

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT**

APRIL 20, 2015

A meeting of the Louisville Metro Board of Zoning Adjustment was held at 8:30.A.M. on Monday, April 20, 2015, 514 West Liberty Street, Old Jail Building, Old Jail Court Room, Louisville, Kentucky.

Members present:

Mike Allendorf, Vice Chairperson
Rosalind Fishman, Secretary
Betty Jarboe
Frederick Liggin
Paul Bergmann

Members absent:

David Proffitt, Chairperson
Dean Tharp

Staff members present:

Jonathan Baker, Legal Counsel
Steve Hendrix, Planning Supervisor
Sherie Long, Landscape Architect
Chris Brown, Planner II
Beth Stevenson, Management Assistant

The following cases were heard:

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APPROVAL OF MINUTES

APRIL 6, 2015 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

On a motion by Member Fishman, seconded by Member Liggin, the following resolution was adopted:

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on April 6, 2015.

YES: Members Allendorf, Fishman and Liggin.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Proffitt and Tharp.

ABSTAINING: Members Jarboe and Bergmann.

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NEW BUSINESS:

CASE NO. 14VARIANCE 1115

Request: Variances to allow a proposed 2-story detached garage to encroach into the required east and west side yards.

Location: 726 East Kentucky Street

Owner: Charles Phillip Richards
726 East Kentucky Street
Louisville, KY 40203

Applicant: Same as owner

Jurisdiction: Louisville Metro

COUNCIL DISTRICT 4—David Tandy

Staff Case Manager: Jon Crumbie, Planner II/Steve Hendrix, Planning Supervisor

(CONTINUED FROM FEBRUARY 16, 2015 DUE TO INCLEMENT WEATHER AND FROM APRIL 6, 2015)

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

Agency Testimony:

Steve Hendrix, Planning Supervisor, presented the case for staff case manager, Jon Crumbie, and discussed the case summary, standard of review and staff analysis from the staff report. He said the variances are for a 672 square foot detached garage toward the rear of the property. Member Allendorf asked what type of siding will be used.

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The following spoke in favor of this request:

Charles P. Richards.

Summary of testimony of those in favor:

Charles Richards, the owner, said he will probably use concrete siding, which will last longer than vinyl or metal. Member Liggan asked if his neighbors are in support. Mr. Richards said yes. Member Allendorf asked about the water runoff. Mr. Richards pointed out on the PowerPoint picture where the water would drain, which will not affect his neighbors.

The following spoke neither for nor against the request:

No one.

Summary of testimony of those who spoke neither for nor against:

No one.

The following spoke in opposition to this request:

No one.

Summary of testimony of those in opposition:

No one.

Deliberation:

Board of Zoning Adjustment deliberation.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the April 20, 2015 public hearing proceedings.

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NEW BUSINESS:

CASE NO. 14VARIANCE 1115

Variance—To allow a proposed 2-story detached garage to encroach into the east side yard:

After the public hearing in open business session, on a motion by Member Liggin, seconded by Member Bergmann, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review and additional considerations, where the four standard of review requirements control over the additional considerations; the site plan; the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a variance from the Land Development Code to allow a proposed 2-story detached garage to encroach into the east side yard; and

WHEREAS, the Board finds that the variance will not adversely affect the public health, safety or welfare because sight distance will not be compromised from either alley; and

WHEREAS, the Board finds that the variance will not alter the essential character of the general vicinity because there are numerous detached garages in the area; and because the garage will be an improvement to the area; and

WHEREAS, the Board finds that the variance will not cause a hazard or nuisance to the public because the proper building permit will be obtained and both the house and garage will have matching siding; and

WHEREAS, the Board finds that the variance will not allow an unreasonable circumvention of the zoning regulations because there are numerous encroachments of this type throughout the general vicinity; and

WHEREAS, the Board finds that the variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the site has access to an alley to the east and south; and

WHEREAS, the Board finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create

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an unnecessary hardship on the applicant because the garage would need to be reduced in size;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the variance to allow the proposed 2-story garage to be 0 feet from the east property line.

