

**Board of Zoning Adjustment  
Staff Report**  
August 17, 2015



<b>Case No:</b>	15CUP1030
<b>Project Name:</b>	Bethany Memorial Cemetery
<b>Location:</b>	10915 Dixie Highway
<b>Owner(s):</b>	The Bethany Memorial Park and Cemetery Association
<b>Applicant(s):</b>	The Bethany Memorial Park and Cemetery Association
<b>Representative(s):</b>	William B. Bardenwerper
<b>Project Area/Size:</b>	20.36 acres
<b>Existing Zoning District:</b>	R-4, C-2, Residential Multi-Family, Commercial
<b>Existing Form District:</b>	N, SMC, Neighborhood, Suburban Marketplace Corridor
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	25 – David Yates
<b>Case Manager:</b>	Jon E. Crumbie, Planner II

**REQUESTS**

- Waiver to allow the Gene Snyder Freeway buffer to be reduced
- Modified Conditional Use Permit to allow the expansion of the existing cemetery

Location	Requirement	Request	Waiver
South Property Line abutting the Gene Snyder	50'	10'	40'

**CASE SUMMARY**

The applicant is proposing to expand the cemetery near the Gene Snyder Freeway right-of-way due to the need for more space. A waiver is being requested to reduce the buffer along the Gene Snyder. The original request for a reduction of the buffer area along the Gene Snyder Freeway was denied by BOZA on December 1, 2003.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Cemetery	R-4	N
<b>Proposed</b>	Cemetery	R-4	N
<b>Surrounding Properties</b>			
<b>North</b>	Cemetery, Office, Commercial	R-4, C-2	N, SMC
<b>South</b>	Gene Snyder Freeway		
<b>East</b>	Single Family Residential	R-4	N
<b>West</b>	Church, Single Family Residential	R-4	N

**PREVIOUS CASES ON SITE**

- B-165-96**      An application for the modification of an existing Conditional Use Permit for a cemetery to allow a second mausoleum. This item was approved on May 2, 2005.
- B-165-96W**      An application for a Modification of an approved Conditional Use Permit to allow additional mausoleums and a waiver from the buffer requirements from the Gene Snyder Freeway. The Board denied this request on December 1, 2003.
- B-165-96**      An application for a Modification of existing Conditional Use Permit of a cemetery to allow a mausoleum. The Board approved this request on November 18, 1996.
- B-165-96**      Conditional Use Permit to allow the expansion of an existing cemetery. The Board approved this item on August 19, 1996.

**INTERESTED PARTY COMMENTS**

No interested party comments have been received by staff.

**APPLICABLE PLANS AND POLICIES**

Land Development Code  
Cornerstone 2020

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER**

**Also See Page 12 of the staff report**

- (a)      The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect the adjacent property owners because the area to be reduced is adjacent to the Gene Snyder Freeway and railroad right-of-way.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since it does not appear that there is room for expansion in other areas of the cemetery.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the regulation would deprive the applicant of reasonable use of the land because the cemetery could not expand and would have to seek a new location.

### TECHNICAL REVIEW

There are no outstanding technical review items.

