

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING  
August 5, 2020**

A meeting of the Development Review Committee was held on August 5, 2020 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

**Commissioners present:**

Rich Carlson, Chair  
Patricia Seitz (joined the meeting at about 1:07 p.m.)  
Jeff Brown  
Marilyn Lewis

**Commissioners absent:**

Jim Mims, Vice Chair

**Staff members present:**

Emily Liu, Director, Planning & Design Services  
Joe Reverman, Assistant Director, Planning & Design Services  
Brian Davis, Planning & Design Manager  
Julia Williams, Planning & Design Supervisor  
Lacey Gabbard, Planner I  
Jay Lockett, Planner I  
Laura Ferguson, Legal Counsel  
Beth Stuber, Transportation  
Chris Cestaro, Management Assistant (minutes)

The following matters were considered

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
AUGUST 5, 2020**

**APPROVAL OF MINUTES**

**Minutes of the July 29, 2020 Development Review Committee meeting**

00:03:18 On a motion by Commissioner Brown, seconded by Commissioner Lewis, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on August 5, 2020.

**The vote was as follows:**

**YES: Commissioners Brown and Carlson.**

**ABSTAIN: Commissioner Lewis.**

**ABSENT: Commissioners Mims and Seitz.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 5, 2020**

**NEW BUSINESS**

**CASE NUMBER 20-WAIVER-0029**

**Request:** Waiver to allow the footprint of an accessory structure to exceed the footprint of the primary residence  
**Project Name:** Tennis court at 19515 Sycamore Ridge Drive  
**Location:** 19515 Sycamore Ridge Drive  
**Owner:** Tony Young  
**Applicant:** John F. Stewart, Encompass DDC, LLC  
**Representative:** John F. Stewart, Encompass DDC, LLC  
**Jurisdiction:** Louisville Metro  
**Council District:** 19 - Anthony Piagentini  
**Case Manager:** **Lacey Gabbard, AICP, Planner I**

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners 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 in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

00:04:48 Lacey Gabbard presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:09:11 Commissioner Brown asked if a property line that ran through the proposed building. Joshua Gedney (sp), the applicant's representative, discussed parcels that were joined via consolidation deed (see recording for his detailed explanation.) The property line will not interfere with the development.

00:10:39 In response to a question from Commissioner Lewis, Mr. Gedney said the proposed building height is 34 feet.

00:11:02 In response to a question from Commissioner Brown, Mr. Gedney said that all of the tree canopy that is not directly involved where the building is being proposed, will be preserved.

00:11:36 In response to a question from Commissioner Carlson, Mr. Gedney confirmed that this will be an indoor/enclosed facility. There will only be one tennis court.

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

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**NEW BUSINESS**

**CASE NUMBER 20-WAIVER-0029**

Joshua Gedney (sp) and John Stewart, Encompass Design Develop and Construct, 106 East Jefferson Street, Lagrange, KY 40031

**Summary of testimony of those in support of the proposal:**

00:15:31 Joshua Gedney, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

**The following spoke in opposition to this request:**

No one spoke.

**Commissioner Deliberation:**

00:18:09 Commissioners' deliberation.

**An audio/visual recording of the Development Review Committee meeting 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.**

00:19:20 On a motion by Commissioner Brown, seconded by Commissioner Lewis, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners, as the structure will be setback approximately 48 feet from the nearest adjacent residential property to the west. The adjacent property to the east is owned by the applicant, and the adjacent property to the south is approximately 700 feet from the proposed structure and is separated by a stream; and

**WHEREAS**, the Committee further finds that the waiver will not violate the guidelines of the Plan 2040, as the structure will have adequate setbacks, and is located on a large lot with adequate space; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as the tennis court structure cannot otherwise be built; and

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**NEW BUSINESS**

**CASE NUMBER 20-WAIVER-0029**

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the property is large enough to support the proposed structure and Land Development Code setback requirements will be met.; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver** of Land Development Code 5.4.2.C.1 to allow the footprint of an accessory indoor tennis court to exceed the footprint of the primary residence.

**The vote was as follows:**

**YES: Commissioners Lewis, Brown, Seitz, and Carlson.**

**ABSENT: Commissioner Mims.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 5, 2020**

**NEW BUSINESS**

**CASE NUMBER 20-WAIVER-0054**

**Request:** Waiver to not provide the sidewalk on Granger Road for a new single family home  
**Project Name:** LDC Waiver  
**Location:** 2605 Granger Road  
**Owner:** Beth Ubelhart Johnson  
**Applicant:** Chad Stoyell, Stoyell Built Homes LLC  
**Representative:** Beth Ubelhart Johnson  
**Jurisdiction:** Louisville Metro  
**Council District:** 13 - Mark Fox  
**Case Manager:** **Lacey Gabbard, AICP, Planner I**

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners 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 in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

00:20:14 Lacey Gabbard presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:24:04 Commissioner Brown asked if any consideration had been given to construct a sidewalk of comparable length off-site (or fee-in-lieu.) Ms. Gabbard said a fee-in-lieu option had been offered (maximum \$2000.) In response to a question from Commissioner Lewis, Commissioner Brown reviewed three options the applicant could consider if building a sidewalk in front of the property was not feasible (see recording for detailed discussion.)

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

Beth Johnson (applicant), 2605 Granger Drive, Louisville, KY 40118

Bill Powers (sp), 2605 ½ Granger Road, Louisville, KY

**Summary of testimony of those in support of the request:**

00:26:28 Beth Johnson, the applicant, said there is not a sidewalk at all on Granger Road. She said it is “extortion” for her to give money for sidewalks to be built somewhere else (see recording for detailed presentation.)