YES: Members Allendorf, Fishman Jarboe, Liggin and Bergmann.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Proffitt and Tharp.

ABSTAINING: No one.

Variance—To allow a proposed 2-story garage to encroach into the west side yard:

On a motion by Member Liggin, seconded by Member Bergmann, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review and additional considerations, where the four standard of review requirements control over the additional considerations; the site plan; the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a variance from the Land Development Code to allow a proposed 2-story detached garage to encroach into the west side yard; and

WHEREAS, the Board finds that the requested variance will not adversely affect the public health, safety or welfare because sight distance will not be compromised from either alley; and

WHEREAS, the Board finds that the variance will not alter the essential character of the general vicinity because there are numerous detached garages in the area; and

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WHEREAS, the Board finds that the variance will not cause a hazard or nuisance to the public because the proper building permit will be obtained and both the house and garage will have matching siding; and

WHEREAS, the Board finds that the variance will not allow an unreasonable circumvention of the zoning regulations because there are numerous encroachments of this type throughout the general vicinity; and

WHEREAS, the Board finds that the variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the site has access to an alley to the east and south;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the variance to allow a proposed 2-story detached garage to be 1 ft. from the west property line.

YES: Members Allendorf, Fishman Jarboe, Liggin and Bergmann.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Proffitt and Tharp.

ABSTAINING: No one.

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NEW BUSINESS:

CASE NO. 15VARIANCE1018

Request: Variance from the Land Development Code to allow pavement and building to encroach into the required 10' supplemental front yard.

Project Name: Old Henry Court Condominiums

Location: 14319 Old Henry Road

Owner: 14319 Old Henry Road
Pamela Longwell, Member
13910 Old Henry Road
Louisville, KY 40245

Applicant: Terry Hagerman Builder, Inc.
Terry Hagerman
15145 Chestnut Ridge Road
Louisville, KY 40245

Representative: BlueStone Engineers, PLLC
Christopher T. Crumpton, PE
3703 Taylorsville Road, #205
Louisville, KY 40220

Jurisdiction: Louisville Metro

COUNCIL DISTRICT 19—Julie Denton

Staff Case Manager: Christopher Brown, Planner II

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

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Agency Testimony:

Staff Case Manager, Chris Brown discussed the case summary, standard of review and staff analysis from the staff report. He said the applicant wants to construct five condominium structures with a cul-de-sac extension from the existing Sycamore Falls Drive. Mr. Brown said a revised plan and waivers will be going before the Development Review Committee and Land Development & Transportation in the future. The site is currently vacant; and there will be no access to Old Henry Road at this juncture. The request meets the standard of review.

The following spoke in favor of this request:

Christopher Crumpton.

Summary of testimony of those in favor:

Chris Crumpton, the applicant's representative, said they had to pull the building back 50 feet due to the curve in the road and because the state will be realigning Old Henry Road in a couple of years. Member Bergmann asked if the state owns this road. Mr. Crumpton said yes, and will remain right-of-way. Member Fishman asked if it's one building or 5 separate buildings. Mr. Crumpton said 5 separate buildings.

The following spoke neither for nor against the request:

No one.

Summary of testimony of those who spoke neither for nor against:

No one.

The following spoke in opposition to this request:

No one.

Summary of testimony of those in opposition:

No one.

Deliberation:

Board of Zoning Adjustment deliberation.

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Variance—To allow pavement and building to encroach into the required 10' supplemental front yard:

On a motion by Member Liggin, seconded by Member Bergmann, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review and additional considerations, where the four standard of review requirements control over the additional considerations; the site plan; the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a variance from Chapter 5.3.1.C.4 of the Land Development Code to allow pavement and building to encroach into the required 10' supplemental front yard; and

WHEREAS, the Board finds that the requested variance will not adversely affect the public health, safety or welfare since the encroachment will follow the required 20' front yard setback; and

WHEREAS, the Board finds that the variance will not alter the essential character of the general vicinity since the buildings and pavement will follow the form district pattern in regards to the front yard setback along Old Henry Road; and

WHEREAS, the Board finds that the variance will not cause a hazard or nuisance to the public since the encroachment will follow the required 20' front yard setback; and

