

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT
March 27, 2023**

A meeting of the Louisville Metro Board of Zoning Adjustment was held on March 27, 2023 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members present:

Lula Howard – Hearing Officer

Members absent:

Sharon Bond, Chair

Richard Buttorff, Vice Chair

Kimberly Leanhart, Secretary

Jan Horton

Yani Vozos

Brandt Ford

Staff Members present:

Brian Davis, Planning & Design Assistant Director

Joe Haberman, Planning & Design Manager

Heather Pollock, Planner I

Amy Brooks, Planner I

John Michael Lawler, Planner I

Laura Ferguson, Legal Counsel

Pamela Brashear, Management Assistant

The following matters were considered:

BOARD OF ZONING ADJUSTMENT MINUTES
March 27, 2023

PUBLIC HEARING

CASE NO. 23-VARIANCE-0018

Request: Variance to reduce to required front yard setback from 30 feet to 15 feet
Project Name: Poplar Manor Variance
Location: 10 Poplar Manor Road
Owner: Murray Turner
Representative: Clifford Ashburner, Dinsmore & Shohl, LLP
Jurisdiction: City of Indian Hills
Council District: 16- Scott Reed
Case Manager: Amy Brooks, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing and was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:04:35 Amy Brooks discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:07:56 Cliff Ashburner gave a power point presentation. The subject property has a lot of relief for (mainly) elevation changes. The proposal is to move the homes closer to the right-of-way in a way to make them work better. Also, because the proposal is in the city of Indian Hills the front yard remains 30 feet. If it were in Metro the front yard would be 15 feet and there would be no need for the variance (see recording for detailed presentation).

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Variance from the City of Indian Hills Land Development Code Article 4.6.C.2.a to reduce the required front yard setback from 30 to 15 feet

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NO. 23-VARIANCE-0018

Hearing Officer Howard continued this case to the April 10, 2023 BOZA Business Session meeting based on the testimony heard today and the staff report.

NO VOTE

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NO. 23-VARIANCE-0019

Request:	Variance from LDC Section 5.3.1 to allow the proposed single-family home to exceed the maximum height of 35 ft.
Project Name:	Riverside Drive Variance
Location:	914 W Riverside Drive
Owner:	Ernestina Toledo Martin
Applicant:	Ernestina Toledo Martin
Representative:	Ernestina Toledo Martin
Jurisdiction:	Louisville Metro
Council District:	16-Scott Reed
Case Manager:	Molly Clark, Planner II
Presented By:	Heather Pollock, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing and was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:17:25 Heather Pollock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Stephen Martin, 3814 Muirfield Drive, New Albany, In. 47150

Summary of testimony of those in favor:

00:20:44 Stephen Martin said he purchased the property on Riverside Dr. and is working to make it a home. It's two-stories with a loft, the variance is 14.9 feet and the minimum foundation height is 18.7 feet. The variance would not be needed if they didn't have to build above the flood plain (see recording for detailed presentation).

The following spoke neither for nor against the request:

A.J. Spurlock, 916 West Riverside Drive, Louisville, Ky. 40207

Summary of testimony of those spoke neither for nor against:

00:23:20 A.J. Spurlock asked if the Martin's house will be the tallest in the neighborhood. Stephen Martin said he hasn't measured the other homes but there are some with 3rd floor lofts as well.

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PUBLIC HEARING

CASE NO. 23-VARIANCE-0019

00:25:35 A.J. Spurlock said she's concerned that other houses have been demolished by MSD because they were not elevated. She was told MSD will not allow construction of houses on the demolished properties. Most of the flooding comes from the back of the lots because it's a low area. Mr. Martin said building his home in that location should not change the direction or the flow of water.

00:29:11 Hearing Officer Howard asked Mr. Martin if he has discussed construction plans with MSD. Mr. Martin said no because he has to get the foundation elevation approved first (see recording for detailed presentation).

00:29:49 Ms. Spurlock said no information from the owner has been sent to the HOA, Home Owner's Association at this time. There needs to be adequate communication (see recording for detailed presentation). Mr. Martin said Friday he submitted plans of the structure to Lynette, head of the HOA (see recording for detailed presentation).

00:32:16 Joe Haberman stated it needs to be made clear that the Board of Zoning Adjustment does not determine whether the design meets flood plain requirements, but rather the height of the building in terms of compatibility with neighboring structures (see recording for detailed presentation).

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Variance from Land Development Code Table 5.3.1 allow a proposed single-family house to exceed the max height of 35 ft.

Hearing Officer Howard continued this case to the April 10, 2023 BOZA Business Session with staff providing similar heights of homes in the area.

