

# Staff Report

Board of Adjustment Hearing: September 19, 2023

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**Case Number:** AA 23-01  
**Applicant:** Emily Mode  
**Location:** 5745-5751 Lexington Rd  
**Request:** Administrative Appeal  
To request relief on the opinion of the Planning Director as to what constitutes a service station.  
**Zoning:** B-1 Commercial  
**Application Date:** August 23, 2023  
**Legal Notification:** September 1, 2023  
**Staff Site Visit:** September 12, 2023

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## Proposal:

The request is to be allowed to apply to the Bourbon County Joint Planning Office to operate a business at 5745-5751 Lexington Rd as a service station.

The applicant proposes to operate a retail gift store that provides artisanal goods from local artisans such as candles, soaps, clothing items, and local memorabilia. To provide convenience items such as bottled water, sodas, chips, other prepackaged and labeled snack items, and other prepackaged and labeled small batch artisanal goods. Also, to offer scratchers, lotto tickets, and wire transfer services such as Western Union. In addition to the store front, to provide food truck services on the property.

## Background:

Parcel # 012-20-02-002.00 & 012-20-02-003.00

Owner: Brandywine Holding Associates.

Existing Structures: One and a half story existing structure.

Existing front setback to residence (approximate) from Lexington Rd: 128 ft

Closest neighboring residential structure (approximate): 320 ft

Ingress/Egress: There is an existing entrance from Houston Antioch Rd to 5751 Lexington Rd and an existing entrance from Lexington Rd to 5745 Lexington Rd.

Parking: There is a paved and a gravel area that could be used for parking.

Is the structure located within the 1% annual regulatory floodplain? No.



- FIRE SAFETY: N/A
- AGRICULTURAL USE OF PROPERTY: N/A



**STAFF RECOMMENDATION:**

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**Staff recommends overruling the administrative interpretation of a service station by recognizing that the retail sale of petroleum is not required for operation. The recommendation is based on the following:**

1. The parcels are existing lots of record that predate zoning in the County and the adoption of the Paris Pike/Lexington Road Corridor Overlay Zone;
2. A service station is one of only a few permitted uses within the Overlay Zone;
3. Most, if not all, modern service stations offer far more than petroleum, and derive a greater share of profits from the retail sale of products other than gasoline or diesel fuel;
4. The shallow depth of the parcels precludes expansion of the existing structure and/or the addition of new structures close to Lexington Road;
5. There is a long history of other retail establishments operating at this location; and
6. The use of the existing structure will have a minimum impact on the character of the surrounding area.