



Louisville Metro Government

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

Agenda - Final Board of Zoning Adjustment

Monday, August 3, 2026

1:00 PM

OldJail Auditorium

The Board of Zoning Adjustment meeting will be conducted in-person at the Old Jail Building Auditorium, 514 West Liberty Street, Louisville, KY 40202.

Anyone wishing to join the meeting virtually using a computer, laptop, or mobile device, as well as anyone wishing to sign up to speak in support, in opposition, or as other for any case, should visit the following link:

<https://louisvilleky.gov/government/upcoming-public-meetings>

You can access case materials (staff reports, proposed plans, etc.) by clicking on the link below and selecting this meeting in the Calendar tab:

<https://louisville.legistar.com/Calendar.aspx>

If you have any questions, please contact the case manager, or call the Office of Planning at 502-574-6230.

Call To Order

Approval Of Minutes

1. [07.20.2026 BOZA Minutes](#)

Public Hearing

2. [26-VARIANCE-0058](#)

Request:	Variance from Land Development Code Section 5.1.12.A.2.a to allow a principal structure to exceed the required front yard infill setback (Proposed Front Yard Setback of 50 feet, for a Variance of 29 feet.)
Project Name:	Front Yard Variance
Location:	1865 Brownsboro Rd
Applicant:	Seba Bawah
Representative:	Seba Bawah
Jurisdiction:	Louisville Metro
Council District:	4 - Ken Herndon
Case Manager:	Mollie Share, Planner I

3. [26-VARIANCE-0069](#)

Request: Variance from Land Development Code Section 5.4.1.B.1.b to allow an unenclosed porch to encroach more than 33% of the public realm (Proposed Encroachment of 352 square feet, for a Variance of 180 square feet).

Project Name: Public Realm Variance
Location: 1033 Highland Ave
Applicant: Marlana Robles
Representative: Marlana Robles
Jurisdiction: Louisville Metro
Council District: 6 - J.P. Lyninger
Case Manager: Mollie Share, Planner I

4. [26-VARIANCE-0078](#)

Request: Variance from Land Development Code Section 4.4.3.A.1.a.ii to allow an 8-foot fence to exceed the maximum permitted height of 6 feet in the required side yard setback.

Project Name: Fence Height Variance
Location: 3740 Bardstown Road
Applicant: Transcend Credit Union
Representative: Transcend Credit Union
Jurisdiction: Louisville Metro
Council District: 10 - Josie Raymond
Case Manager: Catherine Gomez, Planner I

5. [26-CUP-0033](#)

Request: Conditional Use Permit to allow a Nursing Home and Home for the Infirm or Aged in the R-4 zoning district (LDC 4.2.38)

Project Name: Cedar Lake Intermediate Care Facility
Location: 8913 Pennsylvania Run Road
Applicant: Cedar Lake Inc.
Representative: Bardenwerper, Talbott, & Roberts
Jurisdiction: Louisville Metro
Council District: 23 - Jeff Hudson
Case Manager: Zack Jones, Planner II

Adjournment

This meeting will begin at 1:00 PM Eastern/12:00 PM Central.



Louisville Metro Government

Text File

File Number: 07.20.2026 BOZA Minutes

Agenda Date: 8/3/2026

Version: 1

Status: Minutes to be Approved

In Control: Board of Zoning Adjustment

File Type: Minutes

Agenda Number: 1.

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT
JULY 20, 2026**

A regular meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, July 20, 2026, at the Old Jail Building, located at 514 West Liberty Street, Louisville, KY 40202.

Board Members Present:

Sharon Bond, Chair
Marilyn Lewis, Vice Chair
Jan Horton
Brandt Ford
Yani Vozos (arrived at 1:12 p.m.)
Keon Scott

Board Members Absent:

Miguel Rodriguez

Staff Members Present:

Julia Williams, Assistant Planning Director
Laura Ferguson, Assistant County Attorney
Anne Scholtz, Assistant County Attorney
Joseph Haberman, Planning Manager
Rachel Casey, Planning Supervisor
Mark Pinto, Planner II
Kaitlin Dever, Planner II
Tyler Pobiedzinski, Planner I
Sydney Fawcett, Planner I
Catherine Gomez, Planner I
Abby Bills, Planner I
Haritha Gurivindapalli, Management Assistant

The following matters were considered:

**BOARD OF ZONING ADJUSTMENT
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APPROVAL OF MINUTES

JUNE 29, 2026, BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:04:00 On a motion by Member Horton, seconded by Member Ford, the following resolution was adopted:

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of June 29, 2026, Board of Zoning Adjustment meeting.

The vote was as follows:

YES: Members, Horton, Scott, Lewis, Ford and Bond

ABSENT: Members Vozos and Rodriguez

**BOARD OF ZONING ADJUSTMENT
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PUBLIC HEARING

CASE NO. 26-VARIANCE-0085

Request:	Variance from Land Development Code Section 5.5.1.A.2 to allow a proposed building to exceed the maximum Front Yard and Street Side Yard setback of 5 feet. (Proposed Front Yard Setback of 25 feet and Street Side Yard Setback of 72 feet, for a Variance of 20 feet and 67 feet, respectively)
Project Name:	Camp Ground Road Storage
Location:	3304 Camp Ground Road
Applicant:	Acosta Realty LLC
Representative:	Ed Revers
Jurisdiction:	Louisville Metro
Council District:	1 – Tammy Hawkins
Case Manager:	Abby Bills, Planner I

A notice was posted on the property, and 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 Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing (staff report is part of the case file maintained at the Office of Planning, 444 South 5th Street.)

Agency Testimony:

00:04:50 Abby Bills provided an overview of the request and presented a PowerPoint Presentation. Bills responded to questions from Board Members (see recording for details)

The following spoke in favor of the request:

Reinaldo Acosta & Elianis Acosta, 3304 Camp Ground Road, Louisville, KY 40211

Summary of testimony of those in support of the request:

00:08:40 Reinaldo Acosta & Elianis Acosta spoke in support of the request. Acosta explained that the proposed storage building is being placed in a safer location on the property. Acosta explained that large semi-trucks frequently swing onto the property when turning at the corner, partly due to limited space and a nearby utility pole. Acosta stated that the chosen location avoids these truck traffic conflicts and reduces safety risks. Acosta responded to questions from Board Members (see recording for details)

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CASE NO. 26-VARIANCE-0085

The following spoke in opposition to the request:

None

Deliberation:

00:13:40 Board deliberation

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

Variance from Land Development Code Section 5.5.1.A.2 to allow the proposed building to exceed the maximum Front Yard and Street Side Yard Setback of 5 feet. (26-VARIANCE-0085)
(Proposed Front Yard Setback of 25 feet and Street Side Yard Setback of 72 feet, for a Variance of 20 feet and 67 feet, respectively)

00:14:30 On a motion by Member Ford, seconded by Member Horton, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety, or welfare, because the request to exceed the required setbacks does not impede the safe movement of vehicles or pedestrians along any right-of-way. Additionally, the structure will be required to comply with all applicable building code regulations, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity as the proposed structure will match the setbacks of other nearby structures in the area, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone as the subject property, as the shape of the subject parcel is unique to the general area. Due to the acute angle of the street corner, the building cannot reasonably be located less than 5 feet away from both rights-of-way, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land as the

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unique shape of the parcel prohibits the applicant from constructing the building in compliance with the regulation, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has not yet constructed the proposed building; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance from Land Development Code Section 5.5.1.A.2 to allow the proposed building to exceed the maximum Front Yard and Street Side Yard Setback of 5 feet. **(26-VARIANCE-0085)** (Proposed Front Yard Setback of 25 feet and Street Side Yard Setback of 72 feet, for a Variance of 20 feet and 67 feet, respectively).

The vote was as follows:

YES: Members Horton, Ford, Scott, Lewis and Bond

ABSTAINED: Member Vozos

ABSENT: Member Rodriguez

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CASE NO. 26-MCUP-0007

Request:	Modified Conditional Use Permit with an associated Variance
Project Name:	Fern Creek Pet Resort
Location:	5221 & 5225 Bardstown Road
Applicant:	Kentucky Humane Society Animal Rescue
Representative:	Sabak, Wilson & Lingo Inc.
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Sydney Fawcett, AICP, Planner I

A notice was posted on the property, and 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 Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing (staff report is part of the case file maintained at the Office of Planning, 444 South 5th Street.)

Agency Testimony:

00:15:45 Sydney Fawcett provided an overview of the request and presented a PowerPoint Presentation. Fawcett responded to questions from Board Members (see recording for details)

The following spoke in favor of the request:

Kelli Jones, 608 E Main Street, Ste 201, Louisville, KY 40202

Damian Hegl, 6314 Northern Lights Drive, Charlestown, IN 47111

Summary of testimony of those in support of the request:

00:19:25 Kelli Jones provided an overview of the request and presented a PowerPoint Presentation. Jones responded to questions from Board Members (see recording for details)

00:27:10 Damian Hegl explained that the facility is operated by the Kentucky Humane Society, a nonprofit organization governed by a board of directors. The site functions as a dog daycare, grooming facility, and overnight boarding operation, with proceeds supporting the Humane Society's programs. Hegl stated that the proposal will not significantly change current operations or services but will provide additional space for

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existing activities. The only immediate construction is an approximately 896-square-foot grooming building connected to the existing facility. Future additions, including a larger building, canopy, and parking improvements, are not being built at this time. Hegl responded to questions from Board Members (see recording for details)

The following spoke in opposition to the request:

None

Deliberation:

00:32:20 Board deliberation

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

Variance from Land Development Code Table 5.3.2 to allow the proposed buildings to exceed the maximum front yard setback of 80 feet (26-VARIANCE-0061)
(Proposed Front Yard Setback of 367 feet, for a Variance of 287 feet)

00:32:40 On a motion by Member Horton, seconded by Member Lewis, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public as developments along Bardstown Road have varying front yard setbacks with several exceeding the maximum setback of 80 feet, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as properties in the surrounding area are developed well beyond the maximum setback. Additionally, most of the structures on site are an existing condition of the site and the proposed accessory structure and addition will be in line with the existing structures, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance does arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone. The commercial kennel is located within the R-4 Single-Family Residential portion

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of the site. Typically, the Neighborhood form district does not have a maximum setback for development within the R-4 Single-Family zoning district. However, since the property is developed for non-residential use, the maximum setback applies, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provision of the regulation would create an unnecessary hardship on the applicant as it would require the applicant to reconfigure the entire site to be within the maximum 80-foot front yard setback. The southern portion of the site is being used for tree preservation, roughly 34,000 square feet. Requiring the applicant to construct within the front yard setback would eliminate a significant portion of the existing tree canopy. The applicant wants to preserve the existing tree canopy to provide screening for the adjacent properties as well as screen the commercial kennel from Bardstown Road, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as work has not begun on the proposed development; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance from Land Development Code Table 5.3.2 to allow the proposed buildings to exceed the maximum front yard setback of 80 feet (**26-VARIANCE-0061**) (Proposed Front Yard Setback of 367 feet, for a Variance of 287 feet).