WHEREAS, the Board finds that the variance will not allow an unreasonable circumvention of the zoning regulations since the reductions result from the need to meet a supplemental setback along the street frontage which is proposed to be realigned in the area; and

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WHEREAS, the Board finds that the variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone due to the location along the Old Henry Road street frontage with access from Sycamore Falls Drive and a Type B stream buffer to the north and east; and

WHEREAS, the Board finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the development to move to the east further into the Type B stream buffer; and

WHEREAS, the Board finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the pattern of development for the area was established prior to the current proposal due to the restrictive nature of the stream buffer location and access from the existing Sycamore Falls Drive;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the variance to allow pavement and building to be 0 feet from the supplemental front yard.

YES: Members Allendorf, Fishman Jarboe, Liggin and Bergmann.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Proffitt and Tharp.

ABSTAINING: No one.

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NEW BUSINESS:

CASE NO. 14CUP1017

Request: An application for a Conditional Use Permit to allow off-street parking in an R-7 Zoning District; and four waivers.

Project Name: Off-Street Parking for Linden Hill Bed & Breakfast

Location: 1612 Blue Horse Avenue

Owner: HRE, LLC
Isaiah Hoagland
9103 Kingdom Way
Louisville, KY 40291

Applicant: Same as Owner

Representative: Cardinal Planning & Design, Inc.
Kathy Matheny
9009 Preston Highway
Louisville, KY 40219

Jurisdiction: Louisville Metro

COUNCIL DISTRICT 9—Bill Hollander

Staff Case Manager: Jon Crumbie, Planner II, Steve Hendrix, Planning Supervisor

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

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Agency Testimony:

Steve Hendrix, Planning Supervisor, presented the case for staff case manager, Jon Crumbie, and discussed the case summary, standard of review and staff analysis from the staff report. He said the waiver to allow parking in the front was left out of the staff report, so there are four waivers, not three. He said the applicant is asking to modify listed requirements B and C. The applicant held a neighborhood meeting; and the applicant has received a Certificate of Appropriateness from Landmarks Commission.

The following spoke in favor of this request:

Kathy Matheny.

Isaiah Hoagland.

Summary of testimony of those in favor:

Kathy Matheny, the applicant's representative, presented a PowerPoint presentation to the Board. She said her client has purchased the oldest home in Butchertown for a Bed & Breakfast. She said 20 people showed up at the neighborhood meeting whom were excited about the proposal. Member Liggin asked about the number of rooms and apartments. Ms. Matheny said there will be five Bed & Breakfast rooms and 2 apartments. She said the applicant will be planting additional trees to stabilize the bank and other nice plantings; and discussed where the water runoff will go.

Isaiah Hoagland, the owner, said they are about six months from opening; and will hire an inn keeper to maintain the rooms and make breakfast. He said he's received a lot of support from area residents. He said he may turn the basement kitchen into an urban lounge for the guests. Mr. Hoagland said he is working with the B & B Association.

The following spoke neither for nor against the request:

No one.

Summary of testimony of those who spoke neither for nor against:

No one.

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The following spoke in opposition to this request:

Melanie Nehmzow, 1622-1636 Blue Horse Avenue, Louisville Kentucky 40206.

Summary of testimony of those in opposition:

Melanie Nehmzow said she owns 1622-1636 Blue Horse Avenue, and said she has concerns about water runoff; and increased traffic making it more difficult to get out to Frankfort Avenue. She said there is a considerable amount of drainage that unfortunately flows to the rear of her properties. The applicant has agreed to install a curb, but doesn't feel this will be enough to hold the water back or redirect it. She said ten trees were removed and foliage that helped absorb the water runoff; and the sidewalk is in disrepair. Ms. Nehmzow said she doesn't mind the commercial use, if these issues are resolved.

Rebuttal:

Ms. Matheny said MSD and Public Works told them that the parking area needs to be asphalt; and explained where the runoff will flow. They will also be restoring the wall that is in disrepair. Ms. Matheny said traffic is not an issue, since the use is more leisurely.

