



Louisville Metro Government

Old Jail Auditorium
514 W. Liberty Street
Louisville, KY 40202

Action Summary Board of Zoning Adjustment

Monday, February 20, 2023

1:00 PM

Online Via Webex

Call To Order

The following Board Members were present: Buttorff, Horton, Howard, Leanhart and Bond

The following Board Members were absent: Ford and Vozos

Approval Of Minutes

1. [BOZA Minutes 020623 Annual](#)

A motion was made by Member Howard, seconded by Member Horton that the February 6, 2023 Annual BOZA minutes be approved. The vote was as follows:

YES: Members Horton, Howard, Leanhart and Bond

ABSTAIN: Member Buttorff

ABSENT: Members Ford and Vozos

2. [BOZA Minutes 020623 Regular](#)

A motion was made by Member Howard, seconded by Member Horton that the February 6, 2023 Regular BOZA minutes be approved. The vote was as follows:

YES: Members Horton, Howard, Leanhart and Bond

ABSTAIN: Member Buttorff

ABSENT: Members Ford and Vozos

Business Session

3. [22-VARIANCE-0147](#)

Request: Waiver of BOZA Policy 3.02.04 to allow a new application for Board action within one year of Board action on the same tract of property.

Project Name: Glenview Avenue Variance

Location: 2200 Glenview Avenue

Owner/Applicant: Eron Jaber

Jurisdiction: Louisville Metro

Council District: 16 - Scott Reed

Case Manager: Amy Brook, Planner I

A motion was made by Member Howard to GRANT the waiver. The motion failed due to lack of a second.

A motion was made by Member Buttorff, seconded by Member Leanhart to DENY a Waiver of BOZA Policy 3.02.04 to allow a new application for Board action within one year of Board action on the same tract of property. The vote was as follows:

YES: Members Buttorff, Leanhart and Bond
ABSTAIN: Members Horton and Howard
ABSENT: Members Ford and Vozos

4. [23-MVARIANCE-0001](#)

Request: A modified variance to allow a principal structure to encroach more than 30% into the required rear yard setback .

Project Name: Rudy Lane Variance

Location: 623 Rudy Lane

Owner: Loretta and Kurt Showalter

Applicant: Zach Schwager

Jurisdiction: Louisville Metro

Council District: 7- Paula McCraney

Case Manager: Amy Brooks, Planner I

A motion was made by Member Howard, seconded by Member Leanhart that the Modified Variance from Land Development Code section 5.4.2.A.2.a to allow a structure to encroach into the required rear yard setback be approved. The vote was as follows:

YES: Members Buttorff, Horton, Howard, Leanhart and Bond
ABSENT: Members Ford and Vozos

Public Hearing

5. [22-MCUP-0001](#)

Request: Modified Conditional Use Permit hearing in response to complaints related to excessive noise and explosions from the River Metals scrap metal processing facility

Project Name: River Metals Recycling

Location: 2110 Metal Ln, 2045 River Rd, 2114 Metal Ln, 2300 Metal Ln, 2255 Metal Ln, and 2601 River Green Cir.

Owner: River Metals Recycling, Inc.

Applicant: Planning Director

Jurisdiction: Louisville Metro

Council District: 4 - Jecorey Arthur

Case Manager: Chris French, AICP, Planning and Design Supervisor

A motion was made by Member Leanhart, seconded by Member Leanhart to CONTINUE this case to the April 10, 2023 BOZA meeting. The vote was as follows:

**YES: Members Buttorff, Horton, Howard, Leanhart and Bond
ABSENT: Members Ford and Vozos**

6. [22-APPEAL-0011](#)

Request: Appeal of an administrative decision regarding a zoning enforcement action.

Project Name: East Whitney Avenue Appeal

Location: 114 East Whitney Avenue

Owner: Glen E. Kerns

Appellant: Glen E. Kerns

Representative: Harry B. O'Donnell IV

Jurisdiction: Louisville Metro

Council District: 21 - Nicole George

Case Manager: Chris French, Planning Supervisor

A motion was made by Member Howard, seconded by Member Horton that the Appeal of an administrative decision regarding a zoning enforcement action be overturned. The vote was as follows:

**YES: Members Buttorff, Horton, Howard, Leanhart and Bond
ABSENT: Members Ford and Vozos**

7. [22-WAIVER-0114&23-VAR-0114](#)

Request: Variance to allow an addition encroach into the side yard setback and a waiver to not provide the required landscape buffer area

Project Name: Bardstown Road Variance and Waiver

Location: 1331 Bardstown Road

Owner/Applicant: Charles Podgursky - C.R.P. & Associates, INC.