### STAFF CONCLUSIONS

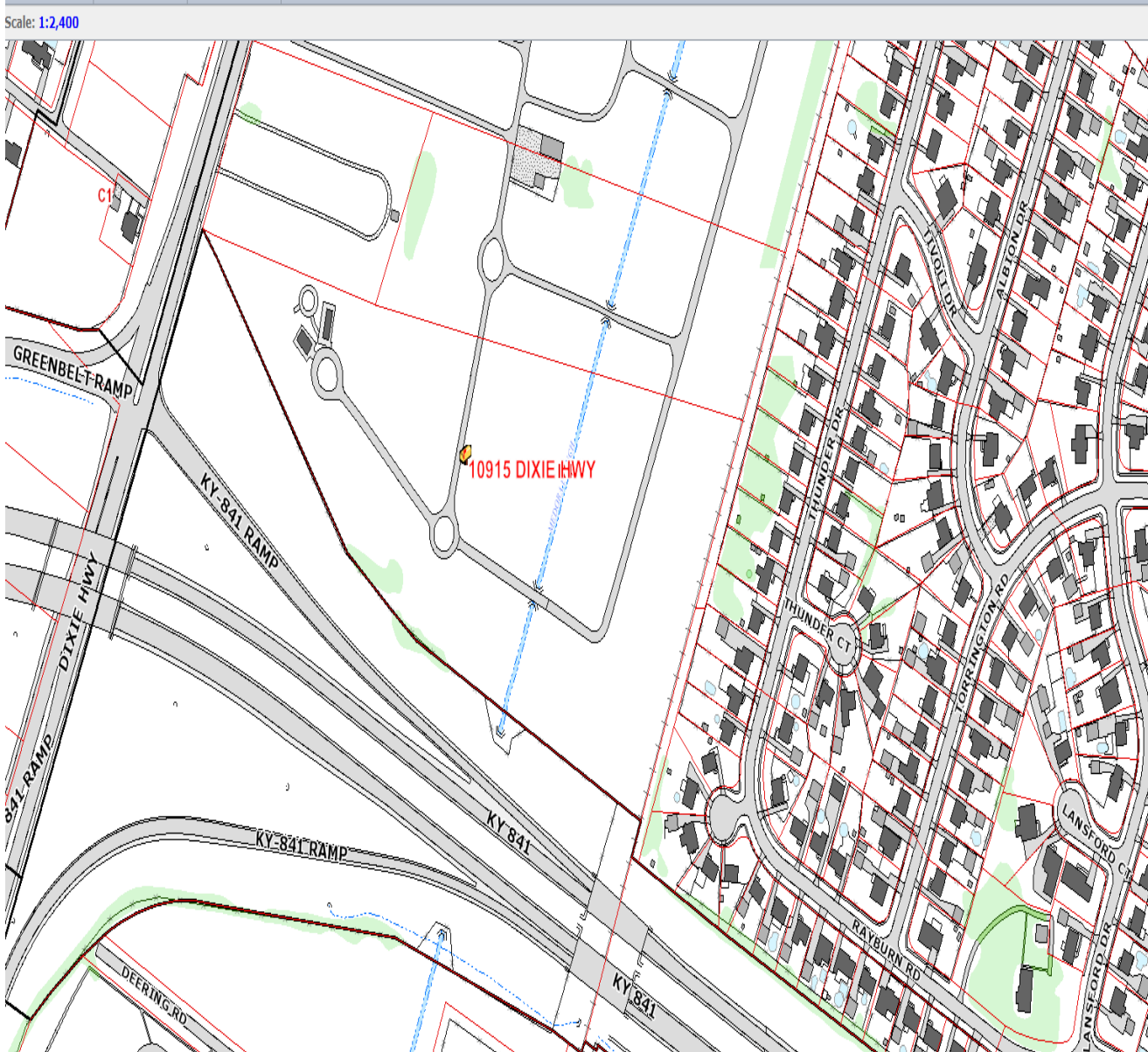
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a waiver established in the Land Development Code.

### NOTIFICATION

Date	Purpose of Notice	Recipients
7/30/15	APO Notice	First tier adjoining property owners Neighborhood notification recipients
7/31/15	Sign Posting	Subject Property

## ATTACHMENTS

### 1. Zoning Map



### 2. Aerial Photograph



Scale: 1:2,400



### 3. Justification Statements

**BARDENWERPER, TALBOTT & ROBERTS, PLLC**

ATTORNEYS AT LAW

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

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

July 6, 2015

Case Manager  
Louisville Metro Planning & Design Services  
444 S. 5<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Louisville, KY 40202

Re: Bethany Cemetery located at 10915 Dixie Highway, previous Docket Nos. 9-13-82 and B-165-96W

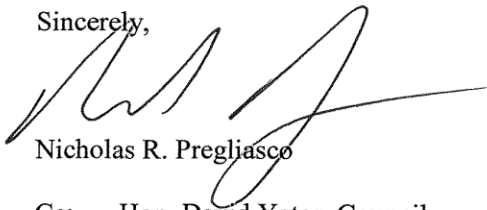
Dear Case Manager:

We are herewith filing the attached Modified Conditional Use Permit (Mod. CUP) and Waiver applications for our client, the owner of Bethany Memorial Gardens, which desires to expand the cemetery in the direction of the Snyder Freeway (1) because needed land exists there to utilize and (2) because developing that area with additional grave sites helps fund the legally required perpetual care fund for long term maintenance of the property.

