



Louisville Metro Government

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

Action Summary Board of Zoning Adjustment

Monday, January 23, 2023

1:00 PM

Old Jail Auditorium

Call To Order

The following Board Members were present: Bond, Buttorff, Ford, Leanhart, Vozos and Howard

The following Board Members were absent: Horton

Approval Of Minutes

1. [BOZA Minutes 010923](#)

A motion was made by Member Ford, seconded by Member Vozos that the January 9, 2023 BOZA minutes be approved. The vote was as follows:

YES: Members Bond, Buttorff, Ford, Leanhart, Vozos and Howard

ABSENT: Member Horton

Public Hearing

2. [22-APPEAL-0011](#)

Request:	Appeal of an administrative decision regarding a zoning enforcement action.
Project Name:	East Whitney Avenue Appeal
Location:	114 East Whitney Avenue
Owner:	Glen E. Kerns
Appellant:	Glen E. Kerns
Representative:	Harry B. O'Donnell IV
Jurisdiction:	Louisville Metro
Council District:	21 - Nicole George
Case Manager:	Chris French, Planning Supervisor

A motion was made by Member Bond, seconded by Member Ford to CONTINUE this case to the February 20, 2023 BOZA meeting due to the applicant being injured and not able to attend. The vote was as follows:

YES: Members Bond, Buttorff, Ford, Leanhart, Vozos and Howard

ABSENT: Member Horton

3. [22-VARIANCE-0154](#)

Request: Variances to permit attached signs mounted more than 25ft above grade

Project Name: Burdorf Building Sign Variances

Location: 3939 Shelbyville Rd

Owner: Burdorf Properties LLC

Applicant: Signarama Northeast

Jurisdiction: Louisville Metro

Council District: 9 - Andrew Owen

Case Manager: Beth Jones, AICP, Planner II

A motion was made by Member Bond, seconded by Member Buttorff that the variance from City of St. Matthews Development Code to allow three attached business signs to extend to a height of more than 25ft above ground (Article 11.D.2.c.) be recommended to St. Matthews for approval. The vote was as follows:

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

4. [20-VARIANCE-0169](#)

Request: A variance to allow a fence in the front yard setback to exceed the maximum height.

Project Name: Princess Way Variance

Location: 6000 Princess Way

Owner: Silver Lining Investments, LLC

Applicant: Robert Thomas

Jurisdiction: Louisville Metro

Council District: 23- Jeff Hudson

Case Manager: Amy Brooks, Planner I

A motion was made by Member Buttorff, seconded by Member Leanhart that the Variance from Land Development Code section 4.4.3.A.1.a.i to allow a fence in the front yard setback to exceed the maximum height allowance be denied. The vote was as follows:

YES: Members Bond, Buttorff, Ford and Leanhart
NO: Member Vozos
ABSTAIN: Chair Howard
ABSENT: Member Horton

5. [22-VARIANCE-0158](#)

Request: A variance to encroach into the front yard setback (22-VARIANCE-0158) and a variance to encroach into the rear yard setback (22-VARIANCE-0160)

Project Name: Speedwash Car Wash

Location: 4124 Shelbyville Road

Owner/Applicant: Speedwash 4124, LLC

Jurisdiction: City of St. Matthews

Council District: 9 - Bill Hollander

Case Manager: Clara Schweiger, Planner I

A motion was made by Member Buttorff, seconded by Member Ford that the Variance of Chapter 6.4.C.2.e of the St. Matthews Development Code to allow a freestanding sign to encroach into the 15' front yard setback and to be as close as 1' from the right of way of Shelbyville Road for a variance of 14'. (22-VARIANCE-0158) and a Variance of Chapter 6.4.C.2.e of the St. Matthews Development Code to allow a service structure to encroach into the rear yard and to be as close as 15' from the rear property line for a variance of 10' (22-VARIANCE-0160) be approved. The vote was as follows:

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

6. [22-VARIANCE-0150](#)

Request: A modified variance to allow a private yard area to be less than the required 30% of the area of the lot and a variance to allow a primary structure to encroach into the side yard setback.

Project Name: Peterson Avenue Variance

Location: 321 S. Peterson Avenue

Owner: Benjamin Brainard

Applicant: Benjamin Brainard

Jurisdiction: Louisville Metro

Council District: 9- Andrew Owen

Case Manager: Amy Brooks, Planner I

A motion was made by Member Ford, seconded by Member Leanhart that the Variance from the Land Development Code Table 5.2.2 to allow a primary structure to encroach into the side yard setback and a modified 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 be approved. The vote was as follows:

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

7. [22-VARIANCE-0140](#)

Request: A variance to exceed the maximum fence height and a variance to encroach into the rear yard setback.