Jurisdiction: Louisville Metro

Council District: 8 - Cassie Armstrong

Case Manager: Molly Clark, Planner II

A motion was made by Member Leanhart, seconded by Member Buttorff that the Waiver from Land Development Code Section 10.2.10.A to not provide the required 5 ft LBA between any lot containing a VUA and a non-residentially zoned lot with a first floor residential use. (22-WAIVER-0114) be approved. The vote was as follows:

YES: Members Buttorff, Horton, Howard, Leanhart and Bond
ABSENT: Members Ford and Vozos

A motion was made by Member Leanhart, seconded by Member Buttorff that the Variance to allow an addition to encroach into the 6 ft side yard setback by 2.8 ft for proposed buildings constructed adjacent to an existing building which has a window. (23-VARIANCE-0014) be approved. The vote was as follows:

YES: Members Buttorff, Horton, Howard, Leanhart and Bond
ABSENT: Members Ford and Vozos

8. [22-VARIANCE-0119](#)

Request: Variance to allow a private yard area to be less than the required 20% of the area of the lot; Variances to allow a primary structure to exceed the maximum front yard setback and the maximum building height .

Project Name: Rear Mulberry Street Variances

Location: 917 R. Mulberry Street

Owner: MBS Remodeling LLC

Applicant: Jamie Barnes

Jurisdiction: Louisville Metro

Council District: 15- Jennifer Chappell

Case Manager: Amy Brooks, Planner I

A motion was made by Member Howard, seconded by Member Horton to CONTINUE this case to the April 24, 2023 BOZA meeting to allow the applicant time to address concerns of the Board and neighbors. The vote was as follows:

YES: Members Buttorff, Horton, Howard, Leanhart and Bond
ABSENT: Members Ford and Vozos

9. [22-VARIANCE-0142](#)

Request: Variance to allow a second story addition encroach into the side yard setback and a variance to allow the second story addition to exceed maximum height based on infill standards.

Project Name: Rammers Avenue Variance

Location: 1209 Rammers Avenue

Owner/Applicant: Andrew Max Balliet

Jurisdiction: Louisville Metro

Council District: 6 - Phillip Baker

Case Manager: Molly Clark, Planner II

A motion was made by Member Howard, seconded by Member Leanhart that the Variance from Land Development Code section 5.2.2 to allow a second story to encroach into the required 3 ft setback and a Variance from Land Development Code section 5.1.12 to allow a second story to exceed the maximum height based on infill standards. The vote was as follows:

YES: Members Buttorff, Horton, Howard, Leanhart and Bond
ABSENT: Members Ford and Vozos

10. [22-VARIANCE-0157](#)

Request: A variance to exceed the maximum fence height in the required front yard setback.

Project Name: Northwestern Parkway Fence Variance

Location: 2503 Northwestern Pky

Owner: Billy and Violet Simpson

Applicant: Billy Simpson

Jurisdiction: Louisville Metro

Council District: 5- Donna Purvis

Case Manager: Amy Brooks, Planner I

A motion was made by Member Howard, seconded by Member Buttorff that the Variance from Land Development Code section 4.4.3.A.1.a.i to allow a fence to exceed 48 inches in height in the front yard setback be DENIED. The vote was as follows:

YES: Members Buttorff, Horton, Howard, Leanhart and Bond
ABSENT: Members Ford and Vozos

11. [22-VARIANCE-0168](#)

Request: A variance to allow an accessory structure to encroach into the front yard setback and a variance to exceed the maximum fence height in the required front yard setback .

Project Name: Harmon Court Variance

Location: 2503 Northwestern Pky

Owner: Kelly Rodriguez Britt and Daniel Rodriguez

Applicant: Daniel Rodriguez

Jurisdiction: Louisville Metro

Council District: 10- Pat Mulvihill

Case Manager: Amy Brooks, Planner I

A motion was made by Member Buttorff, seconded by Member Howard that the Variance from the Land Development Code Table 5.3.1 to allow an accessory structure to encroach into the required front yard setback and the Variance from Land Development Code section 4.4.3.A.1.a.i to allow a fence to exceed the maximum allowed height in a front yard setback be approved. The vote was as follows:

YES: Members Buttorff, Horton, Howard and Bond
NO: Member Leanhart
ABSENT: Members Ford and Vozos

12. [23-VARIANCE-0001](#)

Request: VARIANCE 1 to permit a freestanding sign to exceed area standards. VARIANCE 2 to permit a freestanding sign to exceed height standards.

Project Name: Freestanding Sign Variances

Location: 2935 Breckenridge Lane

Owner: Triple M Investments

Applicant: Signarama Dixie

Jurisdiction: Louisville Metro

Council District: 26 - Brent Ackerson

Case Manager: Beth Jones, AICP, Planner II

A motion was made by Member Buttorff, seconded by Member Howard that VARIANCE 1 to permit a freestanding sign to exceed area standards (LDC 8.3.2 Regional Center) and VARIANCE 2 to permit a freestanding sign to exceed height standards (LDC 8.3.2 Regional Center) be approved. The vote was as follows:

YES: Members Buttorff, Horton, Howard, Leanhart and Bond
ABSENT: Members Ford and Vozos

13. [22-CUP-0394](#)