Bethany Memorial Gardens was founded in 1931, the original size of which was 17.5 acres. Another 13.4 acres was added in 1989 through purchase of land from the Commonwealth of Kentucky. The Gene Snyder Parkway setback regulation (I believe currently at LDC 10.3.7) did not exist at that time. So, in 2003 our client applied for a Modified CUP and Waiver in order to encroach into the setback. The waiver was not granted for no aesthetic or public health, safety or welfare reason but only because the Memorial Gardens, according to BOZA 12 years ago, had apparently adequate space for new mausoleum and grave sites. Room for growth is now needed.

We look forward to discussing this matter in further detail with you. Should you have any questions, please do not hesitate to call or write.

Sincerely,



Nicholas R. Pregliasco

Cc: Hon. David Yates, Councilman, District 25  
John Keith, Bethany Cemetery  
Ann Richard, Land Design & Development, Inc.

**RECEIVED**

JUL 06 2015  
PLANNING &  
DESIGN SERVICES

e:\client folder\bethany cemetery\application\letter of explain.doc

15CUP1030

RECEIVED

JUL 08 2015

PLANNING &  
DESIGN SERVICES

**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 10.3.7 to reduce the Gene Snyder Parkway Buffer from 50 ft to 10 ft.

Explanation of Waiver: Because the setback along the interstate in this area is actually along the Snyder Freeway off-ramp, not the Snyder Freeway itself, and the setback for the cemetery appears to mimic much of the setback for other uses along the interstate in this area. Moreover, there is a 160 ft strip of State Right-Of-Way between the cemetery and the off-ramp.

1. The waiver will not adversely affect adjacent property owners because no properties can see the area impacted by this waiver, and the only affected people might be those traveling the off-ramp from the Snyder Freeway onto Dixie Highway. But those people would have the benefit of the additional 160 ft State ROW in addition to the 10 ft buffer. As this property is a cemetery, it is beautifully landscaped and maintained in a park-like setting.
2. The waiver will not violate the Comprehensive Plan because the only Guideline that could possibly apply would be Guideline 13, the Landscape Guideline, which is addressed by virtue of this property being a fully landscaped setting. We are not talking in this particular instance of buildings being set close to the Snyder Freeway, but rather only landscaped gravesites.
3. The extent of this waiver is the minimum necessary to afford relief to the applicant because 10 of the 50 ft are proposed to remain as Snyder Freeway buffer setback, and the 40 ft of waiver area will be, as said above, a fully landscaped setting. In addition thereto, the Snyder Freeway ROW is 160 ft deep along the Snyder Freeway off-ramp.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the cemetery is only requesting this waiver so that it can expand, providing more gravesite so that the perpetual fund for maintenance of this park-like cemetery can be adequately maintained long term. Again, this is especially important long after the cemetery is filled and entirely dependent for maintenance thereafter on this fund.

15 CUP 1030

**MINUTES OF THE MEETING**  
**OF THE**  
**LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT**  
**MAY 2, 2005**

**DOCKET NO. B-165-96**

**Applicant:** Bethany Cemetery

**Subject:** An application for the modification of an existing Conditional Use Permit for a cemetery to allow a second mausoleum.

**Premises affected:** On property known as 10915 Dixie Highway and being in Louisville Metro.

On April 22, 2005, a letter was received from the applicant requesting a modification of the approved Conditional Use Permit to allow a second mausoleum. The original hearing on this case was held on August 19, 1996 to allow the expansion of an existing cemetery.

