

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

August 21, 2023

A meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, August 21, 2023, at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky, and also via Webex.

Members Present:

Sharon Bond, Chair
Kimberly Leanhart
Jan Horton
Yani Vozos
Lula Howard

Members Absent:

Brandt Ford
Richard Buttorff, Vice Chair

Staff Members Present:

Brian Davis, Assistant Director
Joel Dock, Planning & Design Supervisor
Joe Haberman, Planning & Design Manager
Laura Ferguson, Legal Counsel
Mary Willis, Management Assistant
Amy Brooks, Planner I
Molly Clark, Planner II
John Michael Lawler, Planner I
Jermey Chesler, Planner I
Heather Pollack, Planner I
Ethan Lett, Planner I

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT
MEETING MINUTES**

August 21, 2023

August 7, 2023, Board of Zoning Adjustment Meeting Minutes

00:06:08 On a motion by Member Vozos, seconded by Member Howard, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the August 7, 2023, Board of Zoning Adjustment meeting.

The vote was as follows:

YES: Members Leanhart, Horton, Howard, Vozos, and Chair Bond

ABSTAIN: None

ABSENT: Member Ford and Vice Chair Buttorff

**BOARD OF ZONING ADJUSTMENT
MEETING MINUTES**

August 21, 2023

Public Hearing

Case No. 23-VARIANCE-0100

Request: TO BE CONT'D TO SEPTEMBER 11, 2023.
Category 3 Development Plan with Variance to exceed the 80' maximum front yard setback

Project Name: Quadrant Zorn Retail Park
Location: 1041 Zorn Avenue
Owner: Quadrant Hospitality LLC
Applicant: Quadrant Hospitality LLC
Representative: Mindel Scott
Jurisdiction: Louisville Metro
Council District: 9 – Andrew Owen

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

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

Agency testimony:

00:07:42 Ethan Lett requested that the case be continued to September 11, 2023, due to the case being improperly noticed.

The following spoke in support of the request:

None

The following spoke in opposition to the request:

None

00:07:00 Board Members' discussion

**BOARD OF ZONING ADJUSTMENT
MEETING MINUTES**

August 21, 2023

Public Hearing

Case No. 23-VARIANCE-0100

00:08:12 On a motion by Member Howard, seconded by Member Leanhart, the following resolution, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** the requested Variance from LDC Section 5.3.1.C.5 to exceed the 80' maximum front yard setback (23-VARIANCE-0100) and Category 3 Development Plan (23-CAT3-0016) to September 11, 2023.

The vote was as follows:

YES: Members Leanhart, Horton, Howard, Vozos, and Chair Bond

ABSENT: Member Ford and Vice Chair Buttorff

**BOARD OF ZONING ADJUSTMENT
MEETING MINUTES**

August 21, 2023

Public Hearing

Case No. 23-VARIANCE-0070

Request: Variance and waiver associated with a Category 3
Development plan for a 60-unit senior housing development
Project Name: Iroquois Homes Senior Living
Location: 1400 Bicknell Ave
Owner: Louisville Metro Housing Authority
Applicant: Louisville Metro Housing Authority
Representative: Missy Legel
Jurisdiction: Louisville Metro
Council District: 15 – Jennifer Chappell
Case Manager: John Michael Lawler, Planner I

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

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

Agency testimony:

00:09:09 John Michael Lawler requested the case be continued due to a related case not being noticed properly.

The following spoke in support of the request:

None

The following spoke in opposition to the request:

None

00:10:06 Board Members' deliberation

00:10:06 On a motion by Member Howard, seconded by Member Leanhart, the following resolution, was adopted:

**BOARD OF ZONING ADJUSTMENT
MEETING MINUTES**

August 21, 2023

Public Hearing

Case No. 23-VARIANCE-0070

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** the requested Variance from LDC Section 5.2.2.C.2 to allow the proposed structure to exceed the maximum front yard setback of 25 feet to allow a setback of 40 feet, a variance of 15 feet, and the Category 3 Plan to September 11, 2023.

The vote was as follows:

YES: Members Horton, Vozos, Howard, Leanhart, and Chair Bond

ABSENT: Member Ford and Vice Chair Buttorff

**BOARD OF ZONING ADJUSTMENT
MEETING MINUTES**

August 21, 2023

Public Hearing

Case No. 23-VARIANCE-0105

Request: Variance to allow a freestanding sign to exceed the maximum height permitted and a waiver to allow a changing image sign within 300 ft. of residential use.

Project Name: Class Act FCU Freestanding Sign

Location: 3620 Fern Valley Road

Owner: Classroom Teachers Federal Credit Union

Applicant: Heather Mullin, Golden Rule Signs

Representative: Heather Mullin, Golden Rule Signs

Jurisdiction: Louisville Metro

Council District: 21 – Betsy Ruhe

Case Manager: Heather Pollock, Planner I

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

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

Agency testimony:

00:11:02 Heather Pollock requested the case be continued due to needing an updated plan.

The following spoke in support of the request:

None

Summary of testimony of those in opposition:

None

00:11:39 Board Members' deliberation.

00:11:46 On a motion by Member Howard, seconded by Member Leanhart, the following resolution, was adopted:

**BOARD OF ZONING ADJUSTMENT
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August 21, 2023

Public Hearing

Case No. 23-VARIANCE-0105

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** the requested Variance of Land Development Code (LDC), Table 8.3.3 to allow a freestanding sign to exceed the maximum height permitted along a designated parkway and the waiver from LDC Section 8.2.1.D.6 to allow a changing image sign within 300ft. of residential use to September 11, 2023.

