

Board of Zoning Adjustment Staff Report

August 6, 2018



Case No:	18VARIANCE1026/18WAIVER1008
Project Name:	Old Henry Road Variance/Waiver
Location:	12400 Old Henry Road
Owner(s)/Applicant:	Mr. Douglas and Mrs. Rosalinda Michael
Representative(s):	Glenn Price – Frost Brown and Todd LLC.
Project Area/Size:	3.958 acres or 172,410.5 sq. ft.
Zoning:	R-4
Form District:	Neighborhood
Jurisdiction:	City of Middletown, KY
Council District:	19 – Julie Denton
Case Manager:	Ross Allen – Planner I

REQUEST(S)

VARIANCE (18VARIANCE1026): from the Middletown LDC 4.4.3.A.1.a.i for a proposed tennis court (accessory use) fence to exceed the maximum height of four feet on an R-4 zoned parcel within the Neighborhood Form District within the 30 ft. front yard setback, the fence will exceed the allowable height by six feet for a total of 10 ft. in height.

Location	Requirement	Request	Variance
Fence Height Front Yard Setback	4 ft.	10 ft.	6 ft.

WAIVER #1 (18WAIVER1008): from Middletown LDC (March 2006) 5.8.1.B to not provide a sidewalk in the public right of way along Old Henry Road for an approximate length of 620 ft. (Recommendation to the City of Middletown).

WAIVER #2 (18WAIVER1008): from Middletown LDC (March 2006) 10.3.6, table 10.3.2 to allow a proposed tennis court (accessory structure) to encroach approximately 42 ft. into the 50 ft. required Scenic Corridor required setback along Old Henry Road. (Recommendation to the City of Middletown).

CASE SUMMARY/BACKGROUND

The subject site is approximately 3.958 acres having an existing single family residential structure as located in Eastern Louisville Metro and within the City of Middletown. The applicant is proposing to construct an approximately 7,308 sq. ft. tennis court (Accessory structure) with a 10 foot tall fence encompassing the tennis court and four, two per elongated side, lights poles with a height of 22 ft. The tennis court will run parallel to Old Henry Road located approximately 17 ft. to the front of the residence and approximately six feet interior to the property line (approximately 36 ft. from edge of curb along Old Henry Rd.). The applicant has stated that the tennis court can only be constructed in the area shown on the development/site plan as a result of an existing lake, southwest of the proposed tennis court. Additionally, an existing lateral field and septic tank are west of the proposed tennis court. Pine trees in close proximity to or extending over the proposed tennis court area could drop pine sap onto the court surface. The proposed tennis court and existing residence are located on the highest elevation of the site maintaining the existing elevation on the northern portion of the parcel and will require up to 18 inches of fill on the southern portion of the proposed tennis court resulting in the storm water drainage into adjacent swales which will drain to the lake as found to the southwest on the subject property. The proposed tennis court will be lit by four 22 ft. high poles with twin 70 degree fixtures per pole.

The letter of intent indicates that the lighting will be “community-friendly sharp cut-off metal halide lighting and forward-throw luminaries projecting light only onto the proposed tennis court area”.

The placement of the tennis court to the front of the residence will result in the removal of the following trees (on the owner’s property): 2’ 10” unknown tree species, 36” unknown tree species, 10” unknown tree species, 28” White Pine (within the Scenic Corridor Setback), 4” Magnolia (within the Scenic Corridor Setback), two 18” Holly trees (within the Scenic Corridor Setback), 18” Spruce, four 11” Hemlocks, one 8” Hemlocks, and two 5” Hemlocks. Existing trees that will remain within the Scenic Corridor setback include the following: a 6”, 15”, and 24” Spruces. The owner intends to plant the following trees interior to his property line as located within the 50 ft. required Scenic Corridor setback: three 4” Spruces and a 4” Scarlet Oak added to existing trees which may help to screen the tennis court from the east and west, and partially along the road frontage. The eastern property line as adjacent to the property owner’s driveway to the residence is lined with a 12” Birch, an 8”, a 12”, and a 14” Maple, and a 10” Hackberry within the Scenic Corridor Setback. A 12” and a 20” Maple are located within the right of way along the eastern property line adjacent to the driveway.

Existing trees that will remain within the right of way and may act as screening for the proposed tennis court are as follows: nine Viburnums, a 24” White Pine, a Honeysuckle, an unknown tree type, 8” and 10” White Pines, an 8” Spruce, a Burning Bush, and a 20” and a 26” Maple. The owner proposes to plant the following trees in the right of way: four 4” Spruces, three Viburnum, and an unknown tree type.

