

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

**October 28, 2019**

A Special meeting of the Louisville Metro Board of Zoning Adjustment was held on October 28, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Members Present:**

Lula Howard, Chair  
Kimberly Leanhart, Vice Chair  
Richard Buttorff, Secretary  
Lester Turner, Jr.  
LiAndrea Goatley

**Members Absent:**

Lindsey Jagoe

**Staff Members Present:**

Joe Reverman, Planning & Design Assistant Director  
Joe Haberman, Planning & Design Manager  
Steve Hendrix, Planning & Design Coordinator  
Beth Jones, Planner II  
Zach Schwager, Planner I  
Jay Lockett, Planner I  
John Carroll, Legal Counsel  
Sue Reid, Management Assistant

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT SPECIAL MEETING MINUTES  
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**OCTOBER 21, 2019 BOARD OF ZONING ADJUSTMENT MEETING MINUTES**

**00:03:58** On a motion by Member Turner, seconded by Member Goatley, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the October 21, 2019 Board of Zoning Adjustment meeting.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Vice Chair Leanhart, and Chair Howard**

**Absent: Member Jagoe**

**BOARD OF ZONING ADJUSTMENT SPECIAL MEETING MINUTES**  
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**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0057**

Request: **NOT TO BE HEARD TODAY; CASE WITHDRAWN FOR LACK OF OWNER CONSENT**  
Conditional Use Permit for Transitional Housing

Project Name: 1833 Transitional Housing  
Location: 1833 Date Street  
Owner/Applicant: Kristy Love Foundation  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
Case Manager: Beth Jones, AICP, Planner II

**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.**

**Comments:**

**00:04:55** Lee Zimmerman (3607 River Ridge Cove, Prospect, KY 40059), representing Kristy Love Foundation, asked if the case has been taken off the agenda, should they not have been notified, and what about the thousand dollars they paid for this application (see recording for detailed presentation).

**00:05:37** Joe Haberman, Planning & Design Manager, advised Mr. Zimmerman that the fee is going to be a separate issue, but to the first question, there were questions at the last hearing regarding ownership because there was no owner signature on the application as required so the item was deferred until this meeting so staff could reach out to the owner to make sure they consented to the application which affects their property. Mr. Haberman stated last week we received an email from Dan Pringle on behalf of Peer Innovations, LLC. indicating that he no longer consented to this application being heard today and without the property owner's consent we cannot proceed. Mr. Haberman answered further questions from Mr. Zimmerman (see recording for detailed presentation).

Case Number 19-CUP-0057 was **WITHDRAWN** for lack of owner consent. Therefore, no vote or action was taken.

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**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0049**

Request: Sign Authorization (19-SIGNAUTH-0001) and  
Variances (19-VARIANCE-0049)  
Project Name: Lou City Signs  
Location: 350 Adams Street  
Owner: Louisville City Stadium LLC  
Applicant: Reuff Sign Company  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
Case Manager: Beth Jones, AICP, 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 5<sup>th</sup> 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:**

**00:09:20** Beth Jones presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

**The following spoke in favor of the request:**

Carl Rueff, 1530 East Washington Street, Louisville, KY 40206

**Summary of testimony of those in favor:**

**00:19:54** Carl Rueff spoke in favor of the request. Patrick Stewart (110 W. Main St., Louisville, KY 40202) and Lee Hasken (1335 Magisterial Dr., Louisville, KY 40223) were available for questions (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

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**CASE NUMBER 19-VARIANCE-0049**

**00:22:15**     **Board Members' deliberation**

**00:25:57**     On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**Variance #1 to permit attached signs to exceed the maximum permitted size by 1,829 sq. ft. (LDC Table 8.3.2 Downtown):**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect public health safety or welfare since the location of the signs will not interfere with pedestrian or vehicular traffic or with nearby land uses, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the area adjacent to the signs is zoned and/or developed for commercial and manufacturing uses, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the sign location will not disrupt pedestrian or vehicular traffic or nearby land uses, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations since the zoning of adjacent areas (EZ-1 and M-3) is unlikely to result in incompatible future development and the signs will meet all other requirements; and

**Variance #2 to permit the number of signs to exceed the maximum permitted (LDC Table 8.3.2 Downtown):**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect public health safety or welfare since the location of the signs will not interfere with pedestrian or vehicular traffic or with nearby land uses, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the zoning of adjacent areas (EZ-1 and M-3) is unlikely to result in incompatible development in the future, and