The vote was as follows:

YES: Members Horton, Vozos, Howard, Leanhart, and Chair Bond

ABSENT: Member Ford and Vice Chair Buttorff

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PUBLIC HEARING

Case No. 23-VARIANCE-0060

Request: Variance to allow an accessory structure to encroach into the street side setback (Continued from the 7/24/23 BOZA Meeting).

Project Name: 2038 Tyler Lane
Location: 2038 Tyler Lane
Owner: Tyler 2038 LLC
Applicant: Ethan Adams, EFK Properties LLC
Representative: Kevin Sullivan, EFK Properties LLC
Jurisdiction: Louisville Metro
Council District: 8- Ben Reno-Weber
Case Manager: Amy Brooks, Planner I

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

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

Agency testimony:

00:12:52 Amy Brooks presented the case and showed a Power Point presentation. Brooks responded to questions from the Board members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Kevin Sullivan, 1602 Sutherland Dr. Louisville, KY 40205

Summary of testimony of those in support:

00:18:32 Kevin Sullivan spoke in support of the request and produced a PowerPoint presentation. Sullivan responded to questions from Board Members (see recording for detailed presentation)

The following spoke in opposition to the request:

Cheri Powell, 2100 Tyler Ln., Louisville, KY 40205

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PUBLIC HEARING

Case No. 23-VARIANCE-0060

Summary of testimony of those in opposition:

00:29:32 Cheri Powell spoke in opposition to the request and presented a PowerPoint presentation. Powell elaborated on how vehicles continue to protrude into the street and how the garage does not go along with the character of the other homes in the area (see recording for detailed presentation)

Rebuttal:

00:41:38 Kevin Sullivan spoke in rebuttal. Sullivan clarified that vehicles are able to park on the parking pad. Sullivan states the garage is similar to other garages in the area and the reason it is located close to the street is due to a tree directly behind the garage. Sullivan also responded to questions from Board Members.

00:52:45 Board Members' discussion

00:58:28 On a motion by Member Vozos, seconded by Member Horton, a resolution to approve the variance was entered into the record.

The vote was as follows:

YES: Members Horton and Member Vozos

NO: Member Leanhart and Chair Bond

ABSTAIN: Member Howard

ABSENT: Member Ford and Vice Chair Buttorff

The motion failed due to a tie vote.

01:09:38 On a motion by Member Leanhart, seconded by Member Horton, the following resolution, in accordance with Article VII, Section 3 of the Board bylaws was adopted.

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** the Variance from the Land Development Code section 5.1.12.B.2.e.i.1 to allow an accessory structure to encroach into the street side yard setback as established by infill regulations to the September 11, 2023, meeting

The vote was as follows:

YES: Members Leanhart, Horton, Howard, Vozos, and Chair Bond

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

Case No. 23-VARIANCE-0060

ABSENT: Member Ford and Vice Chair Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

Case No. 23-VARIANCE-0042

Request: Variance from Section 5.3.1.C.5 to exceed the maximum setback of 150 feet to be 462 feet, a variance of 312 feet
Project Name: Kroger L-502 Ballardsville
Location: 10010 Ballardsville Rd
Owner: Eastmore Acres Realty Co.
Applicant: The Kroger Co.
Representative: John Campbell, Heritage Engineering
Jurisdiction: Louisville Metro
Council District: 17 – Markus Walker
Case Manager: John Michael Lawler, Planner I

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

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

Agency testimony:

01:11:41 John Michael Lawler presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

John Campbell, Heritage Engineering, 642 S 4th St. Suite 100, Louisville, KY 40202

Summary of testimony of those in support:

01:14:23 John Campbell spoke in support of the request and presented a PowerPoint presentation. Campbell responded to questions from Board Members (see recording for detailed presentation)

The following spoke in opposition of the request:

None

01:18:08 Board Members' deliberation

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

Case No. 23-VARIANCE-0042

Variance from Section 5.3.1.C.5 to exceed the maximum setback of 150 feet to be 462 feet, a variance of 312 feet

01:18:31 On a motion by Member Horton, seconded by Member Leanhart, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare since the building will be appropriately buffered and meets the site design requirements for the building and related facilities.

WHEREAS, the requested variance will not alter the essential character of the general vicinity since the proposal is along two major roadways: Ballardsville Road, which is a Minor Arterial designated as a parkway, and New Chamberlain Road, which is a Primary Collector north of the intersection. A similar variance was also approved for a Publix directly across from the subject site on Ballardsville Road under Docket # 21-VARIANCE-0181, related to Docket # 21-DDP-0121, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public since the building will be appropriately buffered and meets the site design requirements for the building and related facilities, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations since there are some constraints placed on the site due to the existing infrastructure at the intersection that prevent the setbacks being provided. Many of the facilities need to be further away from the intersection to allow better and safer access to Ballardsville Road and New Chamberlain Lane, and

WHEREAS, there are some constraints placed on the site due to the existing infrastructure at the intersection that prevent the setbacks being provided. Many of the facilities need to be further away from the intersection to allow better and safer access to Ballardsville Road and New Chamberlain Lane, and

WHEREAS, there are some constraints placed on the site due to the existing infrastructure at the intersection that prevent the setbacks being provided. The applicant has worked with KYTC and Metro's Transportation team to ensure the design of the facilities are safe and efficient. Changes to the plan to ensure compliance with the regulation would cause a hardship on the applicant where the development plan has already been approved by various agencies and the Development Review Committee, on condition that the variance is approved, and