NO VOTE

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NO. 23-VARIANCE-0020

Request:	Variance to allow a structure to encroach into the side yard setback
Project Name:	Eastview Avenue Variance
Location:	2141 Eastview Avenue
Owner:	Jordan and Lenae Price
Applicant:	Jordan Price
Jurisdiction:	Louisville Metro
Council District:	8-Benjamin Reno-Weber
Case Manager:	Amy Brooks, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing and was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:38:16 Amy Brooks said this case has been continued to the April 10, 2023 Board of Zoning Adjustment Public Hearing meeting. The applicant did not send out notices in time.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Variance from the Land Development Code Table 5.3.1 to allow a structure to encroach into the side yard setback

Hearing Officer Howard stated this case is being continued to the April 10, 2023 BOZA Public Hearing meeting.

NO VOTE

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NO. 23-VARIANCE-0023

Request: Variances to allow a principal structure into the encroach into the front and side yard setbacks - **TO BE CONTINUED TO A DATE CERTAIN**

Project Name: Newburg Road Triplex Variance
Location: 1911 Newburg Road
Owner: Ticonderoga Equity LLC
Applicant: Zachariah Montgomery
Jurisdiction: Louisville Metro
Council District: 8-Benjamin Reno-Weber
Case Manager: Amy Brooks, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing and was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

00:39:09 Hearing Officer Howard stated this case has been continued to the April 10, 2023 BOZA Public Hearing meeting.

NO VOTE

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NO. 23-VARIANCE-0032

Request: Variance to allow an addition to encroach into the side yard setback
Project Name: Swing Lane Variance
Location: 429 Swing Lane
Owner: Scott Powell
Applicant: Clifford Ashburner
Jurisdiction: Louisville Metro
Council District: 16- Scott Reed
Case Manager: Amy Brooks, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing and was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:40:12 Amy Brooks discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:42:46 Cliff Ashburner stated, for the record, there were multiple letters and emails submitted along with the application materials.

00:43:33 Cliff Ashburner gave a power point presentation. The addition will square off the back of the house, will have doors that are relatively consistent across the rear of the home and provide more space for the family. The variance is very minimal, 6 inches (see recording for detailed presentation).

00:47:35 Hearing Officer Howard recommends that the side yard setback be for the building (see recording for detailed presentation).

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

BOARD OF ZONING ADJUSTMENT MINUTES
March 27, 2023

PUBLIC HEARING

CASE NO. 23-VARIANCE-0032

Variance from the Land Development Code Table 5.3.1 to allow a structure to encroach into the side yard setback

Hearing Officer Howard continued this case to the April 10, 2023 BOZA Business Session meeting.

NO VOTE

BOARD OF ZONING ADJUSTMENT MINUTES

March 27, 2023

PUBLIC HEARING

CASE NO. 23-VARIANCE-0035

Request: Variance from LDC Section 5.1.12 to allow the proposed structure to exceed the 105-foot front yard infill setback by 70 feet for a requested setback of 175 feet

Project Name: Landis Lakes Outlot

Location: 101 S English Station Rd

Owner: Ronald Tritschler

Applicant: Ronald Tritschler

Representative: Theodore Bernstein

Jurisdiction: Louisville Metro

Council District: 11 – Kevin Kramer

Case Manager: John Michael Lawler, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing and was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:50:07 John Michael Lawler discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Ted Bernstein, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

00:55:40 Ted Bernstein gave a power point presentation discussing the following: very little of the existing parking will be removed and reconfigured; there will be additional parking for the new use behind the building; the setback will not hurt anything from an aesthetic point of view; the building architecture will be similar to the existing building; and the applicant would like to continue the line of trees along the access drive as much as construction will allow (see recording for detailed presentation).

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Variance from LDC Section 5.1.12 to allow the proposed structure to exceed the 105-foot front yard infill setback by 70-feet for a requested setback of 175-feet

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PUBLIC HEARING

CASE NO. 23-VARIANCE-0035

Hearing Officer Howard continued this case to the April 10, 2023 BOZA Business Session meeting.

NO VOTE


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REPORTS OF OFFICERS AND COMMITTEES

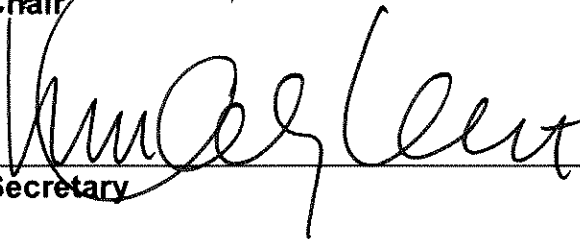
No report given

ADJOURNMENT

The meeting adjourned at approximately 2:04 p.m.



Chair



Secretary