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**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the sign location will not disrupt pedestrian or vehicular traffic or nearby land uses, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations since the zoning of adjacent areas (EZ-1 and M-3) is unlikely to result in incompatible future development and the signs will meet all other requirements; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0049 does hereby **APPROVE** Variances to permit attached signage mounted to a scoreboard structure (LDC Table 8.3.2 Downtown); Variance #1 Size of Signs (**Permitted 300 sq. ft., Proposed 2,129 sq. ft., Variance 1,829 sq. ft.**); Variance #2 Number of Signs (**Permitted 3, Proposed 8, Variance 5**), **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. The changing image sign shall at all times comply with the specific requirements for operation of the display as defined in LDC 8.2.1.D., including but not limited to:
  - a. Any image displayed must remain on screen without movement of any kind for a minimum of 20 seconds.
  - b. The display must use automatic dimming technology to adjust image display based on ambient light, typically 0.3 footcandles above ambient light levels.
  - c. No display of videos or moving images of any kind shall be permitted.
2. Images displayed on the changing image sign are restricted to those directly promoting the team or promoting products and services offered or sold on the stadium site.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Vice Chair Leanhart, and Chair Howard**

**Absent: Member Jagoe**

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**CASE NUMBER 19-VARIANCE-0049**

**00:27:48** On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**Sign Authorization to permit an Exception Sign (LDC 8.4, Appendix 8B); 19-SIGNAUTH-0001:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners as it is appropriate for the use of the site. In addition, its location is at a point that is on the far side of a floodwall and approximately 1,100 ft from the nearest residential uses, and

**WHEREAS**, the Board further finds that the waiver will not violate specific guidelines of Plan 2040 (Community Form Goal 1, Policy 14) as it is in compliance with the underlying form district and 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 and proportionate with the scale of the stadium structure.

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 the Lou City facility, the proposed lighting is appropriate, and the sign is pedestrian-oriented. Transportation Planning has reviewed the plans for conformance with safety standards, and

**WHEREAS**, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant in that the request is compatible with surrounding development and has appropriate roadway visibility, and

**WHEREAS**, the Board further finds that the applicant has incorporated design measures which compensate for non-compliance resulting in a net beneficial effect. The design is appropriate for the site and the use of the property will contribute a distinctive design to the vicinity with minimal negative impacts; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0049 (19-SIGNAUTH-0001) does hereby **APPROVE** Sign Authorization to permit an Exceptional Sign (LDC 8.4, Appendix 8B).

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**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Vice Chair Leanhart, and Chair Howard**

**Absent: Member Jagoe**



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**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0051**

Request: Sign variance (19-VARIANCE-0051) and waivers (19-WAIVER-0067)  
Project Name: The Ivy  
Location: 13651 Aragon Way  
Owner/Applicant: VOC Phase I Owner LLC  
Representative: Bardenwerper Talbott & Roberts LLC  
Jurisdiction: Louisville Metro  
Council District: 19 – Anthony Piagentini  
Case Manager: Beth Jones, AICP, 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 5<sup>th</sup> 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:**

**00:29:48** Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in favor of the request:**

Paul Whitty, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223

**Summary of testimony of those in favor:**

**00:36:57** Paul Whitty spoke in favor of the request and showed a Powerpoint presentation. Mr. Whitty responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

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**CASE NUMBER 19-VARIANCE-0051**

**00:48:04 Board Members' deliberation**

**00:48:23** On a motion by Member Turner, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**Variance #1 Public Entrance Sign:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect public health safety or welfare since its location does not interfere with pedestrian or vehicular traffic or with nearby land uses, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the area adjacent to the sign is undeveloped at this time. In addition, the zoning of these adjacent areas (C-2 and OR-3) is unlikely to result in incompatible development in the future, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the sign location will not disrupt pedestrian or vehicular traffic or nearby land uses, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations since the zoning of undeveloped adjacent areas (C-2 and OR-3) is unlikely to result in incompatible development in the future; and

**Variance #2 Identification Sign:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect public health safety or welfare since its location does not interfere with pedestrian or vehicular traffic or with nearby land uses, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the area adjacent to the sign is undeveloped at this time. In addition, the zoning of these adjacent areas (C-2 and OR-3) is unlikely to result in incompatible development in the future, and