The vote was as follows:

YES: Members Vozos, Horton, Ford, Scott, Lewis and Bond

ABSENT: Member Rodriguez

Modified Conditional Use Permit for a commercial kennel in a residential (R-4) zoning district (LDC 4.2.17)

00:33:30 On a motion by Member Horton, seconded by Member Scott, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the proposal is consistent with applicable policies of the Comprehensive Plan. Community Form Goal 1 Policy 4 suggests ensuring new development and redevelopment is compatible with the scale and site design of nearby existing development and with the desired pattern of development

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within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1 Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1 Policy 11 promotes setbacks, lot dimensions and building heights to be compatible with those of nearby developments. Community Form Goal 1 Policy 12 suggests designing parking, loading, and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Parking areas shall be screened and buffered and should use landscaping, trees, walls, or other design features. The proposal is compatible with the scale and site design of nearby developments as there are a range of commercial and residential uses in the general vicinity. The applicant will be utilizing the existing tree canopy and fencing to provide a transition from the commercial kennel to the surrounding single-family uses to mitigate potential impacts from the kennel operations and parking lot, and

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance, and

WHEREAS, the Board of Zoning Adjustment finds that all necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use are available or will be provided. MSD and Transportation Planning have preliminarily approved the proposal, and

WHEREAS, the Board of Zoning Adjustment finds the applicant is requesting to modify the existing conditional use permit to construct an 896 square foot accessory structure to house their grooming services, a 400 square foot canopy, and a 1,750 square foot addition on an existing building. The applicant will be preserving existing tree canopy along Bardstown Road and the north property as well as the existing fencing to further screen the adjacent properties from kennel operations. The applicant will be required to comply with each of the lettered standards of the conditional use permit; now, therefore be it.

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RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Modified Conditional Use Permit for a commercial kennel in a residential (R-4) zoning district (LDC 4.2.17) **SUBJECT** to the following Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. A Landscape and Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
3. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a commercial kennel without further review and approval by the Board.

The vote was as follows:

YES: Members, Vozos, Horton, Ford, Scott, Lewis, and Bond

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-VARIANCE-0067

Request:	Variance of the Land Development Code Section 5.3.1 to permit the height of the proposed structures to exceed the maximum height of 35 feet.
Project Name:	Wesley Manor Senior Independent Living
Location:	5400 E Manslick Road
Applicant:	Wesley Manor Retirement Community
Representative:	Qk4
Jurisdiction:	Louisville Metro
Council District:	24 – Ginny Mulvey-Woolridge
Case Manager:	Catherine Gomez, Planner I

A notice was posted on the property, and 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 Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing (staff report is part of the case file maintained at the Office of Planning, 444 South 5th Street.)

Agency Testimony:

00:34:50 Catherine Gomez provided an overview of the request and presented a PowerPoint Presentation. Gomez responded to questions from Board Members (see recording for details)

The following spoke in favor of the request:

Ashley Bartley, 9920 Corporate Campus Drive, Louisville, KY 40223

Andrew Alden, 1414 Underwood Avenue, Wauwatosa, WI 53213

Summary of testimony of those in support of the request:

00:38:00 Ashley Bartley provided an overview of the request and presented a PowerPoint Presentation. Bartley outlined the development plan, elevations, landscaping, and access. Bartley responded to questions from Board Members (see recording for details)

00:41:30 Andrew Alden described the proposed senior living development as a “hybrid home,” combining features of a larger building, such as indoor parking and an

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elevator, with the feel of a smaller residential building. The design includes parking on the first floor and residential units on the upper floors, with one- and two-bedroom apartments featuring full kitchens, patios, and access to outdoor space. Alden stated that the building is designed to blend into the surrounding neighborhood through residential-style architecture and quality materials, including brick, stone, and fiber cement siding. Alden answered questions from Committee Members. (See recording for details)

The following spoke in opposition to the request:

Bill Wells, 9120 Copley Lane, Louisville, KY 40219

Summary of testimony of those in opposition to the request:

00:44:30 Bill Wells expressed both support and concerns about the proposal. Wells encouraged the board to examine cumulative, ecological, and community impacts rather than evaluating projects in isolation. Wells comments focused on issues such as tree removal, stormwater management, accessibility, aging populations, and public participation in planning decisions. Wells responded to questions from Committee Members. (See recording for details)

Rebuttal:

00:51:20 Ashley Bartley stated that the requested height variance supports a more environmentally sensitive design. By constructing a three-story building with internal parking, the project reduces impervious surface area, preserves more tree canopy, and minimizes disturbance to a nearby sinkhole area. Bartley also highlighted planned sidewalks and recreational amenities for residents. Bartley mentioned that the apartments will have 9-foot ceilings and explained that the additional building height is needed to accommodate those ceiling heights and a residential-style roof design that fits the neighborhood context. Bartley answered questions from Committee Members. (See recording for details)

Deliberation:

00:53:10 Board deliberation

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

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PUBLIC HEARING

CASE NO. 26-VARIANCE-0067

Variance from the Land Development Code (LDC) Table 5.3.1 to permit the height of the proposed structures to exceed the maximum height of 35 feet to 39 feet, for a variance of 4 feet. (26-VARIANCE-0067)

00:54:00 On a motion by Member Lewis, seconded by Member Scott, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety, or welfare, because each structure will be required to comply with all applicable building code regulations, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity as residential properties in the general vicinity maintain building heights. The design of each building will be compatible with the rest of the existing nursing homes in Wesley Manor. The plan will provide the required landscape buffers and plantings adjacent to the single-family residential properties, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone as the subject property is similar in size and width to most of the properties on the block face, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provision of the regulation would deprive the applicant of reasonable use of the land as the applicant would not be able to provide 68 units, which is permitted by the density of the zoning district, if the height of the building is restricted to 35 feet. Each building will be 3-stories, which permits the construction of 68 units and garage spaces for each unit, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance from the Land Development Code (LDC) Table 5.3.1 to permit the height of the proposed structures to exceed the maximum height of 35 feet to 39 feet, for a variance of 4 feet. **(26-VARIANCE-0067)**.

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The vote was as follows:

YES: Members Vozos, Horton, Ford, Scott, Lewis and Bond

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-VARIANCE-0074

Request: Variance of the Land Development Code Section 5.4.2.C.3.a to permit an accessory structure to encroach into the rear yard setback.

Project Name: Garage Addition Variance

Location: 8202 Delido Road

Applicant: William Stopinski

Representative: Killian Contracting

Jurisdiction: Louisville Metro

Council District: 23 – Jeff Hudson

Case Manager: Catherine Gomez, Planner I

A notice was posted on the property, and 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 Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing (staff report is part of the case file maintained at the Office of Planning, 444 South 5th Street.).

Agency Testimony:

00:55:00 Catherine Gomez provided an overview of the request and presented a PowerPoint Presentation. Gomez responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Anthony Killian, 6211 Outer Loop, Louisville, KY 40219

Summary of testimony of those spoke in favor of the request:

00:57:10 Anthony Killian spoke in support of the request, explaining that the neighborhood fencing is located along the property line, and the proposed garage extension would extend approximately 6 feet toward that setback area. Killian also stated that the addition would only be accessible from inside the garage and would not have an exterior entrance. Anthony Killian responded to questions from Board Members (see recording for details).

The following spoke in opposition to the request:

None

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PUBLIC HEARING

CASE NO. 26-VARIANCE-0074

Deliberation:

00:58:50 Board deliberation

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

Variance from Land Development Code (LDC) Section 5.4.2.C.3.a to permit an accessory structure to encroach into the required 5 foot rear yard setback (26-VARIANCE-0074)

00:59:30 On a motion by Member Scott, seconded by Member Ford, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety, or welfare, because each structure will be required to comply with all applicable building code regulations, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity as residential properties in the general vicinity maintain similar rear yard setbacks. The addition will follow the site design standards set by the Neighborhood Form District, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone as the subject property is similar in size and width to most of the properties on the block face, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provision of the regulation would deprive the applicant of reasonable use of the land as the applicant has limited space on site to construct additional storage. The existing site conditions limit expansion options without minor encroachment, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from

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CASE NO. 26-VARIANCE-0074

which relief is sought as the applicant has requested the Variance prior to constructing the addition; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance from Land Development Code (LDC) Section 5.4.2.C.3.a to permit an accessory structure to encroach into the required 5 foot rear yard setback (**26-VARIANCE-0074**).

The vote was as follows:

YES: Members Vozos, Horton, Ford, Scott, Lewis and Bond

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-MCUP-0003

Request:	Modified Conditional Use Permit for a private institutional use in a residential (R-4) zoning district (LDC 4.2.65)
Project Name:	Christian Academy of Louisville
Location:	700, 700R, 702 S. English Station Road
Owner:	Christian Academy of Louisville, Inc.
Applicant:	Christian Academy of Louisville, Inc.
Representative:	Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer; 19 – Anthony Piagentini
Case Manager:	Kaitlin Dever, AICP, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

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

Agency Testimony:

01:00:30 Kaitlin Dever provided an overview of the request and presented a PowerPoint Presentation. Dever responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Mike Hill, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those spoke in favor of the request:

01:04:10 Mike Hill provided an overview of the request and presented a PowerPoint Presentation. Hill responded to questions from Board Members (see recording for details).

The following spoke in opposition to the request:

None

Deliberation:

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PUBLIC HEARING

CASE NO. 26-MCUP-0003

01:12:25 Committee deliberation

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

Modified Conditional Use Permit for a private institutional use in a single-family residential (R-4) zoning district (LDC 4.2.65) with Conditions of Approval.

01:12:55 On a motion by Member Vozos, seconded by Member Ford, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the proposal is consistent with applicable policies of the Comprehensive Plan, and

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance, and

WHEREAS, the Board of Zoning Adjustment finds that all necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use are available or will be provided. MSD and Transportation Planning have preliminarily approved the proposal, and

WHEREAS, the Board of Zoning Adjustment finds the applicant is requesting to modify the existing conditional use permit to allow a two-story, 12,904 square foot building expansion to the private institutional use for a lobby and additional classrooms, a new, one-story, 36,770 square foot athletic field house in place of the existing soccer/hammer throw field, and a new, two-story, 23,250 square foot athletic field house between the softball field and football field at the rear of the property. All proposed structures are located more than 30' from property lines. Minimal impact on traffic is anticipated by the proposal, seeing as the extent of the proposed development did not require a traffic impact study by Public Works. Furthermore, the applicant has indicated that the private institutional use has recently completed significant improvements to their drop-off/pick-up protocol to alleviate vehicular circulation and stacking of cars. No alterations are proposed to the existing parking areas. The applicant has demonstrated or will be required to

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CASE NO. 26-MCUP-0003

provide compliance with each of the lettered standards of the conditional use permit as necessary; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Modified Conditional Use Permit for a private institutional use in a single-family residential (R-4) zoning district (LDC 4.2.65) **SUBJECT** to the following modified Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be “exercised” as described in KRS 100.237 within two years of the Board’s vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a private institutional use until further review and approval by the Board.

The vote was as follows:

YES: Members Vozos, Horton, Ford, Scott, Lewis and Bond

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-CUP-0101

Request:	Conditional Use Permit for an Off-Street Parking Area in the OR-3 zoning district (Development Code Article 15.15
Project Name:	Trinity High School Tennis Center Parking
Location:	150 Sears Avenue
Owner:	Trinity High School Foundation
Applicant:	Trinity High School Foundation
Representative:	Land Design & Development, Inc.
Jurisdiction:	St. Matthews
Council District:	9 – Andrew Owen
Case Manager:	Mark Pinto, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

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

Agency Testimony:

01:14:15 Mark Pinto provided an overview of the request and presented a PowerPoint Presentation. Pinto responded to questions from Board Members (see recording for details)

The following spoke in favor of the request:

Ted Bernstein, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those spoke in favor of the request:

01:23:15 Ted Bernstein provided an overview of the request and presented a PowerPoint Presentation. Bernstein responded to questions from Board Members (see recording for details).

