

# Board of Zoning Adjustment

## Staff Report

May 18, 2026



<b>Case No:</b>	26-VARIANCE-0050 & 26-WAIVER-0048
<b>Project Name:</b>	Del Taco Parking Lot
<b>Location:</b>	6402 Bardstown Rd
<b>Applicant:</b>	Noperl Indy LLC
<b>Representative:</b>	Sabak, Wilson, & Lingo, Inc
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	22 – Kevin Bratcher
<b>Case Manager:</b>	Abby Bills, Planner I

**REQUEST**

- **Variance** from Land Development Code Section 5.1.12.A.2.a to allow a parking lot to encroach in the front yard infill setback. (26-VARIANCE-0050)
- **Waiver** of Land Development Code Section 5.5.1.A. to allow a parking lot to be located in front of a building, and to allow the principal building entrance to face away from the primary street serving the development. (26-WAIVER-0048)

<b>Location</b>	<b>Requirement</b>	<b>Request</b>	<b>Variance</b>
Front Yard Infill Setback	51 ft.	15 ft.	36 ft.

**CASE SUMMARY**

The subject site is approximately 0.75 acres in the C-1 Commercial zoning district and Town Center Form District. The site is located on Bardstown Rd, between Ferndale Rd and Beulah Church Rd. The subject property is currently undeveloped, and the applicant is proposing to construct a Del Taco restaurant with 24 parking spaces, including 1 handicapped space and 3 curbside pick-up spaces.

13 of the 24 parking spaces will be located in front of the proposed building. Parking lots are not permitted in front of non-residential buildings in Traditional form districts, therefore a waiver is required. Additionally, the principal entrance to the restaurant is proposed to be on the north side of the building, while the primary street serving the development will be a private access easement located south of the site. Relief in the form of a waiver is needed for this site design standard as well.

**STAFF FINDING**

Staff finds that the requested variance and waivers are adequately justified for approval based on the analysis contained in the standard of review.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (26-VARIANCE-0050)**

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public since the proposed parking lot is contained within the subject property and is not directly adjacent to any residential property. The proposed structure and parking lot will additionally be buffered from Bardstown Rd and will be required to comply with all applicable landscaping and screening requirements.

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: 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 because the location of the parking lot falls in line with the existing parking lots of the adjoining properties, including the properties that determine the infill setback. Therefore, the applicant is meeting the intent of the infill regulation despite the parking lot encroachment.

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

STAFF: The requested variance arises from special circumstances which do not generally apply to the land in the general vicinity, or in the same zone. The subject site is subject to infill context that did not apply to the surrounding properties on the same block face, as these properties were developed before the block face reached the 50% occupation requirement in LDC 5.1.12.A.1.

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: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. Upholding the infill setback for the parking lot would be unnecessary as the proposal meets the intent of the infill standards, and compliance with the infill setback would deprive the applicant of a large portion of the site.

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: 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. The applicant has requested the variance and construction has not yet begun.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (26-WAIVER-0048)**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners, as there are no residential properties adjacent to the site. The closest residential properties are located behind the building, so the proposed location of the parking lot would benefit those properties by providing additional shielding from vehicular traffic.

Additionally, the principal building entrance facing away from the street serving the development will not adversely affect adjoining property owners as the proposed building and pedestrian traffic will be internal to the site.

(b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040. Community Form Goal 1, Policy 4 seeks to “Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District.” The proposal is compatible with the site design of other developments in the nearby vicinity, as the majority of the adjacent commercial properties along Bardstown Rd have parking in front of buildings, and multiple neighboring buildings have doors on the side, facing away from the serving street.

Additionally, the desired pattern of development within the Town Center form district encourages buildings to be located close to the street. While the location of the parking lot does prohibit the building from being located directly adjacent to the street, the proposed parking lot is much smaller than other similar parking lots in the area and still allows the building to be closer to the street than those in the general vicinity.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as the applicant is providing nearly half of the proposed parking spaces, in compliance, behind the building. The remaining space behind the building is being used for vehicular connection to the adjoining site and for a drive-thru lane, so there is limited space to provide all the allowed parking spaces.

Additionally, moving the primary entrance to the front of the building would place additional space between the entrance and the accessible parking space and pedestrian walkways. The proposed location of the entrance is the minimum necessary to provide pedestrian accessibility to the door.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would 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 the proposed business requires a drive-thru lane that wraps behind the building, and the site requires vehicular connection to the adjoining property. Requiring all parking spaces behind the building would deprive the applicant of space to include a compliant drive-thru lane and connection to and from the site.