Request: Conditional Use Permit to allow a transitional home in the R-6 Residential Multi-Family zoning district with a landscape waiver
Project Name: Dumesnil Transitional House
Location: 2735 Dumesnil Street
Owner: New Directions Housing Corp
Applicant: New Directions Housing Corp
Jurisdiction: Louisville Metro
Council District: 1 - Tammy Hawkins
Case Manager: Molly Clark, Planner II

A motion was made by Member Leanhart, seconded by Member Howard that the Waiver from section 10.2.4 of the Land Development Code to not provide the perimeter landscape buffer areas and screening adjacent to residentially zoned property. (23-WAIVER-0012) be approved. The vote was as follows:

**YES: Members Buttorff, Horton, Howard, Leanhart and Bond
ABSENT: Members Ford and Vozos**

A motion was made by Member Leanhart, seconded by Member Howard that the Conditional Use Permit to allow a transitional home in the R-6 Residential Multi-Family zoning district Land Development Code (LDC) 4.2.55 (22-CUP-0394) be approved. The vote was as follows:

**YES: Members Buttorff, Horton, Howard, Leanhart and Bond
ABSENT: Members Ford and Vozos**

14. [22-CUP-0395](#)

Request: Conditional Use Permit to allow a transitional home in the R-6 Residential Multi-Family zoning district with a landscape waiver
Project Name: Olive Street Transitional House
Location: 1369 Olive Street
Owner: New Directions Housing Corp
Applicant: New Directions Housing Corp
Jurisdiction: Louisville Metro
Council District: 1 - Tammy Hawkins
Case Manager: Molly Clark, Planner II

A motion was made by Member Howard, seconded by Member Leanhart that the Waiver from section 10.2.4 of the Land Development Code to not provide the perimeter landscape buffer areas and screening adjacent to residentially zoned property. (23-WAIVER-0013) be approved. The vote was as follows:

**YES: Members Buttorff, Horton, Howard, Leanhart and Bond
ABSENT: Members Ford and Vozos**

A motion was made by Member Howard, seconded by Member Buttorff that the Conditional Use Permit to allow a transitional home in the R-6 Residential Multi-Family zoning district Land Development Code (LDC) 4.2.55 (22-CUP-0395) be approved. The vote was as follows:

**YES: Members Buttorff, Horton, Howard, Leanhart and Bond
ABSENT: Members Ford and Vozos**

15. [22-CUP-0382](#)

Request: Conditional Use Permit for short term rental of a dwelling unit that is not the primary residence of the host

Project Name: Coral Avenue Short Term Rental

Location: 196 Coral Avenue

Owner: KCE Properties LLC

Applicant: Christopher Esterle

Jurisdiction: Louisville Metro

Council District: 9- Andrew Owen

Case Manager: Heather Pollock, Planner I

A motion was made by Member Howard, seconded by Member Buttorff that the Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in the R-5 Single Family Zoning District and Traditional Neighborhood Form District be approved. The vote was as follows:

YES: Member Howard
NO: Members Leanhart and Bond
ABSTAIN: Member Buttorff
ABSENT: Members Ford and Vozos

NEED ANOTHER MOTION AND VOTE

A motion was made by Member Howard, seconded by Member Buttorff that the Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in the R-5 Single Family Zoning District and Traditional Neighborhood Form District, having a maximum of 6 guests per unit, be approved. The vote was as follows:

YES: Members Buttorff, Horton, Howard and Bond
NO: Member Leanhart
ABSENT: Members Ford and Vozos

16. [22-CUP-0385](#)

Request: Conditional Use Permit for short term rental of a dwelling unit that is not the primary residence of the host in the TNZD zoning district.

Project Name: S. Floyd Street Short Term Rental

Location: 1332 S. Floyd Street

Owner: Conrad & Kassandra Boyd

Applicant: Conrad & Kassandra Boyd

Jurisdiction: Louisville Metro

Council District: 6- Phillip Baker

Case Manager: Heather Pollock, Planner I

A motion was made by Member Leanhart, seconded by Member Horton that the Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in the Traditional Neighborhood Zoning District, (TNZD), and Traditional Neighborhood Form District be denied. The vote was as follows:

YES: Members Buttorff, Horton, Howard, Leanhart and Bond
ABSENT: Members Ford and Vozos

17. [22-CUP-0386](#)

Request: Conditional Use Permit for short term rental of a dwelling unit that is not the primary residence of the host

Project Name: Sale Avenue Short Term Rental

Location: 1358 Sale Avenue

Owner: Limitless Properties LLC

Applicant: Chris Nilest

Jurisdiction: Louisville Metro

Council District: 15- Jennifer Chappell

Case Manager: Amy Brooks, Planner I

A motion was made by Member Howard, seconded by Member Buttorff that the Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in the R-5 single family residential zone and Traditional Neighborhood form district be approved. The vote was as follows:

YES: Member Buttorff, Horton, Howard, Leanhart and Bond
ABSENT: Members Ford and Vozos

Adjournment