



Louisville Metro Government

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

Action Summary - Final Board of Zoning Adjustment

Monday, April 24, 2023

1:00 PM

Old Jail Courtroom

Call To Order

Present: 4 - Board Member Sharon Bond, Jan Horton, Board Member Yani Vozos, and Board Member Richard Buttorff

Absent: 3 - Board Member Brandt Ford, Board Member Kim Leanhart, and Board Member Lula Howard

Approval Of Minutes

1. [BOZA Minutes 04.10.23](#)

Approval of the minutes of the April 10, 2023 Board of Zoning Adjustment meeting.

A motion was made by Member Vozos, seconded by Member Horton, that the minutes of the April 10, 2023 regular meeting of the Board of Zoning Adjustment be approved. The motion carried by the following vote:

Yes: 3 - Bond, Horton, and Vozos

Absent: 3 - Ford, Leanhart, and Howard

Abstain: 1 - Buttorff

Business Session

2. [23-VARIANCE-0057](#)

Request: Variance to allow a principal structure to encroach into the side yard setback.

Project Name: 3rd Street Variance

Location: 2909 S. 3rd Street

Owner: Mary Campbell and Christopher Fitzgerald

Applicant: Kyle Onan, Creek Alley Contracting, LLC

Jurisdiction: Louisville Metro

Council District: 15- Jennifer Chappell

Case Manager: Amy Brooks, Planner I

A motion was made by Member Vozos, seconded by Member Buttorff, that the case be approved. The motion carried by the following vote:

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

Absent: 3 - Ford, Leanhart, and Howard

3. [22-MCUP-0005](#)

Request: Modified Conditional Use Permit for a Landfill
 Project Name: Waste Management Addition
 Location: 2673 Outer Loop
 Owner/Applicant: Waste Management of Kentucky, LLC
 Representative: Stite & Harbison, PLLC.
 Jurisdiction: Louisville Metro
 Council District: 13 - Dan Seum, Jr.
 Case Manager: Molly Clark, Planner II

A motion was made by Member Buttorff, seconded by member Horton, that the case be approved. The motion carried by the following vote:

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

Absent: 3 - Ford, Leanhart, and Howard

Public Hearing

4. [23-VARIANCE-0022](#)

Request: **TO BE CONTINUED TO A DATE UNCERTAIN** - Variance from LDC Section 5.3.1 to allow a 10' encroachment into the required 25' rear yard setback
 Project Name: Shean Court Variance
 Location: 6024 Shean Ct
 Owner: Shean Court, LLC
 Applicant: Shean Court, LLC
 Representative: Chris Crumpton, Bluestone Engineering
 Jurisdiction: Louisville Metro
 Council District: 22 - Robin Engel
 Case Manager: John Michael Lawler, Planner I

A motion was made by Member Buttorff, seconded by Member Vozos, that the case be continued to a date uncertain. The motion carried by the following vote:

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

Absent: 3 - Ford, Leanhart, and Howard

5. [22-VARIANCE-0119](#)

Request: **TO BE CONTINUED TO A DATE CERTAIN** - Variance to allow a private yard area to be less than the required 20% of the area of the lot; Variances to allow a primary structure to exceed the maximum front yard setback and the maximum building height

Project Name: Rear Mulberry Street Variances
 Location: 917 R. Mulberry Street
 Owner: MBS Remodeling LLC
 Applicant: Jamie Barnes
 Jurisdiction: Louisville Metro
 Council District: 15- Jennifer Chappell
 Case Manager: Amy Brooks, Planner I

A motion was made by Member Vozos, seconded by Member Horton, that the case be continued to the May 15, 2023 BOZA meeting. The motion carried by the following vote:

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

Absent: 3 - Ford, Leanhart, and Howard

6. [23-VARIANCE-0029](#)

Request: A variance to allow structures and parking to encroach into the required side yard setback.

