

Board of Zoning Adjustment

Staff Report

June 15, 2026



Case No:	26-VARIANCE-0060 & 26-WAIVER-0064
Project Name:	McDonalds Bardstown Rd
Location:	3340 Bardstown Rd
Applicant:	Frank Metts Trust
Representative:	STV Group, Inc.
Jurisdiction:	Louisville Metro
Council District:	10 – Josie Raymond
Case Manager:	Abby Bills, Planner I

REQUEST

- **Variance** from Land Development Code Section 5.3.2.C.2.b. to allow parking, a drive-thru lane, and dumpsters to encroach in the side yard setback. (26-VARIANCE-0060)
- **Waiver** of Land Development Code Section 10.2.10. to omit the VUA LBA along Belmont Rd and reduce the VUA LBA along Bardstown Rd. (26-WAIVER-0064)

Location	Requirement	Request	Variance
Side Yard Setback	25 ft.	5 ft.	20 ft.

CASE SUMMARY

The subject site is approximately 0.8 acres in the C-2 Commercial zoning district and Suburban Marketplace Corridor Form District, located at the intersection of Bardstown Rd and Belmont Rd. There is an existing McDonalds restaurant on the subject property that is proposed to be demolished for fire damage. The applicant is proposing to construct a new McDonalds restaurant on site.

The adjacent property along the side yard is developed with first floor residential units, meaning a 25' setback is required along the side yard. The applicant is proposing that 2 parking spaces, 2 dumpsters, and a portion of the drive-thru lane will encroach in the 25' setback, therefore a variance is needed to reduce the setback to a proposed 5'.

Additionally, there is a required 10' VUA LBA along both the front and street side property lines. Along the front property line adjacent to Belmont Rd, the applicant is requesting to omit the required VUA LBA, and along the street side property line adjacent to Bardstown Rd, the applicant is requesting to reduce the required VUA LBA from 10' to 4.9'.

STAFF FINDING

Staff finds that the requested variance and waiver 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-0060)

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 because the building itself will not be encroaching in the setback, and the applicant will provide a 5' Landscape Buffer Area with appropriate screening between the parking lot and the residentially used property.

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. Most properties fronting the Bardstown Rd corridor are developed with high intensity commercial uses adjacent to residential properties in the rear. The majority of these commercial properties are not currently providing the required setback between their parking lots and the residential properties, similar to the subject site.

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 does not arise from special circumstances which do not generally apply to the land in the general vicinity, or in the same zone, as there is a prevailing pattern of residential uses located behind the commercial corridor on either side of Bardstown Rd, similar to the subject site. However, this pattern of development generally does not include the required setbacks between commercial and residential uses.

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, as the proposal is not substantially different from the existing McDonalds property on site. Strict application of the provision would deprive the applicant of a large portion of the land that has previously been used for the same purpose.

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-0064)

- (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 subject site along Belmont Rd or Bardstown Rd. Additionally, the applicant will be required to provide street trees along both Belmont Rd and Bardstown Rd in accordance with Chapter 10 of the LDC, which will provide screening for the adjacent commercial properties, meeting the intent of the regulation.

(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 majority of the adjacent commercial properties along Bardstown Rd do feature Landscape Buffer Areas where required. While the applicant is requesting to omit the LBA along Belmont and reduce the LBA along Bardstown, there will still be trees and sizeable buffers provided in the right of way along both frontages. Therefore, the proposal will be compatible with existing development despite the waivers to reduce buffers within the parcel. Additionally, the desired pattern of development within the Suburban Marketplace Corridor features buildings set back from the roadway with parking lots in front. The proposed development falls in line with this pattern and will not violate the intent of the form district or comprehensive plan.

(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 still providing nearly 40’ of greenspace in the right of way adjacent to Belmont Rd, and approximately 11’ of greenspace adjacent to Bardstown Rd, when combining the proposed 4.9’ buffer with about 6’ of greenspace in the right of way.

