



Louisville Metro Government

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

Action Summary - Final Board of Zoning Adjustment

Monday, December 19, 2022

1:00 PM

Old Jail Auditorium

Call To Order

Present: 4 - Board Member Yani Vozos, Board Member Sharon Bond, Jan Horton, and Board Member Lula Howard

Absent: 3 - Board Member Brandt Ford, Board Member Kim Leanhart, and Board Member Richard Buttorff

Approval Of Minutes

1. [BOZA Minutes 12.05.22](#)

Approval of the minutes of the December 5, 2022 Board of Zoning Adjustment meeting.

A motion was made by Member Bond, seconded by Member Horton, that the minutes of the December 5, 2022 Board of Zoning Adjustment meeting be approved. The motion carried by the following vote:

Yes: 4 - Vozos, Bond, Horton, and Howard

Absent: 3 - Ford, Leanhart, and Buttorff

Public Hearing

2. [22-VARIANCE-0141](#)

Request: Variance to allow an addition to encroach into the street side yard setback (22-VARIANCE-0141) and a variance to allow parking within the front yard setback (22-VARIANCE-0162).

Project Name: Zoom Group

Location: 4545 Taylorsville Road

Owner/Applicant: Zoom Group, Inc

Jurisdiction: Louisville Metro

Council District: 11 - Kevin Kramer

Case Manager: Clara Schweiger, Planner I

A motion was made by Member Vozos, seconded by Member Horton, to approve the requested Variances, as follows:

Variance #1 - Variance from Chapter 5.3.5.C.3.a (22-VARIANCE-0141) to reduce the street-side setback from 25' to 3.3' at its closest point to allow a building addition.

Variance #2 - Variance from Chapter 5.5.2.C.2.a (22-VARIANCE-0162) to allow parking in the front and street-side setback as shown on the plan.

The motion carried by the following vote:

Yes: 4 - Vozos, Bond, Horton, and Howard

Absent: 3 - Ford, Leanhart, and Buttorff

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

Request: Variance to allow an addition to encroach into the required street side yard setback.
Project Name: Glenview Avenue Variance
Location: 2200 Glenview Ave.
Owner/Applicant: Eron Jaber
Jurisdiction: Louisville Metro
Council District: 16-Scott Reed
Case Manager: Amy Brooks, Planner I

A motion was made by Member Bond, seconded by Member Horton, to deny the requested Variance from the Land Development Code section 5.1.12.B to allow a structure to encroach into the street side yard setback. The motion carried by the following vote:

Yes: 3 - Bond, Horton, and Howard

No: 1 - Vozos

Absent: 3 - Ford, Leanhart, and Buttorff

4. [22-MCUP-0012](#)

Request: Modified Conditional Use Permit for an institutional use (“Residential Transitional Treatment Center”)
Project Name: St. Vincent de Paul
Location: 431 E. St. Catherine Street
Owner/Applicant: Society of St. Vincent de Paul, Council of Louisville - Sarah Graham
Jurisdiction: Louisville Metro
Council District: 6 - David James
Case Manager: Joel Dock, AICP, Planning Coordinator

A motion was made by Member Bond, seconded by Member Horton, to approve the requested Modified Conditional Use Permit for an institutional use (“Residential Transitional Treatment Center”). The motion carried by the following vote:

Yes: 4 - Vozos, Bond, Horton, and Howard

Absent: 3 - Ford, Leanhart, and Buttorff

5. [22-CUP-0227](#)

Request: Conditional Use Permit for a Hospital/Medical Clinic
Project Name: Baptist Health Freestanding Emergency Room
Location: 7702 Bardstown Road
Owner: Will Realty, LLC
Applicant: Land Design & Development
Representative: Land Design & Development
Jurisdiction: Louisville Metro
Council District: 22 - Robin Engel
Case Manager: Molly Clark, Planner II

