

Board of Zoning Adjustment Staff Report

June 1, 2026



Case No:	26-MCUP-0002
Project Name:	First Baptist Church of Fairdale
Location:	413 Fairdale Rd
Owner(s):	First Baptist Church of Fairdale
Representative:	Mindel Scott
Jurisdiction:	Louisville Metro
Council District:	13 – Dan Seum Jr.
Case Manager:	Mark Pinto, Planner II

REQUEST(S)

- **Modified Conditional Use Permit (MCUP)** for a Private Institutional Use in the R-4 Single-Family Residential zoning district with relief from standard A (LDC 4.2.65).
- **Variance** from Land Development Code (LDC) Section 5.2.2.C, Table 5.2.2 to allow the proposed building to exceed the maximum 25 ft. front yard setback (26-VARIANCE-0031).
- **Waiver** of LDC Section 10.2.4 to reduce the required 20 ft. landscape buffer area (LBA) to 5 ft. and screening requirement from 6 ft. to 3 ft. along the northern property line (26-WAIVER-0031).
- **Waiver** of LDC Section 5.6.1.D of the LDC is requested to not provide roofline variation for a building that exceeds 100 ft in length (26-WAIVER-0055).

Location	Requirement/Maximum	Request	Variance
Front Yard Setback	25 ft.	174 ft.	149 ft.

CASE SUMMARY

The subject property is approximately 9.8 acres and developed with an existing private institutional use with associated parking, a playground area, and storage buildings. The property is in the Village Center form district. The site is associated with a conditional use permit for a private institutional use under case #21-CUP-0177 that permitted the 2,000 accessory structure for storage. The modified conditional use permit is to allow a new 11,930 sq ft. building which will primarily be used for an athletic facility associated with the religious institution. The newly proposed building will be located where the existing playground is located. As a result, the playground will be moved to in front of the proposed building.

STAFF FINDING

The modified conditional use permit and associated variance and waivers are adequately justified for approval based on staff analysis in the standard of review.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal. The Board of Zoning Adjustments will have final action on this request.

INTERESTED PARTY COMMENTS

All public comments staff receives shall be placed in the record and made available to the Board prior to the public hearing.

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

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. Buildings located in the area along Fairdale Road observe a greater setback than the maximum 25 ft. The existing religious building on site is setback approximately 45 ft. from the front property line. The playground will be located in front of the proposed building which will provide visual interest between the building and front property line.

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 circumstances which do not generally apply to land in the general vicinity, or the in the same zone. The site is zoned R-4 residential and within the Village Center form district, as are properties in the area.

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 create an unnecessary hardship on the applicant. The building would be required to be located within the required setback, which could effect existing site conditions including vehicular circulation, mature tree canopy, and proposed playground relocation.

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 LANDSCAPE WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners since there are no proposed buildings located within required setbacks or landscape buffer areas. The proposed drive lane encroaches into the landscape buffer area, which will be screened with a five-foot area with plantings and screening to shield headlights. Also, there is extensive mature tree canopy that is proposed to be preserved.

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

The waiver will not violate specific guidelines of the Comprehensive Plan. Community Form Goal 1, Policy 6 calls to ensure appropriate transitions from non-residential to residential uses. The transitions should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. There is extensive mature tree canopy on site that shall provide an appropriate transition between the existing private institutional use and adjacent residential use. Also, a five-foot landscape buffer area with screening will be provided to adequately shield the access drive from adjacent residential property.

- (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 the proposed five-foot LBA is the greatest width possible to provide considering the location of the access drive.

- (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. The existing mature tree canopy that is proposed to be preserved exceeds the required tree canopy for the site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR ROOFLINE VARIATION WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners since there are no proposed buildings located within required setbacks or landscape buffer areas. The proposed building will be required to meet all applicable building and fire code regulations.

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

STAFF: Community Form Goal 1, Policy 4 calls to ensure that 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 consistent with the pattern of the Village Center form district, as the property is developed with an established private institutional use. The existing primary religious building has architectural interest including a steeple and roofline variation.

- (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 not the minimum necessary to afford relief to the applicant. The proposed building could be redesigned to meet the roofline variation requirement.

- (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 noncompliance with the requirement to be waived. There is approximately 113,574 sq ft. of existing tree canopy on site that is proposed to be preserved.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR MODIFIED CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance. The site is located within the Village Center, which contains a variety of

zoning districts and land uses including a mix of residential densities, commercial, and institutional uses.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: All necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use are available or will be provided. MSD and Transportation Planning have reviewed the proposal and given preliminary approval.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line and all off-street parking shall be at least 30 feet from any property line.

B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated.

C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use.

D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).

E. The Board of Zoning Adjustment may set hours of operation for institutional use in order to minimize potential negative impacts on surrounding residential properties.

STAFF: The applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit, except where relief is required. The proposed building is located approximately 25 ft. from the side property line that abuts an adjacent R-4 Single-Family Residential property. Therefore, the Board shall consider granting relief from standard A. The building is meeting the required 5 ft. side yard setback per LDC Table 5.2.2. The proposed building is not directly adjacent to the existing home on the abutting R-4 lot and is directly adjacent to the rear yard.