Isaiah Hoagland said their plan should help Ms. Nehmzow with water runoff. He said the city arborist told him which trees to remove; and that he did receive a permit for this.

Deliberation:

Member Bergmann said the owner is resolving the water runoff issues; and said the project has to meet engineering standards or they won't get a permit. Member Liggin suggested that the Ms. Nehmzow contact her district's Councilmember if any issues are not resolved. Member Allendorf reminded the Board of the additional waiver for parking in the front and to include the applicant's justification statement.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the April 20, 2015 public hearing proceedings.

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Conditional Use Permit to allow off-street parking in an R-7 zoning district:

On a motion by Member Liggin, seconded by Member Fishman, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review, the site plan; the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a Conditional Use Permit to allow off-street parking in an R-7 zoning district; and

WHEREAS, the Board finds the proposal is consistent with the applicable policies of the Comprehensive Plan because it preserves the existing grid pattern of streets, sidewalks and alleys; and although the surface lot will be asphalt, the applicant will include screening and buffering along the north and east property lines; the applicant is requesting some landscape waivers due to the location of the parking and size of the lot; and

WHEREAS, the Board finds that the proposal is compatible with the surrounding land uses and the general character of the area because drainage, lighting and appearance will be improved; and because this proposal will help in the restoration of an historic property to the west; and

WHEREAS, the Board finds that the necessary public facilities (both on and off-site) are provided including transportation, sanitation, water, sewer, drainage etc., and because the plan has been reviewed and preliminarily approved by Transportation Planning and MSD; and

WHEREAS, the Board finds that the request meets five of the six specific standards required to obtain the Conditional Use Permit, with the exception of the applicant asking for a modification of Items B & C to omit the required 3-ft. street wall along Blue Horse Avenue; and where parking will be located 10 feet from Blue Horse Avenue with a required 15 to 25 ft. front yard setback; and

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RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow off-street parking in an R-7 zoning district on the site **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. 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 off-street parking without further review by the Board.

YES: Members Allendorf, Fishman Jarboe, Liggin and Bergmann.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Proffitt and Tharp.

ABSTAINING: No one.

Waiver—To allow the proposed parking area to be located in the front yard setback:

On a motion by Member Liggin, seconded by Member Fishman, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review, the site plan; the PowerPoint presentations; the evidence including the applicant’s justification, testimony and discussion at the public hearing that the applicant is requesting a waiver of the design requirements of the Land Development Code 5.5.1.A.3.a and 5.9.2.C.4 to allow the proposed parking area to be located in the front yard setback; and

WHEREAS, the Board finds that the requested waiver will not adversely affect adjacent property owners because there is adequate buffering between the parking area and one adjacent neighborhood to the north; and because two new trees in a double row of shrubs are proposed to screen the parking area from this

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house; and because across the alley, there are only the rears of houses facing the proposed parking lot; and because two of these buildings have small parking lots in their rear yards; and because there are no houses across the street fronting Blue Horse Avenue, only the side yard of the Bed and Breakfast and the rear garages of houses which face Story Avenue; and

WHEREAS, the Board finds that the waiver will not violate Cornerstone 2020 Comprehensive Plan because the front yard setback is not being applied to a developed streetscape in a traditional neighborhood; and because Blue Horse Avenue is a one block dead end street which serves in part as a rear alley for Story Avenue; and because there are only three houses on Blue Horse Avenue; and

WHEREAS, the Board finds that the extent of the waiver is the minimum necessary to afford relief to the applicant, because the lot's width and depth are existing; and because adequate parking is needed for the adjacent B&B to be viable; and

WHEREAS, the Board finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship because the proposed parking lot is designed for traffic safety with adequate landscape buffering for the area;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the waiver to allow parking to be approximately 10 feet from Blue Horse Avenue front property line.

YES: Members Proffitt, Allendorf, Tharp, Jarboe and Fishman.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Bergmann and Liggin.

ABSTAINING: No one.