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**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the sign location will not disrupt pedestrian or vehicular traffic or nearby land uses, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations since the zoning of undeveloped adjacent areas (C-2 and OR-3) is unlikely to result in incompatible development in the future; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0051 does hereby **APPROVE** Variance to permit attached signs for a residential use in a Neighborhood Form District to exceed the maximum permitted size of 12 sq. ft. (LDC Table 8.3.1); **(Variance #1 Public Entrance Sign Permitted Size 12 sq. ft., Proposed Size 14.4 sq. ft., Variance 2.4 sq. ft.); Variance #2 Identification Sign Permitted Size 12 sq. ft., Proposed Size 103 sq. ft., Variance 91 sq. ft.)**.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Vice Chair Leanhart, and Chair Howard**

**Absent: Member Jagoe**

**00:50:38** On a motion by Member Turner, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**Waiver to permit two attached signs per street for a residential use in a Neighborhood Form District where one sign is permitted (LDC Table 8.3.1):**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that adjoining properties are currently undeveloped and are zoned C-2 and OR-3, making it unlikely that future development will be incompatible, and

**WHEREAS**, the Board further finds that the proposed signage will not conflict with compatibility standards as set by Plan 2020, and

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**WHEREAS**, the Board further finds that the request for two signs is reasonable in that one will identify the development and the other will identify the public entrance to the pool/clubhouse/ leasing office, and

**WHEREAS**, the Board further finds that compliance may deprive the applicant of reasonable use of the land since strict application of the regulation may prevent the signage from being visible from public right of ways; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0051 (19-WAIVER-0067) does hereby **APPROVE** Waiver to permit two attached signs per street for a residential use in a Neighborhood Form District where one sign is permitted (LDC Table 8.3.1).

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Vice Chair Leanhart, and Chair Howard**

**Absent: Member Jagoe**

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**PUBLIC HEARING**

**CASE NUMBER 19-CAT3-0015**

Request:	Category 3 Development Plan with Waivers and a Variance
Project Name:	CVS Pharmacy
Location:	404 E Broadway
Owner:	Five Star Development
Applicant:	Foresite Group
Representative:	Frost Brown Todd
Jurisdiction:	Louisville Metro
Council District:	4– Barbara Sexton Smith
Case Manager:	Jay Lockett, AICP, 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 5<sup>th</sup> 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:**

**00:52:39** Jay Lockett presented the case and showed a Powerpoint presentation. Mr. Lockett provided booklets to the Board Members that were submitted by the applicant. Mr. Lockett responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in favor of the request:**

Glenn Price, 400 W. Market, Suite 3200, Louisville, KY 40202

**Summary of testimony of those in favor:**

**01:00:03** Glenn Price spoke in favor of the request and showed a Powerpoint presentation. Mr. Price responded to questions from the Board Members (see recording for detailed presentation).

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**CASE NUMBER 19-CAT3-0015**

**01:13:54** The Board Members, by general consensus, agreed to Table Case Number 19-CAT3-0015 to later in the docket to allow the applicant's representative an opportunity to discuss proposed changes to the street wall with the applicant.

**01:29:42** Glenn Price provided renderings to the Board Members. Mr. Price stated they would like to propose a six foot wall, composed of brick and black metal fencing between the brick columns (see recording for detailed presentation).

**01:31:11** Jay Lockett responded to a question from Chair Howard (see recording for detailed presentation).

**01:32:12** Mr. Price concluded his presentation and responded to questions from the Board Members (see recording for detailed presentation).

**01:34:09** Dominic Gratto, John Rhodes, and Nate Welch were called, but declined to speak.

**The following spoke neither for nor against the request:**

Vicky Frank, 3104 Sunny Lane, Louisville, KY 40205

**Summary of testimony of those neither for nor against:**

**01:35:00** Vicky Frank spoke neither for nor against the request (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**REBUTTAL:**

**01:37:21** Glenn Price spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

**01:38:21** **Board Members' deliberation**

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**CASE NUMBER 19-CAT3-0015**

**01:42:21** On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**Variance from Chapter 5.2.1.C.6 to allow the structure to exceed the 0 foot front setback by 2 feet and the 0 foot street side setback by up to 9.2 feet:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare since the building will establish the corner of the lot with wide sidewalks to accommodate pedestrians, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the building will still address the corner and is similar in scale to other development in the area, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the development will be adequately buffered and screened, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since the building will still be developed on the corner and the setbacks will not be apparent from street level once the site is developed; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CAT3-0015 (19-VARIANCE-0034) does hereby **APPROVE** Variance from Chapter 5.2.1.C.6 to allow the structure to exceed the 0 foot front setback by 2 feet and the 0 foot street side setback by up to 9.2 feet.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley Vice Chair Leanhart, and Chair Howard**

