

Board of Zoning Adjustment

Staff Report

June 15, 2026



Case No:	26-VARIANCE-0051
Project Name:	LeafSpring at Whipps Mill
Location:	Whipps Mill Road; Parcel ID: #002105890000
Applicant:	LeafSpring Daycare
Representative:	Dinsmore; Clifford Ashburner
Jurisdiction:	Louisville Metro
Council District:	18 – Marilyn Parker
Case Manager:	Mark Pinto, Planner II

REQUEST

- **Variance** from Land Development Code (LDC) Section 5.3.1, Table 5.3.2 to allow the proposed building to exceed the 80 ft. maximum front yard setback by 494 ft.
- **Variance** from LDC Section 5.3.1, Table 5.3.2 to allow the proposed building to exceed the 30 ft. maximum building height by 3 ft.

Location	Requirement/Maximum	Request	Variance
Front Yard Setback	80 ft.	574 ft.	494 ft.
Building Height	30 ft.	33 ft.	3 ft.

CASE SUMMARY

The development site is an approximately 2.03 acres portion of an 18-acre property located in the R-4 Single-Family Residential zoning district, Neighborhood form district, and along Whipps Mill Road. The development site is within Louisville Metro zoning jurisdiction. The applicant has proposed to construct a 17,924 sq ft. Child Care Center, pursuant to LDC Section 4.3.28 for Child Care Centers in Residential Zones, permitted with special standards. The variances are associated with a Category 2B Development plan case #26-CAT2-0012.

STAFF FINDING

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR FRONT YARD SETBACK VARIANCE

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 proposal will be required to comply with all applicable building and fire code regulations. The proposed buildings, parking, and landscaping are within the subject property and do not encroach into the right-of-way or adjacent, residential properties. Given the proposed building setback, there is not a sight distance issue for vehicles and pedestrians travelling along Old Whipps Mill and Whipps Mill Road.

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. Residential properties are located across the street along Whipps Mill and Old Whipps Mill Road. The requested variance to exceed the maximum setback would permit the proposed building to be located a greater distance away from adjacent residential property, thereby reducing the visible impact of the proposal on adjacent, lower-intensity residential properties.

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 not developed residentially and is significantly larger than other R-4, Neighborhood form district properties that are adjacent. Also, the site has environmental concerns such as the floodplain, floodway, existing mature tree canopy, and a protected waterway.

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 front yard setback would require the proposed building to be located closer to adjacent R-4, single-family residences. This area of the site is located primarily within the City of Lyndon zoning jurisdiction, which would not permit the request as currently proposed. This portion of the site is green space which could be preserved as open space with the requested variance for the building to be constructed elsewhere on the site. Environmental constraints are present on the property consisting of the floodplain, floodway, mature tree canopy, and a protected waterway. The strict application of the setback requirement could disrupt existing environmental features on 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 HEIGHT VARIANCE

2. 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 proposal will be required to comply with all applicable building and fire code regulations. The building is located a significant distance from property lines that are adjacent to existing single-family residential properties that are mostly one-story. The existing zoning district is R-4, which does not permit land uses that are potentially hazardous, as potentially hazardous and nuisance uses generally require industrial zoning or additionally a conditional use permit.

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. The requested variance is to exceed the maximum permitted height by 3 ft, which appears to be primarily due to the gable roof style, which adds architectural value to the proposed building. The increased setback from adjacent properties and Old Whipps Mill Road should reduce the visual impact of the proposed building on nearby residential properties. The site across Old Whipps Mill is developed with the University of Louisville Shelby Campus, within the Campus Form District, and comprised of office buildings that exceed three stories. The Campus form district has a maximum permitted height of 150 ft.

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 not developed residentially and is significantly larger than other R-4, Neighborhood form district properties that are adjacent.

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 provision of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship since the proposed building height could be reduced by 3 ft. to meet the maximum permitted building height. However, this could reduce the architectural interest of the building.

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.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance** from LDC Section 5.3.1, Table 5.3.2 to allow the proposed building to exceed the 80 ft. maximum front yard setback by 494 ft.
- **APPROVE** or **DENY** the **Variance** from LDC Section 5.3.1, Table 5.3.2 to allow the proposed building to exceed the 30 ft. maximum building height by 3 ft.