The property owner will assume responsibility for the maintenance of the proposed and existing plantings found in the public right of way under the Metro Code of Ordinances Section 102.04 and per the Metro Code of Ordinances Section 102.07, upon advice of the PDS Registered Landscaping Architect, issuance of a permit from the Division of Community Forestry will not be required as it was determined to be an exempt activity since the owner/applicant has provided a development plan with trees and is seeking approval from an authorized committee, the Board of Zoning Adjustment.

Related Cases:

244-05: A minor subdivision to divide one tract into two and dedicate right of way along frontage of Old Henry Rd. The minor subdivision plat was approved on Nov. 17, 2005 and recorded in Deed book 08735 Page 0178.

Old Henry Road Sub-Area Plan (adopted July 26, 2007): Community Form/Land Use:

Recommendation No. 10 – Transportation System – The transportation system framework for the Old Henry Road Subarea should balance the need to move traffic and provide access to property with a need for compatibility of thoroughfares with the planned character of the area.

- Apply parkway standards for internal subarea thoroughfares. Such standards should require sufficient right-of way to incorporate landscaped medians and thoroughfare buffers. The internal thoroughfares that should receive this treatment include: English Station Road between Old Henry Road and LaGrange Road; Old Henry Road between English Station Road and, at a minimum, the Oldham line; and, a corridor comprised of Factory Lane, Bush Farm Road and Aiken Road. Setback Requirements on roads not designated as parkways under the Planning Commission’s parkway policies will only be required to observe the setbacks as required under the zoning districts.

Recommendation No. 11 – Park and Open Space System - Future residential development in the Old Henry Road Subarea should participate in the implementation of a park and open space system.

- The park and open space system should be planned include a community scale central park and recreation area/facility, connected to smaller parks/open spaces. These smaller spaces should be located near the intersection of Old Henry Road and English Station Road on the west side of I-265, and at the intersection of the existing Factory Lane with Old Henry Road.

- Coordinate the development of a park and open space system with storm water/stream corridors and the planned transportation system, including sidewalks and bicycle paths, to accomplish a multi-objective greenway system serving Old Henry Road neighborhoods.

STAFF FINDING / RECOMMENDATION

VARIANCE (18VARIANCE1026): from the Middletown LDC 4.4.3.A.1.a.i for a proposed tennis court (accessory use) fence to exceed the maximum height of four feet on an R-4 zoned parcel within the Neighborhood Form District within the 30 ft. front yard setback, the fence will exceed the allowable height by six feet for a total of 10 ft. in height. Both existing and proposed plantings met or exceed the requirement as defined in City of Middletown LDC 10.3.6, table 10.3.2 requirement for “Residential: Single Family Residences on Preexisting or Minor Platted Lots” - one Type B or C tree for each 25 feet of building façade visible from the scenic corridor (to be located between the scenic corridor and the structure) and one Type A tree for each 50 feet of scenic corridor road frontage (street trees) to be located within 15 feet of the right-of-way AND to be determined upon the submission of a Landscape Plan to PDS Registered Landscape Architect (RLA).

WAIVER #1 (18WAIVER1008): from Middletown LDC (March 2006) 5.8.1.B to not provide a sidewalk in the public right of way along Old Henry Road for an approximate length of 620 ft. Sidewalk waiver is justifiable given site conditions along Old Henry Road. Existing plantings are in the ROW after the dedication as found in the recorded deed and referencing case no. 244-05 (please see related cases section of staff report). The proposed plantings will also be planted in the ROW attempting to screen the proposed accessory use, the tennis court. (Recommendation to the City of Middletown).

WAIVER #2 (18WAIVER1008): from Middletown LDC (March 2006) 10.3.6, table 10.3.2 to allow a proposed tennis court (accessory structure) to encroach 46 ft. 3 in. into the 50 ft. required Scenic Corridor required setback along Old Henry Road. The encroachment of the tennis court into the 50 ft. Scenic Corridor setback along Old Henry Road will have screening provided with a mixture of existing and proposed trees. The same may be said of the ROW along the frontage of the property right of way.

The property owner will assume responsibility for the maintenance of the proposed and existing plantings found in the public Right of Way under the Metro Code of Ordinances Section 102.04 and per the Metro Code of Ordinances Section 102.07, upon advice of the PDS Registered Landscaping Architect, issuance of a permit from the Division of Community Forestry will not be required as it was determined to be an exempt activity since the owner/applicant has provided a development plan with trees and is seeking approval from an authorized committee, the Board of Zoning Adjustment. (Recommendation to the City of Middletown).

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Residential Single Family	R-4	Neighborhood
Proposed	Residential Single Family	R-4	Neighborhood
<i>Surrounding Properties</i>			
North	Residential Single Family	R-4	Neighborhood
South	Residential Single Family	R-4	Neighborhood
East	Residential Single Family	R-4	Neighborhood
West	Residential Single Family	R-4	Neighborhood

TECHNICAL REVIEW

The applicant is aware that a Landscape plan will need to be submitted.