**Absent: Member Jagoe**

**01:43:32** On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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**PUBLIC HEARING**

**CASE NUMBER 19-CAT3-0015**

**Waiver from 5.2.1.C.2 to not maintain a 3 story street wall for the length of each lot frontage:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners as most properties in the immediate vicinity also do not maintain a 3 story street wall, and

**WHEREAS**, the Board further finds that the waiver will not violate the Comprehensive Plan, as it will allow for the redevelopment of a previously developed site in a way that is consistent with development in the surrounding area, and

**WHEREAS**, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as other site design standards will be met on the subject site, and

**WHEREAS**, the Board further finds that the applicant will construct a masonry wall to maintain the site frontage at a pedestrian scale and provide additional screening for the parking lot; and

**Waiver from 5.2.1.C.5 to not maintain a street wall along the entire length of the lot frontage:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners as most properties in the immediate vicinity also do not maintain a 3 story street wall, and

**WHEREAS**, the Board further finds that the waiver will not violate the Comprehensive Plan, as it will allow for the redevelopment of a previously developed site in a way that is consistent with development in the surrounding area, and

**WHEREAS**, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as other site design standards will be met on the subject site, and

**WHEREAS**, the Board further finds that the applicant will construct a masonry wall to maintain the site frontage at a pedestrian scale and provide additional screening for the parking lot; and



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**PUBLIC HEARING**

**CASE NUMBER 19-CAT3-0015**

**Waiver from 5.5.1.B.1.A to allow parking that is not entirely behind the principle structure:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners as the parking area will be adequately screened, and

**WHEREAS**, the Board further finds that the waiver will not violate the Comprehensive Plan, as it will allow for the redevelopment of a previously developed site in a way that is consistent with development in the surrounding area. The parking area will be a significant improvement and contain less impervious surface than the current development on the subject site, and

**WHEREAS**, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as other site design standards will be met on the subject site, and

**WHEREAS**, the Board further finds that the applicant will construct a masonry wall to maintain the site frontage at a pedestrian scale and provide additional screening for the parking lot; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CAT3-0015 (19-WAIVER-0044) does hereby **APPROVE** Waiver from 5.2.1.C.2 to not maintain a 3 story street wall for the length of each lot frontage, Waiver from 5.2.1.C.5 to not maintain a street wall along the entire length of the lot frontage, and Waiver from 5.5.1.B.1.A to allow parking that is not entirely behind the principle structure, **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The applicant shall construct the wall and fence as presented to the Board on October 28, 2019.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley Vice Chair Leanhart, and Chair Howard**

**Absent: Member Jagoe**

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**CASE NUMBER 19-CAT3-0015**

**01:46:09** On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**Category 3 Development Plan:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that all of the applicable guidelines and policies of the Comprehensive Plan are being met, and the appropriate Variances and Waivers have been approved; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CAT3-0015 does hereby **APPROVE** Category 3 Development Plan.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley Vice Chair Leanhart, and Chair Howard**

**Absent: Member Jagoe**

**01:47:32 Meeting was recessed.**

**01:47:46 Meeting was reconvened.**

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**CASE NUMBER 19-VARIANCE-0024**

Request:	Rear Setback Variance
Project Name:	Former K-Mart Plaza
Location:	3911 Taylorsville Rd
Owner:	Triple M Investment
Applicant:	Triple M Investments
Representative:	BTM Engineering
Jurisdiction:	Louisville Metro
Council District:	26– Brent Ackerson
Case Manager:	Jay Lockett, AICP, 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 5<sup>th</sup> 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:**

**01:15:10** Jay Lockett presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

**The following spoke in favor of the request:**

Chris Brown, 3001 Taylor Springs Drive, Louisville, KY 40220

**Summary of testimony of those in favor:**

**01:19:54** Chris Brown spoke in favor of the request and showed a Powerpoint presentation. Mr. Brown responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

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**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0024**

**01:27:16 Board Members' deliberation**

**01:27:55** On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis and Additional Considerations, and the applicant's justification, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect public health safety or welfare since all building code requirements will be met on the subject site, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the site is already constructed with parking and vehicle maneuvering that encroaches into the setbacks adjacent to residential, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since adequate screening will be provided along the residential properties adjacent to the subject site, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations since the encroachments are minimized and will allow for the re-use of the existing vacant commercial property on the site, and

