

**Board of Zoning Adjustment**  
**Staff Report**  
May 17, 2020



**Case No:** 21-VARIANCE-0030  
**Project Name:** Newburg Gas Station  
**Location:** 3905 Newburg Road  
**Owner(s):** Seven Star Group, LLC.  
**Applicant:** Mike Hill – LD&D  
**Jurisdiction:** Louisville Metro  
**Council District:** 2 – Barbara Shanklin  
**Case Manager:** Molly Clark, Planner I

**REQUEST:**

1. **Variance** of Land Development Code from table 5.3.2 to allow multiple structures to exceed the 80 foot front yard maximum setback (**21-VARIANCE-0030**)

Location	Requirement	Request	Variance
Eastern Front Yard	80 ft Max	138 ft	58 ft
Western Front Yard	80 ft Max	98 ft	18 ft

**Commented [CF1]:** Usually after this statement BOZA staff puts a table with the setback requirement, the request, and then the variance amount. Is that something you can provide?

**CASE SUMMARY/BACKGROUND**

The subject site is zoned C-2 in the Neighborhood Form District and is currently vacant. It is located on the corner of Shepherdsville Road and Newburg Road with the property having multiple street frontages. The applicant is proposing a 5,000 SF building that will consist of a combination gas station and liquor store, a 1,000 SF storage building accessory to the gas station and liquor store, and a canopy with gas pumps. There will also be a proposed detention basin and parking.

The applicant is requesting a variance to allow all three proposed structures to exceed the maximum 80 ft front yard setback on a lot with most of the property being on street frontage. The variance is related to a revised detailed district development plan with associated waivers under case number 21-DDP-0007. This case is currently docketed for Development Review Committee meeting for May 19<sup>th</sup>, 2021.

**STAFF FINDINGS**

The variance request is adequately justified and meets the standard of review.

**TECHNICAL REVIEW**

MSD, KYTC and Public works have provided preliminary plan review.

A Traffic study was submitted and reviewed by KYTC and Public Works.

**INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties concerning this request.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.2 TO ALLOW 3 PROPOSED STRUCTURES TO EXCEED THE 80 FOOT 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 the proposed building will be located further away from the ROW on unusually shaped lot. The building placement should not create any sight distance issues. The lot is not a typical polygon and has more street frontage than an average lot in Jefferson county.

- (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 proposed because the applicant is providing a variety of detail on the proposed primary structures. They are also providing landscaping and tree canopy that will improve the site.

- (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 proposed building. The buildings are being set further away from the ROW which is also bringing the proposed gas station structures further away from existing single family residential across Shepherdsville 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 because the applicant is proposing a development on a site that is not the typical shape of a lot that is normally found in Jefferson County. Since the 80 ft required front yard setback applies to almost all sides of the lot, the applicant is limited on where he can develop on the property. The variance will allow the applicant to build a gas station without affecting sight distance while improving the site.

**REQUIRED ACTIONS:**

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

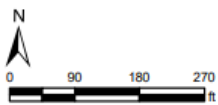
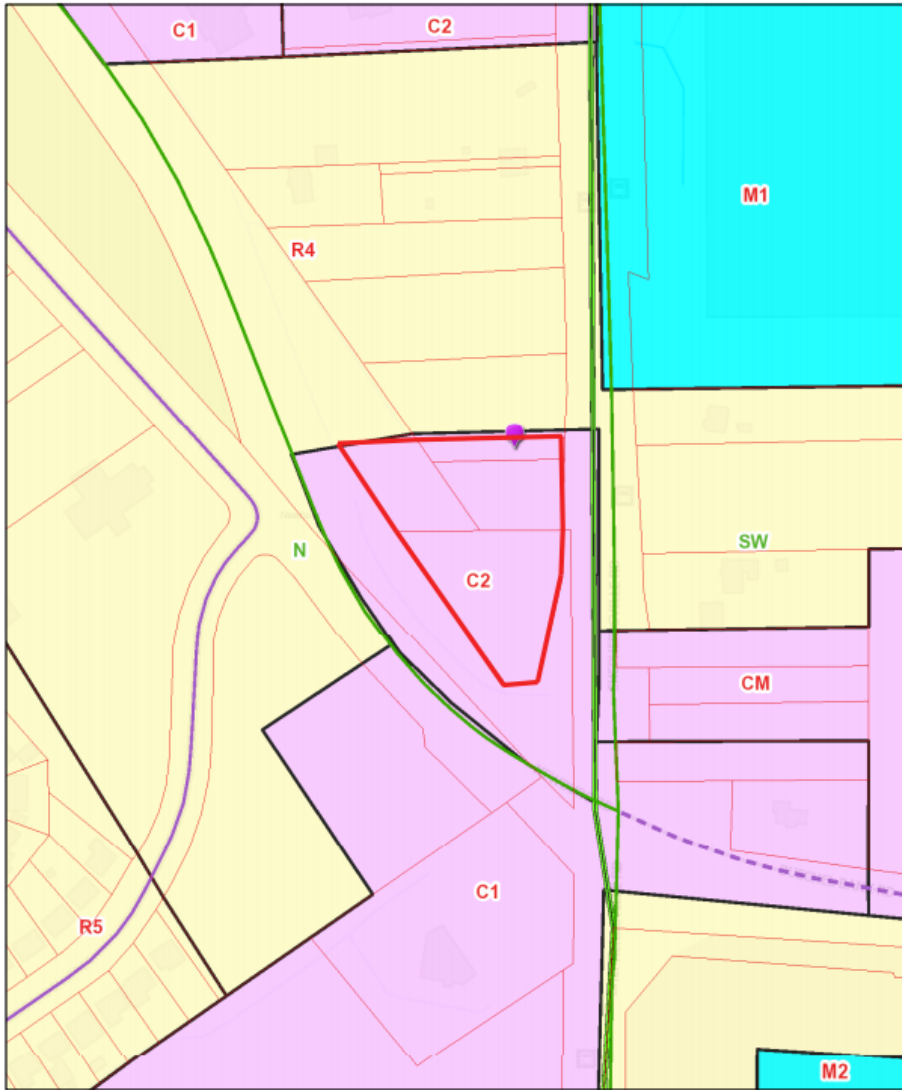
**NOTIFICATION**

