly apply would be Guideline 13, the Landscape Guideline, which is addressed by virtue of this property being a fully landscaped setting. We are not talking in this particular instance of buildings being set close to the Snyder Freeway, but rather only landscaped gravesites.
3. The extent of this waiver is the minimum necessary to afford relief to the applicant because 10 of the 50 ft are proposed to remain as Snyder Freeway buffer setback, and the 40 ft of waiver area will be, as said above, a fully landscaped setting. In addition thereto, the Snyder Freeway ROW is 160 ft deep along the Snyder Freeway off-ramp.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the cemetery is only requesting this waiver so that it can expand, providing more gravesite so that the perpetual fund for maintenance of this park-like cemetery can be adequately maintained long term. Again, this is especially important long after the cemetery is filled and entirely dependent for maintenance thereafter on this fund.