The following spoke in opposition to the request:

None

Deliberation:

**BOARD OF ZONING ADJUSTMENT
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PUBLIC HEARING

CASE NO. 26-CUP-0101

01:31:25 Committee deliberation

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

Conditional Use Permit to allow an Off-Street Parking Area in the OR-3 zoning district (Development Code Article 15.15) with relief from standard “A”.

01:31:45 On a motion by Member Ford, seconded by Member Horton, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the proposal is consistent with applicable policies of the Comprehensive Plan, and

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area, including considerations such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and overall appearance. There is no proposed construction on site, the existing athletic facilities and associated parking are to remain. Therefore, there will be no effect on compatibility with the area, and

WHEREAS, the Board of Zoning Adjustment finds that adequate on-site and off-site public facilities, including transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation, are available to support the proposed use. There is no proposed construction, and the previous plan received all applicable permits and approvals, and

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated, or will be required to demonstrate compliance with each of the lettered standards for the conditional use permit; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow an Off-Street Parking Area in the OR-3 zoning district (Development Code Article 15.15) with relief from standard “A” **SUBJECT** to the following Conditions of Approval:

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CASE NO. 26-CUP-0101

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for an Off-Street Parking area until further review and approval by the Board.

The vote was as follows:

YES: Members Vozos, Horton, Ford, Scott, Lewis and Bond

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-CUP-0092

Request:	Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the owner
Project Name:	Ellison Avenue Short Term Rental
Location:	1301 Ellison Avenue
Applicant:	Fatima Elmakkaouy
Representative:	Joe Bouab
Jurisdiction:	Louisville Metro
Council District:	6 – JP Lyninger
Case Manager:	Zach Schwager, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

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

Agency Testimony:

01:46:20 Joe Haberman presented the case on behalf of Zach Schwager. Haberman provided an overview of the request and presented a PowerPoint Presentation. Haberman responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Eman Alsatari, 1301 Ellison Avenue, Louisville, KY 40204

Summary of testimony of those in favor:

01:49:50 Eman Alsatari spoke in support of the request, stated that the property would be maintained to high standards, with house rules addressing noise, parking, occupancy, and trash. Alsatari stated that a management company would assist with guest communications and reservations, and they live less than 15 minutes away, would remain available for emergencies and property maintenance. Alsatari responded to questions from Board Members (see recording for details).

The following spoke in opposition to the request:

None

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CASE NO. 26-CUP-0092

Deliberation:

01:54:50 Committee deliberation

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

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (Land Development Code 4.2.63)

01:55:40 On a motion by Member Vozos, seconded by Member Scott, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the proposal is consistent with applicable policies of the Comprehensive Plan, and

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area, including considerations such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and overall appearance. As no exterior modifications to the property are proposed, the existing compatibility with the neighborhood will be maintained, and

WHEREAS, the Board of Zoning Adjustment finds that adequate on-site and off-site public facilities, including transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation, are available to support the proposed use, and

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated, or will be required to demonstrate, compliance with each of the lettered standards for a Conditional Use Permit. The proposed short-term rental will not be located within 600 feet of another short-term rental with an approved Conditional Use Permit, nor within 600 feet of any OR, OR-1, or OR-2 zoned property operating as a non-conforming short-term rental without the required owner occupancy. The principal structure contains four (4) bedrooms, allowing a maximum occupancy of 10 guests. Off-street parking will be provided via an existing driveway; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow short term rental of a dwelling unit that is

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not the primary residence of the owner (Land Development Code 4.2.63) **SUBJECT** to the following Conditions of Approval:

1. The conditional use permit for this short term rental approval shall allow up to four (4) bedrooms (with a maximum of 10 guests at any one time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.
2. Prior to commencement of any short term rental on the subject property, the owner shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

The vote was as follows:

YES: Members Vozos, Horton, Ford, Scott, Lewis and Bond

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-CUP-0102

Request:	Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63)
Project Name:	Short Term Rental
Location:	817 French Ave
Applicant:	Sherry & Casey Westenhofer
Representative:	Sherry & Casey Westenhofer
Jurisdiction:	Louisville Metro
Council District:	10 – Josie Raymond
Case Manager:	Abby Bills, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

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

Agency Testimony:

01:57:00 Abby Bills provided an overview of the request and presented a PowerPoint Presentation. Bills responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Casey Westenhofer & Sherry Westenhofer, 2808 Pindell Avenue, Louisville, KY 40217

Summary of testimony of those in favor:

01:58:50 Casey Westenhofer & Sherry Westenhofer spoke in favor of the request. Westenhofer explained that they live just four houses away and will manage the property themselves. They plan to use Airbnb initially, enforce strict guest screening, require a minimum two-day stay, and prohibit parties. The property includes a two-car garage for guest parking, security cameras, updated interiors, and a new privacy fence. Westenhofer stated they would be highly responsive, provide neighbors with their contact information, and maintain safety measures, including first-aid supplies, to ensure the rental operates responsibly within the family-oriented neighborhood. Westenhofer responded to questions from Board Members (see recording for details).

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PUBLIC HEARING

CASE NO. 26-CUP-0102

The following spoke in opposition to the request:

Bryan Hayes, 3100 Rome Road, Louisville, KY 40216

Summary of testimony of those in opposition to the request:

02:06:00 Bryan Hayes appearing on behalf of a friend who lives across the street, stated that they were not supporting the short-term rental application because their friend wishes to preserve the residential character of the neighborhood. Hayes responded to questions from Board Members (see recording for details).

Rebuttal:

02:08:10 Casey Westenhofer & Sherry Westenhofer responded to concerns about preserving the residential character of the neighborhood by emphasizing that they live only four houses away and share the same interest in maintaining a safe and peaceful community. They stated that they will enforce strict guest rules, install exterior security cameras, and closely monitor the property. Because they live nearby, they said they would be able to quickly address any noise, disturbances, or other issues involving guests to minimize impacts on neighbors. Westenhofer responded to questions from Board Members (see recording for details).

Deliberation:

02:09:00 Committee deliberation

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

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63).

02:09:55 On a motion by Member Scott, seconded by Member Horton, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

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CASE NO. 26-CUP-0102

WHEREAS, the Board of Zoning Adjustment finds the proposal is consistent with applicable policies of the Comprehensive Plan, and

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area, including considerations such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and overall appearance. As no exterior modifications to the property are proposed, the existing compatibility with the neighborhood will be maintained, and

WHEREAS, the Board of Zoning Adjustment finds that adequate on-site and off-site public facilities, including transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation, are available to support the proposed use, and

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated, or will be required to demonstrate, compliance with each of the lettered standards for a Conditional Use Permit. The proposed short-term rental will not be located within 600 feet of another short-term rental with an approved Conditional Use Permit, nor within 600 feet of any OR, OR-1, or OR-2 zoned property operating as a non-conforming short-term rental without the required owner occupancy. The principal structure contains three (3) bedrooms, allowing a maximum occupancy of eight (8) guests. Off-street parking will be provided via an existing driveway; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63) **SUBJECT** to the following Conditions of Approval:

1. The conditional use permit for this short term rental approval shall allow up to three (3) bedrooms (with a maximum of eight (8) guests at any one time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.
2. Prior to commencement of any short term rental on the subject property, the owner shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

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PUBLIC HEARING

CASE NO. 26-CUP-0102

The vote was as follows:

YES: Members Vozos, Horton, Ford, Scott, Lewis and Bond

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-CUP-0105

Request:	Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63)
Project Name:	Short Term Rental
Location:	4519 S 6th St
Applicant:	David Tang
Representative:	Melanie Tang
Jurisdiction:	Louisville Metro
Council District:	21 – Betsy Ruhe
Case Manager:	Tyler Pobiedzinski, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

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

Agency Testimony:

02:10:50 Tyler Pobiedzinski provided an overview of the request and presented a PowerPoint Presentation. Pobiedzinski responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Melanie Tang, 4811 S 6th Street, Louisville, KY 40214

Summary of testimony of those in favor:

02:13:00 Melanie Tang stated that property will be managed by her and a local property management company, and this will be their first short-term rental. Tang mentioned that she plans to renovate and update the home's interior before operation and eventually move into the property within one to two years. Tang discussed plans for house rules, guest screening, exterior security cameras, and maintaining the neighborhood's character. Tang also stated that they have shared their contact information with neighbors and that the property has ample driveway and street parking available. Tang responded to questions from Board Members (see recording for details).

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PUBLIC HEARING

CASE NO. 26-CUP-0105

The following spoke in opposition to the request:

Councilwoman Betsy Ruhe, 4902 Southern Parkway, Louisville, KY 40214

Summary of testimony of those in opposition to the request:

02:18:00 Councilwoman Betsy Ruhe expressed concerns about homes being converted to short-term rentals when long-term housing is needed. Ruhe also raised questions about reports that the approximately 1,200-square-foot house could be expanded from five bedrooms to as many as eight bedrooms and sought clarification on occupancy limits. Ruhe responded to questions from Board Members (see recording for details).

02:19:00 Joe Haberman explained that even if the home contains more bedrooms than initially identified, the property would still be subject to a maximum occupancy cap of 12 guests under the applicable regulations. Haberman noted that additional review or inspection may be needed to verify whether all sleeping areas qualify as legal bedrooms under Metro Code requirements, but regardless of bedroom count, the occupancy limit would remain capped at 12 guests. Haberman responded to questions from Board Members (see recording for details).

Rebuttal:

02:20:20 Melanie Tang clarified that the property is still being renovated and will not be occupied or rented until the work is completed and all requirements are met. Tang stated that the short-term rental would include a maximum of five bedrooms and that renovations may even reduce the bedroom count. Tang explained that the rental is intended to provide temporary housing for professionals such as travel nurses and others needing short-term accommodation. Tang responded to questions from Board Members (see recording for details).

Deliberation:

02:25:35 Committee deliberation

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

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PUBLIC HEARING

CASE NO. 26-CUP-0105

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63).

02:26:00 On a motion by Member Ford, seconded by Member Vozos, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the proposal is consistent with applicable policies of the Comprehensive Plan, and

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area, including considerations such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and overall appearance. As no exterior modifications to the property are proposed, the existing compatibility with the neighborhood will be maintained, and

WHEREAS, the Board of Zoning Adjustment finds that adequate on-site and off-site public facilities, including transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation, are available to support the proposed use, and

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated, or will be required to demonstrate, compliance with each of the lettered standards for a Conditional Use Permit. The proposed short-term rental will not be located within 600 feet of another short-term rental with an approved Conditional Use Permit, nor within 600 feet of any OR, OR-1, or OR-2 zoned property operating as a non-conforming short-term rental without the required owner occupancy. The principal structure contains five (5) bedrooms, allowing a maximum occupancy of twelve (12) guests. Off-street parking will be provided via an existing driveway; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63) **SUBJECT** to the following Conditions of Approval:

1. The conditional use permit for this short term rental approval shall allow up to five (5) bedrooms (with a maximum of twelve (12) guests at any one time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.

