

**Board of Zoning Adjustment**  
**Staff Report**  
September 26, 2022



<b>Case No:</b>	22-VARIANCE-0112
<b>Project Name:</b>	Mike's Car Wash
<b>Location:</b>	10501/10511 Preston Highway
<b>Owner(s):</b>	291 Harbison LLC
<b>Applicant:</b>	Mike's Car Wash
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	23-James Peden
<b>Case Manager:</b>	Julia Williams, AICP, Planning Supervisor

**REQUEST(S)**

- Variance to exceed the maximum 80' setback

**CASE SUMMARY/BACKGROUND**

The subject site is located along Preston Highway north of the intersection with Interchange Drive and consists of three contiguous parcels. The applicant proposes to construct a car wash. A Thorntons gas station and convenience store and a drive-through restaurant are proposed to the north and south of the site.

Large lot single-family development is located to the east, with a commercial greenhouse to the south. Mixed single-family and institutional development is located across Preston Highway and Old Preston Highway to the west. Undeveloped parcels owned by the Commonwealth of Kentucky are located immediately to the north, with a Menards located farther to the north.

The property was rezoned in 2021 under case #21-ZONE-0081. A development plan (22-DDP-0054) is being requested and will be heard at the October 5, 2022 DRC meeting.

**STAFF FINDING**

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

**TECHNICAL REVIEW**

Transportation Planning and MSD have preliminarily approved the proposal.

**INTERESTED PARTY COMMENTS**

A letter from the adjacent property owner supporting the landscape waiver was submitted into the record for the previous zoning case as well as this current proposal.

**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 since the building will be located to allow for maneuvering out to the frontage road.

- (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 since the building will be located to allow for maneuvering out to the frontage road and is located between the setbacks of the proposed structures to the north and south.

- (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 since the building will be located to allow for maneuvering out to the frontage road.

- (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 welfare since the building will be located to allow for maneuvering out to the frontage road and the building will be located to allow for maneuvering out to the frontage road and is located between the setbacks of the proposed structures to the north and south.

#### 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 special circumstance is that the proposal has a frontage road along Preston Highway that is causing the need for the variance.

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 or create an unnecessary hardship on the applicant since the frontage road is necessary to funnel traffic for the development off of Preston Highway. The frontage road along Preston Highway and the proposed land use are causing the need for the variance.

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 action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

#### REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance**

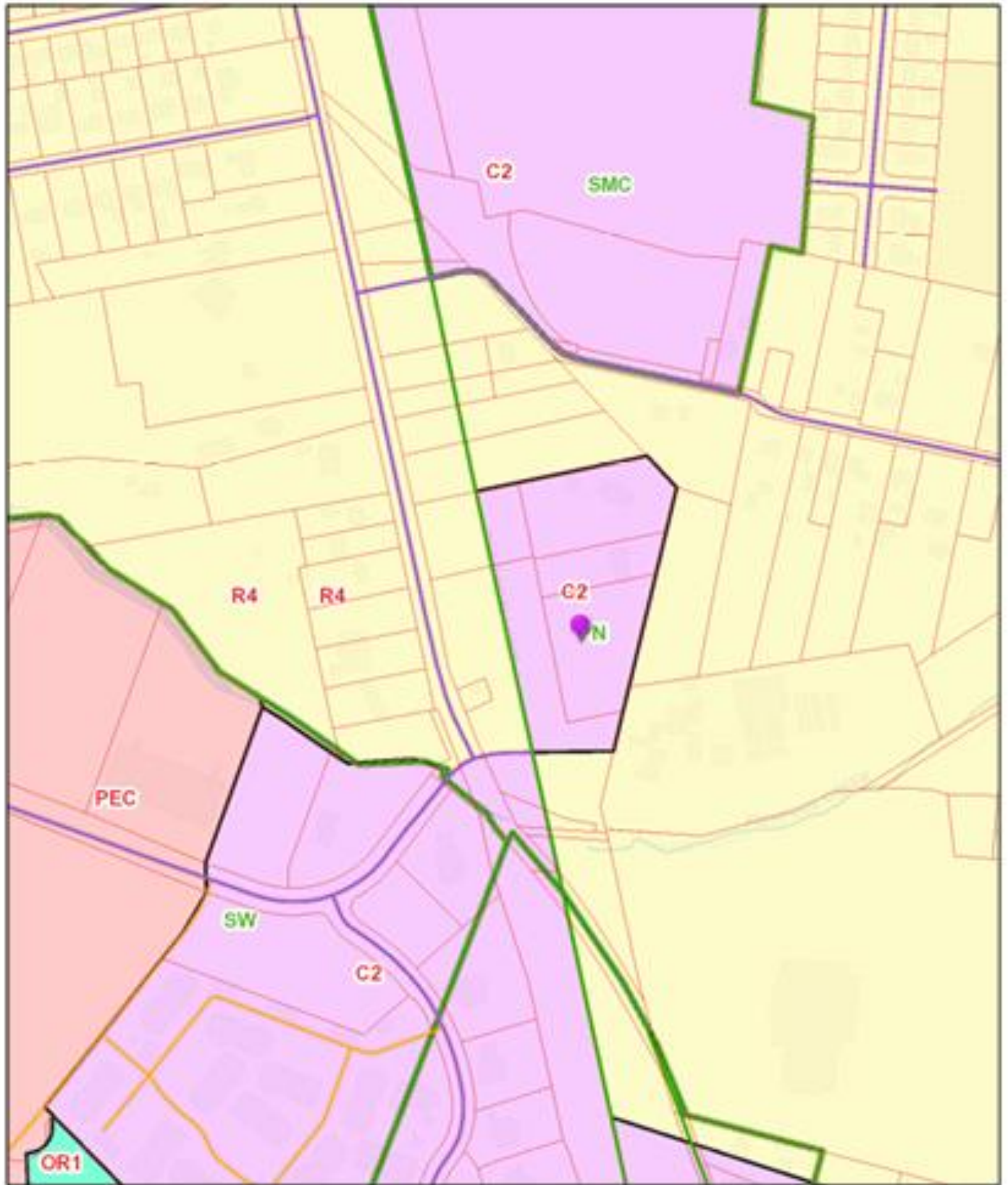
#### NOTIFICATION

Date	Purpose of Notice	Recipients
9/16/22	Hearing before BOZA on 9/26/22	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 23

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