A motion was made by Member Horton, seconded by Member Vozos, to approve the requested Conditional Use Permit to allow a hospital/medical clinic in a C-1 Commercial zoning district (Land Development Code (LDC) 4.2.29) The motion carried by the following vote:

Yes: 4 - Vozos, Bond, Horton, and Howard

Absent: 3 - Ford, Leanhart, and Buttorff

6. [22-CUP-0245](#)

Request: Conditional Use Permit for a Private Non-Profit Club
Project Name: Louisville Outlaws, INC
Location: 1915 W Market Street
Owner: Louisville Outlaws, INC
Applicant: Dustin Harrig
Representative: Dustin Harrig
Jurisdiction: Louisville Metro
Council District: 5 - Donna Purvis
Case Manager: Molly Clark, Planner II

A motion was made by Member Vozos, seconded by Member Horton, to approve the requested Conditional Use Permit to allow a private non-profit club in OR2 Office Residential zoning district. The motion carried by the following vote:

Yes: 4 - Vozos, Bond, Horton, and Howard

Absent: 3 - Ford, Leanhart, and Buttorff

A motion was made by Member Vozos, seconded by Member Bond, to approve the requested Waivers, as follows:

Waiver #1 - A waiver from section Chapter 10 Part 2 of the Land Development Code to provide a 7 ft screen with an existing 7 ft wooden fence instead of an 8 ft screen, to eliminate a portion of the screen along the western property line, to provide half of the required plantings (Type A trees) and to allow an existing structure and proposed pavilion to encroach into the required 10 ft landscape buffer area. (22-WAIVER-0187)

Waiver #2 - A waiver from section 5.5.1.A.3.a to not provide the required 3 ft masonry, stone or concrete wall (22-WAIVER-0186).

The motion carried by the following vote:

Yes: 4 - Vozos, Bond, Horton, and Howard

Absent: 3 - Ford, Leanhart, and Buttorff

7. [22-CUP-0271](#)

Request:	Conditional Use Permit for a Private Institutional Use
Project Name:	Down Syndrome of Louisville Educational Foundation
Location:	5001 S Hurstbourne Parkway
Owner:	D.S. Education Foundation
Applicant:	AL Engineering Inc.
Representative:	AL Engineering Inc.
Jurisdiction:	Louisville Metro
Council District:	26 - Brent Ackerson
Case Manager:	Molly Clark, Planner II

A motion was made by Member Vozos, seconded by Member Bond, to approve the requested Conditional Use Permit to allow a private institutional use to construct a detached multipurpose room, an addition to the existing structure and a detached garage. The motion carried by the following vote:

Yes: 4 - Vozos, Bond, Horton, and Howard

Absent: 3 - Ford, Leanhart, and Buttorff

8. [22-CUP-0315](#)

Request: Conditional Use Permit for outdoor alcohol sales and consumption
Project Name: Senora Arepa Restaurant
Location: 117 St. Matthews Avenue
Owner: Louisville Timber & Wooden Products Co.
Representative: Forza Architecture, Inc. - Stephen Tracy
Jurisdiction: City of St. Matthews
Council District: 9 - Bill Hollander
Case Manager: Joel Dock, AICP, Planning Coordinator

A motion was made by Member Bond, seconded by Member Vozos, to approve the requested Conditional Use Permit for outdoor alcohol sales in a C-1, commercial zoning district (Article 15, Sec. 42 – City of St. Matthews). The motion carried by the following vote:

Yes: 4 - Vozos, Bond, Horton, and Howard

Absent: 3 - Ford, Leanhart, and Buttorff

9. [22-CUP-0333](#)

Request: Conditional Use Permit for child care and front setback variance
Project Name: Poplar Montessori
Location: 4624 Poplar Level Road
Owner/Applicant: Poplar Montessori - Pilar Cruz
Jurisdiction: Louisville Metro
Council District: 21 - Nicole George
Case Manager: Joel Dock, AICP, Planning Coordinator