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Case No. 23-VARIANCE-0042

WHEREAS, the circumstances are the not the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought. Nothing has been constructed on the site; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Section 5.3.1.C.5 to exceed the maximum setback of 150 feet to be 462 feet, a variance of 312 feet

The vote was as follows:

YES: Members Horton, Vozos, Howard, Leanhart, and Chair Bond

ABSENT: Member Ford and Vice Chair Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

Case No. 23-VARIANCE-0085

Request:	Variance to reduce the required side yard setbacks from 3' to 0' and from 3' to 2'
Project Name:	Swan Street Variance
Location:	817 Swan Street
Owner:	Lewis Ventures, LLC.
Applicant:	Jacob Guhy
Representative:	Jacob Guhy
Jurisdiction:	Louisville Metro
Council District:	6 – Phillip Baker
Case Manager:	Jeremy Chesler- Planner I

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

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

Agency testimony:

01:20:17 Jerney Chesler presented the case and showed a Power Point presentation. Chesler responded to questions from the Board members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Jake Guhy, 6844 Bardstown Rd. #919, Louisville, KY 40291

Summary of testimony of those in support:

01:24:23 Jake Guhy spoke in support of the request and presented a PowerPoint presentation. Guhy responded to questions from Board Members (see recording for detailed presentation)

The following spoke in opposition to the request:

None

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PUBLIC HEARING

Case No. 23-VARIANCE-0085

01:28:00 Board Members' deliberation

Variance from Land Development Code, Section 5.2.2.C, Table 5.2.2 to reduce the side yard setback from 3' to 0'

Variance from Land Development Code, Section 5.2.2.C, Table 5.2.2 reduce the side yard setback from 3' to 2'

01:28:26 On a motion by Member Leanhart, seconded by Member Horton, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the requested variances will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes and will not impede the safe movement of pedestrians or vehicles, and

WHEREAS, the proposed building addition will not alter the essential, visual character of the general vicinity as the addition will be built on the footprint of the existing structure and will not increase the current encroachment into the side yard setback. The proposed addition will be consistent with several of the houses in the immediate vicinity which contain similar style camelback additions that are encroaching into the side yard setbacks, and

WHEREAS, the requested variances will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes. There will be minimal visual impact due to grade of the property and the fact that the addition will be towards the rear of the property, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations as there are other homes within the surrounding blocks that contain second story additions that encroach into the current required side yard setbacks. The proposed addition will not increase the amount of encroachment that exists currently, and

WHEREAS, the requested variances arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the existing structure encroaches into the required side yard setbacks, and

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Case No. 23-VARIANCE-0085

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the applicant would not be able to use the existing foundation to construct a second story addition due to the encroachment into the side yard setbacks, and

WHEREAS, 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 as the applicant has not yet started construction and is requesting appropriate relief; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance (1) from Land Development Code, Section 5.2.2.C, Table 5.2.2 to reduce the side yard setback from 3' to 0' (**Requirement 3ft., Request 0ft., Variance 3ft.**) and Variance (2) from Land Development Code, Section 5.2.2.C, Table 5.2.2 reduce the side yard setback from 3' to 2' (**Requirement 3ft., Request 2ft., Variance 1ft.**)

The vote was as follows:

YES: Members Horton, Vozos, Howard, Leanhart, and Chair Bond

ABSENT: Member Ford and Vice Chair Buttorff

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PUBLIC HEARING

Case No. 23-VARIANCE-0095

Request:	Variance to allow a fence to exceed a height of 48” in the street side yard setback
Project Name:	Heatherview Road Fence Variance
Location:	4000 Heatherview Road
Owner:	Sadak Sajib
Applicant:	Sadak Sajib
Representative:	Sadak Sajib
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Jeremy Chesler – Planner I

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

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

Agency testimony:

01:29:45 Jeremy Chesler presented the case and showed a Power Point presentation. Chesler responded to questions from the Board members (see staff report and recording for detailed presentation.)

01:33:43 Joe Haberman responded to questions from Board Member Vozos

The following spoke in support of the request:

Robert Reves, 4002 Heatherview Rd., Louisville, KY 40218

Sadak Sajib, 4000 Heatherview Rd., Louisville, KY 40218

Summary of testimony of those in support:

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PUBLIC HEARING

Case No. 23-VARIANCE-0095

01:34:40 Robert Reves spoke in support of the request. Reves stated that a complaint was filed for his fence however during the process code enforcement looked at the fence located at 4000 Heatherview Rd and determined that it needed a variance.

01:36:57 Joe Haberman broke down the difference between the rules for HOA and LDC (see recording for detailed presentation)

01:38:31 Sadak Sajib spoke in support of the request. Sajib stated the reason for the fence was for privacy and to have an enclosed area for his child.

The following spoke in opposition of the request:
None

01:39:06 Board Members' deliberation.

Variance from Land Development Code (LDC), Section 4.4.3.A.1.a.i to allow a fence to exceed the maximum height of 48 inches (4') in the street side yard setback.