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Waiver—To omit the required landscape buffer area and plantings along the south property line:

On a motion by Member Liggin, seconded by Member Fishman, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review, the site plan; the PowerPoint presentations; the evidence including the applicant's justification, testimony and discussion at the public hearing that the applicant is requesting a waiver from Section 10.2.10 of the Land Development Code to omit the required landscape buffer area and plantings along the south property line; and

WHEREAS, the Board finds that the proposed waiver will not adversely affect adjacent property owners because the adjacent properties are oriented toward Frankfort Avenue and the rear of several properties have parking lots which use the alley; and

WHEREAS, the Board finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because of the existing location of the alley adjacent to the parking area; and

WHEREAS, the Board finds that the strict application of the provisions of the regulation would deprive the applicant the reasonable use of the land or create an unnecessary hardship because the parking layout would have to reconfigure the parking layout which would create less parking;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the waiver to omit the required landscape buffer area and plantings along the south property line.

YES: Members Proffitt, Allendorf, Tharp, Jarboe and Fishman.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Bergmann and Liggin.

ABSTAINING: No one.

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Waiver—To omit the required 3-foot street wall along Blue Horse Avenue:

On a motion by Member Liggin, seconded by Member Fishman, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review, the site plan; the PowerPoint presentations; the evidence including the applicant's justification, testimony and discussion at the public hearing that the applicant is requesting a waiver from Section 5.5.1.A.3 of the Land Development Code to omit the required 3-ft. street wall along Blue Horse Avenue; and

WHEREAS, the Board finds that the requested waiver will not adversely affect adjacent property owners because there are no street walls along Blue Horse Avenue; and

WHEREAS, the Board finds that the waiver will not violate specific guidelines of Cornerstone 2020 because the street wall is not compatible with the surrounding neighborhood; and because the look and topography of the street would accommodate this type of structure; and

WHEREAS, the Board finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because two rows of shrubs and a street tree are proposed in the area along the property line; and

WHEREAS, the Board finds that the applicant has incorporated other design measures to mitigate the omission of the street wall; and because two rows of shrubs and a street tree are proposed in the area along the property line; and because the Tree Canopy requirements will be met;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the waiver to omit the required 3-ft street wall along Blue Horse Avenue.

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YES: Members Allendorf, Fishman Jarboe, Liggin and Bergmann.

NO: No one.

**NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Proffitt
and Tharp.**

ABSTAINING: No one.

Waiver—To allow a freestanding sign on property with less than 120 feet of street frontage:

On a motion by Member Liggin, seconded by Member Fishman, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review, the site plan; the PowerPoint presentations; the evidence including the applicant's justification, testimony and discussion at the public hearing that the applicant is requesting a waiver from the Land Development Code, Table 8.3.2 to allow a small 2' X 3' sign (6 square feet) on property with less than 120 feet of street frontage; and

WHEREAS, the Board finds that the requested waiver will not adversely affect adjacent property owners because it will be placed among the landscaping at the front of the property; and

WHEREAS, the Board finds that the waiver will not violate specific guidelines of Cornerstone 2020, because the parking is not directly adjacent to the Bed and Breakfast where a small sign is needed to identify the business and parking area; and

WHEREAS, the Board finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because the parking would be difficult to locate; and

WHEREAS, the Board finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the applicant would not be able to identify the parking area for the customers;

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RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the waiver to allow a 2' X 3' sign on the subject property which has less than 120 feet of street frontage.

YES: Members Allendorf, Fishman Jarboe, Liggin and Bergmann.

NO: No one.

**NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Proffitt
and Tharp.**

ABSTAINING: No one.

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NEW BUSINESS:

CASE NO. 15CUP1006

Request: Conditional Use Permit to allow a proposed accessory apartment in an R-4 zoning district.

Project Name: Accessory Apartment

Location: 2138 Trevilian Way

He said

Owner: Matthew McNerney
2138 Trevilian Way
Louisville, KY 40205

Applicant: Same as Owner

Jurisdiction: Louisville Metro

COUNCIL DISTRICT 8—Tom Owen

Staff Case Manager: Jon Crumbie, Planner II

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

Agency Testimony:

Steve Hendrix, Planning Supervisor, presented the case for staff case manager, Jon Crumbie. He discussed the case summary, standard of review and staff analysis from the staff report. He said the request is to allow a 225 sq. ft. detached accessory apartment.

