

Board of Zoning Adjustment

Staff Report

May 2, 2022



Case No:	22-VARIANCE-0011/22-WAIVER-0010
Project Name:	Axis St Andrews Church Rd
Location:	3305 Blanton Ln
Owner(s):	Axis Investments LLC
Applicant:	Axis Investments LLC
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- **Variance** from Land Development Code section 5.1.12 to exceed the 45-foot maximum infill setback by up to 45 feet along Blanton Ln and by up to 140 feet along St Andrews Church Rd as shown on the proposed development plan.
- **Waiver** of Land Development Code section 10.2.4.B.3 to allow a required landscape buffer area to overlap an existing utility easement by greater than 50%

CASE SUMMARY/BACKGROUND

The applicant is proposing to demolish a vacant service station and construct a new gas station and convenience store with a restaurant on approximately 1.62 acres. The subject site is zoned C-1 in the Neighborhood form district near the Pleasure Ridge Park area of Louisville Metro at the intersection of Blanton Ln and St Andrews Church Rd.

STAFF FINDING

The requests are adequately justified and meet the standards of review. The development is consistent with similar uses in the area, and all required landscaping and screening will be provided on the subject site.

TECHNICAL REVIEW

The requests are associated with 21-CAT2-0038 and that plan has received preliminary approval from MSD and Transportation Planning staff.

INTERESTED PARTY COMMENTS

Staff has received no comments concerning this 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 variances will not adversely affect public health safety or welfare since adequate buffering will be provided adjacent to neighboring homes. MSD and Transportation Planning have approved the preliminary plan and will ensure safety through the construction permitting process.

- (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 proposed development is consistent with similar developments in the area.

- (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 adequate buffering and screening will be provided.

- (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 zoning regulations since the proposed plan is consistent with similar development in the area.

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 special circumstances which do not generally apply to land in the general vicinity.

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 reasonable use of the land since the layout of a modern convenience store and gas station could likely not be constructed within the required infill setbacks.

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 relief along with a preliminary development plan.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners. All buffering and screening required by the Land Development Code be provided.

- (b) The waiver will not violate specific guidelines of the Comprehensive Plan; and

STAFF: The waiver will not violate the Comprehensive Plan. The development will be compatible with other development in the area and the form district. The waiver will not result in a nuisance or hazard to the public.

- (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 since they will still provide all required planting and screening as well as the full width of the buffer.

- (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. The applicant is able to provide the full buffer including all planting and screening without negatively impacting the existing utility infrastructure in the area.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **VARIANCE**
- **APPROVE** or **DENY** the **WAIVER**

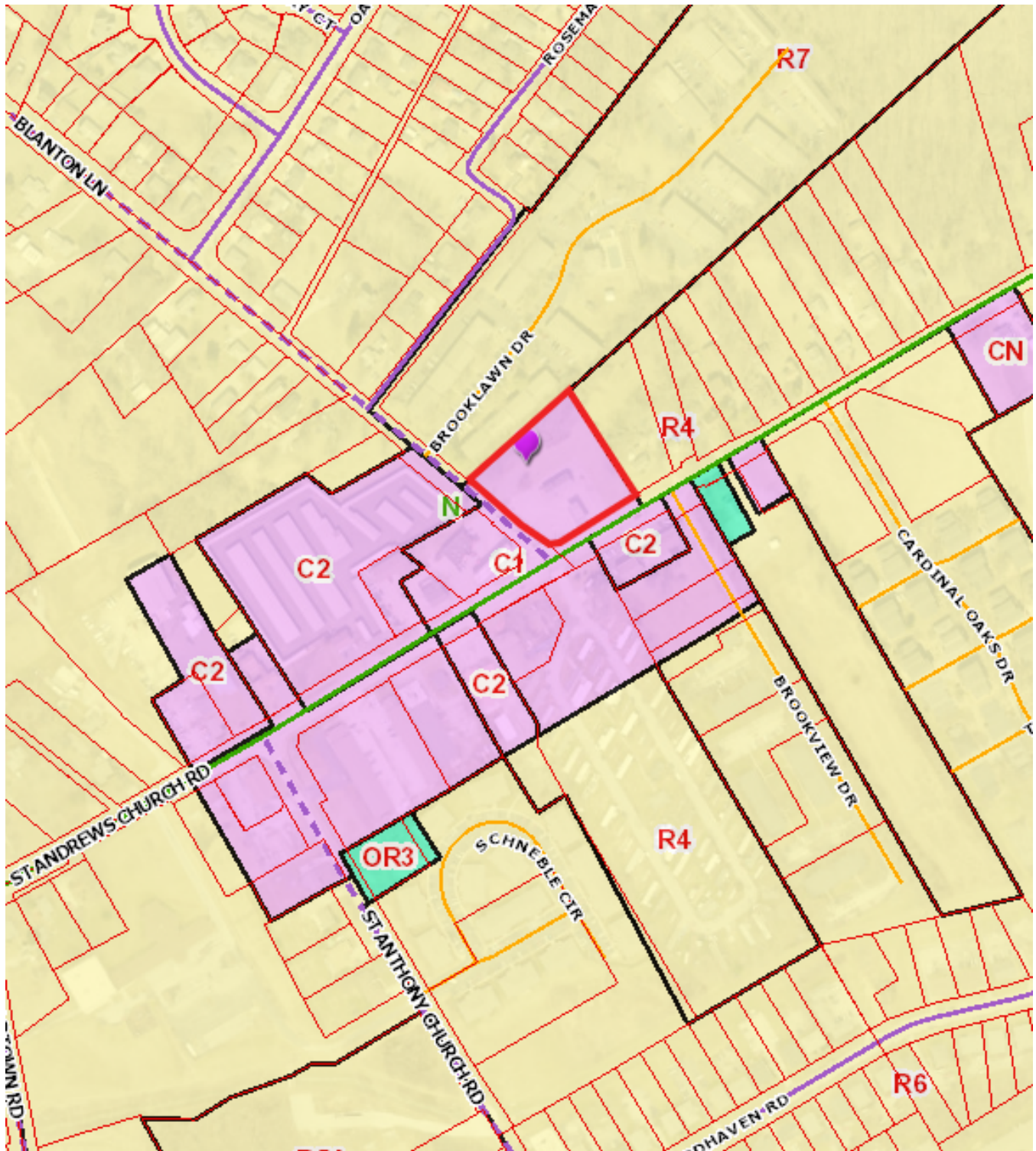
NOTIFICATION

Date	Purpose of Notice	Recipients
4-13-22	Hearing before BOZA	1 st tier adjoining property owners and residents Registered Neighborhood Groups in Council District 12

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