01:40:03 On a motion by Member Vozos, seconded by Member Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare, because the fence is setback several feet from the sidewalk and does not appear to create any safety concerns for pedestrians or road users, and

WHEREAS, the fence will not alter the essential character of the general vicinity as there are several other properties within the Breckenridge Meadow Subdivision with fences that exceed the maximum allowed height in the street side yard setbacks, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because the fence does not impede vision for pedestrians or drivers. The fence is set back several feet from the sidewalk which provides sufficient visual and physical space for pedestrians. The fence appears to be well built and structurally sound, and

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Case No. 23-VARIANCE-0095

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations. The applicant has limited options for constructing a fence on the property in a manner that would be in compliance with regulations, and

WHEREAS, the requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone due to the particularly unique shape of this corner lot, and

WHEREAS, the strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant as the height of the proposed fence could be reduced to conform with regulations, and

WHEREAS, the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has already constructed the fence. The property has an open zoning enforcement case which has led the applicant to apply for the variance; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC), Section 4.4.3.A.1.a.i to allow a fence to exceed the maximum height of 48 inches (4') in the street side yard setback (**Requirement, 48in., Request 72in., Variance 24in**)

The vote was as follows:

YES: Members Horton, Vozos, Howard, Leanhart, and Chair Bond

ABSENT: Member Ford and Vice Chair Buttorff

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PUBLIC HEARING

Case No. 23-VARIANCE-0094

Request: Variance to allow a private yard area to be less than 30% of the required area of the lot.
Project Name: S. Sixth Street Variance
Location: 4531 S 6th St.
Owner: Stephen and Valerie Speth
Applicant: Anne DelPrince, DelPrince Designs
Representative: Anne DelPrince, DelPrince Designs
Jurisdiction: Louisville Metro
Council District: 21- Betsy Ruhe
Case Manager: Amy Brooks, Planner I

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

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

Agency testimony:

01:41:11 Amy Brooks presented the case and showed a Power Point presentation. Brooks responded to questions from Board Members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Anne Del Prince, 640 Country Club Rd, Louisville, KY 40206

Summary of testimony of those in support:

01:45:22 Anne Del Prince spoke in support of the request. Del Prince mentioned the back yard doesn't comply with the rear yard area and is typical for the neighborhood. Del Prince responded to questions from the Board Members (see recording for detailed presentation)

The following spoke in opposition to the request:

None

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PUBLIC HEARING

Case No. 23-VARIANCE-0094

01:46:55 **Board Members' deliberation.**

Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot.

01:47:03 On a motion by Member Leanhart, seconded by Member Howard, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare, because the reduction of the private yard area does not impede the safe movement of vehicles or pedestrians or encroach upon adjacent property or right-of-way, and

WHEREAS, the proposed private yard area reduction will not alter the essential character of the general vicinity as several properties within this block appear to have private yard areas less than what is now required due to the accessory structures located outside of the required accessory use area, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes and does not impede the safe movement of vehicles or pedestrians or encroach upon adjacent property or right-of-way, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations because there is an established pattern of reduced private yard areas in this neighborhood, and

WHEREAS, the requested variance does not arise from special circumstances which do generally apply to the land in the general vicinity or the same zone as the lot is similar in size and shape to the surrounding properties, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the existing garage would require a variance for most additions to the principal structure. The garage is located closer to the home than what is called for in the LDC for accessory use areas; thus, eliminating available private yard and compliance with the requirements of LDC 5.4.1, and

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Case No. 23-VARIANCE-0094

WHEREAS, 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. The applicant has not started construction on the garage and has requested a variance; now, there be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot (**Requirement 5,625sq.ft., Request 1,800sq. ft., Variance 3,825sq. ft**)

The vote was as follows:

YES: Members Horton, Vozos, Howard, Leanhart, and Chair Bond

ABSENT: Member Ford and Vice Chair Buttorff

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PUBLIC HEARING

Case No. 23-VARIANCE-0099

Request:	Variance to allow a fence to exceed the allowed maximum height in a front yard setback.
Project Name:	Northwestern Parkway Fence Variance
Location:	2503 Northwestern Parkway
Owner:	Billy and Violet Simpson
Applicant:	Billy Simpson
Representative:	Billy Simpson
Jurisdiction:	Louisville Metro
Council District:	5- Donna Purvis
Case Manager:	Amy Brooks, Planner I

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

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

Agency testimony:

01:48:20 Amy Brooks presented the case and showed a Power Point presentation. Brooks responded to questions from Board Members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Billy Simpson, 2503 Northwestern Pkwy, Louisville, KY 40212

Summary of testimony of those in support:

01:55:24 Billy Simpson spoke in support of the request. Simpson elaborated on how the fence had been there for multiple years and how much it took to clean up the property.

The following spoke in opposition of the request:

None

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Case No. 23-VARIANCE-0099

01:57:37 **Board Members' deliberation.**

01:59:04 The public hearing was reopened so Mr. Simpson could speak about the fence.

02:00:09 **Board Members' deliberation.**

Variance from Land Development Code section 4.4.3.A.1.a.i to allow a fence to exceed 42 inches in height in the front yard setback

02:00:22 On a motion by Member Horton, seconded by Member Howard, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare, because the fence is setback from the edge of pavement and will not impede vision clearance for travelers on the adjacent right-of-way or adversely impact the safe movement of vehicles or pedestrians, and

WHEREAS, the requested variance does not alter the essential character of the general vicinity as there are other fences along Northwestern Parkway that exceed 42 inches within the required front yard setback; therefore, the fence is consistent with the established pattern within the general vicinity, and

WHEREAS, the fence will not cause a hazard or nuisance to the public because the fence will not impede vision clearance for travelers on the adjacent right-of-way or adversely impact the safe movement of vehicles or pedestrians, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations as it would not adversely affect the public health, safety, or welfare, alter the character of the area, or cause a hazard or nuisance, and

WHEREAS, the requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the property is much wider than the surrounding compacted lots and contains a longer frontage along the road where a yard is present at the site of the home, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as it would reduce the usable space of the yard area by an additional 15 feet, and

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Case No. 23-VARIANCE-0099

WHEREAS, the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has already constructed the fence; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the request Variance from Land Development Code section 4.4.3.A.1.a.i to allow a fence to exceed 42 inches in height in the front yard setback (**Requirement 42in., Request 72in., Variance 30in.**) **ON CONDITION** that landscaping be installed and that the current fence is modified to be no taller than 6' in height.