Project Name: New Life Directions Ministries Dixie Apartments Variance
 Location: 10615 Dixie Highway
 Owner/Applicant: New Life Directions Ministries
 Representative: Kelli Jones, Sabak, Wilson, and Lingo, Inc.
 Jurisdiction: Louisville Metro
 Council District: 25- Khalil Batshon
 Case Manager: Amy Brooks, Planner I

A motion was made by Member Vozos, seconded by Member Buttorff, that the requested Variance from the Land Development Code section 5.3.2.C.2.b to allow a principal structure and parking to encroach into the required side yard setback, AND the requested Variance from the Land Development Code section 5.5.5.to allow an accessory structure to encroach into the required side yard setback, be approved. The motion carried by the following vote:

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

Absent: 3 - Ford, Leanhart, and Howard

7. [23-VARIANCE-0037](#)

Request: Variance to not build to the corner in the Town Center Form District
 Project Name: Proposed Thornton’s Gas Station
 Location: 4900 Brownsboro Road
 Owner: 4900 Brownsboro Road, LLC
 Applicant: Thorntons, LLC
 Representative: Dinsmore & Shohl, LLP
 Jurisdiction: Louisville Metro
 Council District: 7 - Paula McCraney
 Case Manager: Molly Clark, Planner II

A motion was made by Member Buttorff, seconded by Member Vozos, that the case be approved. The motion carried by the following vote:

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

Absent: 3 - Ford, Leanhart, and Howard

8. [23-CUP-0010](#)

Request: Conditional Use Permit for Private Proprietary Club and Variances
 Project Name: Trinity High School Tennis Courts
 Location: 150 Sears Avenue
 Owner: Trinity High School Foundation
 Applicant: Trinity High School Foundation
 Representative: Land Design & Development
 Jurisdiction: City of St. Matthews
 Council District: 9 - Andrew Owen
 Case Manager: Dante St. Germain, AICP, Planner II

A motion was made by Member Vozos, seconded by Member Buttorff, that the requested Variance from Article 9, Section 9.1.B.1.a to permit a fence to exceed 4’ in height in the front yard setback (requested: 6’, required: 4’, variance of 2’) (23-VARIANCE-0006); AND the requested Variance from Article 9, Section 9.1.B.1.a to permit a fence to exceed 4’ in height in the street side yard setback (requested: 10’, required: 4’, variance of 6’) (23-VARIANCE-0007), be approved. The motion carried by the following vote:

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

Absent: 3 - Ford, Leanhart, and Howard

A motion was made by Member Vozos, seconded by Member Buttorff, that the requested Conditional Use Permit be approved. The motion carried by the following vote:

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

Absent: 3 - Ford, Leanhart, and Howard

9. [23-CUP-0007](#)

Request: Conditional Use Permit for Short Term Rental of a Dwelling Unit That is Not the Primary Residence of the Host
Project Name: Rodman Street Short Term Rental
Location: 3005 Rodman Street
Owner/Applicant: Magnolia & Pine, LLC
Representative: Shelby & Evan Lamb
Jurisdiction: Louisville Metro
Council District: 3 - Kumar Rashad
Case Manager: Heather Pollock, Planner I

A motion was made by Member Horton, seconded by Member Vozos, that the case be approved. The motion carried by the following vote:

Yes: 3 - Bond, Horton, and Vozos

No: 1 - Buttorff

Absent: 3 - Ford, Leanhart, and Howard

10. [23-CUP-0012](#)

Request: Conditional Use Permit for Short Term Rental of a Dwelling Unit That is Not the Primary Residence of the Host
Project Name: Parkland Court Short Term Rental
Location: 12004 Parkland Court
Owner/Applicant: Greg & Stephanie Virgin
Representative: Michael Marks, Wetterer & Clare
Jurisdiction: City of Middletown
Council District: 19 - Anthony Piagentini
Case Manager: Heather Pollock, Planner I

A motion was made by Member Vozos, seconded by Member Buttorff, that the case be denied. The motion carried by the following vote:

Yes: 3 - Horton, Vozos, and Buttorff

No: 1 - Bond

Absent: 3 - Ford, Leanhart, and Howard

11. [23-CUP-0017](#)

Request: Conditional Use Permit for Short Term Rental of a Dwelling Unit That is Not the Primary Residence of the Host
Project Name: Wallace Avenue Short Term Rental
Location: 2403 Wallace Avenue
Owner/Applicant: Brandon & Jennifer Tolman
Jurisdiction: Louisville Metro
Council District: 8 - Ben Reno-Weber
Case Manager: Heather Pollock, Planner I

A motion was made by Member Buttorff, seconded by Member Vozos, that the case be approved. The motion carried by the following vote:

Yes: 3 - Bond, Vozos, and Buttorff

No: 1 - Horton

Absent: 3 - Ford, Leanhart, and Howard

12. [23-CUP-0020](#)

Request: Conditional Use Permit for Short Term Rental of a Dwelling Unit That is Not the Primary Residence of the Host
Project Name: Somber Way Short Term Rental
Location: 3006 Somber Way
Owner/Applicant: Ashley & Michael Kimble
Jurisdiction: Louisville Metro
Council District: 26 - Brent Ackerson
Case Manager: Heather Pollock, Planner I

A motion was made by Member Vozos, seconded by Member Horton, that the case be approved. The motion carried by the following vote:

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

Absent: 3 - Ford, Leanhart, and Howard

13. [23-CUP-0024](#)

Request: Conditional Use Permit for Short Term Rental of a Dwelling Unit That is Not the Primary Residence of the Host
Project Name: Marwood Place Short Term Rental
Location: 3921 Marwood Place
Owner/Applicant: B&B Properties LOU, LLC
Representative: Donna Baugh
Jurisdiction: Louisville Metro
Council District: 10 - Pat Mulvihill
Case Manager: Molly Clark, Planner II

A motion was made by Member Horton, seconded by Member Buttorff, that the case be approved. The motion carried by the following vote:

Yes: 3 - Horton, Vozos, and Buttorff

No: 1 - Bond

Absent: 3 - Ford, Leanhart, and Howard

14. [23-CUP-0093](#)

Request: Conditional Use Permit for Short Term Rental of a Dwelling Unit That is Not the Primary Residence of the Host
Project Name: Deer Park Avenue Short Term Rental
Location: 1610 Deer Park Avenue
Owner/Applicant: Jack and Donna Heil
Representative: Jack and Donna Heil
Jurisdiction: Louisville Metro
Council District: 8 - Benjamin Reno-Weber
Case Manager: Amy Brooks, Planner I

A motion was made by Member Buttorff, seconded by Member Vozos, that the case be approved. The motion carried by the following vote:

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

Absent: 3 - Ford, Leanhart, and Howard

15. [22-APPEAL-0014](#)

Request: **CONTINUED FROM 03/20/23** - Appeal of an administrative decision regarding nonconforming rights.

Project Name: Atterberry Court Appeal

Location: 4607 Atterberry Court

Owner: Prospect Construction, LLC

Appellant: Tom Sanders

Jurisdiction: City of Shively

Council District: 3 - Vacant

Case Manager: Chris French, AICP, Planning Supervisor

A motion was made by Member Buttorff, seconded by Member Horton, that the case be continued to the May 15, 2023 BOZA meeting. The motion carried by the following vote:

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

Absent: 3 - Ford, Leanhart, and Howard

16. [LIC-STL-22-00311](#)

Request: Short Term Rental Host Residency Hearing

Project Name: Host Ty Walston

Location: 2509 Top Hill Rd

Owner: 2509 TH Land Trust

Applicant: n/a

Representative: Ty Walston

Jurisdiction: Louisville Metro

Council District: 9 - Andrew Owen

Case Manager: Joseph Haberman, Planning & Design Manager

A motion was made by Member Buttorff, seconded by Member Vozos, that the Board does hereby accept staff's determination in the staff report. The motion carried by the following vote:

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

Absent: 3 - Ford, Leanhart, and Howard

A motion was made by Member Vozos, seconded by Member Buttorff, that a residency hearing shall be held for Wayne Gallavin at the May 15, 2023 BOZA meeting. The motion carried by the following vote:

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

Absent: 3 - Ford, Leanhart, and Howard

17. [LIC-STA-23-00498](#)

Request: Short Term Rental Host Residency Hearing
Project Name: Host William Thomas Nutt
Location: 1505 E Breckinridge St
Owner: 1505 East Breckenridge Street Land Trust
Applicant: n/a
Representative: William Thomas Nutt
Jurisdiction: Louisville Metro
Council District: 8 - Ben Reno-Weber
Case Manager: Joseph Haberman, Planning & Design Manager

A motion was made by Member Buttorff, seconded by Member Horton, that the case be continued to the May 1, 2023 BOZA meeting. The motion carried by the following vote:

Adjournment

The meeting adjourned at 7:45 p.m.