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2. Prior to commencement of any short term rental on the subject property, the owner shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

The vote was as follows:

YES: Members Vozos, Horton, Ford, Scott, Lewis and Bond

ABSENT: Member Rodriguez

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ADJOURNMENT

The meeting adjourned at approximately 3:29 p.m.

Chair

Planning Director



Louisville Metro Government

Text File

File Number: 26-VARIANCE-0058

Agenda Date: 8/3/2026

Version: 1

Status: Public Hearing

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 2.



26-VARIANCE-0058

Board of Zoning Adjustment
Staff Report
August 3, 2026

Front Yard Variance

Location: 1865 Brownsboro Rd
Applicant: Seba Bawah
Representative: Seba Bawah
Jurisdiction: Louisville Metro
Council District: 4 – Ken Herndon
Case Manager: Mollie Share, Planner I

REQUESTS & RECOMMENDED ACTIONS

1. **26-VARIANCE-0058:** Variance from Land Development Code Section 5.1.12.A.2.a to allow a principal structure to exceed the required front yard infill setback (Proposed Setback of 50 feet, for a Variance of 29 feet)

- Staff finds the justification for the request is adequate and recommends the Board of Zoning Adjustment **APPROVE** the Variance

CASE SUMMARY

The site is approximately 0.12 acres and is in the R-6 Multi-Family Residential zoning district and Traditional Neighborhood form district. It is located east of the Brownsboro Road and Mellwood Avenue intersection, south of Interstate-71. The site is currently undeveloped. The applicant is proposing to construct a 1,618 square foot single-family house that would exceed the front yard infill setback along Brownsboro Road; therefore, a variance is required.

STANDARD FOR REVIEW AND STAFF ANALYSIS FOR 26-VARIANCE-0058

1. *The requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public.*

STAFF FINDING: The requested variance will not adversely affect the public health, safety, or welfare because the proposed building would not impact vision clearance or any other public health or safety issue. Additionally, the structure will be required to comply with all applicable building code regulations.

2. *The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.*

STAFF FINDING: The requested variance will not alter the essential character of the general vicinity as there are a variety of principal structure placements along Brownsboro Road, including across the street from the subject property where the parcels are subject to a large change in grade. Additionally, the four areas of Traditional residential site design will be met.

3. *The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.*

STAFF FINDING: The requested variance does not arise from circumstances which do not generally apply to land in the general vicinity or in the same zoning district as the subject property is similar in shape and size to other properties in the area.

4. *The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.*

STAFF FINDING: The strict application of the provision of the regulation would create an unnecessary hardship on the applicant because it poses potentially dangerous situations for their children without relief from this regulation. One of the applicant's children has a high elopement risk, and placing their house close to a major arterial road would create a potentially dangerous situation and cause unnecessary hardship on the applicant.

5. *The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.*

STAFF FINDING: The circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought as the work has not begun on the proposed structure for which the variance is being requested.

NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
7/10/2026	Hearing before Board of Zoning Adjustment (BOZA)	1st tier adjoining property owners and current residents
7/10/2026	Hearing before BOZA	Registered Neighborhood Groups in Council District 4
7/21/2026	Hearing before BOZA	Sign Posting on property.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



1865 Brownsboro Rd

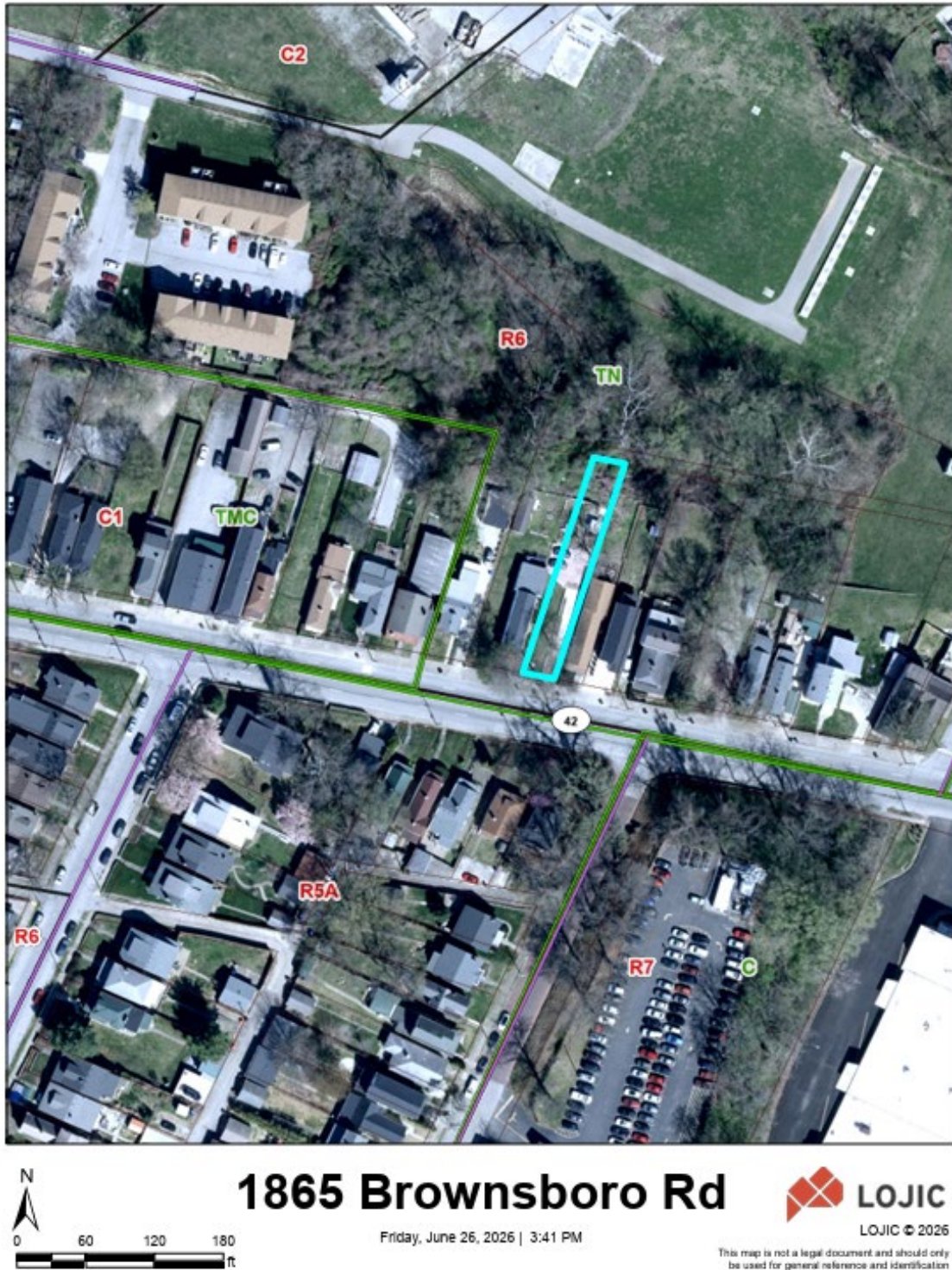
Friday, June 26, 2026 | 3:40 PM

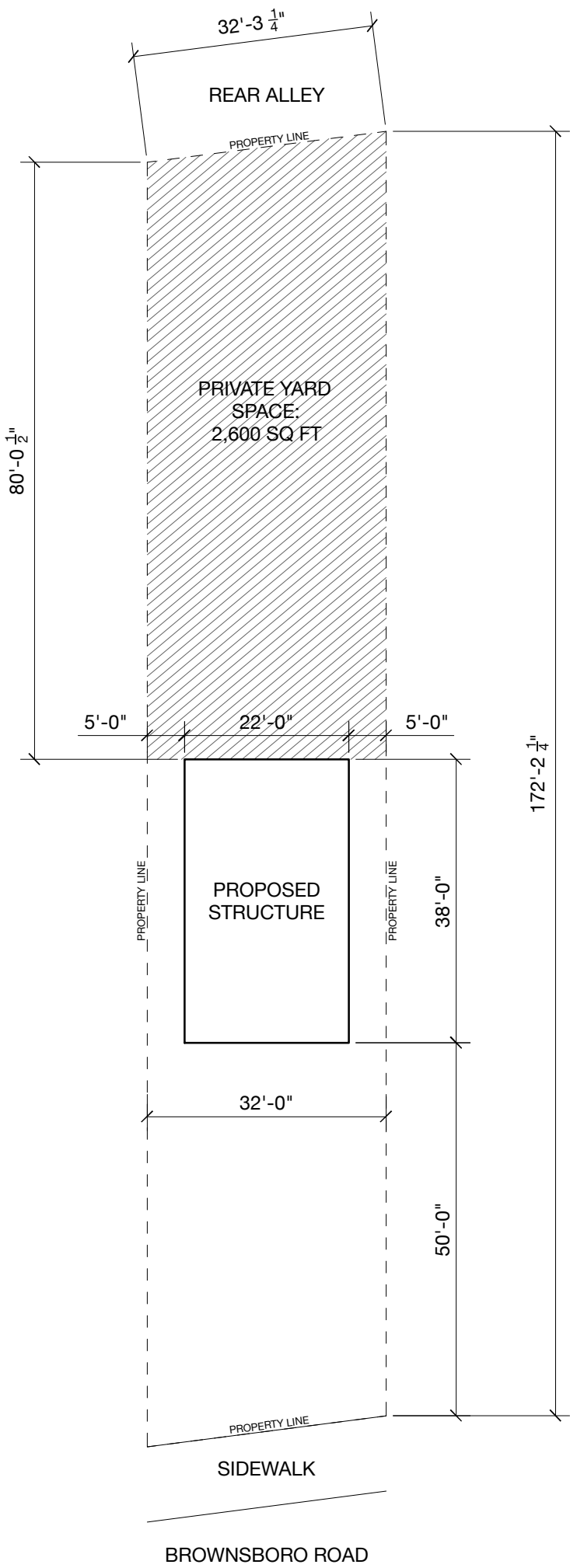


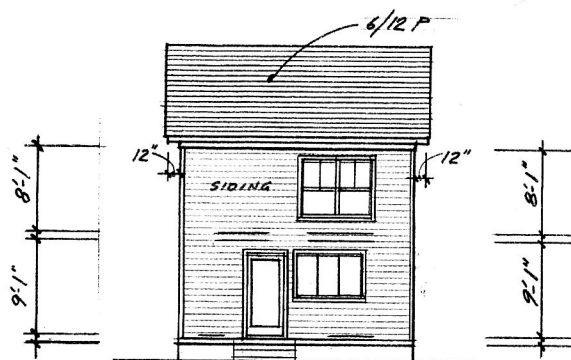
LOJIC © 2026

This map is not a legal document and should only be used for general reference and identification