The following spoke in favor of this request:

Matthew McNerney.

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LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT**

APRIL 20, 2015

NEW BUSINESS:

CASE NO. 15CUP1006

Summary of testimony of those in favor:

Matthew McNerney, the owner, said he would like remodel the existing garage for an apartment for his mother-in-law. He said it will be a one bedroom with a kitchenette and bathroom.

Member Jarboe asked if this could be a rental. Jon Baker, the Board's legal counsel, said there's nothing in the Land Development Code to preclude this. Member Fishman said the principal owner has to live in the main structure.

The following spoke neither for nor against the request:

No one.

Summary of testimony of those who spoke neither for nor against:

No one.

The following spoke in opposition to this request:

No one.

Summary of testimony of those in opposition:

No one.

Deliberation:

There was discussion about the accessory apartment being rented for profit.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the April 20, 2015 public hearing proceedings.

Conditional Use Permit to allow a proposed accessory apartment in an R-4 zoning district:

On a motion by Member Liggin, seconded by Member Fishman, the following resolution was adopted:

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APRIL 20, 2015

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CASE NO. 15CUP1006

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review, the site plan; the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a Conditional Use Permit to allow a proposed accessory apartment in an R-5 zoning district; and

WHEREAS, the Board finds that the proposal is consistent with the applicable policies of the Comprehensive Plan because no lighting will be added; no new landscaping will be added beyond what is shown on the plan. Plan Element B.2: The proposal preserves and renovates existing buildings and the building design of this structure is consistent with the predominate neighborhood building design; and

WHEREAS, the Board finds that the proposal is compatible with surrounding land uses and the general character of the area because the subject site is located in a residential area and is compatible with the surrounding neighborhood; and because all the residential uses are similar in appearance, size, scale, intensity, traffic, noise and lighting; and

WHEREAS, the Board finds that the necessary facilities (both on and off-site) are adequate to serve the use because the proposal has been reviewed and preliminarily approved by Transportation Planning and MSD; and

WHEREAS, the Board finds that the proposal complies with specific standards required to obtain the conditional use requested;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow a proposed accessory apartment in an R-4 zoning district on the site **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.

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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 accessory apartment without further review and approval by the Board.

YES: Members Allendorf, Fishman Jarboe, Liggin and Bergmann.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Proffitt and Tharp.

ABSTAINING: No one.

**MINUTES OF THE MEETING
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APRIL 20, 2015

NEW BUSINESS:

CASE NO. 15VARIANCE1012

Request: Variance and waivers for a Lighting Plan

Project Name: DeSales Athletic Field

Location: 425 W. Kenwood Drive; 421, 423, 425 Lyman Avenue; 421, 424 and 425 Northern Avenue.

Owner: Roman Catholic Bishop of Louisville
Bill Zoeller, Director of Facilities
P.O. Box 1073
Louisville, KY 40201

Applicant: St. Francis DeSales High School
Douglas Strothman, President
425 W. Kenwood Drive
Louisville, KY 40214

Representative: Sabak Wilson & Lingo, Inc.
Kelli Jones
608 S. Third Street
Louisville, KY 40202

Jurisdiction: Louisville Metro.

COUNCIL DISTRICT 21—Dan Johnson

Staff Case Manager: Sherie' Long, Landscape Architect
(REMOVED BY STAFF)

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

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APRIL 20, 2015

NEW BUSINESS:

CASE NO. 15VARIANCE1012

DISCUSSION:

Member Allendorf said that staff removed this case from the agenda; and asked if anyone was present in the audience to testify. No one responded.

**MINUTES OF THE MEETING
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**REPORT FROM JON BAKER, ASSISTANT JEFFERSON COUNTY
ATTORNEY:**

CASE NO. 13CUP1011

Jon Baker, the Board's legal counsel, updated the Board on the Circuit Court ruling with regard to JBS USA/SWIFT case.

**MINUTES OF THE MEETING
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The meeting adjourned at 10:37 a.m.

CHAIRPERSON

SECRETARY