



26-WAIVER-0054

Development Review Committee
Staff Report
July 15, 2026

Broadway Gas Canopy

Location: 2701 West Broadway
Applicant: IM Real Estate Corporation
Representative: Shaik Mohiuddin
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
Case Manager: Abby Bills, Planner I

REQUEST & RECOMMENDED ACTION

26-WAIVER-0054: Waiver of Land Development Code Section 5.5.1.A.5 to allow a detached canopy to be located between the principal structure and the public street.

- Staff finds the justification for the request is adequate and recommends the Development Review Committee **APPROVE** the Waiver

CASE SUMMARY

The subject site is currently zoned C-1 Commercial within the Town Center Form District on 0.14 acres. The site is located on the corner of West Broadway and South 27th Street. The applicant is proposing to construct a 720 square foot gas station canopy in front of the existing building on site. Detached canopies are not permitted between principal structures and public streets in traditional form districts, therefore a waiver is being requested.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF FINDING: The waiver will not adversely affect adjacent property owners as the only adjacent residential property is located behind the existing building, and the proposed location of the gas canopy will ensure that pedestrian and vehicular traffic is separated from that residential use.

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

STAFF FINDING: The waiver will not violate specific guidelines of Plan 2040 or the Vision Russell Transformation Plan applicable to the site. In Plan 2040, Community Form Goal 2 Policy 9 seeks to “Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.” The subject site was previously developed as a gas station but has been abandoned

for around 15 years, based on Streetview imagery. The previous building and gas canopy have both been demolished, and a new structure has been constructed on the lot in its place. The applicant's request for the gas canopy will complete the rehabilitation of the property and restore it to its original commercial use, which is in line with the guidelines of the Comprehensive Plan.

Additionally, the waiver will fall in line with the intent of the Vision Russel Transformation Plan applicable to the site. Goal C.2 of the neighborhood plan states that "Existing Russell businesses are encouraged to stay and grow, and new commercial activities are drawn to the area to further stimulate growth." The waiver to allow the gas canopy, which contributes to the rehabilitation of the site, will stimulate growth along the West Broadway corridor.

(c) *The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant*

STAFF FINDING: The extent of the waiver is the minimum necessary to afford relief to the applicant as there is no area behind the building in which the canopy could be placed. A variance under case B-45-90 was previously approved to allow the existing building to encroach into the rear yard setback, leaving no additional space behind the building on what is already a small parcel.

(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 FINDING: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land. There is no area on the parcel where a gas canopy compliant with the regulation could be built, due to the existing conditions of the development site as well as the small size of the parcel.

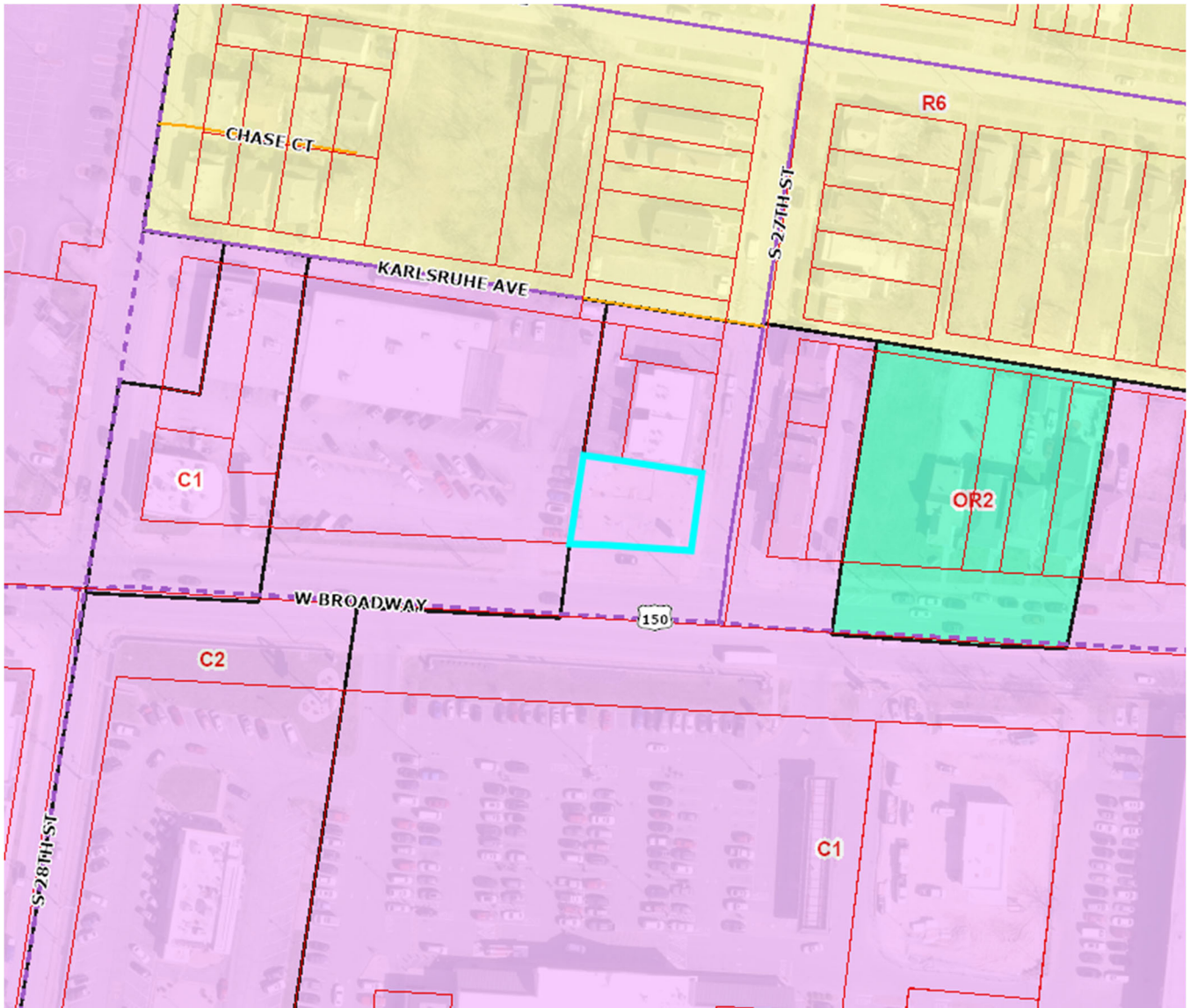
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
6/24/2026	Development Review Committee Public Hearing	1st tier adjoining property owners and current residents
6/24/2026	Development Review Committee Public Hearing	Registered Neighborhood Groups in Council District 5

ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