INTERESTED PARTY COMMENTS

Staff received an e-mail from an abutting neighbor, Mr. Huntoon, and as of Tuesday July 10, 2018 the neighbor supports the variance. Please refer to the e-mail from Mr. Huntoon on page 12 and 13.

APPLICABLE PLANS AND POLICIES

Land Development Code (Middletown LDC 2006)
Comprehensive Plan (Cornerstone 2020)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (18VARIANCE1026): from the Middletown LDC 4.4.3.A.1.a.i for a proposed tennis court (accessory structure) fence to exceed the maximum height of 4 ft. on an R-4 zoned parcel within the Neighborhood Form District within the 30 ft. front yard setback, the fence will exceed the allowable height by 6 ft. for a total of 10 ft. in height.

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare since the proposed tennis court fence is a 10 – foot black-vinyl covered chain link fence, which the applicant refers to as a “tennis enclosure”. It is suitable to screen any tennis court typically found on private residential properties or in or near a residential area. The chain link will be coated with black-vinyl in order to filter the view of the tennis court from the street and will blend in with the trees, vegetation and grassy nature of the property. The enclosure also serves to keep players and tennis balls on the court, rather than allowing the tennis balls to escape elsewhere. Granting the variance would help to protect, rather than adversely affect the public health, safety, or welfare. The subject parcel had dedicated 40 feet (from centerline of Old Henry Road) of right of way as shown on related case 244-05, as of Nov. 17, 2005. The result of the dedication of right of way along the subject property frontage places a majority of the existing landscaping and fencing in what is now public right of way. The tennis court and accompanying fence reside approximately 32 feet from the curb along the southeastern side of Old Henry Road.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The variance will not alter the essential character of the general vicinity since the black-vinyl covered tennis court fence is designed to blend in with the trees, vegetation and grassy nature of the property. The proposed tennis court and associated fence will filter the tennis court from off-site views. The fence although proposed at a height greater than the four feet as allowed by Middletown LDC will be screened as a result of both existing and proposed landscaping as associated with 18WAIVER1008. Additionally, the subject property is the only property that has an existing horizontal four slate horse fence along their frontage which resides currently within the public right of way after the dedication of right of way was recorded in Deed book 8735 Page 180.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public because the tennis court fence will tend to keep errant tennis ball on the court rather than flying elsewhere, and will prevent hazards or nuisances. As such, the variance – which will permit the fence – will not cause a hazard or nuisance to the public.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.
STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations because the fence is proposed at the recognized standard height for a tennis court fence.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the subject property (12400 Old Henry Road) is the largest residential property in the vicinity. The size of the property would allow for a residential tennis court, even though most or all other lots in the vicinity are not of a size that would permit a tennis court and the associated fence.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the applicant would be unable to construct the tennis court.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1 (18WAIVER1008): from Middletown LDC (March 2006) 5.8.1.B to not provide a sidewalk in the public right of way along Old Henry Road for an approximate length of 620 ft. (Recommendation to the City of Middletown).

- (a) How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?

STAFF: Guideline 9 of Cornerstone 2020 discusses bicycle, pedestrian and transit with providing support to transit and non-motorized methods of travel, to provide the necessary infrastructure improvements and to accommodate alternative modes of travel. Guideline 9, Policy A.1 states "New development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The construction of the private tennis court will not cause any pedestrian traffic along Old Henry Road. In addition, there are no other sidewalks in the area, thus no connection to other pedestrian transit. Although the sidewalk was to be installed pursuant to the minor subdivision, case no. 244-05 as recorded in Deed book 08735 Page 0178, installing sidewalks at the property would require the removal of existing trees and impact the existing tree canopy of the scenic corridor. The intent of the Land Development Code Section 5.8.1 is to provide sidewalks along abutting right of ways of the development however, installation of the sidewalk would require the removal of an existing fence and plantings along the Old Henry Road Scenic Corridor.

- (b) Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Compliance with the regulations would result in the existing trees and fence being removed or relocated. The granting of the waiver will be within the intent of the Comprehensive Plan and intent of the Land Development Code. Removal of the existing trees/plantings resulting from the installation of a sidewalk would impact the scenic corridor and is not within the intent of the Comprehensive Plan.

- (c) What impacts will granting of the waiver have on adjacent property owners?

STAFF: Granting of the waiver will not have an impact on adjacent property owners because the proposed tennis court is private and will not generate pedestrian traffic to or through the subject site or along the frontage of Old Henry Road. The applicant/representative has stated that pedestrian trips to and from the tennis court are not anticipated or will be non-existent.

- (d) Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?