On May 2, 2005, the Louisville Metro Board of Zoning Adjustment approved the modification to allow a second mausoleum.

A motion was made by Member Rhodes, seconded by Member Crowder, the following resolution was adopted:

**WHEREAS**, the Board finds the applicant requests a modification of an approved Conditional Use Permit to allow a second mausoleum; that the new proposed mausoleum consists of 216 crypts and 48 cremation niches; that the building will be placed adjacent to the present building and a cremation garden will be incorporated west of the new mausoleum;

**WHEREAS**, the Board finds the proposal to be in conformance with the Comprehensive Plan because it complies with all appropriate guidelines, principles and objectives of the Comprehensive Plan, and that conditions previously attached to the permit will ensure compatibility with all the surrounding neighborhood, and the proposal will not adversely affect the public health, safety or general welfare, as it has received preliminary approval from all appropriate governmental agencies



**MINUTES OF THE MEETING**  
**OF THE**  
**LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT**  
**MAY 2, 2005**

**DOCKET NO. B-165-96**

**NOW, THEREFORE, BE IT RESOLVED**, that the modification of the Conditional Use Permit is hereby **APPROVED ON CONDITION** that the applicant shall submit a revised site plan that shows the cremation garden west of the new mausoleum.

**The vote was as follows:**

**YES: Members Anderson, Crowder, Rhodes, Grisanti, Queenan and Stewart.**

**NO: No one.**

**NOT PRESENT FOR THIS CASE AND NOT VOTING: No one.**

**ABSTAINING: Member Francis.**

LOUISVILLE METRO BOARD

**DOCKET NUMBER B-165-96W**

**Public Hearing Date:** Dec 1, 2003

**Applicant/Owner:**

**Bethany Memorial Cemetery**

**Agent:**

**Land Design & Development, Inc.**

**Subject of Request:**

An application for a Modification of an approved Conditional Use Permit to allow additional mausoleums and a waiver from the buffer requirements from the Gene Snyder Freeway in a R-4 zoning district.

**Premises Affected:**

On property known as 10915 Dixie Highway and being in Louisville Metro.

**Existing Use and Zoning:**

Cemetery; R-4, Neighborhood

**Surrounding Land Uses and Zoning:**

North----Cemetery, Office, Commercial; R-4, C-2;  
Neighborhood, Suburban Marketplace Corridor

South---Gene Snyder Freeway, Exit Ramp; R-1

East----Single Family Residences; R-4, Neighborhood

West----Church, Single Family Residences; R-4, Neighborhood

**Related cases:**

**B-165-96** Modification of existing Conditional Use Permit of a cemetery to allow a mausoleum. The Board approved this request on November 18, 1996.

**B-165-96** Conditional Use Permit to allow the expansion of an existing cemetery. The Board approved this item on August 19, 1996.

LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT STAFF REPORT

DECEMBER 1, 2003

DOCKET NO. B-165-96W (CONTINUED)

- 3.1 Compatibility** **Apparent Compliance**  
There is an existing mausoleum that is situated west of the circle drive, that was approved as a modification in 1996. The proposal involves two mausoleum on the north and south of the drive.
- 3.2 Consideration of Building Materials** **Apparent Compliance**  
The proposed mausoleums will be similar in design and materials.
- 3.6 Traffic** **Apparent Compliance**  
The site plan has been stamped Inspections, Permits, and Licenses for Preliminary Approval. This is an existing cemetery and the mausoleums will be located on an existing internal road.
- 3.8 Lighting** **Apparent Compliance**  
The applicant has stated that the only accent lighting would be used on the mausoleums, but no type of security lighting is proposed.
- 3.9 Visual Impact** **Apparent Compliance**  
The overall appearance of the cemetery would appear to remain basically the same. The impact of the additional mausoleums should be minimal, since they will be approximately 120 feet from the exit ramp pavement and more than 300 feet from Dixie Highway.
- 3.22 Buffers** **More Information Needed**  
Due to the height of the exit ramp, it would be impossible to totally screen the mausoleums. There are some existing shrubs and trees along the western property line. The applicant is requesting a waiver of the listed requirement that grave sites be at least 30 feet from the property line and is also requesting a Land Development Code waiver to reduce the Gene Snyder Freeway buffer from 50 feet to 15 feet. The applicant is willing to supplement the planting along the proposed 15 foot buffer.
- 3.24 Parking** **Apparent Compliance**  
The parking will remain the same.
- 3.28 Signs** **Apparent Compliance**  
No signs are proposed.

**LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT STAFF REPORT**

**DECEMBER 1, 2003**

**DOCKET NO. B-165-96W (CONTINUED)**

**Guideline 10, Flooding Stormwater**

**10.11 Stormwater Runoff**

**Apparent Compliance**

Site plan has preliminary stamp approval from MSD.

The Board must determine if the proposal is in conformance with the Comprehensive Plan.

**WAIVER**

The applicant is requesting waivers of the Land Development Code , Chapter 10., Part 3., Part 7., Gene Snyder Freeway Development Requirements, A., 1., Setbacks. The required buffer area from the Gene Snyder Freeway is 50 feet. The applicant is requesting a buffer area of 15 feet. The applicant is also requesting that one of the proposed mausoleums be located within the 50 foot buffer area. The proposal would be located 36 feet from the property line. The following waivers are needed:

1. A waiver to allow the required Gene Snyder Freeway buffer area to be reduced from 50 feet to 15 feet.
2. A waiver to allow a proposed mausoleum to be located 36 feet from the western property line instead of the 50 foot minimum.

The applicant has stated the reasoning for the reduction in the buffer area.

**STAFF FINDINGS**

1. It appears to staff that the waivers will not adversely affect the adjacent property owners, due to the nature of the business.
2. The proposal will conform to the other applicable guidelines and policies of Comprehensive Plan, since the waivers will allow for the expansion to the existing approved cemetery.
3. The strict application of the provisions of the regulations would deprive the applicant the reasonable use of the land, since the applicant has designed the proposed mausoleums with the existing mausoleum and drive.

**LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT STAFF REPORT**

**DECEMBER 1, 2003**

**DOCKET NO. B-165-96W (CONTINUED)**

It is suggested that, if the modification of the Conditional Use Permit and the buffer waivers are approved, the following conditions be met:

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 remaining buffer area shall be supplemented subject to staff approval.
3. The only additional lighting will be accent lighting for the mausoleums.



**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT  
DECEMBER 1, 2003**

**DOCKET NO. B-165-96W**

**Applicant/Owner:** Bethany Memorial Cemetery

**Agent:** Land Design & Development, Inc.

**Subject:** An application for a Modification of an approved Conditional Use Permit to allow additional mausoleums and a waiver from the buffer requirements from the Gene Snyder Freeway in a R-4 zoning district.

**Premises affected:** On property known as 10915 Dixie Highway and being in Louisville Metro.

**Appearances for Applicant:**

Ted Bernstein, Land Design & Development, Inc., 8014 Vine Crest Avenue, Suite 8, Louisville, Kentucky 40222, who submitted an aerial layout.

John Keith, 169 Forest Hills, Hodgenville, Kentucky 42748.

**Appearances-Interested Party:**

No one.

**Appearances Against Applicant:**

No one.

On October 13, 2003, Bethany Memorial Cemetery, filed an application for a Modification of an approved Conditional Use Permit to allow additional mausoleums and a waiver from the buffer requirements from the Gene Snyder Freeway in a R-4 zoning district.

On December 1, 2003, a meeting of the Board, a hearing was held on the case. A drawing showing the premises affected and the existing and/or proposed construction was presented to each Board member.

In accordance with the Board Bylaws, the staff report prepared for this case was incorporated into the record. The Board members had received this report in advance of the hearing and it was available to any interested party prior to the public hearing. See Addendum for staff report in full.