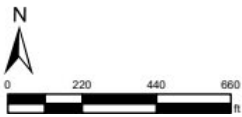
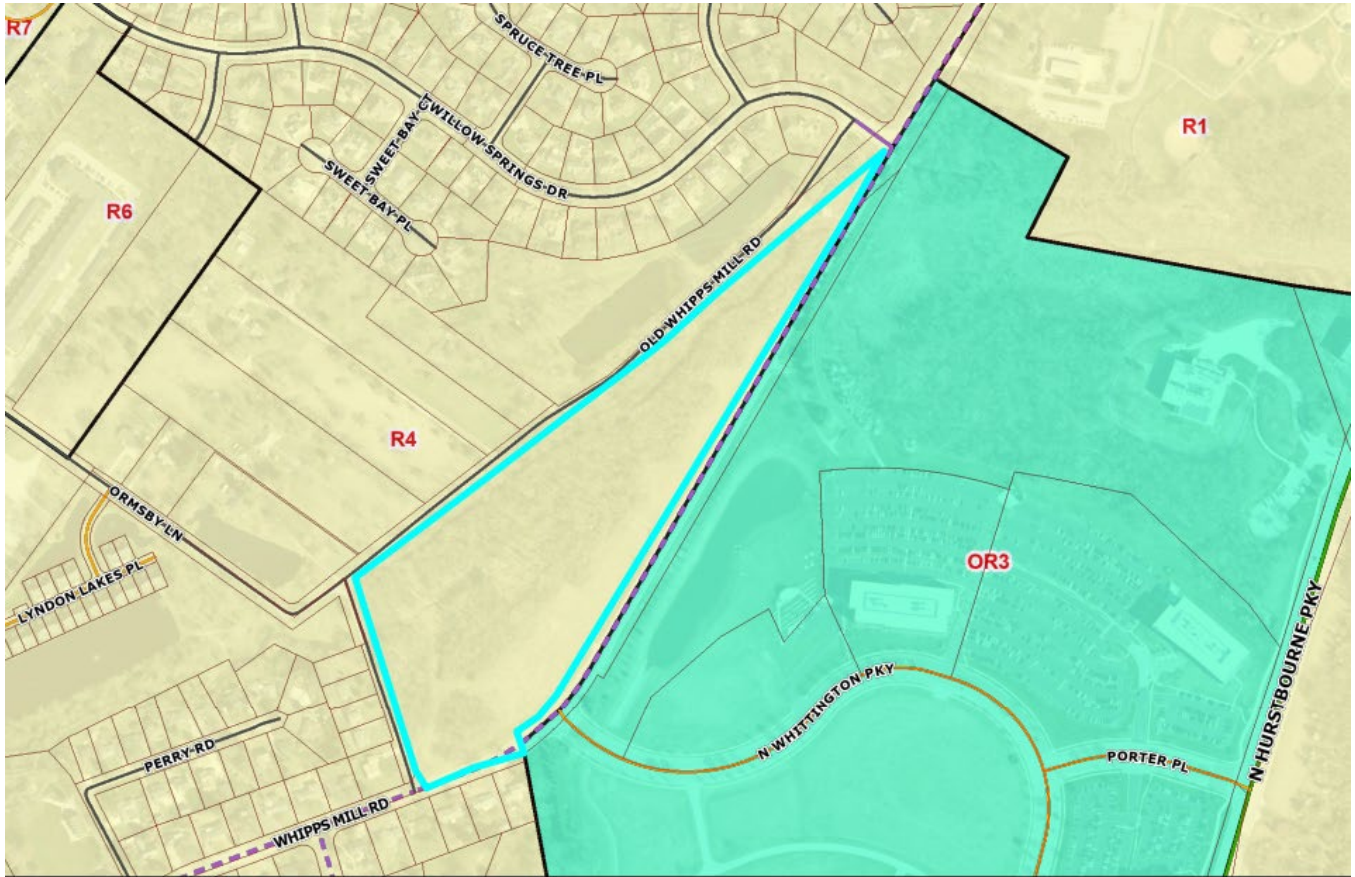
NOTIFICATION

Date	Purpose of Notice	Recipients
5/27/2026 6/1/2026	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 18
6/3/2026	Hearing before BOZA	Sign posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



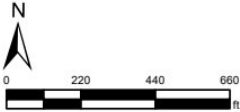
Wednesday, June 3, 2026 | 10:38 AM



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2. Aerial Photograph



Wednesday, June 3, 2026 | 10:37 AM



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