Additionally, the applicant is providing windows on all sides of the building abutting the parking lot. While doors and windows are not facing the primary street serving the development, they are serving all areas meant for pedestrians on site. These design measures compensate for non-compliance.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Variance** from Land Development Code Section 5.1.12.A.2.a to allow a parking lot to encroach in the front yard infill setback. (26-VARIANCE-0050)
- **APPROVE** or **DENY** the **Waiver** of Land Development Code Section 5.5.1.A. to allow a parking lot to be located in front of a building, and to allow the principal building entrance to face away from the primary street serving the development. (26-WAIVER-0048)

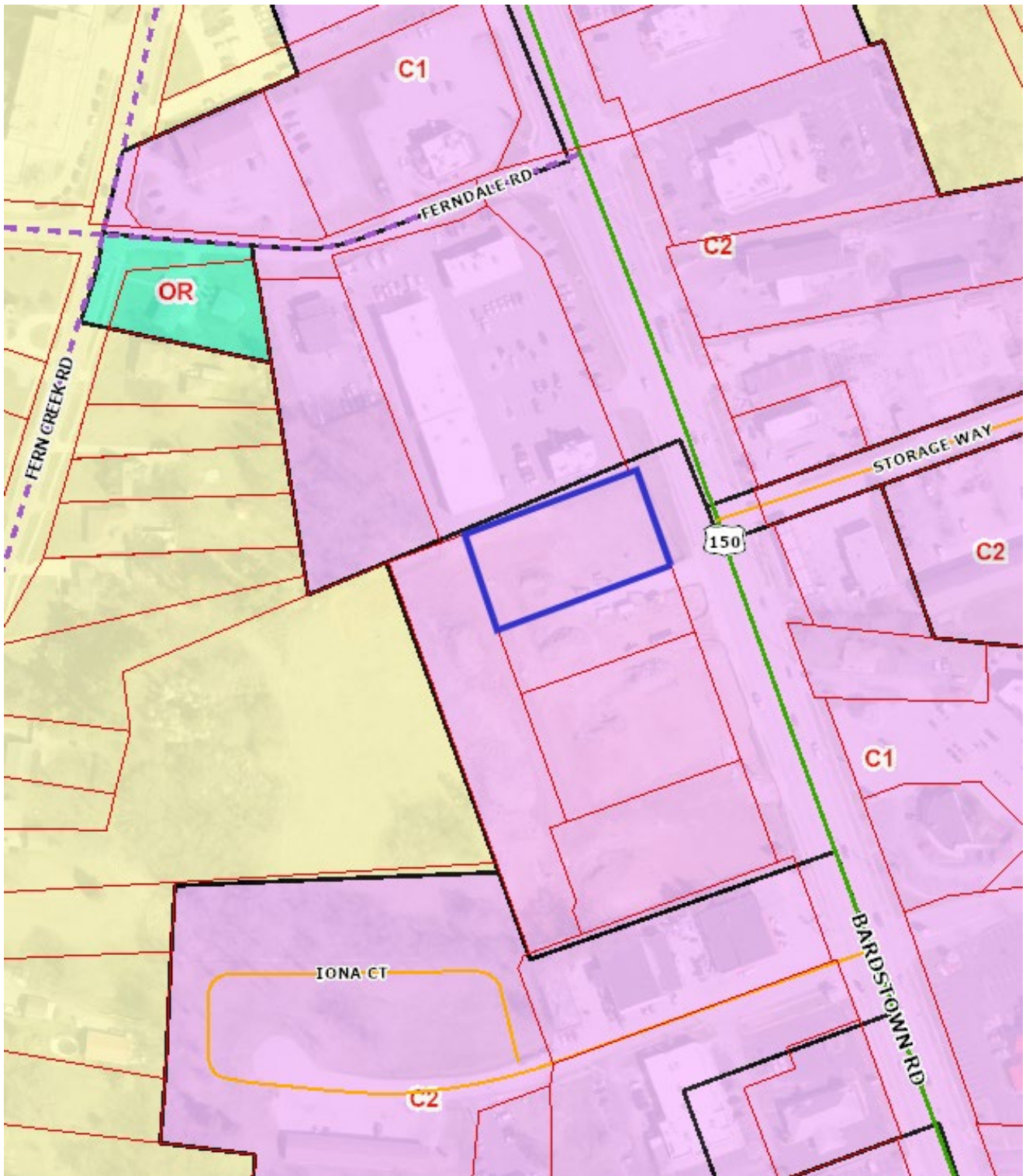
**NOTIFICATION**

Date	Purpose of Notice	Recipients
04/29/2026	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners and current residents
04/29/2026		Registered Neighborhood Groups in Council District 22

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