Date	Purpose of Notice	Recipients
4/30/21	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 2

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



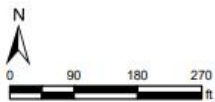
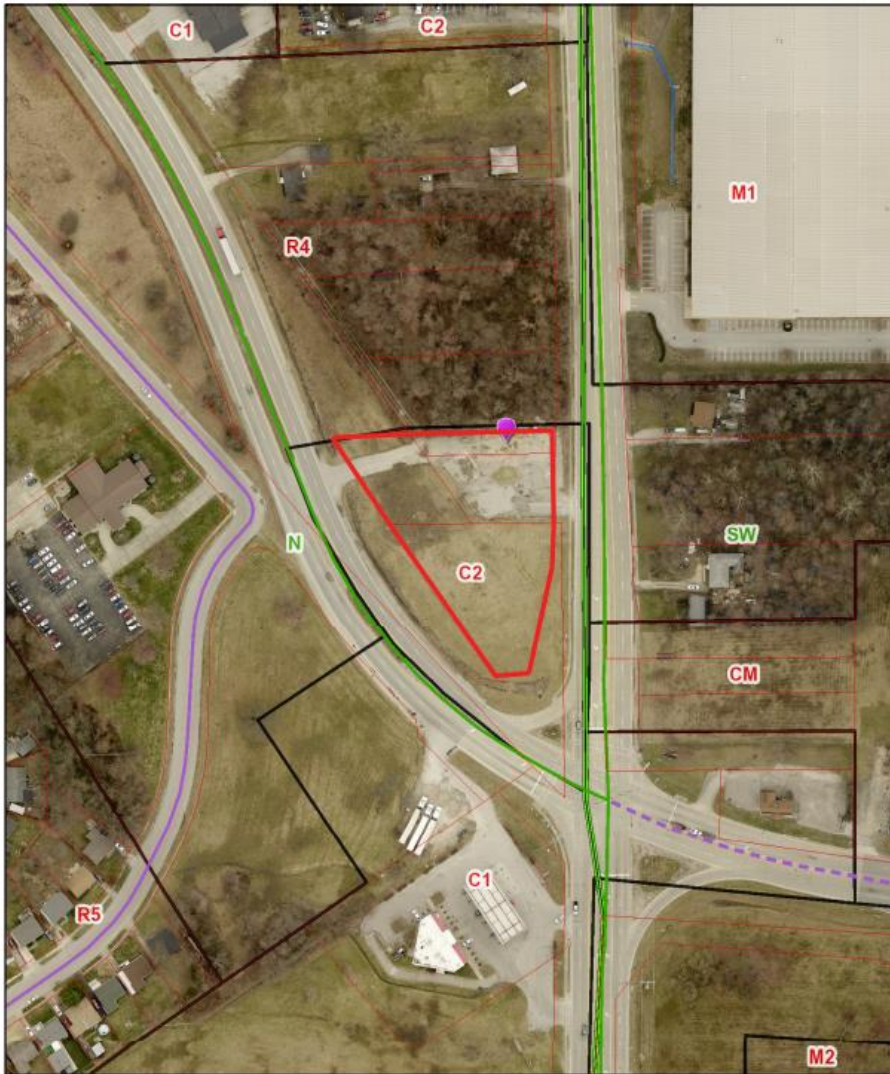
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2. **Aerial Photograph**



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