A motion was made by Member Bond, seconded by Member Vozos, to approve the requested Conditional Use Permit for Child Care Center (LDC 4.2.19) with relief from item A.3 to allow off-street parking in front of the residence. The motion carried by the following vote:

Yes: 4 - Vozos, Bond, Horton, and Howard

Absent: 3 - Ford, Leanhart, and Buttorff

A motion was made by Member Bond, seconded by Member Vozos, to approve the requested Variance from Land Development Code (LDC), Section 5.3.1.C to encroach upon the required front yard: The motion carried by the following vote:

Yes: 4 - Vozos, Bond, Horton, and Howard

Absent: 3 - Ford, Leanhart, and Buttorff

10. [22-CUP-0347](#)

Request: Conditional Use Permit for hospital with waivers and a variance
 Project Name: Norton Hospital
 Location: 2820 W Broadway
 Owner/Applicant: Norton Hospitals Inc.
 Jurisdiction: Louisville Metro
 Council District: 4- Jecorey Arthur
 Case Manager: Julia Williams, AICP, Planning Supervisor

A motion was made by Member Bond, seconded by Member Vozos, to approve the requested Conditional Use Permit for a Hospital with the Conditions of Approval as discussed at today's meeting. The motion carried by the following vote:

Yes: 4 - Vozos, Bond, Horton, and Howard

Absent: 3 - Ford, Leanhart, and Buttorff

A motion was made by Member Vozos, seconded by Member Horton, to approve the requested Variance from Chapter 5.5.1.A.2 to permit the building to exceed the maximum 5' setback along 28th Street (approximately 132.36' and 169.7') and Garland (approximately 238' and 249.20')- 22-VARIANCE-0153. The motion carried by the following vote:

Yes: 4 - Vozos, Bond, Horton, and Howard

Absent: 3 - Ford, Leanhart, and Buttorff

A motion was made by Member Bond, seconded by Member Vozos, to approve the requested Waivers, as follows:

- Waiver #1 - Waiver from Chapter 5.6.1.A.1 to not provide animating features along no less than 50% of the length of the façade (22-WAIVER-0205)**
- Waiver #2 - Waiver from Chapter 10.2.10 to reduce the required 10' VUA LBA to approximately 7.5' along 28th Street and to between 10' and 4' along Garland Avenue, as shown on the development plan (22-WAIVER-0206)**
- Waiver #3 - Waiver from Chapter 5.5.1.A.3.a to permit parking in front of the primary structure along both 28th Street and Garland Ave (22-WAIVER-0207)**

The motion carried by the following vote:

Yes: 4 - Vozos, Bond, Horton, and Howard

Absent: 3 - Ford, Leanhart, and Buttorff

A motion was made by Member Vozos, seconded by Member Bond, to approve the requested Category 3 Development Plan. The motion carried by the following vote:

Yes: 4 - Vozos, Bond, Horton, and Howard

Absent: 3 - Ford, Leanhart, and Buttorff

11. [22-APPEAL-0012](#)

Request: Appeal of an administrative decision to deny a retail license for a Smoking Retail Store for non-compliance with the zoning requirements in the Land Development Code (LDC).

Project Name: Bardstown Road Appeal

Location: 3333 Bardstown Road

Owner: Nigam Retail Complex, LLC

Appellant: Nigam Retail Complex, LLC

Representative: Shunnarah Law Firm

Jurisdiction: Louisville Metro

Council District: 26 - Brent Ackerson

Case Manager: Chris French, Planning & Design Supervisor

A motion was made by Member Vozos, seconded by Member Bond, that the case be CONTINUED to the January 9, 2023 Board of Zoning Adjustment meeting. The motion carried by the following vote:

Yes: 4 - Vozos, Bond, Horton, and Howard

Absent: 3 - Ford, Leanhart, and Buttorff

Adjournment

The meeting adjourned at approximately 5:09 p.m.