Project Name: Bierhaus Variance

Location: 1036 Bardstown Road

Owner: Bierhaus, LLC

Applicant: Rachel Harman

Jurisdiction: Louisville Metro

Council District: 8 - Cassie Chambers Armstrong

Case Manager: Amy Brooks, Planner I

A motion was made Member Vozos, seconded by Member Bond that a Variance from the Land Development Code section 5.5.5.to allow an accessory structure to encroach into the rear yard setback and a Variance from Land Development Code section 4.4.3.A.1.b.i to allow a fence to exceed the maximum allowed height within a required rear yard be approved. The vote was as follows:

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

8. [22-VARIANCE-0155](#)

Request: A modified variance to allow a private yard area to be less than the required 30% of the area of the lot and a variance to allow an accessory use area to exceed the maximum depth.

Project Name: Pennsylvania Avenue Variance

Location: 156 Pennsylvania Avenue

Owner: Andrew Meredith

Applicant: Andrew Meredith

Jurisdiction: Louisville Metro

Council District: 9- Andrew Owen

Case Manager: Amy Brooks, Planner I

A motion was made by Member Bond, seconded by Member Buttorff that a Variance from the Land Development Code section 5.5.5.to allow an accessory structure to encroach into the rear yard setback and a Variance from Land Development Code section 4.4.3.A.1.b.i to allow a fence to exceed the maximum allowed height within a required rear yard be approved. The vote was as follows:

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

9. [22-CUP-0349](#)

Request: Conditional Use Permit for short term rental of a dwelling unit that is not the primary residence of the host

Project Name: 6th Street Short Term Rental

Location: 940 S. 6th St.

Owner: Jonathan Pacilio

Applicant: Jonathan Pacilio

Representative: Nick Pregliasco

Jurisdiction: Louisville Metro

Council District: 6-Vacant

Case Manager: Amy Brooks, Planner I

A motion was made by Member Leanhart, seconded by Member Buttorff that the Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in the TNZD and Traditional Neighborhood Form District be denied. The vote was as follows:

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

10. [22-CUP-0355](#)

Request: Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host

Project Name: Sonoma Lane Short Term Rental

Location: 3733 Sonoma Lane

Owner/Applicant: Robert Hefferman - HPJ, LLC.
Sandra Holmes

Jurisdiction: Louisville Metro

Council District: Dan Seum Jr. - District 13

Case Manager: Molly Clark, Planner II

A motion was made by Member Vozos, seconded by Member Buttorff that the Conditional Use Permit to allow short term rental of dwelling unit that is the primary residence of the host in the R-5 Single Family Residential Zoning District and Neighborhood form district be approved. The vote was as follows:

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

11. [22-CUP-0360](#)

Request: Conditional Use Permit for short term rental of a dwelling unit that is not the primary residence of the host

Project Name: Boyle Street Short Term Rental

Location: 1240 Boyle Street

Owner: Ken Sumner

Applicant: Ken Sumner

Jurisdiction: Louisville Metro

Council District: 6-Vacant

Case Manager: Amy Brooks, Planner I

A motion was made by Member Leanhart, seconded by Member Vozos that the Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in R-6 Multi-family zoning and Traditional Neighborhood Form District be approved. The vote was as follows:

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

12. [22-CUP-0361](#)

Request: Conditional Use Permit for short term rental of a dwelling unit that is not the primary residence of the host.

Project Name: S. 1st Street Short Term Rental

Location: 4332 S. 1st Street

Owner/Applicant: Christopher Allen

Jurisdiction: Louisville Metro

Council District: 21 - Betsy Ruhe

Case Manager: Heather Pollock, Planner I

A motion was made Member Ford, seconded by Member Buttorff that the Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in the R-5 Single Family Zoning District and Traditional Neighborhood Form District be denied. The vote was as follows:

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

13. [22-CUP-0367](#)

Request: Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host

Project Name: Cross Hill Road Short Term Rental

Location: 2309 Cross Hill Road

Owner/Applicant: Luke Neubauer

Jurisdiction: Louisville Metro

Council District: District 9 - Andrew Owen

Case Manager: Chris French, AICP, Planning Supervisor

A motion was made by Member Buttorff, seconded by Member Ford that the Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host be approved. The vote was as follows:

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

14. [22-CUP-0372](#)

Request: Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host

Project Name: Heatherbrook Drive Short Term Rental

Location: 4412 Heatherbrook Drive

Owner/Applicant: Jordan Heil

Jurisdiction: Louisville Metro

Council District: District 26 - Brent Ackerson

Case Manager: Molly Clark, Planner II

A motion was made by Member Vozos, seconded by Member Bond that Conditional Use Permit to allow short term rental of dwelling unit that is the primary residence of the host in the R-5 Single Family Residential Zoning District and Neighborhood form district be approved. The vote was as follows:

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

Adjournment