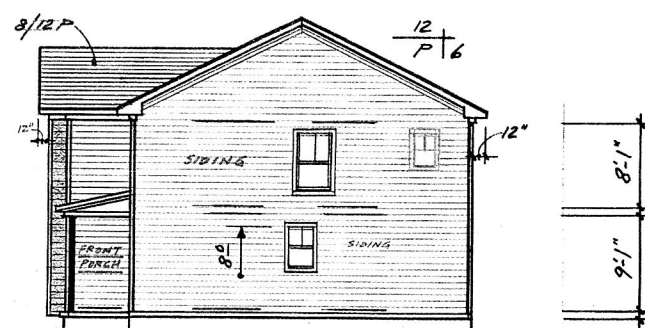
2. Aerial Photograph



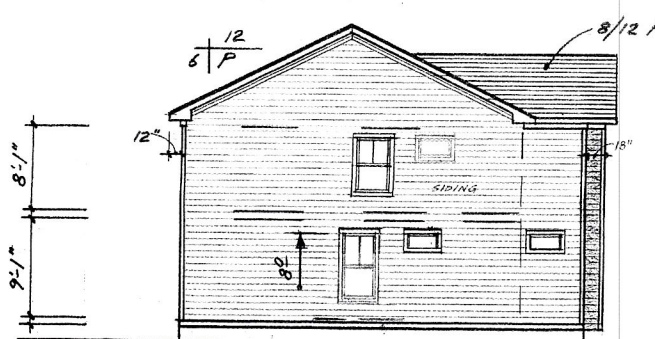




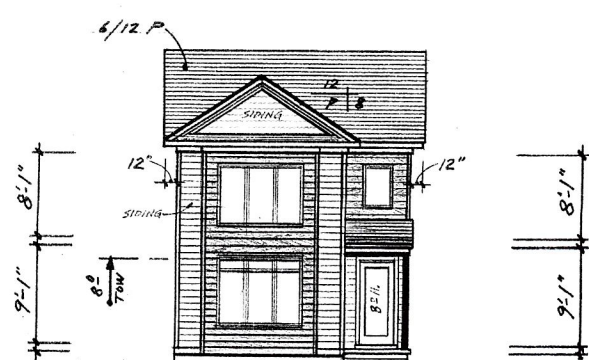
REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION

①

RECEIVED
MAY 06 2026
OFFICE OF PLANNING

JUSTIFICATION

To justify approval of any variance, the Board or Commission considers the following criteria.

Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes**, **No**, or **N/A** will **NOT** be accepted.

1. Explain how the variance will not adversely affect the public health, safety, or welfare.

This variance is only for reduction of the current driveway way, and we do plan to follow all public health and hazard safe rule to ensure that it doesn't.

2. Explain how the variance will not alter the essential character of the general vicinity.

Due to the size of the lot and Traditional Style of the Building, he believes it would fit in with area.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

He plan to follow all environmental and hazard laws during construction of the Building to protect hazard to the public.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Because I allow for the reduction of the driveway and believe that it wouldn't break any zoning regulations.

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

Because it requires 5ft on both sides of the design to pass code, this variance would greatly make it possible for the use of land.

6. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

Because of the size of the lot restriction on the provisions would greatly affect the style and design of the use of land.

7. Are the circumstances the result of actions of the applicant taken after the adoption of the regulation from which relief is sought?

Approval of this application would help us provide a good quality of life for our special need child who requires some of the additional design in the garden.

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MAY 06 2026

Variance Application – Office of Planning – July 2025

OFFICE OF PLANNING

26-variance-0058

Request for Residential Zoning Variance

Date: 04/15/2026

To Whom It May Concern,

I, Seba Jibril Bawah, residing at 1861 Brownsboro Road, am writing to formally request a variance from zoning regulations regarding the proposed development of the new building with the attached driveway alteration, located at 1865 Brownsboro Road.

Due to the lot side the proximity to the building on the left and right side of the development this if approve with allow the building to pass state and federal building code with us not making alteration to the attached traditional design, the need for a new building with living space to accommodate my growing family", I am seeking a variance to allow for the development of 1618 sf of a three bedroom two and half bathroom with specifications to accommodate one of my kids with very high elopement problem.

I believe this new building will not only enhance my family's living situation but will also reflect the character of the neighborhood. In the Clifton neighborhood, which we really love and call home.

I have attached any accompanying documents, such as site plans, and provided further details about the proposed changes.

Thank you for considering my request. I am happy to provide any additional information you may need and look forward to your favorable consideration.

Sincerely,

Seba Jibril Bawah
5025019205

debawahs@gamil.com

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MAY 06 2026

OFFICE OF PLANNING

26- VARIANCE-005847



Louisville Metro Government

Text File

File Number: 26-VARIANCE-0069

Agenda Date: 8/3/2026

Version: 1

Status: Public Hearing

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 3.



26-VARIANCE-0069

Board of Zoning Adjustment
Staff Report
August 3, 2026

Public Realm Variance

Location: 1033 Highland Ave
Applicant: Marlana Robles
Representative: Marlana Robles
Jurisdiction: Louisville Metro
Council District: 6 – J.P. Lyninger
Case Manager: Mollie Share, Planner I

REQUEST & RECOMMENDED ACTION

1. **26-VARIANCE-0069:** Variance from Land Development Code Section 5.4.1.B.1.b to allow an unenclosed porch to encroach more than 33% of the public realm (Proposed Encroachment of 352 square feet, for a Variance of 180 square feet)

- Staff finds the justification for the request is inadequate and recommends the Board of Zoning Adjustment **DENY** the Variance

CASE SUMMARY

The site is approximately 0.11 acres and is in the R-6 Multi-Family Residential zoning district and Traditional Neighborhood form district. It is located on Highland Avenue, east of Swan Street. The applicant is proposing to construct a 352 square foot unenclosed porch, 2 feet away from the Highland Avenue right-of-way which encroaches more than 33% of the site's public realm area. Thus, a variance for encroachment into the public realm required.

STANDARD FOR REVIEW AND STAFF ANALYSIS FOR 26-VARIANCE-0058

1. *The requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public.*

STAFF FINDING: The requested variance will adversely affect public health, safety, or welfare and create a potential public safety hazard because the proposed deck height and location will create an unsafe corridor with minimal visibility for pedestrian traffic. The raised porch in such close proximity to the sidewalk creates a visual obstruction from the pedestrian and what they are approaching on the sidewalk, providing less certainty of a safe surrounding and a loss of reaction time.

2. *The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.*

STAFF FINDING: The requested variance will alter the essential character of the general vicinity as there are no other porches or decks that are similarly close to the public right of way or occupying more than 33% of the public realm, regardless of grade changes. The proposed addition would stand out amongst the homes along this block and alter the essential character of the general vicinity. Because there are other possible solutions to the issue the applicant is facing, and the porch is not yet constructed, this request is not a reasonable circumvention of the zoning regulations.

3. *The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.*

STAFF FINDING: The requested variance does not arise from circumstances which do not generally apply to land in the general vicinity or in the same zone. While the property in question is subject to a steep grade change along the front of the property, the topography is similar in grade to others along the same side of Highland Avenue and nearby Schiller Avenue.

4. *The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.*

STAFF FINDING: The strict application of the provision of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship. Relief without a variance is built into the code, already allowing 33% encroachment. The applicant would be able to construct a smaller deck that does not encroach more than 33% of the public realm even with the grade change and install landscaping to minimize the yard maintenance needed on this grade change. Additionally, the applicant could repair the existing steps to the property and add additional safety measures instead of changing the entire front façade of the existing house.

5. *The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.*

STAFF FINDING: The circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought as the work has not begun on the proposed structure for which the variance is being requested.

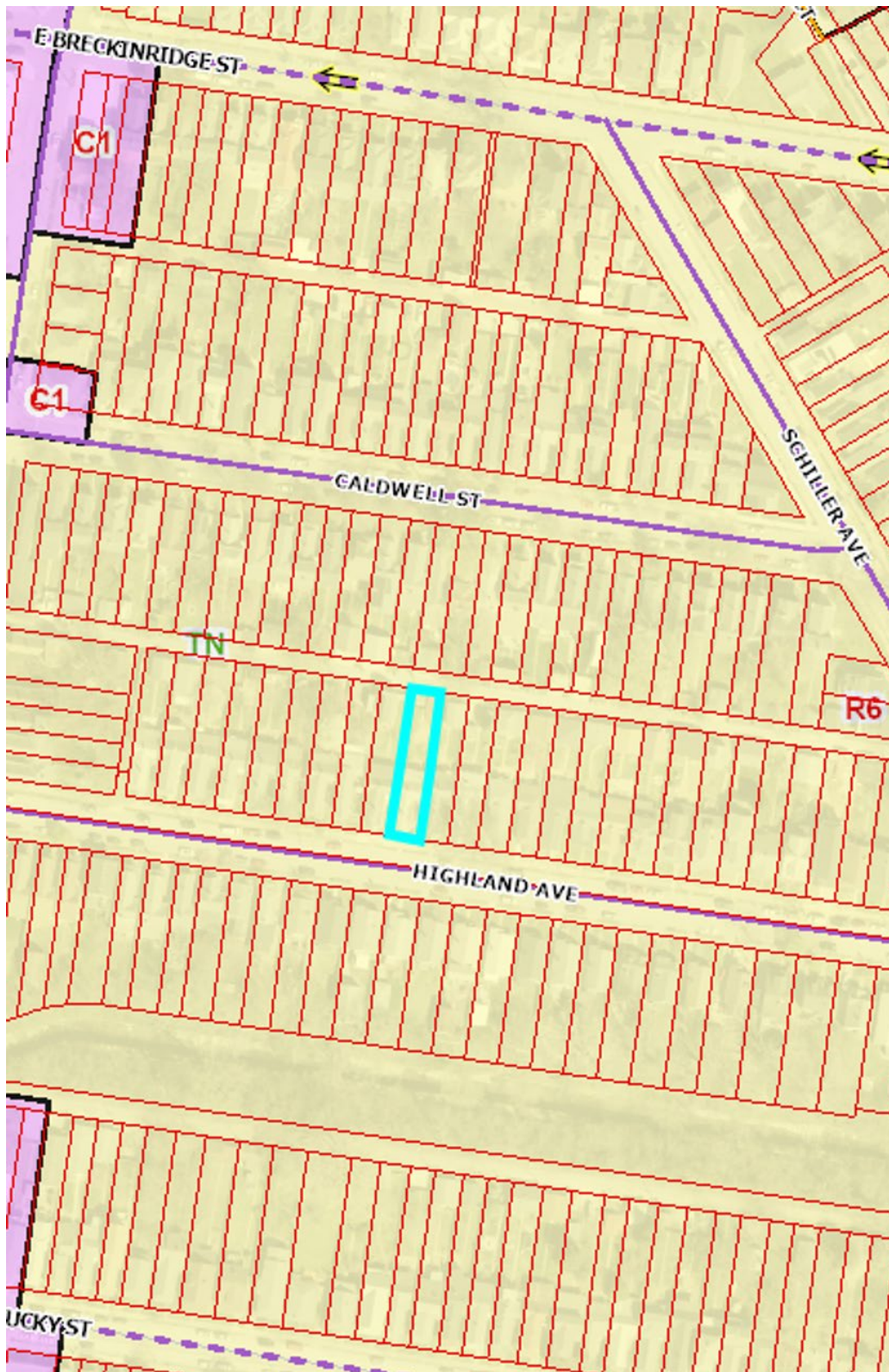
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
7/10/2026	Hearing before Board of Zoning Adjustment (BOZA)	1st tier adjoining property owners and current residents
7/11/2026	Hearing before BOZA	Registered Neighborhood Groups in Council District 6
7/21/2026	Hearing before BOZA	Sign Posting on property.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph





LEGEND

- EXISTING RESIDENCE
- PROPOSED DECK
- CONCRETE PAD / WALK
- STAIRS / LANDING
- PROPERTY LINE



1033 Highland Avenue Louisville, KY 40204-1960
Zoning District: R6
Form District: Traditional Neighborhood
Project Name: Front Deck
Plan Date: 02 July 2026

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1 MAY 26 2008

OFFICE OF
PLANNING



26-VARIANCE-0064⁵⁵

JUSTIFICATION

To justify approval of any variance, the Board or Commission considers the following criteria.