The vote was as follows:

YES: Members Horton, Vozos, Howard, Vice Chair Buttorff and Chair Bond

ABSENT: Members Leanhart and Ford

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PUBLIC HEARING

Case No. 23-SIGNAUTH-0002

Request:	A Sign Authorization to permit placement of signs not specifically authorized in the Land Development Code.
Project Name:	Parking Lot Freestanding Signs
Location:	124 N. Preston Street
Owner:	Cobalt Riverfront Properties, LLC
Applicant:	Elijah Brown, USA Image
Representative:	Elijah Brown, USA Image
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Heather Pollock, Planner I

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

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

Agency testimony:

02:03:25 Heather Pollock presented the case and showed a Power Point presentation. Pollock responded to questions from Board Members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Elijah Brown, 2109 Watterson Trail, Louisville, KY 40299

Summary of testimony of those in support:

02:07:20 Elijah Brown spoke in support of the request and responded to questions from Board Members (see recording for detailed presentation)

The following spoke in opposition to the request:

None

02:09:13 Board Members' deliberation.

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Case No. 23-SIGNAUTH-0002

SIGN AUTHORIZATION to permit placement of signs not specifically authorized in the Land Development Code (LDC).

02:09:36 On a motion by Member Howard, seconded by Member Leanhart, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the proposed sign will not adversely affect adjacent property owners as the majority of uses in the vicinity are non-residential and the placement of the 2 signs does not adversely impact the safe movement of vehicles or pedestrians, and

WHEREAS, the proposed sign will not violate specific guidelines of Plan 2040 (Community Form Goal 1 number 14: Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot developments, minimize the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials).as the proposal is in compliance with the character of the area and makes a positive contribution to the visual quality of its surroundings. It is also of a size and height adequate for effective communication for the use of the site. Additionally, the applicant has agreed to reduce the number of signs. The proposal also meets LDC design guidelines for a Sign Authorization in that it is visually consistent with the architecture, materials, colors, and overall design of its surroundings, and

WHEREAS, the extent of the proposed sign is the minimum necessary to afford relief to the applicant as attached signage is not possible because there are no structures on the site, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as there are no structures on the property and the Downtown form district does not permit freestanding signs; now, therefore be it

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Case No. 23-SIGNAUTH-0002

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** and authorize the requested sign and the placement of signs not specifically authorized in the Land Development Code (LDC).

The vote was as follows:

YES: Members Horton, Vozos, Howard, Leanhart, and Chair Bond

ABSENT: Member Ford and Vice Chair Buttorff

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Case No. 23-MCUP-0002

Request:	Modified Conditional Use Permit for off-street parking in the R-5 Zoning District
Project Name:	Proposed Dental Office
Location:	5300 Preston Highway
Owner:	SK Development, LLC
Applicant:	Ashley Bartley – QK4
Representative:	Ashley Bartley – QK4
Jurisdiction:	Louisville Metro
Council District:	21 – Betsy Ruhe
Case Manager:	Molly Clark, Planner II

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

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

Agency testimony:

02:12:57 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Ashley Bartley, QK4, 9920 Corporate Campus Dr., Louisville, KY 40223

Summary of testimony of those in support:

02:15:50 Ashley Bartley spoke in support of the request and presented a PowerPoint presentation. Bartley responded to questions from Board Members (see recording for detailed presentation)

02:17:02 Molly Clark provided staff's analysis of 23-VARIANCE-0107, a variance to encroach upon the 15' minimum front/street side yard setback (see recording form detailed presentation)

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02:19:11 Ashley Bartley continued her presentation.

The following spoke in opposition to the request:
None

02:22:03 Board Members' deliberation.

Variance from LDC, Section 5.3 and 5.7 to allow for building encroachments into the front and street side yard setback of 15ft as shown on the development plan

02:22:38 On a motion by Member Howard, seconded by Member Leanhart the following resolution, was adopted:

WHEREAS, the Board finds based on staff's testimony concerning the requested variance that the standard of review has been satisfied and adequately justified (see recording for details); now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested variance from LDC, Section 5.3 and 5.7 to allow for building encroachments into the front and street side yard setback of 15ft as shown on the approved development plan.

Modified Conditional Use Permit for off-street parking areas in R-5 residential zoning district (LDC 4.2.39)

02:23:41 On a motion by Member Howard, seconded by Member Leanhart, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the proposal meets all applicable policies of the Comprehensive Plan, and

WHEREAS, when appropriately managed, the proposed use is compatible with surrounding development and land uses, and

WHEREAS, the subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal, and

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Case No. 23-MCUP-0002

WHEREAS, the proposed off-street parking area is located on the same lot as the proposed dental office/offices, and

WHEREAS, the applicant is providing all the required landscaping per Chapter 10 of the Land Development Code including but not limited to planting 35% tree canopy, and

WHEREAS, the proposed parking area is meeting all required setbacks, and

WHEREAS, the proposal will be serving the proposed Dental Office/Offices on the same lot, and

WHEREAS, proposal has received preliminary approval from Transportation Planning, and

WHEREAS, applicant is not proposing any heavy truck parking or storage; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Modified Conditional Use Permit for off-street parking areas in the R-5 residential zoning district (LDC 4.2.39). (LDC 4.2.3) **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 and approval by the Board.
3. Proposal is subject to full construction plans being submitted to the Department of Public Works for traffic and MSD for storm water approvals. Once those have been approved, the plan is subject to Inspections, Permits and Licenses for building/parking permits.
4. The number of vehicles parked on the CUP site shall be limited to 16.