**WHEREAS**, the Board further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the existing development already encroaches into the setbacks, and

**WHEREAS**, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land since the structure already exists, and the additions are necessary to serve the proposed uses, and

**WHEREAS**, the Board further finds that the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, and

**WHEREAS**, the Board further finds that the applicant's justification statements adequately justify this request; now, therefore be it

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**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0024**

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0024 does hereby **APPROVE** Variance from Chapter 5.3.3.C.2.b to allow a proposed loading dock and other building additions to encroach into the 50 foot rear yard and side yards as shown on the development plan.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Vice Chair Leanhart, and Chair Howard**

**Absent: Member Jagoe**

**01:29:15 See page 14 of these minutes for the conclusion of Case Number 19-CAT3-0015.**

**BOARD OF ZONING ADJUSTMENT SPECIAL MEETING MINUTES**  
**October 28, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0048**

Request: Variance to allow an existing fence to exceed 4 feet in height in the street side yard.  
Project Name: Fence Height  
Location: 211 Harpers Ferry Road  
Owner/Applicant/Host: Orestes Perez  
Jurisdiction: Louisville Metro  
Council District: 13 – Mark Fox  
Case Manager: Steve Hendrix, Planning & Design Coordinator

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 5<sup>th</sup> 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:**

**01:48:13** Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in favor of the request:**

Teresa Verdecia, 211 Harpers Ferry Road, Louisville, KY 40214

**Summary of testimony of those in favor:**

**01:52:13** Teresa Verdecia spoke in favor of the request (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**BOARD OF ZONING ADJUSTMENT SPECIAL MEETING MINUTES**  
**October 28, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0048**

**01:54:13 Board Members' deliberation**

**01:58:51** On a motion by Member Goatley, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, since the fence is approximately 21 feet from the existing Atlanta Parkway pavement and almost 100 feet from the Atlanta Parkway/Harpers Ferry Road intersection, therefore, no sight distance concerns, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity, since privacy fences are common in the neighborhood and this one has been there for the last seven years, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public, since it is not close to the existing pavement, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations, since the fence will provide privacy and security to the property owner; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0048 does hereby **APPROVE** Variance from Land Development Code Section 4.4.3.A.1.a.i to allow an existing fence to exceed four feet in height in the street side yard.

**The vote was as follows:**

**Yes: Members Turner, Goatley, Vice Chair Leanhart, and Chair Howard**

**No: Member Buttorff**

**Absent: Member Jagoe**

**BOARD OF ZONING ADJUSTMENT SPECIAL MEETING MINUTES**  
**October 28, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0042**

Request: Variance for a garage to encroach into the rear setback  
Project Name: Kennison Ave. Variance  
Location: 3917 Kennison Avenue  
Owner/Applicant: Kurt Hampe  
Jurisdiction: City of St. Matthews  
Council District: 9 – Bill Hollander  
Case Manager: Zach Schwager, 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 5<sup>th</sup> 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:**

**02:00:44** Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to a question from Legal Counsel (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Kurt Hampe, 3917 Kennison Ave., Louisville, KY 40207

**Summary of testimony of those in favor:**

**02:03:09** Kurt Hampe spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.



**BOARD OF ZONING ADJUSTMENT SPECIAL MEETING MINUTES**  
**October 28, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0042**

**02:05:34 Board Members' deliberation**

**02:05:44** On a motion by Member Buttorff, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the structure will be constructed to comply with all building codes, including fire codes, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed structure will align with the existing garage and keep in character with other structures in the general vicinity, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as there is an existing garage and the new garage will be built in the same location and will be constructed to comply with all building codes, including fire codes, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the setback does not meet the existing conditions of the subject property and the applicant proposes to build the new garage over the footprint of the existing garage, and

**WHEREAS**, the Board further finds that the applicant's justification statements adequately justify this request; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0042 does hereby **APPROVE** Variance from City of St. Matthews Development Code Section 9.2.Q to allow an accessory structure to encroach into the required rear yard setback (**Requirement 5 ft., Request 2 ft., Variance 3 ft.**).