Please answer ALL of the following items. Use additional sheets if needed. Responses of **Yes**, **No**, or **N/A** will **NOT** be accepted.

1. Explain how the variance will not adversely affect the public health, safety, or welfare.

The proposed variance will improve safe access to the residence by allowing construction of a properly designed entry deck, stairs, and/or accessible ramp system on a property with significant elevation change between the sidewalk and front entrance. The project will be constructed to applicable building standards and is intended to reduce safety concerns associated with the existing steep access conditions. The variance will not create increased traffic, noise, drainage concerns, or other impacts to public health, safety, or welfare.

2. Explain how the variance will not alter the essential character of the general vicinity.

The proposed improvements are residential in nature and consistent with the surrounding neighborhood. The project is intended to complement the existing home and nearby residential properties.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The proposed variance will not create a hazard or nuisance because the improvements will remain entirely on private property and will be constructed in compliance with applicable building and safety requirements. The project is intended to improve pedestrian safety and access to the home rather than create unsafe conditions.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The request is not intended to circumvent zoning requirements for convenience or overdevelopment, but rather to address the unusual topography and maintenance challenges associated with the property. The proposed deck provides a practical and safer alternative to maintaining a steep front yard area that is difficult to access and maintain safely.

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The property contains unusual physical characteristics due to the steep elevation change between the residence and the sidewalk/street level. These topographical conditions create challenges for both access and routine yard maintenance that are not generally present on flatter residential lots in the area.

6. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

Strict application of the front-yard coverage limitations would prevent the owner from making reasonable and safe use of the property given the steep terrain conditions. Due to the slope of the yard and the physical demands associated with maintaining it, the requested variance is necessary to allow a practical long-term solution that supports safe access and continued residential use of the property.

7. Are the circumstances the result of actions of the applicant taken *after* the adoption of the regulation from which relief is sought?

No.

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MAY 26 2025

OFFICE OF
PLANNING

Letter of Explanation

Marlana K. Robles

1033 Highland Ave

Louisville, KY 40204-1960

25 May 2026

Office of Planning & Design Services
444 S. Fifth Street, Suite 300
Louisville, KY 40202

RECEIVED

MAY 26 2026

OFFICE OF
PLANNING

RE: Variance Request for 1033 Highland Ave Louisville, KY 40204-1960

Dear Members of the Board:

I am requesting a variance to allow construction of a front deck structure that exceeds the standard front-yard coverage limitations for my property located at 1033 Highland Ave, Louisville KY 40204-1960.

The property contains a significant slope and elevation change between the residence and the sidewalk/street level. Due to these topographical conditions, the existing front yard is difficult and increasingly unsafe to maintain. Routine mowing and upkeep on the steep incline have become physically challenging and create ongoing safety concerns.

The proposed deck is intended to provide a safer, more practical, and lower-maintenance solution for the property while also improving access to the residence. The design includes relocating the primary stair access toward the far edge of the property in order to create a safer and more gradual approach to the home.

The request is not intended to alter the residential character of the neighborhood or to create an overdeveloped use of the property. The proposed structure will remain residential in nature and is being designed to complement the existing home and surrounding area.

The hardship associated with this request arises from the unique physical characteristics of the property, particularly the steep terrain and elevation changes that are not typical of many nearby residential lots. Strict application of

the front-yard coverage regulations would limit the ability to create a safe and practical long-term use of the property.

I respectfully request approval of the variance so that these improvements may be completed in a safe and appropriate manner.

Thank you for your consideration.

Sincerely,


Marlana K. Robles

MSgt U.S. Marine Corps (retired)

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MAY 26 2025

OFFICE OF
PLANNING



Louisville Metro Government

Text File

File Number: 26-VARIANCE-0078

Agenda Date: 8/3/2026

Version: 1

Status: Public Hearing

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 4.



26-VARIANCE-0078

Board of Zoning Adjustment
Staff Report
August 3, 2026

Variance

Location: 3740 Bardstown Road
Applicant: Transcend Credit Union
Representative: Transcend Credit Union
Jurisdiction: Louisville Metro
Council District: 10 – Josie Raymond
Case Manager: Catherine Gomez, Planner I

REQUEST & RECOMMENDED ACTION

1. **Variance** from Land Development Code (LDC) Section 4.4.3.A.1.a.ii to allow an 8-foot fence to exceed the maximum permitted height of 6 feet in the required side yard setback.
 - Staff finds the request is adequately justified and recommends the Board of Zoning Adjustment **APPROVE** the Variance.

Location	Requirement	Request	Variance
Side Yard Height	6 feet	8 feet	2 feet

CASE SUMMARY

A portion of the site is zoned C-1 Commercial and a portion in the center of the site is zoned R-4 Single Family Residential within the Neighborhood Form District and located on 1.9 acres. The applicant is proposing an 8-foot chain link fence along a portion of the site that is zoned R-4, which triggers the requirement for the fence height Variance. An 8-foot chain link fence exists around a portion of the property already; however, the applicant would like to add the fence through the property and add automatic gates for security reasons.

STANDARD FOR REVIEW AND STAFF ANALYSIS FOR VARIANCE

1. *The requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public.*

STAFF FINDING: The requested variance will not adversely affect the public health, safety, or welfare, because each structure will be required to comply with all applicable building code regulations and promote public safety.

2. *The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.*

STAFF FINDING: The requested variance will not alter the essential character of the general vicinity as the site has an existing 8-foot fence surrounding the property and the portion that is not in compliance with the Land Development Code is very minimal and internal to the site.

3. *The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.*

STAFF FINDING: The requested variance does not arise from circumstances which do not generally apply to land in the general vicinity or in the same zone as the subject property is similar in size as most of the properties on the same block face. Other properties on the block face have similar split zoning as the subject site.

4. *The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.*

STAFF FINDING: The strict application of the provision of the regulation would deprive the applicant of reasonable use of the land as the applicant is only requesting relief from a minimal portion of the site. The site has an existing 8-foot fence along the property perimeter, which the applicant wants to extend into the property for security reasons.

5. *The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.*

STAFF FINDING: The circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has requested the Variance prior to constructing the addition.

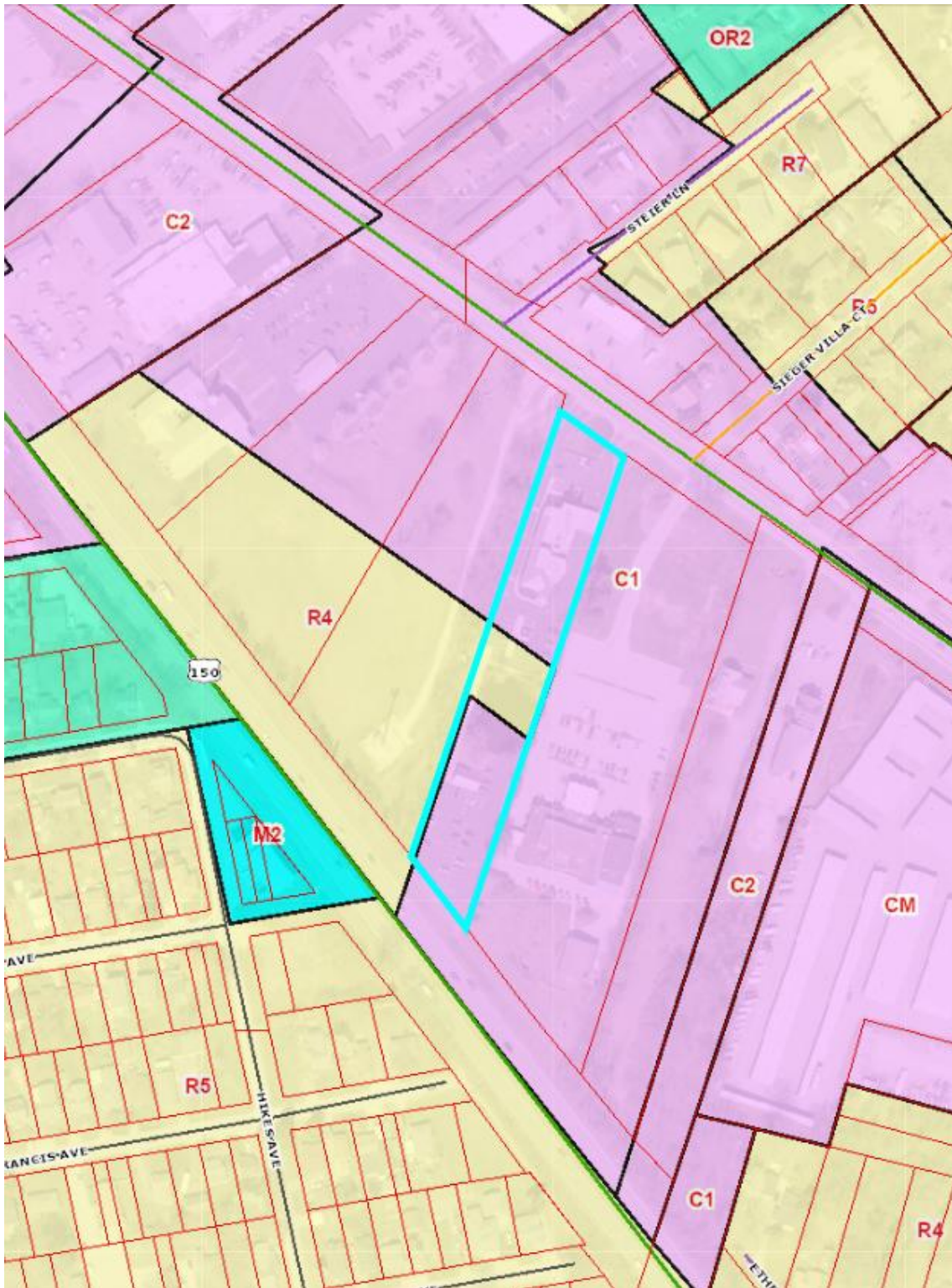
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
7/17/2026	Board of Zoning Adjustment Public Hearing	1st tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 10

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph



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Variance Application

JUSTIFICATION

JUN 29 2026

OFFICE OF PLANNING

To justify approval of any variance, the Board or Commission considers the following criteria.

Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes**, **No**, or **N/A** will **NOT** be accepted.

1. Explain how the variance will not adversely affect the public health, safety, or welfare.

It will enhance public health and safety by deterring criminal activity, reducing unauthorized access, protecting employees from vehicle break-ins & potential confrontations. It will not create hazards or obstruct visibility.