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT  
DECEMBER 1, 2003**

**DOCKET NO. B-165-96W**

A video of the site and surrounding area was shown

Catherine Shay, Court Reporter, recorded the testimony given in the public hearing.

After the public hearing and a further discussion of the case by the members of the Board in open business session, on a motion by Member Howard, seconded by Member Rhodes, the following resolution was adopted:

**WHEREAS**, the Board finds, from the file of this case, the staff report, and the evidence and testimony submitted at the public hearing to allow additional mausoleums and a waiver from the buffer requirements in a R-4 zoning district; and

**WHEREAS**, the Board finds that the applicant is requesting a Modification of an approved Conditional Use Permit to allow additional mausoleums; and

**WHEREAS**, the Board finds that on November 18, 1996 the applicant was allowed a modification of the existing Conditional Use Permit to allow a mausoleum; and

**WHEREAS**, the Board finds that on August 19, 1996 the applicant was allowed the expansion of the existing cemetery but with a 75 foot buffer along the Gene Snyder Freeway; and

**WHEREAS**, the Board finds the 15 foot buffer too small for adequate buffering along the Gene Snyder; and

**WHEREAS**, the Board finds that there is adequate space on site to locate the proposed buildings without encroaching into the buffer area; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board does hereby **DENY** the modification of the approved Conditional Use Permit to allow additional mausoleums.

**MINUTES OF THE MEETING**  
**OF THE**  
**LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT**  
**DECEMBER 1, 2003**

**DOCKET NO. B-165-96W**

**The vote was as follows:**

**YES: Members Howard, Rhodes, Francis, Saunders and Anderson.**

**NO: No one.**

**NOT PRESENT FOR THIS CASE AND NOT VOTING: No one.**

**ABSTAINING: No one.**

**WAIVERS**

Upon further discussion of the case by the members of the Board in open business session, on a motion by Member Howard, seconded by Member Rhodes.

**WHEREAS**, the Board finds that the required Gene Snyder Freeway buffer area being reduced from 50 feet to 15 feet is too small for adequate buffering along the Gene Snyder;

**WHEREAS**, the Board finds there is adequate space on site to locate the proposed buildings without encroaching into the buffer area;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board does hereby **DENY** the buffer area of 15 feet.

**The vote was as follows:**

**YES: Members Rhodes, Howard, Francis, Saunders and Anderson.**

**NO: No one.**

**NOT PRESENT FOR THIS CASE AND NOT VOTING: No one.**

**ABSTAINING: No one.**

In conclusion of discussion of the case by the members of the Board in open business session, on a motion by Member Howard, seconded by Member Francis.

**WHEREAS**, the Board finds that the proposed mausoleum to be located 36 feet from the western property line instead of the 50 foot minimum would encroach into the buffer area; and that there is adequate space on site without encroaching into the buffer area;

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT  
DECEMBER 1, 2003**

**DOCKET NO. B-165-96W**

**BE IT FURTHER RESOLVED**, that the Board does hereby **DENY** the request for the proposed mausoleum to be located within the 50 foot buffer area.

**The vote was as follows:**

**YES: Members Howard, Saunders, Howard, Francis and Anderson.**

**NO: No one.**

**NOT PRESENT FOR THIS CASE AND NOT VOTING: No one.**

**ABSTAINING: No one.**

JEFFERSON COUNTY BOARD OF ZONING ADJUSTMENT

AUGUST 19, 1996

**DOCKET NO. B-165-96**

**Applicant:** Bethany Memorial Cemetery

**Subject:** An application for a Conditional Use Permit to allow the expansion of an existing cemetery.

**Premises affected:** On property known as 11915 Dixie Highway and being in unincorporated Jefferson County.

**Appearances For Applicant:**

Patrick Dominic, Sabak, Wilson & Lingo, 315 West Market Street, Louisville, Kentucky 40202, who submitted slides and photographs of the site

**Appearances-Interested:**

No one.

**Appearances Against Applicant:**

No one.

On July 24, 1996, Bethany Memorial Cemetery, Inc. applied for a Conditional Use Permit to allow the expansion of a cemetery.