**BOARD OF ZONING ADJUSTMENT SPECIAL MEETING MINUTES  
October 28, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0042**

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Vice Chair Leanhart, and Chair Howard**

**Absent: Member Jagoe**

**BOARD OF ZONING ADJUSTMENT SPECIAL MEETING MINUTES**  
**October 28, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0045**

Request: Variance to allow a private yard area to be less than the required 20% of the area of a lot  
Project Name: Park Avenue Variance  
Location: 621 Park Avenue  
Owner: Claudia Brisson & Norbert Bogart  
Applicant: Anne Del Prince – Del Prince Designs, LLC  
Jurisdiction: Louisville Metro  
Council District: 6 – David James  
Case Manager: Zach Schwager, 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 5<sup>th</sup> 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:**

**02:07:06** Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Ann Del Prince, 640 Country Club Rd., Louisville, KY 40206

**Summary of testimony of those in favor:**

**02:09:24** Ann Del Prince spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**BOARD OF ZONING ADJUSTMENT SPECIAL MEETING MINUTES**  
**October 28, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0045**

**02:10:40 Board Members' deliberation**

**02:11:27** On a motion by Member Turner, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, the applicant's justification, and the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the structure will need to be constructed to comply with all building codes, including fire codes, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the addition was approved by Historic Landmarks and Preservation Commission staff, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the addition will need to be constructed to comply with all building codes, including fire codes, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the subject property currently does not meet the private yard area requirements prior to the proposed addition and is relatively small in area, and

**WHEREAS**, the Board further finds that the applicant's justification statements adequately justify this request; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0045 does hereby **APPROVE** Variance from Land Development Code Section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot (**Requirement 514 sq. ft., Request 0 sq. ft., Variance 514 sq. ft.**).

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October 28, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0045**

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Vice Chair Leanhart, and Chair Howard**

**Absent: Member Jagoe**

**BOARD OF ZONING ADJUSTMENT SPECIAL MEETING MINUTES**  
**October 28, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0047**

Request: Variance for a porch to encroach into the required side and rear yard setbacks  
Project Name: Samara Drive Variance  
Location: 4601 Samara Drive  
Owner/Applicant: Sophia Jacinto  
Jurisdiction: Louisville Metro  
Council District: 2 – Barbara Shanklin  
Case Manager: Zach Schwager, 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 5<sup>th</sup> 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:**

**02:13:11** Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in favor of the request:**

Sophia Jacinto, 4601 Samara Drive, Louisville, KY 40219

**Summary of testimony of those in favor:**

**02:19:38** Sophia Jacinto spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

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**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0047**

**02:23:02 Board Members' deliberation**

**02:28:00** On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the structure will need to be constructed to comply with all building codes, including fire codes, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the deck is not visible from public right-of-way, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the deck will need to meet building and fire codes, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the encroachment is the same as the existing accessory structure for the side yard and there are other accessory structures in the area that encroach a similar distance into the rear yard; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0047 does hereby **APPROVE** Variance from Land Development Code Section 5.4.2.C.3.a to allow a structure to encroach into the required side yard setback (**Requirement 2 ft., Request 6 in., Variance 1 ft., 6 in.**), **SUBJECT** to the following Condition of Approval. The Board further finds that it appears the setback for the rear yard is met; therefore, no variance is required for the rear yard setback, unless the survey required by the Condition of Approval proves differently.

Condition of Approval:

1. A survey of the eastern and northern property lines shall be completed and shall be staked in the field. No projections from the façade or building

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**CASE NUMBER 19-VARIANCE-0047**

foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Vice Chair Leanhart, and Chair Howard**

**Absent: Member Jagoe**



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**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0052**

Request: Variance for an addition to an existing single-family residence to encroach into the required side yard setback

Project Name: Winter Avenue Variance

Location: 1314 Winter Avenue

Owner/Applicant: Lauren Winfield

Jurisdiction: Louisville Metro

Council District: 8 – Brandon Coan

Case Manager: Zach Schwager, 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 5<sup>th</sup> 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:**

**02:37:36** Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Lauren Winfield, 1314 Winter Ave., Louisville, KY 40204

**Summary of testimony of those in favor:**

**02:40:07** Lauren Winfield spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

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**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0052**

**02:41:55**     **Board Members' deliberation**

**02:43:18**     On a motion by Member Buttorff, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the structure will need to be constructed to comply with all building codes, including fire codes, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the additions will be setback the same distance as the existing structure, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the additions will be setback the same distance as the existing structure, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the encroachment is the same as the existing side yard setback, and

**WHEREAS**, the Board further finds that the applicant's justification statements adequately justify this request; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0052 does hereby **APPROVE** Variance from Land Development Code Section 5.1.10.F to allow a structure to encroach into the required side yard setback (**Requirement 21 in., Request 13.8 in., Variance 7.2 in.**).