2. Explain how the variance will not alter the essential character of the general vicinity.

Multiple other properties along this corridor utilize fencing and controlled access points. The fence will be located in a rear parking area and will be consistent with the existing fence.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

They are located in a rear parking area and designed to maintain security. They will reduce trespassing, criminal activity and contribute to a safer environment in the surrounding area.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

It is of limited scope and tied directly to a documented security need for the property. It is consistent with the existing fence and is intended to enhance safety, not expand or intensify the permitted use of the property.

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

Repeated instances of vehicle break-ins & damage within the rear lot, a documented security concern. There is already 6' chain link on the property and the new fence & gates would form a consistent barrier.

6. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

It would prevent us from implementing reasonable & effective security measures to address documented criminal activity in the parking lot. Without an 8' fence consistent with the perimeter, we would be left without an effective deterrent.

7. Are the circumstances the result of actions of the applicant taken after the adoption of the regulation from which relief is sought?

No, they stem from ongoing security issues & criminal activity in the rear parking lot.

Letter of Explanation – Variance Request for 8-Foot Fence and Sliding Gates

Property Address: 3740 Bardstown Rd, Louisville, KY 40218

To Whom It May Concern,

We are respectfully requesting approval of a variance to allow the installation of an 8-foot chain link fence with controlled access sliding gates to enclose the rear parking lot at 3740 Bardstown Road.

This request is driven by significant and ongoing security concerns affecting our property and our employees. Over an extended period of time, we have experienced multiple criminal incidents within this rear parking area, including repeated catalytic converter thefts, vehicles being broken into, and gas tanks being drilled to steal fuel. These incidents have occurred during normal business hours, creating not only financial hardship but also serious safety concerns for our staff.

Despite taking proactive measures, including the installation of multiple security cameras throughout the property, these efforts have not deterred criminal activity. We have filed police reports for these incidents and have provided surveillance footage to law enforcement; however, no arrests have been made, and the problem continues. As a result, we have incurred repeated and escalating costs, with cumulative repair expenses representing a significant financial burden.

Equally concerning is the risk to personal safety. These crimes have taken place while employees are present on site, raising the possibility that an employee could inadvertently encounter an individual actively committing a crime. This presents an unacceptable safety risk that we are obligated to address.

The proposed fence and gates are a reasonable and necessary measure to mitigate these issues. While current regulations limit fence height to 6 feet, the property already has an existing 8-foot chain link fence installed around much of the perimeter. Extending this same height and material to enclose the remaining rear lot is both consistent and logical. An 8-foot fence provides a significantly greater deterrent to criminal activity than a 6-foot fence and aligns with the established security measures already in place on the property.

Importantly, the proposed improvements will not negatively impact the surrounding area. The fence and gates will be located in the rear parking lot and will not be visible from Bardstown Road. As such, they will not alter the visual character of the corridor or surrounding properties. The improvement is strictly related to security and does not expand or intensify the use of the property in any way.

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JUN 29 2026

**OFFICE OF
PLANNING**

26-VARIANCE-00-65

The hardship necessitating this variance is not self-created but arises from persistent criminal activity and the specific layout of the site. Strict application of the current fence height limitation would prevent us from implementing an effective and consistent security solution, thereby limiting our ability to provide a safe environment for employees and visitors.

For these reasons, we respectfully request approval of this variance. Given the ongoing nature of these incidents and the potential safety risks involved, we also ask for consideration of an expedited review process.

Thank you for your time and consideration.

Sincerely,



Branden Bledsoe

Senior Vice President & Chief Operations Officer

Transcend Credit Union

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JUN 29 2025

**OFFICE OF
PLANNING**

26-VARIANCE - 00-66

Mr. Driscoll,

We are writing to inform you that we are applying to Louisville Metro for a variance to install an 8-foot chain link fence with controlled access sliding gates around the rear parking lot at 3740 Bardstown Road.

This request is being made due to ongoing security concerns at the property, including multiple incidents of vehicle break-ins, catalytic converter thefts, and fuel theft. These issues have persisted despite the presence of security cameras and coordination with law enforcement. The proposed fencing is intended to help deter criminal activity and improve safety for employees and visitors.

Current regulations limit fence height to 6 feet; however, we are requesting a variance to allow an 8-foot fence, which is consistent with the existing fencing already installed around much of the property and provides a more effective level of security.

The proposed fence and gates will be located in the rear parking area and will not be visible from Bardstown Road or significantly impact the surrounding properties.

This letter is provided as a courtesy to keep neighboring property owners informed of our application. If you have any questions or would like additional information, please feel free to contact us.

Thank you for your consideration.

Sincerely,

Branden Bledsoe
Senior Vice President & Chief Operations Officer
Transcend Credit Union
brandenbledsoe@transcendcu.com

RECEIVED
JUN 29 2026
OFFICE OF
PLANNING

26-VARIANCE-DO-67

Mr. Ratterman,

We are writing to inform you that we are applying to Louisville Metro for a variance to install an 8-foot chain link fence with controlled access sliding gates around the rear parking lot at 3740 Bardstown Road.

This request is being made due to ongoing security concerns at the property, including multiple incidents of vehicle break-ins, catalytic converter thefts, and fuel theft. These issues have persisted despite the presence of security cameras and coordination with law enforcement. The proposed fencing is intended to help deter criminal activity and improve safety for employees and visitors.

Current regulations limit fence height to 6 feet; however, we are requesting a variance to allow an 8-foot fence, which is consistent with the existing fencing already installed around much of the property and provides a more effective level of security.

The proposed fence and gates will be located in the rear parking area and will not be visible from Bardstown Road or significantly impact the surrounding properties.

This letter is provided as a courtesy to keep neighboring property owners informed of our application. If you have any questions or would like additional information, please feel free to contact us.

Thank you for your consideration.

Sincerely,

Branden Bledsoe
Senior Vice President & Chief Operations Officer
Transcend Credit Union
brandenbledsoe@transcendcu.com

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JUN 29 2026
OFFICE OF
PLANNING

26-VARIANCE-00-68



Louisville Metro Government

Text File

File Number: 26-CUP-0033

Agenda Date: 8/3/2026

Version: 1

Status: Public Hearing

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 5.



26-CUP-0033

Board of Zoning Adjustments
Staff Report
August 3, 2026

Cedar Lake Intermediate Care Facility

Location: 8913 Pennsylvania Run Road
Applicant: Cedar Lake Inc.
Representative: Bardenwerper, Talbott, & Roberts
Jurisdiction: Louisville Metro
Council District: 23 – Jeff Hudson
Case Manager: Zack Jones, Planner II

REQUESTS & RECOMMENDED ACTIONS

1. Conditional Use Permit to allow a Nursing Home and Home for the Infirm or Aged in the R-4 zoning district (LDC 4.2.38)
 - Staff finds the request adequately justified and recommends the Board of Zoning Adjustments **APPROVE** the requested Conditional Use Permit.
2. **26-VARIANCE-0073:** Variance from Land Development Code Table 5.3.2 to allow the proposed building to exceed the maximum front yard setback of 80 feet (Proposed Setback of 216.83 feet, for a Variance of 176.83 feet)
 - Staff finds the justification for the requests adequate and recommends the Planning Commission **APPROVE** the Variance

CASE SUMMARY

The applicant has requested a Conditional Use Permit (CUP) to allow a Nursing Home and Home for the Infirm or Aged in the R-4 Single Family Residential zoning district and Neighborhood form district. The subject property is located on a roughly 7.5-acre parcel along Pennsylvania Run Road, a primary collector at this location. The proposal describes that it will be similar to the Cedar Lake Lodge, Park Place and Sycamore Run facilities.

The applicant is proposing to construct a 19,535 square foot facility on site in addition to preserving the existing church building- creating a total space of 22,148 square feet of space- with a total of 47 parking spaces provided. The proposal is for 18 residential beds with 8-9 employees per shift (and an anticipated 30 employees over all shifts). CUP standards require that the use be licensed in by the Commonwealth of Kentucky.

While the structures proposed are not traditionally of residential form, the structures meet the guidelines of the Neighborhood form district and are compatible with the existing church on the property, except for the variance requested for exceeding the maximum setback. The proposal demonstrates that all steep slopes on site will be protected in accordance with the provisions described in the LDC. The site will not be served by public sanitary sewer.

The proposal demonstrates that the facility is located at least 30 feet from any property line. No lettered standard should require relief with this proposal.

TECHNICAL REVIEW

- Comprehensive Plan 2040
- Land Development Code (Louisville Metro 2025)
- MSD and Transportation have provided preliminary approval of the request

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. *Is the proposal consistent with applicable policies of the Comprehensive Plan?*

STAFF FINDING: The proposed use is consistent with the land use and development policies and housing policies of Plan 2040. The proposed use advances the equitable distribution of community services and promotes access to the resources necessary to maintain health and well-being, including aging in place and other supportive services.

2. *Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?*

STAFF FINDING: The proposal could be considered compatible with the surrounding land uses and the general character of the area. The proposal does not propose a structure that will significantly adversely impact the general character of the area in relation to scale, intensity, traffic, appearance, and other primary criteria.

3. *Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?*

STAFF FINDING: All necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation should be provided for the proposed development. MSD and Transportation have preliminarily approved the proposal. The proposal is not served by public sanitary sewer but has been preliminarily approved by the Health Department to this point in the planning process.

4. *Does the proposal comply with the specific standards required to obtain the requested conditional use permit?*

- A. All buildings shall be located at least 30 feet from any property line.
- B. One sign, not to exceed 60 square feet and six feet in height, may be placed at each of the major entrances, except in districts where larger signs are allowed.
- C. The Board of Zoning Adjustments shall add any restrictions to mitigate nuisances or adverse effects.

STAFF FINDING: The proposal clearly demonstrates that all building(s) are located at least 30 feet from any property line. Signage is not provided with the proposal at this level and therefore relief is not being requested. The Board should consider what additional restrictions, if any, are necessary to mitigate nuisance or adverse effects on the site. Staff notes that the variance allows for significant tree preservation at the front of the site, and the applicants have avoided steep slope disturbance in this site plan, providing for a mitigation of nuisances and adverse effects on the property. The site plan has been preliminarily approved by MSD, Transportation, and all other applicable utilities and governing bodies at this stage. Staff finds the proposal meets these standards.

STANDARD FOR REVIEW AND STAFF ANALYSIS FOR 26-VARIANCE-0073

1. *The requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public.*

STAFF FINDING: The requested variance will not adversely affect the public health, safety, or welfare, because the request to exceed the allowable maximum front yard setback does not cause adverse or unsafe impact to the public. Additionally, the structure will be required to comply with all applicable building code regulations.

2. *The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.*

STAFF FINDING: The requested variance will not alter the essential character of the general vicinity as the request is in general conformance to the character of existing structures in the general area, particularly this general vicinity of Pennsylvania Run Road.

3. *The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.*

STAFF FINDING: The requested variance does not arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone as the subject property is significantly larger in size and width to most properties along Pennsylvania Run Road with smaller setbacks.

4. *The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.*

STAFF FINDING: The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land as proposal allows the property to preserve the existing tree line along Pennsylvania Run Road, and complying with the maximum setback might lead to an unnecessary degradation of natural space for the site.

5. *The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.*

STAFF FINDING: The circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no action has been taken by the applicant prior to approval of this development plan.