The vote was as follows:

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Case No. 23-MCUP-0002

YES: Members Horton, Ford, Vice Chair Buttorff and Chair Bond

NO: Member Leanhart

ABSENT: Member Howard and Member Vozos

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PUBLIC HEARING

Case No. 23-MCUP-0007

Request:	Modified Conditional Use Permit for Off-Street Parking in the OR-3 Zoning District
Project Name:	Norton Hospital
Location:	3 Audubon Plaza Drive
Owner:	Norton Hospital, INC.
Applicant:	Dinsmore & Shohl, LLP Sabak, Wilson & Lingo, INC.
Representative:	Dinsmore & Shohl, LLP Sabak, Wilson & Lingo, INC.
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Molly Clark, Planner II

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

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

Agency testimony:

02:25:13 Molly Clark presented the case and showed a Power Point presentation. Clark responded to questions from Board Members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th St., Suite 2500, Louisville, KY 40202

Summary of testimony of those in support:

02:31:54 Cliff Ashburner spoke in support of the request and presented a PowerPoint presentation. Ashburner elaborated on how the parking lot addition is essential for the hospital (see recording for detailed presentation)

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Case No. 23-MCUP-0007

The following spoke in opposition to the request:

Tony Hardin, 1703 Sheridan Ave, Louisville, KY 40213

Summary of testimony in opposition of the request:

02:40:43 Tony Hardin spoke in opposition to the request. Hardin elaborated on the wooded area within the development and stated that a shuttle would be great to provide instead of adding more parking spaces (see recording for details)

Rebuttal:

02:42:27 Cliff Ashburner spoke in rebuttal. Ashburner clarified that a shuttle has already been provided and broke down the process of why the garage is not being used to its full potential. Ashburner responded to questions from Board Members (see recording for detailed presentation)

02:49:33 Board Members' deliberation.

Modified Conditional Use Permit for off-street parking areas in the OR-3 zoning district (LDC 4.2.39)

02:51:44 On a motion by Member Vozos, seconded by Member Howard, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the proposal meets all applicable policies of the Comprehensive Plan, and

WHEREAS, when appropriately managed, the proposed use is compatible with surrounding development and land uses, and

WHEREAS, the subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal, and

WHEREAS, the proposed off-street parking area is located across the street from the existing hospital it will be serving. Pedestrian connection is being provided via sidewalks and a designated crosswalk on Audubon Plaza Drive, and

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WHEREAS, the applicant is providing all the required landscaping per Chapter 10 of the Land Development Code including street trees and planting 35% tree canopy. There is concern over the loss of the mature tree canopy on the site, and

WHEREAS, the proposal is meeting all required setbacks, and

WHEREAS, the proposal will be serving the existing hospital across the street on Audubon Plaza Drive, and

WHEREAS, proposal has received preliminary approval from Transportation Planning, and

WHEREAS, applicant is not proposing any heavy truck parking or storage; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Modified Conditional Use Permit for off-street parking areas in the OR-3 zoning district (LDC 4.2.39) **SUBJECT** to the following Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on the site without prior review and approval by the Board.
2. Construction of the off-street parking lot shall not begin until the applicant obtains construction approval from the Metropolitan Sewer District.
3. The conditional use permit shall not be effective until an approved minor plat has been recorded that subdivides the property into two lots.
4. 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.
5. 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 and approval by the Board.

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6. Proposal is subject to full construction plans being submitted to the Department of Public Works for traffic and MSD for storm water approvals. Once those have been approved, the plan is subject to Inspections, Permits and Licenses for building/parking permits.

The vote was as follows:

YES: Members Horton, Vozos, Howard, Leanhart, and Chair Bond

ABSENT: Member Ford and Vice Chair Buttorff

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PUBLIC HEARING

Case No. 23-CUP-0174

Request: Conditional Use Permit for childcare center in a residential zone allowing for a maximum of 12 children
Project Name: Busy Kidz Childcare
Location: 7007 Norlynn Drive
Owner: Miriam Archie
Applicant: Miriam Archie
Representative: Miriam Archie
Jurisdiction: Louisville Metro
Council District: 23 – Jeff Hudson
Case Manager: Joel P. Dock, AICP, Planning Supervisor

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

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

Agency testimony:

02:53:38 Joel Dock presented the case and showed a Power Point presentation. Dock responded to questions from Board Members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Miriam Thompson, 7007 Norlynn Dr. Louisville, KY 40228

Summary of testimony of those in support:

03:02:07 Miriam Thompson spoke in support of the request and responded to questions from Board Members (see recording for detailed presentation)

The following spoke in neutral of the request:

Jeff Hudson, 601 W Jefferson St., Louisville, KY 40202

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Case No. 23-CUP-0174

Summary of testimony of those in neutral:

03:05:02 Jeff Hudson spoke as neutral to the request. Hudson mentioned that he is the Metro Council person for the district where the property in question is located and stated that he has received multiple phone calls, emails, etc. concerning the proposal (see recording for details)

The following spoke in opposition to the request:

Larry Smith, 7004 Norlynn Dr., Louisville, KY 40228

Brice Heisler, 7020 Shareith, Dr., Louisville, KY 40228

Scott Ballard, 7018 Norlynn Dr., Louisville, KY 40228

Summary of testimony of those in opposition:

03:08:16 Larry Smith spoke in opposition to the request. Smith stated that traffic is an issue in the area and feels that bringing kids into a residential neighborhood would be risky. Smith responded to questions from Board Members (see recording for detailed presentation)

03:13:03 Brice Heisler spoke in opposition to the request. Heisler discussed the traffic concerns with the area where the childcare facility would be located (see recording for detailed presentation)

03:15:00 Scott Ballard spoke in opposition to the request. Ballard stated that traffic is a major concern due to people cutting through the development when other roads are backed up and feels that parking will become a bigger issue. Ballard responded to questions from Board Members (see recording for detailed presentation)

Rebuttal:

03:19:28 Miriam Thompson spoke in rebuttal. Thompson clarified there would be no pickup, drop-off, or parking on either side of Norlynn Dr. Thompson mentioned the steps on dropping off and/or picking up a child. Thompson responded to questions from Board Member (see recording for detailed presentation)

03:23:32 Scott Ballard requested information pertaining to the living situation when it comes to having a childcare center in a residential neighborhood.

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03:24:17 Miriam Thompson confirmed that she lives at the subject site having an address of 7007 Norlynn Dr.

03:24:32 Board Members' deliberation.

03:34:04 On a motion by Member Howard, seconded by Member Vozos, a resolution to approve the variance was entered into the record.

The vote was as follows:

YES: Members Howard and Member Vozos

NO: Member Horton and Chair Bond

ABSENT: Member Ford, Leanhart, and Vice Chair Buttorff

The motion failed due to a tie vote.

03:40:30 On a motion by Member Howard, seconded by Member Vozos, the following resolution, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** the requested Conditional Use Permit (CUP) for Childcare Center (LDC 4.2.19) to September 25, 2023.

The vote was as follows:

YES: Members Horton, Vozos, Howard, and Chair Bond

ABSENT: Member Ford, Leanhart, and Vice Chair Buttorff

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Case No. 23-CUP-0159

Request:	A Conditional Use Permit for a proposed Accessory Dwelling Unit in the R4 Zoning District
Project Name:	Sylvania Road Accessory Dwelling Unit
Location:	6624 Sylvania Road
Owner:	Apex Real Estate Enterprise
Applicant:	Zach Schwager
Representative:	Zach Schwager
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Molly Clark, Planner II

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

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

Agency testimony:

03:42:42 Molly Clark presented the case and showed a Power Point presentation. Clark responded to questions from Board Members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Zach Schwager, 2704 Brownsboro Rd, Louisville, KY 40206

Christopher Jaquith, 6624 Sylvania Rd. Louisville, KY 40258

Summary of testimony of those in support:

03:46:15 Zach Schwager spoke in support of the request. Schwager stated the property would be great for affordable housing or someone who is handicapped.

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PUBLIC HEARING

Case No. 23-CUP-0159

03:50:58 Xiomara Martinez spoke in support however after further discussion the property pertaining to 6622 Sylvania Rd was not on the dock nor related to 23-CUP-0159.

The following spoke in opposition to the request:

Malissa Phillips, 6624 Sylvania Rd., Louisville, KY 40258

Summary of testimony of those in opposition:

03:56:33 Malissa Phillips spoke in opposition to the request. Phillips stated that the utilities are shared between residents and would like to have her own services.

Rebuttal:

04:00:57 Christopher Jaquith spoke in rebuttal. Jaquith stated that when he purchased the property his intentions were to remodel the accessory dwelling unit and rent it before renting the main house that is on the property. Jaquith stated he is willing to separate the utilities between the two dwellings.

04:05:58 Board Members' deliberation.

Conditional Use Permit to allow an Accessory Dwelling Unit (ADU) that does not comply with one or more of the listed standards of Land Development Code (LDC), Section 4.3.27. (LDC 4.2.3)

04:07:52 On a motion by Member Howard, seconded by Member Horton the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the proposal meets most of the standards of the CUP. It does not comply with item 'J' of the standards. The owner will not live on the property. While the owner does not reside on the property, additional units are being provisioned in the appropriate area within the site, which leads to an increase in housing units, but does not necessarily result in affordable housing units. The owner not living on the site restricts the ADU from being leveraged wholly consistent with the intent of the regulations as stated in the Planning Commission staff report "to provide an important option for wealth building." Because the owner does not live on the property, any wealth created leaves the property as it is not associated with an occupant of the subject site. Further, the

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Case No. 23-CUP-0159

applicant has provided no justification explaining why relief should be approved; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the requested Conditional Use Permit to allow an Accessory Dwelling Unit (ADU) that does not comply with one or more of the listed standards of Land Development Code (LDC), Section 4.3.27.

The vote was as follows:

YES: Members Horton, Vozos, Howard, and Chair Bond

ABSENT: Member Ford, Leanhart, and Vice Chair Buttorff

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PUBLIC HEARING

Case No. 23-CUP-0183

Request: Conditional Use Permit to allow an accessory dwelling unit in the R-5 Zoning District
Project Name: Proposed Accessory Dwelling Unit
Location: 524 Brentwood Avenue
Owner: Django Unchained Revocable Trust
Applicant: Zach Schwager
Representative: Zach Schwager
Jurisdiction: Louisville Metro
Council District: 15 – Betsy Ruhe
Case Manager: Molly Clark, Planner II

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

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

Agency testimony:

04:09:55 Molly Clark presented the case and showed a Power Point presentation. Clark responded to questions from Board Members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Zach Schwager, 2704 Brownsboro Rd, Louisville, KY 40206

Misty Hampton, 841 WoodValley Ln., Louisville, KY 40299

Summary of testimony of those in support:

04:12:28 Zach Schwager spoke in support of the request and responded to questions from Board Members (see recording for detailed presentation)

04:15:02 Misty Hampton spoke in support of the request and responded to questions from Board Members (see recording for detailed presentation)

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Case No. 23-CUP-0183

04:17:27 Joel Dock responded to questions from Board Member Howard.