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Vice Chair Leanhart, and Chair Howard**

**Absent: Member Jagoe**

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**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0053**

Request: Variance to allow a private yard area to be less than the required 30% of the area of a lot  
Project Name: S. Brook Street Variance  
Location: 1148 S. Brook Street  
Owner/Applicant: Kathlyn Lewis  
Jurisdiction: Louisville Metro  
Council District: 21 – Nicole George  
Case Manager: Zach Schwager, 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 5<sup>th</sup> 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:**

**02:44:59** Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Kathlyn Lewis, 1148 S. Brook St., Louisville, KY 40203

**Summary of testimony of those in favor:**

**02:46:59** Kathlyn Lewis spoke in favor of the request (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

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**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0053**

**02:47:54 Board Members' deliberation**

**02:48:01** On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the structure will need to be constructed to comply with all building codes, including fire codes, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the addition was approved by Historic Landmarks and Preservation Commission staff, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the addition will need to be constructed to comply with all building codes, including fire codes, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as there will still be a significant amount of private yard area; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0053 does hereby **APPROVE** 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 a lot (**Requirement 2,400 sq. ft., Request 1,000 sq. ft., Variance 1,400 sq. ft.**).

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Vice Chair Leanhart and Chair Howard**

**Absent: Member Jagoe**

**BOARD OF ZONING ADJUSTMENT SPECIAL MEETING MINUTES**  
**October 28, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0166**

Request:	Conditional use permit for an accessory apartment
Project Name:	Nassau Lane Accessory Apartment
Location:	12505 Nassau Lane
Owner/Applicant:	Gary Huntoon
Jurisdiction:	City of Middletown
Council District:	19 – Anthony Piagentini
Case Manager:	Zach Schwager, 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 5<sup>th</sup> 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:**

**02:49:25** Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Gary Huntoon, 12505 Nassau Ln., Louisville, KY 40243

**Summary of testimony of those in favor:**

**02:52:17** Gary Huntoon spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke neither for nor against the request:**

Jim Peterson, 2903 Dotson Dr., Louisville, KY 40223

**Summary of testimony of those neither for nor against:**

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**02:53:59** Jim Peterson spoke neither for nor against the request (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**02:55:58 Board Members' deliberation**

**02:56:24** On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with the Comprehensive Plan, and

**WHEREAS**, the Board further finds that the proposal is compatible with surrounding uses and with the general character of the area, and

**WHEREAS**, the Board further finds that the proposed development does not appear to substantially increase demands on public infrastructure and facilities. The plan has received preliminary approval from MSD, Transportation Planning, and the Health Department, and

**WHEREAS**, the Board further finds that:

Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements:

- A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises.
- B. The accessory apartment shall be no greater than 650 sq. ft. or 30% of the floor area of the principal residence, whichever is greater. **The floor area of the residence is 5,882 sq. ft. and the apartment can be up to 30% of this area, which is 1,764 sq. ft. The apartment I will be 1,472 sq. ft. The floor**

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**area of the proposed accessory apartment therefore meets this requirement.**

C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate. **The height of 25 ft does not exceed the height of the principal structure and does not exceed the maximum permitted height of 35 ft. in a Neighborhood Form District.**

D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:

1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors;
2. Traditional Neighborhood - at least one off-street space provided on the lot; and
3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate.

**The site is located in a Neighborhood Form District and has three spaces in the garage, which meets off-street parking requirements**

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0166 does hereby **APPROVE** Conditional Use Permit for an Accessory Apartment (LDC 4.2.3), SUBJECT to the following Conditions of Approval:

Conditions of Approval:

1. All development shall be in accordance with the approved district development plan, including all notes thereon, and with all applicable sections of the Land Development Code (LDC). No further development shall occur on the site without prior review of and approval by the Board of Zoning Adjustment (BOZA).
2. The Conditional Use Permit shall be exercised as proscribed by KRS 100.237 within two years of BOZA approval. If it is not so exercised, the site shall not

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be used for an Accessory Apartment without further review and approval by BOZA.