On August 19, 1996, at a meeting of the Board, a hearing was held on this case. A drawing showing the premises affected and the existing and/or proposed construction was presented to each Board member.

By general consensus and with the consent of all those present for the hearing of this case, the Board voted unanimously to waive the reading of the staff report and to incorporate it into the record. The Board members had received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. See Addendum for staff report in full.

A video and map of the site and surrounding area were shown.

Shari Cooper, Court Reporter, recorded the testimony given in the public hearing.

After the public hearing and a further discussion of the case by the members of the Board in open executive session, on a motion by Member Drago, seconded by Member Tonini, the following resolution was unanimously adopted:

**WHEREAS**, the Board finds that the proposal is for the expansion of Bethany Memorial Cemetery for a total of 54.37 acres; a portion of this site is currently a cemetery classified as a "Special Use" (9-80-52) which was approved on July



JEFFERSON COUNTY BOARD OF ZONING ADJUSTMENT

AUGUST 19, 1996

**DOCKET NO. B-165-96 (CONTINUED)**

17, 1952; the site is compatible with adjacent cemetery use and will provide visual and open space relief at the Gene Snyder Freeway terminus with Dixie Highway; a fence is proposed where the site adjoins vacant R-4 zoned property to the north and a fence shall be erected along the Illinois Central Railroad line; fencing already exist along the south boundary adjacent to the Gene Snyder Freeway; the front portion of the property is already developed as permitted under the Special Use Permit and the applicant will comply with all remaining side yards perimeter requirements; an 18 foot paved surfaced road without shoulder is proposed; the site has direct access to Dixie Highway and access is provided internally between the existing cemetery and the adjacent funeral home; the proposed expansion will utilize three (3) existing bridges across the drainage ditch to access future sections of the site; the applicant will provide landscaping as the cemetery develops; the property is well-maintained, is in an attractive and orderly condition and helps create a park-like setting along the Gene Snyder Freeway; therefore, the proposal is in compliance with Comprehensive Plan Transportation Guideline T-8, Residential Guideline R-1, Community Facilities Guideline F-1 and Article 15, D., 4., b., c., d., and e.

**WHEREAS**, the Board finds that the proposal is in compliance with the Comprehensive Plan because it complies with all other applicable guidelines, principles and objectives of the Comprehensive Plan, and that the conditions attached to the permit will ensure compatibility with the surrounding neighborhood, and

**WHEREAS**, the Board finds that the proposal will promote and will not adversely affect the public health, safety or general welfare, as it has received preliminary approval from the Health Department, Metropolitan Sewer District, Air Pollution Control District, and the Jefferson County Department of Public Works;

**NOW, THEREFORE, BE IT RESOLVED**, that the Conditional Use Permit is hereby **APPROVED ON CONDITION** with the following conditions:

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. The site shall be landscaped in accordance with the requirements of Article 12 of the Zoning District Regulations.
3. All buildings and structures shall be at least 30 feet from any property line.
4. In the expansion area of the cemetery, no required yard shall be occupied by graves and there shall be no graves closer than 25 feet to a front property line.

**JEFFERSON COUNTY BOARD OF ZONING ADJUSTMENT**

**AUGUST 19, 1996**

**DOCKET NO. B-165-96 (CONTINUED)**

5. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.
6. All roads used solely for internal circulation shall have a minimum pavement width of 16 feet and a minimum shoulder width of 6 feet on each side of the pavement.
7. No additional signs shall be erected on the site.
8. A fence shall be installed along the Illinois Central Railroad line
9. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within one year of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a cemetery without further review and approval by the Board.



**PROJECT DATA**  
TOTAL SITE AREA  
EXISTING ZONING  
EXISTING FORM DISTRICT  
EXISTING USE

- GENERAL NOTES**
1. Parking areas and drive lanes
  2. A portion of the site is within 2111 C-0235 D dated February 100-year flood by levee, dike,
  3. Boundary taken from deed(s)