(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 applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived, as the proposed plan provides additional greenspace in the right of way that exceeds the 10’ requirement. The 6’ street tree area along Bardstown Rd, paired with the proposed 4.9’ VUA LBA on the parcel, provides a buffer that exceeds the 10’ requirement on that frontage as well. The applicant will additionally be required to provide a detailed landscape plan to demonstrate compliance with all other landscape requirements of the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance** from Land Development Code Section 5.3.2.C.2.b. to allow parking, a drive-thru lane, and dumpsters to encroach in the side yard setback. (26-VARIANCE-0060)
- **APPROVE** or **DENY** the **Waiver** of Land Development Code Section 10.2.10. to omit the VUA LBA along Belmont Rd and reduce the VUA LBA along Bardstown Rd. (26-WAIVER-0064)

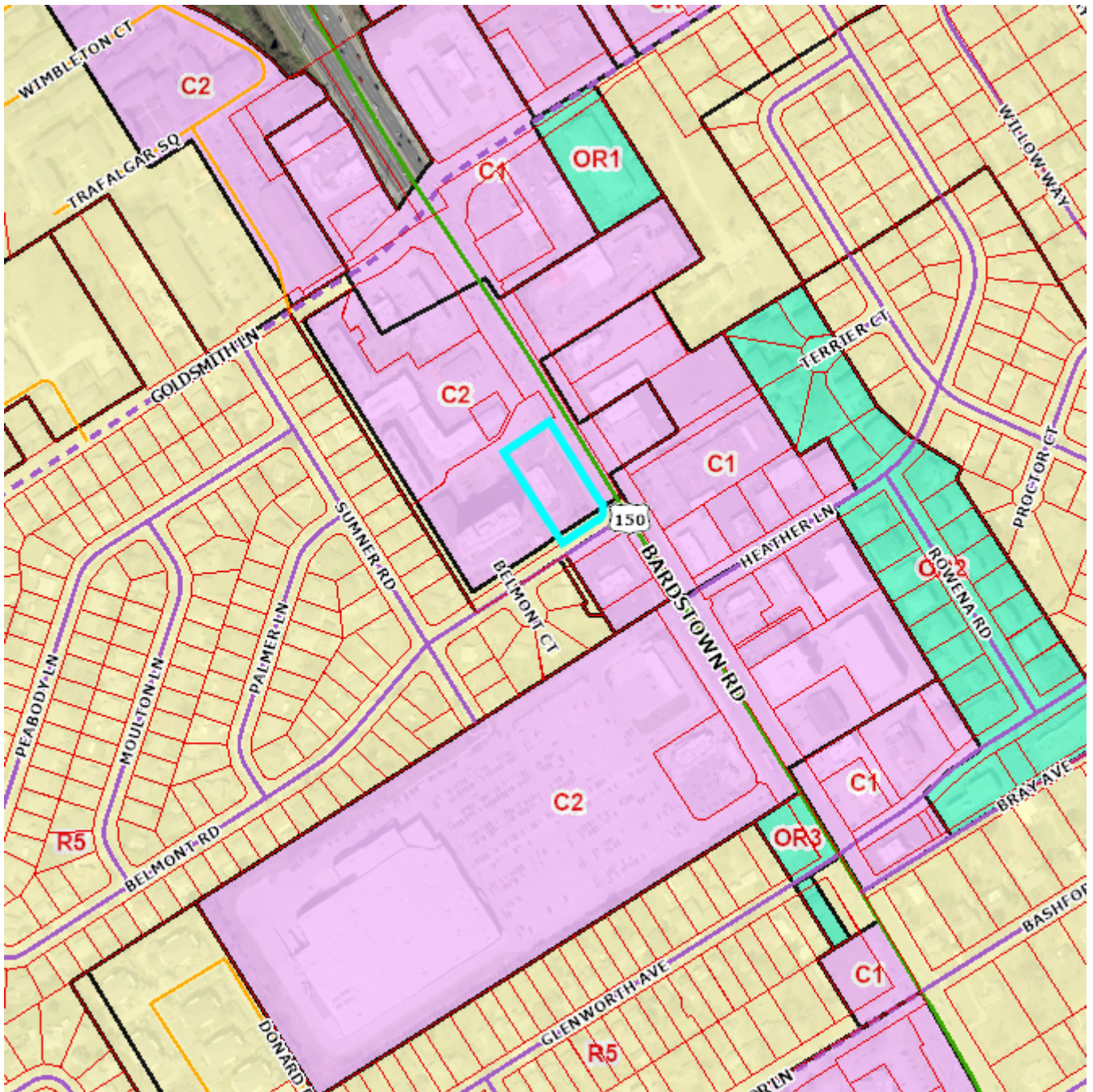
NOTIFICATION

Date	Purpose of Notice	Recipients
5/28/2026	Hearing before DRC	1 st tier adjoining property owners and current residents
5/26/2026		Registered Neighborhood Groups in Council District 10

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