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**CASE NUMBER 20-WAIVER-0054**

00:28:38 Bill Powers, the applicant's father, asked why older roads like Granger Road were not grandfathered in to exclude a sidewalk requirement where sidewalks cannot be built.

00:29:34 Commissioner Brown addressed Ms. Johnson's and Mr. Powers' questions (see recording for detailed discussion.) He noted that, since 2006, sidewalks have been required to be built in front of new single-family dwellings, with exceptions (major subdivision, etc.) Mr. Powers said he moved in to his new home in March. He said that, when he received his building permit, there was no mention of him having to build a sidewalk. Why is his daughter's project being required for a sidewalk? In response to a question from Commissioner Carlson, Mr Powers said his lot is 120 feet across, 700 feet long, just under 2 acres. He said Beth Stuber told his daughter that there was an ordinance put into effect last March requiring sidewalks.

00:33:09 Joe Reverman, Assistant Director with Planning & Design Services, said there had been a change to the ordinance this past March, but no new ordinance. He reiterated that the sidewalk requirement has been in effect since 2003. See recording for detailed discussion.

00:34:00 In response to a question from Commissioner Brown, Mr. Reverman discussed when fee-in-lieu options or off-site locations are offered (see recording.) He explained why the fee-in-lieu option was recommended for this project.

00:36:11 In response to a question from Commissioner Lewis, Mr. Reverman explained that the fee-in-lieu does not require a waiver to take that option. The construction of the house triggers the requirement for a construction of a sidewalk in front of the house. That sidewalk requirement can be met in one of four ways: construct the sidewalk in front of the property; construct a comparable amount of sidewalk in another location; pay a fee-in-lieu; or request a waiver of the requirement altogether.

00:37:03 Ms. Johnson read from the Land Development Code and explained why she feels this waiver request meets the Code (see recording.)

00:42:58 Mr. Powers asked, if his daughter is forced to build a sidewalk somewhere else, if she could pick the site. Mr. Reverman discussed how fee-in-lieu monies are used/distributed for sidewalk construction. Ultimately, the decisions are made by the Metro Council Representative for the district (in this case, District 13) and Metro Transportation.

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**NEW BUSINESS**

**CASE NUMBER 20-WAIVER-0054**

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

No one spoke.

**Commissioner Deliberation:**

00:46:34 Commissioners' deliberation.

**An audio/visual recording of the Development Review Committee meeting 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.**

00:53:17 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will adversely affect adjacent property owners, as it is an increase in intensity that is required to be mitigated based on the Land Development Code; and

**WHEREAS**, the Committee finds that the request does result in non-compliance with the Comprehensive Plan and the intent of the Land Development Code because it would not meet the Land Use and Development Goals or the Mobility Goals within the Comprehensive Plan, and that there are methods to comply with this requirement via off-site improvements, fee-in-lieu, or consultation with Metro Public Works and the Metro Council's Office to determine an off-site location; and

**WHEREAS**, the Committee further finds that strict application of this provision would not deprive the applicant of the reasonable use of the land because there is adequate right-of-way along this property to accommodate the sidewalk; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **DENY** the requested **Waiver** of Land Development Code 5.8.1.B to not provide the sidewalk on Granger Road for a new single family home.

**The vote was as follows:**

**YES: Commissioners Lewis, Brown, and Seitz,**

**ABSTAIN: Commissioner Carlson.**

**ABSENT: Commissioner Mims.**



**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
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**NEW BUSINESS**

**CASE NUMBER 20-WAIVER-0055**

**Request:** Waiver to permit the number of signs on a façade to exceed the maximum permitted  
**Project Name:** LDC Waiver  
**Location:** 1 Autocenter Drive  
**Owner:** TT of H Louisville Inc.  
**Applicant:** ABC Neon & Sign Company  
**Representative:**  
**Jurisdiction:** Louisville Metro  
**Council District:** 18 - Marilyn Parker  
**Case Manager:** **Beth Jones, AICP, Planner II**

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners 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 in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

00:54:50 Beth Jones presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

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

**Summary of testimony of those in support of the request:**

01:01:40 In response to a question from Commissioner Carlson, Ms. Jones said she had spoken with the applicant shortly before today's meeting and the applicant said they were not able to attend.

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

No one spoke.

**Commissioner Deliberation:**

01:03:05 Commissioners' deliberation.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
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**NEW BUSINESS**

**CASE NUMBER 20-WAIVER-0055**

**An audio/visual recording of the Development Review Committee meeting 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.**

01:04:05 On a motion by Commissioner Brown, seconded by Commissioner Lewis, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners in that neighboring sites are fully developed with uses compatible with the use of the site and the signage requested; and

**WHEREAS**, the Committee further finds that the waiver does not violate guidelines of Plan 2040, which requires that: appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4); impacts on quality of life must be considered (Community Form 16); adverse visual intrusions must be considered when there are impacts to residential areas (Community Form 20); and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant in that although the number of signs requested exceeds standards, the overall area of the signs is 66% of what is permitted by LDC regulations; and

**WHEREAS**, the Committee further finds that the applicant has not incorporated design measures that compensate for non-compliance with requirements. Strict application of the provisions of the regulation would create an unnecessary hardship as development on adjacent sites is compatible with the use of the subject site and there is no residential development in the vicinity that would suffer negative impacts; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver to permit the number of signs on a façade to exceed the maximum permitted (LDC Table 8.3.2. Suburban Marketplace Corridor).

**The vote was as follows:**

**YES: Commissioners Lewis, Brown, Seitz, and Carlson.**

**ABSENT: Commissioner Mims.**

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**ADJOURNMENT**

The meeting adjourned at approximately 2:06 p.m.

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Chairman

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Division Director