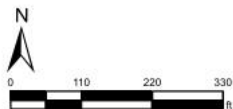
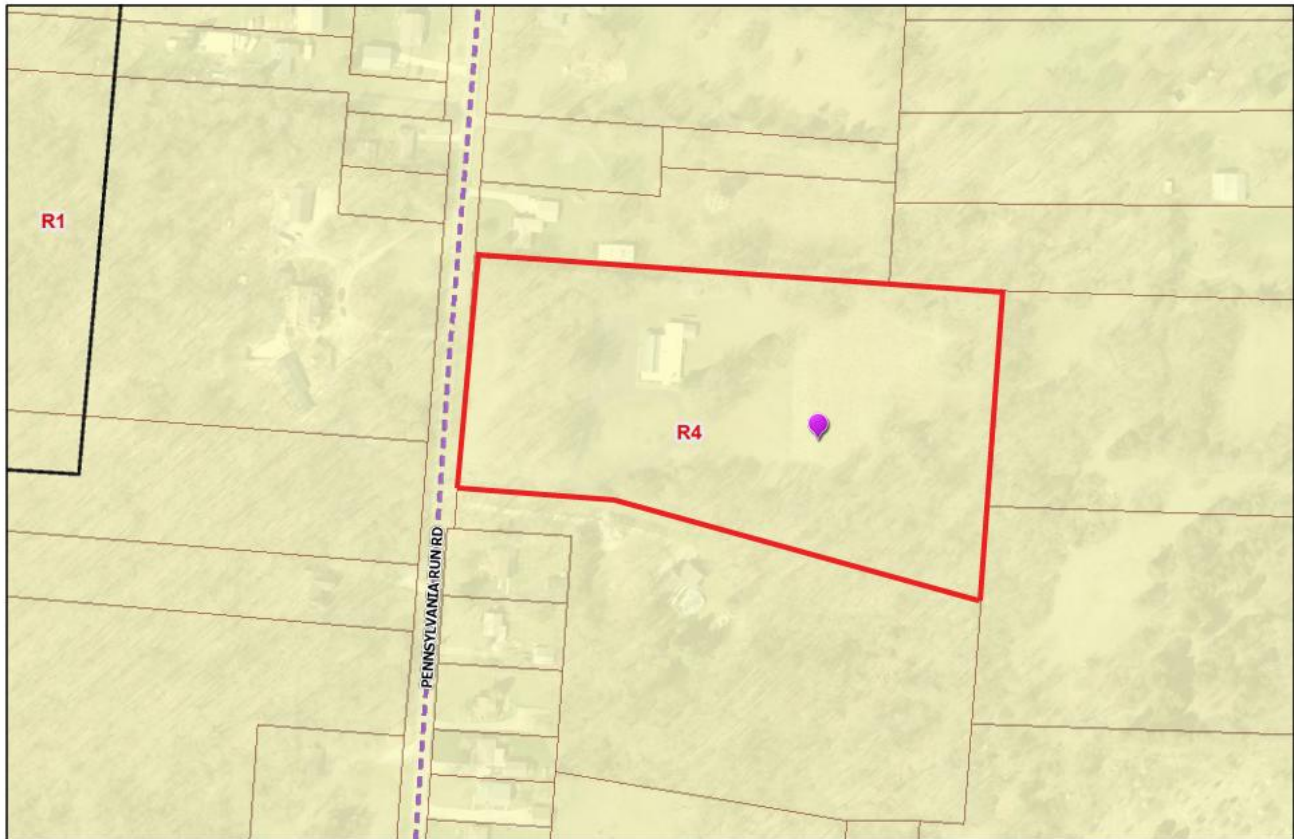
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
7/17/2026 7/22/2026	Board of Zoning Adjustments Public Hearing	1st and 2nd tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 23
7/17/2026	Board of Zoning Adjustments Public Hearing	Sign Posting on Property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Conditions of Approval

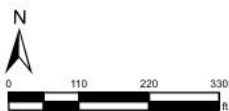
1. Zoning Map



Wednesday, July 22, 2026 | 4:40 PM



2. Aerial Photograph



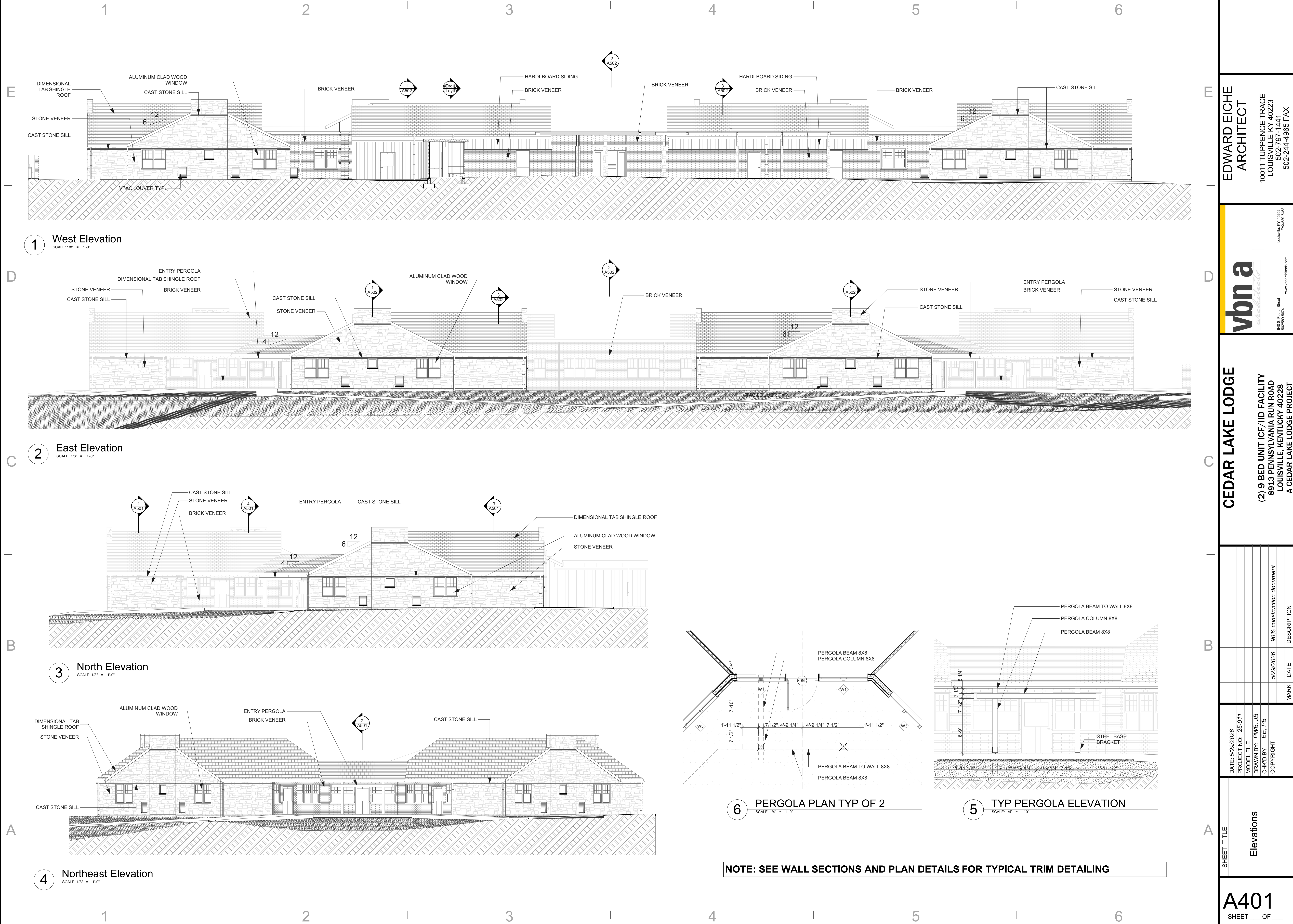
Wednesday, July 22, 2026 | 4:41 PM



3. Proposed Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a Nursing Home and Home for the Infirm or Aged area until further review and approval by the Board.
3. An active license for a Nursing Home by the Commonwealth of Kentucky shall be maintained.
4. All necessary permits and approvals will be obtained by the Department of Public Health & Wellness and/or the Board of Health prior to approval of building permits.

[illegible]



EDWARD EICHE
ARCHITECT
10011 TUPPENCE TRACE
LOUISVILLE KY 40223
502-797-1441
502-244-4965 FAX



CEDAR LAKE LODGE
(2) 9 BED UNIT ICF/IID FACILITY
8913 PENNSYLVANIA RUN ROAD
LOUISVILLE, KENTUCKY 40228
A CEDAR LAKE LODGE PROJECT

DATE	5/29/2026	PROJECT NO.	25-011	MODEL FILE:	PWB, JB	DRAWN BY:	EE, PB	CHKD BY:	90% construction document	MARK	DATE	DESCRIPTION

DATE: 5/29/2026
PROJECT NO.: 25-011
MODEL FILE: PWB, JB
DRAWN BY: EE, PB
CHKD BY: EE, PB
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Elevations

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BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • SECOND FLOOR • LOUISVILLE,
KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

Nicholas R. Pregliasco
Direct dial: 426-0388, ext. 139
Email: NRP@BARDLAW.NET

July 13, 2026

Case Manager
Louisville Metro Office of Planning
444 S. Fifth Street
Louisville, Kentucky 40202

Re: Conditional Use Permit for a Nursing Homes and Homes for the Aged and
Infirmed on property located at 8913 Pennsylvania Run Road and Category 2B
Plan Review

Dear Case Manager:

This is the CUP justification for the above referenced CUP request. The site is currently zoned R-4 and the church building on site will remain. The applicant is proposing to build a 19,535 sf residential care facility, along with the conversion of the existing 2,613 sf church building to residential care, for a total of 22,148 square feet. Existing access to the site from Pennsylvania Run Road will be removed and new access will be added just north of the existing one.

Cedar Lake, LLC, the developer and applicant, is the largest private provider of residential and community-based services for adults with intellectual and developmental disabilities in the Commonwealth of Kentucky. This development will be similar to other Cedar Lake facilities like the Cedar Lake Lodge, Park Place and Sycamore Run.

The applicant is proposing 47 parking spaces for the 22,148 square foot residential care facility, which will have 18 resident beds and 30 total employees over all shifts. Each shift is anticipated to have 8-9 employees (consisting of 2 nurses and 6-7 DSPs). During shift change, there will need to be overlap due to the nature of the residential care use and the need to update the incoming staff of status, etc. which would be 16-18 total parking spaces at this time. Cedar Lake operates other facilities and is very knowledgeable about their parking needs. Parking at their other facilities tends to be fully utilized.

With respect to the front yard setback variance, the request is to allow the existing church building to exceed the front yard setback of 80 feet by 176.83 feet for a total setback of 216.83 feet from the new property line (after right-of-way dedication).

Section 4.2.38 of the Land Development Code provides for three requirements that residential care facilities approved under that LDC section must meet. The first of these requirements is that all buildings are to be located at least 30 feet from any property line. All existing and proposed buildings are located more than 30 feet from any property line, meeting this requirement.

The second requirement is that one sign, not to exceed 60 square feet and six feet in height, may be placed at each of the major entrances, except in districts where larger signs are allowed. The applicant is not requesting relief from this requirement and will comply.

If have any questions regarding this application, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nick Pregliasco', with a long horizontal flourish extending to the right.

Nick Pregliasco