04:18:09 Zach Schwager responded to the information that was provided to Board Members from Joel Dock.

The following spoke in opposition to the request:

None

04:19:48 Board Members' deliberation.

Conditional Use Permit to allow an Accessory Dwelling Unit (ADU) that does not comply with one or more of the listed standards of Land Development Code (LDC), Section 4.3.27. (LDC 4.2.3)

04:22:21 On a motion by Member Howard, seconded by Member Horton, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the proposal meets most of the standards of the CUP. It does not comply with items 'E' or 'J' of the standards. The owner will not live on the property and the structure is taller than the current primary structure. Due to existing conditions and the location of the structure within the accessory use area, the requested relief from item E is appropriate and allows for the structure to be used as an accessory dwelling consistent with the built environment. While the owner does not reside on the property, additional units are being provisioned in the appropriate area within the site, which leads to an increase in housing units, but does not necessarily result in affordable housing units. The owner not living on the site restricts the ADU from being leveraged wholly consistent with the intent of the regulations as stated in the Planning Commission staff report "to provide an important option for wealth building." Because the owner does not live on the property, any wealth created leaves the property as it is not associated with an occupant of the subject site. Further, the applicant has provided no justification explaining why relief should be approved; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the requested Conditional Use Permit to allow an Accessory Dwelling Unit (ADU) that does not comply with one or more of the listed standards of Land Development Code (LDC), Section 4.2.37

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Case No. 23-CUP-0183

The vote was as follows:

YES: Members Horton, Vozos, Howard, and Chair Bond

ABSENT: Member Ford, Leanhart, and Vice Chair Buttorff

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PUBLIC HEARING

Case No. 23-CUP-0097

Request: A Conditional Use Permit for proposed off street parking in the R-4 zoning district and a Category 3 Plan.
Project Name: Okolona Center
Location: 4104 Outer Loop
Owner: Nance Realty Co
Applicant: Land Development and Design
Representative: Land Development and Design
Jurisdiction: Louisville Metro
Council District: 13 – Dan Seum Jr
Case Manager: Molly Clark, Planner II.

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

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

Agency testimony:

04:24:55 Molly Clark presented the case and showed a Power Point presentation. Clark responded to questions from Board Members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Mike Hill, Land Design & Development, 503 Washburn Ave, Louisville, KY 40222

Summary of testimony of those in support:

04:31:15 Mike Hill spoke in support of the request and presented a PowerPoint presentation. Hill responded to questions from Board Members (see recording for detailed presentation)

The following spoke in opposition to the request:

James Ernhart, 7706 WestPort Rd, Louisville, KY 40222

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PUBLIC HEARING

Case No. 23-CUP-0097

Summary of testimony of those in opposition:

04:42:2 James Earhart spoke in opposition to the request. Earhart stated he was the representative for Steve Hill who lives at 7801 Carrol Ave. Earhart stated that Mr. Hill understands that commercial properties will be built at this site however he is concerned with the type of commercial property that will be within this development.

Rebuttal:

04:51:11 Mike Hill spoke in rebuttal. Hill mentioned that a dedicated right of way will be installed along Carrol Ave. Hill also elaborated on the lighting pertaining to the building along Carrol Ave and the lighting requirements from Louisville Development code will be followed. Hill responded to questions from Board Members (see recording for detailed presentation)

05:00:22 Joel Dock responded to questions from Board Members.

05:05:14 Board Members' deliberation.

Conditional Use Permit (CUP) for off-street parking areas in R-4 residential zoning district (LDC 4.2.39)

05:05:31 On a motion by Member Howard, seconded by Member Vozos, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the proposal meets all applicable policies of the Comprehensive Plan, and

WHEREAS, the proposed use is compatible with surrounding development and land uses as the area contains a variety of uses and site designs, and

WHEREAS, the subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit (CUP) for off-street parking areas in the R-4

BOARD OF ZONING ADJUSTMENT MINUTES
August 21, 2023

PUBLIC HEARING

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residential zoning district (LDC 4.2.39) **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. Upon written application, filed at least thirty calendar days prior to said expiration date, the Board may, for cause shown, renew such Conditional Use Permit for one period of up to one year. If the Conditional Use Permit is not so exercised, the site shall not be used for off street parking without further review and approval by the Board.

3. The number of vehicles permitted within the boundaries of the CUP shall not exceed 36.

The vote was as follows:

YES: Members Horton, Vozos, Howard, and Chair Bond
ABSENT: Member Ford, Leanhart, and Vice Chair Buttorff

Category 3 Development Plan

05:06:55 On a motion by Member Howard, seconded by Member Horton, the following resolution, based on the Staff's report, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Category 3 Development Plan.

The vote was as follows:

YES: Members Horton, Vozos, Howard, and Chair Bond
ABSENT: Member Ford, Leanhart, and Vice Chair Buttorff

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The meeting adjourned at approximately 06:20 p.m.

Chair

Secretary