3. The applicant is required to contact Louisville Metro Emergency Services to have a unique address assigned to the accessory apartment.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Vice Chair Leanhart, and Chair Howard**

**Absent: Member Jagoe**

**02:58:04 Meeting was recessed.**

**02:58:14 Meeting was reconvened.**



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**PUBLIC HEARING**

**CASE NUMBER 19-APPEAL-0002**

Request: **THIS CASE WILL NOT BE HEARD BEFORE 2:30 P.M.**  
Appeal of an Administrative Decision  
Project Name: Beecher Street Appeal  
Location: 500 Beecher Street  
Appellant: Charlene B. Satori  
Jurisdiction: Louisville Metro  
Council District: 15 – Kevin Triplett  
Case Manager: Chris French, AICP, Planning and Design 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 5<sup>th</sup> 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:**

**03:01:55** Joe Haberman presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. Haberman responded to a question from Legal Counsel (see recording for detailed presentation).

**The following spoke in favor of the appeal:**

Charlene Satori, 4135 S. 5<sup>th</sup> Street, Louisville, KY 40214

**Summary of testimony of those in favor:**

**03:15:08** Charlene Satori spoke in favor of the appeal and responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke neither for nor against the appeal:**

Megan Crady, 501 W. Florence Ave., Louisville, KY 40215

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**PUBLIC HEARING**

**CASE NUMBER 19-APPEAL-0002**

**Summary of testimony of those neither for nor against:**

**03:24:52** Megan Crady spoke neither for nor against the appeal (see recording for detailed presentation).

**The following spoke in opposition of the appeal:**

Derrick Tiller, 1143 Euclid Ave., Louisville, KY 40208

**Summary of testimony of those in opposition of the appeal:**

**03:27:43** Derrick Tiller spoke in opposition of the appeal and responded to questions from the Board Members (see recording for detailed presentation).

**Additional Agency Testimony:**

**03:39:29** Joe Haberman reviewed the case and the required actions of the Board in regard to nonconforming rights. Mr. Haberman responded to questions from the Board Members (see recording for detailed presentation).

**03:42:46** Keishia Tiller signed up to speak in opposition of the appeal. Ms. Tiller was called but declined to speak (see recording for detailed presentation).

**REBUTTAL:**

**03:44:01** Mr. Haberman stated Staff has no additional comments in rebuttal, but suggested the Board may, at their discretion, allow the appellant and the opposition rebuttal (see recording for detailed presentation).

**03:47:02** Mr. Tiller responded to a question from Legal Counsel in regard to when he purchased the property (see recording for detailed presentation).

**03:48:10** Mr. Haberman responded to a question from Legal Counsel in regard to the current use of the property. Mr. Haberman reviewed the two required actions of the Board; to decide whether or not the use was a Bar/Tavern in 1972, and to decide whether or not the use has been a Bar/Tavern up until today (see recording for detailed presentation).

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**PUBLIC HEARING**

**CASE NUMBER 19-APPEAL-0002**

**03:55:00 Board Members' deliberation**

**04:00:35** On a motion by Member Buttorff, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that nonconforming rights did exist for a Tavern/Bar/Saloon in 1972; now therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-APPEAL-0002 does hereby **UPHOLD Staff Decision** and **DENY** the Appeal of an Administrative Decision.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, and Goatley, Vice Chair Leanhart, and Chair Howard**

**Absent: Member Jagoe**

**04:02:39** Public hearing was reopened to allow Mr. Tiller an opportunity to respond to questions from Member Buttorff regarding the condition of the property when Mr. Tiller purchased it (see recording for detailed presentation).

**04:04:08** Ms. Satori was allowed an opportunity for rebuttal of Mr. Tillman's testimony regarding the condition of the property (see recording for detailed presentation).

**04:06:47 Board Members' deliberation**

**04:11:40** On a motion by Member Goatley, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**BOARD OF ZONING ADJUSTMENT SPECIAL MEETING MINUTES  
October 28, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-APPEAL-0002**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that nonconforming rights for a Tavern/Bar/Saloon were not abandoned; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-APPEAL-0002 does hereby **UPHOLD Staff Decision** and **DENY** the Appeal of an Administrative Decision.

**The vote was as follows:**

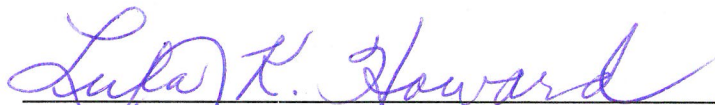
**Yes: Members Buttorff, and Goatley, Vice Chair Leanhart, and Chair Howard**

**No: Member Turner**

**Absent: Member Jagoe**

BOARD OF ZONING ADJUSTMENT SPECIAL MEETING MINUTES  
October 28, 2019

The meeting adjourned at approximately 5:37 p.m.

  
Chair

  
Secretary