REQUIRED ACTIONS

- **APPROVE OR DENY** the **Modified Conditional Use Permit** for a Private Institutional Use in the R-4 Single-Family Residential zoning district with relief from standard A (LDC 4.2.65).
- **APPROVE** or **DENY** the **Variance** from LDC Section 5.2.2.C, Table 5.2.2 to allow the proposed building to exceed the maximum 25 ft. front yard setback (26-VARIANCE-0031).
- **APPROVE** or **DENY** the **Waivers**:

1. **Waiver** of LDC Section 10.2.4 to reduce the required 20 ft. landscape buffer area (LBA) to 5 ft. and screening requirement from 6 ft. to 3 ft. along the northern property line (26-WAIVER-0031).
2. **Waiver** of LDC Section 5.6.1.D of the LDC is requested to not provide roofline variation for a building that exceeds 100 ft in length (26-WAIVER-0055).

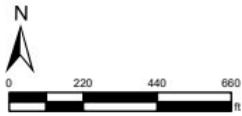
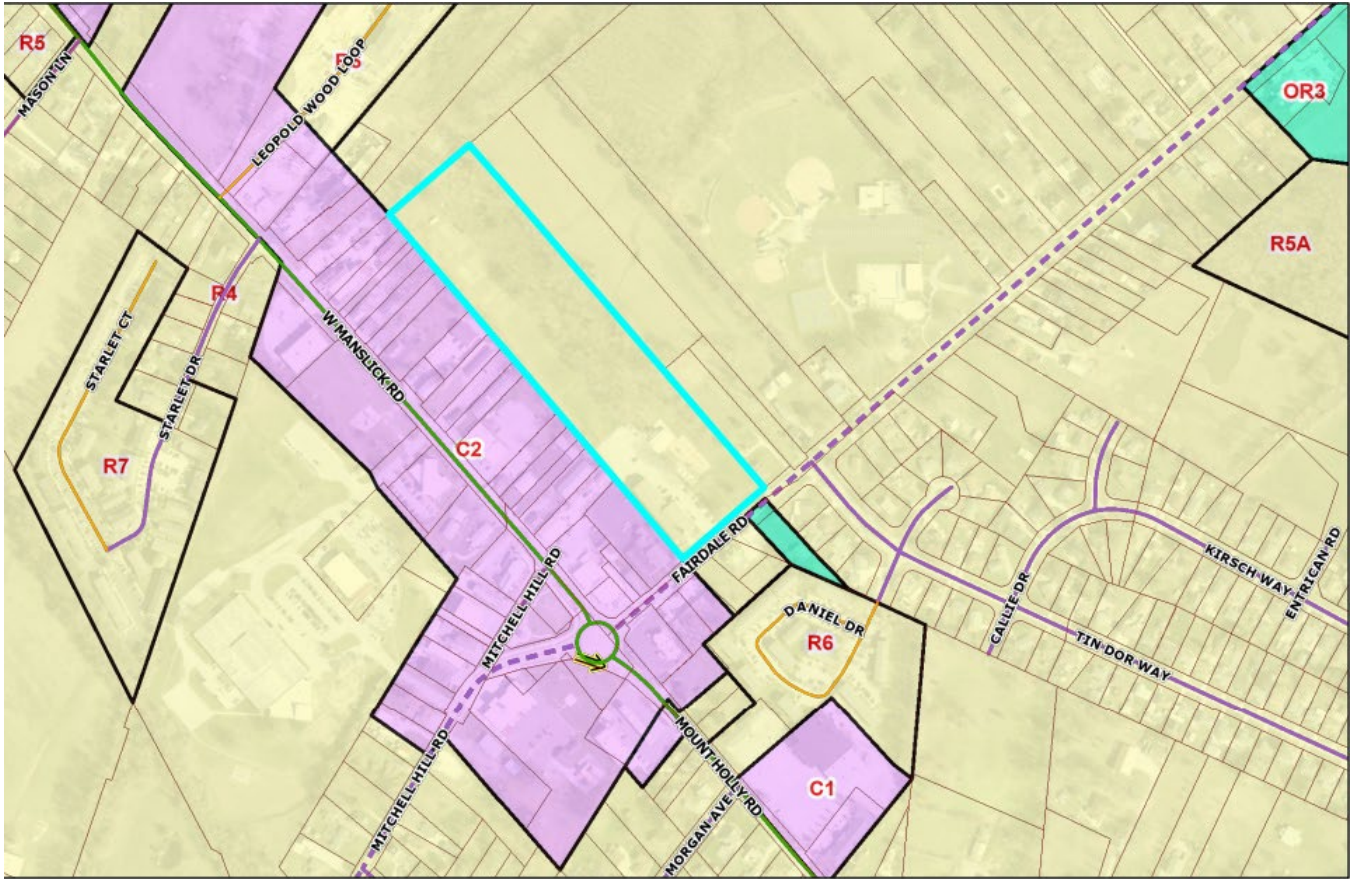
NOTIFICATION

Date	Purpose of Notice	Recipients
6/11/2026	Hearing before BOZA	1st and 2nd tier adjoining property owners and residents and registered Neighborhood Groups in Council District 13.
6/12/2026	Hearing before BOZA	Notice posted on property.

ATTACHMENTS

1. Zoning Map
2. Aerial Map
3. Existing Conditions of Approval
4. Proposed Conditions of Approval

1. **Zoning Map**

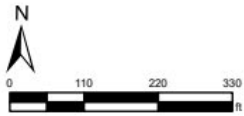


Tuesday, June 16, 2026 | 3:30 PM



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2. Aerial Map



Tuesday, June 16, 2026 | 3:30 PM



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3. Existing Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a Private Institutional Use until further review and approval by the Board.

4. Proposed Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a Private Institutional Use until further review and approval by the Board.