

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**  
**February 24, 2022**

**NEW BUSINESS**

**Case No. 20-ZONE-0126**

Request:	Change in zoning from R-5 to R-6, with Detailed District Development Plan with Binding Elements, Variances and Waivers
Project Name:	N Crestmoor Avenue Rezoning
Location:	100 N Crestmoor Avenue
Owner:	Michael Frank & Lauren Riney
Applicant:	Michael Frank Representative: Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	9 - Bill Hollander
<b>Case Manager:</b>	<b>Dante St. Germain, AICP, Planner II</b>

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

01:23:40 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:31:25 In response to a question from Commissioner Mims, Ms. St. Germain discussed the carriage house garage. She pointed out a unit on the plan that may not meet the definition of an accessory dwelling unit (see recording for detailed discussion.)

01:34:28 In response to questions from Commissioner Mims, Ms. St. Germain used an aerial photo to point out some types of developments in this area that may be similar to this one.

01:35:42 In response to a question from Commissioner Carlson, Ms. St. Germain said it is the property owners' responsibility to prevent residents from parking on the driveway. Commissioner Carlson also asked if the owners' have a Certificate of Occupancy for residential use on the upper story of the garage. Ms. St. Germain said it was not considered by the Building Department to be a separate dwelling unit, but it was residential space. Joe Reverman, Assistant Director of

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Louisville Metro Planning & Design Services, said some type of permit would be necessary because they are changing the occupancy type.

01:38:21 Commissioner Carlson pointed out that the alley is shown on the plan as 18-foot wide. If it is to be used for fire/emergency vehicle access, it should be 20 feet wide.

01:39:06 In response to a question from Commissioner Mims, Beth Stuber, with Metro Transportation Planning, said that the alley appears to be about 15 feet wide (based on site visits and scaling on the plan.) Ms. Stuber said Transportation Planning has not seen any widening plan regarding this and has no commitment from the developer to widen it.

01:41:18 In response to questions from Commissioner Daniels, Ms. St. Germain said there is a standard binding element stating that a Certificate of Occupancy must be obtained before opening up the dwelling unit over the garage

**The following spoke in favor of the request:**

Kent Gootee, Mindel Scott & Associates, 5151 Jefferson Blvd, Louisville, KY 40219

Michael Frank, 100 North Crestmoor Avenue, Louisville, KY 40206

**Summary of testimony of those in favor:**

01:42:15 Kent Gootee, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He showed new elevations and noted that the driveway has been shown to be removed.

01:55:35 Michael Frank said that, when he was processing plans for the garage, he had hired a developer and "went through all the proper channels" on the permits (electric, fire resistance, etc.) and had the property inspected. He said that he had Captain Philip Sabo, Fire Department District 9, come out to inspect the property and note the location of fire hydrants. He said he and the Fire representatives measured the road, which is 16 feet. He discussed in detail what was covered with the Fire Department (see recording for detailed presentation.)

01:59:32 Mr. Gootee concluded his presentation.

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02:00:02 In response to questions from Commissioner Carlson, Joe Reverman, Assistant Director of Planning & Design Services, noted that it is a joint decision between Fire Departments and the Director of Public Works to determine whether a road is wide enough. See recording for detailed discussion.

02:04:15 In response to a question from Commissioner Carlson, Mr. Gootee said the property is in a karst district and so the applicant had to perform a karst survey; however, there is no karst on the site. Mr. Gootee expressed no objection to a binding element stating that recommendations from a geotechnical survey will be followed prior to construction (see recording.)

02:06:30 Commissioner Carlson and Mr. Frank discussed the Certificate of Occupancy and the deed restriction put on the property which prohibits the accessory dwelling unit from being sold separately (see recording.)

02:08:22 Mr. Reverman discussed the pavement width/ Arterburn Avenue issue. If Metro Transportation has not signed off on this, then this is a key technical issue that should be resolved before moving the case forward.

**The following spoke in opposition to the request:**

Emily Paprocki, 135 Blackburn Avenue, Louisville, KY

Grace Hawkins, 101 Blackburn Avenue, Louisville, KY 40206

Edward Harlan, 102 North Crestmoor Avenue, Louisville, KY 40206

**Summary of testimony of those in opposition:**

02:11:55 Emily Paprocki, a nearby resident, said the zoning category was put in place to prevent this type of development from taking place. She said there were no images of the existing house or carriage house from street level view in the presentation that the neighbors were shown. She said there were no elevations or a site plan associated when the garage was built. She said she is concerned about a tri-plex in the backyard, given the issues with the garage. She asked if the existing garage wall is required to be fire-rated. She said the applicant has taken down the large elm tree shown on the site plan. She also has questions about parking.

02:15:30 Grace Hawkins said she lives directly behind the property. She showed pictures of two large trees that would have to be removed to accomplish

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the road widening. She said the renderings are "deceiving" and the project does not fit in with the neighborhood.

02:17:36 Edward Harlan, an adjacent property owner, said he would prefer to defer his comments to a future LD&T meeting, if there is one. He said he requested that the plan receive sign-offs from Fire and Metro Public Works/Transportation before the next LD&T meeting and before the public hearing date is set. He discussed the 10-foot LBA and said the current 6-foot fence is "ineffective".

**Rebuttal:**

02:21:17 Mr. Gootee discussed various topics, including: the Type A trees and other screening proposed for the 10-foot landscape buffer area; increasing the pavement width/s; and the removal of trees in the unimproved alley (there may be a utility line there as well). See recording for detailed presentation.

**Deliberation:**

02:25:48 Commissioners' deliberation. Commissioner Daniels requested that a plan to replace the trees being removed be presented the next time this case is heard.

**An audio/visual recording of the Land Development and Transportation Committee meeting 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.**

02:32:58 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the **March 24, 2022** Land Development and Transportation Committee meeting.

**The vote was as follows:**

**YES: Commissioners Mims, Carlson, Brown, Daniels, and Sistrunk.**