STAFF: the denial of the sidewalk waiver will require the applicant to construct a sidewalk that is not connected to any other pedestrian paths; moreover, it is unlikely that a sidewalk will ever be constructed in this vicinity. The strict application of the regulations would also require the applicant to remove trees and other natural vegetation. The waiver will not result in the unreasonable circumvention of the requirements of the regulations and is suitable for this location.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2 (18WAIVER1008): from Middletown LDC (March 2006) 10.3.6, table 10.3.2 to allow a proposed tennis court (accessory structure) to encroach 46 ft. 3 in. into the 50 ft. required Scenic Corridor required setback along Old Henry Road. (Recommendation to the City of Middletown).

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

STAFF: The waiver will not adversely affect adjacent property owners since large existing trees surround the proposed residential tennis court and substantially buffer the tennis court from Old Henry Road. The tennis court will be hidden or substantially screened from homes on the opposite side of Old Henry Road. For this reason, neither the tennis court nor its location on the property will adversely impact adjacent property owners.

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

STAFF: Guideline 3, Policy 1 of Cornerstone 2020 asks to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, Policy 2 of Cornerstone 2020 asks for the consideration of Building Materials. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. Guideline 3, Policy 3 of Cornerstone 2020 asks to encourage residential character that is compatible with adjacent residential areas. Allow a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to mitigate nuisances and provide an appropriate transition between the areas. Examples of mitigation as appropriate include

vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences. Guideline 3, Policy 7 of Cornerstone 2020 asks for the mitigation of adverse impacts of noise from proposed development on existing communities. Guideline 3, Policy 8 of Cornerstone 2020 asks for the mitigation of adverse impacts of lighting from proposed development on nearby properties, and on the night sky. Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, Policy 22 of Cornerstone 2020 calls for the mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially Plan Elements 83 different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. The waiver will not violate the comprehensive plan. The site is located in the Neighborhood Form District. The subject site has approximately 3.89 acres and is one of the larger lots along Old Henry Road. The proposal conforms to Compatibility Guideline 3 and all applicable policies adopted thereunder, including policies 1, 3, 9, and 22. Due to substantial existing and proposed screening and landscaping, the existing residential lot and proposed residential tennis court will be compatible with the scale and site design of nearby residential lots. The tennis court will not be a source of adverse visual impact because of substantial buffering, both existing and proposed. Nuisances such as undue lighting, noise, and odors will not be associated with the tennis court.

The proposal conforms to Guideline 4, Policy 4 of Cornerstone 2020 although not permanently preserved, the residential tennis court will provide for outdoor recreation for the homeowner and their guests in a manner that will ensure compatibility between differing land uses in the neighborhood. Staff finds that as stated in the intent of the Open space Guideline that "Open Space" is to be accessible and functional public open space that meets the community needs.

Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors. The proposal conforms to landscape character guidelines because plant communities provided on-site are natural plant species which will filter views of the tennis court from off-site.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant although the site is 3.958 acres, the proposed residential tennis court can only be located where shown on the site plan. A large lake is located on the southwestern portion of the lot, lateral fields and septic tank consume the western edge of the proposed site location of the proposed tennis court. The entrance drive and existing deciduous and evergreen trees are situated on the north side of the proposed tennis court area. The proposed tennis court site situation is the only suitable location and constitutes the minimum necessary to afford relief to the applicant.

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

STAFF: The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) because existing and proposed buffering will exceed the minimum otherwise required and will provide a substantial screening of the tennis court to benefit residents on the opposite side of Old Henry Road.

In addition, the strict application of the provisions of the regulation would deny the applicant of the ability to erect a tennis court any place on the subject property which would deprive the applicant of the reasonable use of their land resulting in an unnecessary hardship.

REQUIRED ACTIONS

Approve/Deny VARIANCE (18VARIANCE1026): from the Middletown LDC 4.4.3.A.1.a.i for a proposed tennis court (accessory structure) fence to exceed the maximum height of four feet on an R-4 zoned parcel within the Neighborhood Form District within the 30 ft. front yard setback, the fence will exceed the allowable height by six feet for a total of 10 ft. in height.

Approve/Deny WAIVER #1 (18WAIVER1008): from Middletown LDC (March 2006) 5.8.1.B to not provide a sidewalk in the public right of way along Old Henry Road for an approximate length of 620 ft.
Recommendation to the City of Middletown.

Approve/Deny WAIVER #2 (18WAIVER1008): from Middletown LDC (March 2006) 10.3.6, table 10.3.2 to allow a proposed tennis court (accessory structure) to encroach 46 ft. 3 in. into the 50 ft. required Scenic Corridor required setback along Old Henry Road as a *Recommendation to the City of Middletown.*

Condition of Approval: Owner/Applicant will provide a landscaping plan for the existing and proposed plantings as shown on the site plan, submitted under case no. 18WAIVER1008, within the Right of Way and within the 50 ft. Scenic Corridor required setback along Old Henry Road. The provided plantings will meet the required landscaping as defined in City of Middletown, KY LDC 10.3.6 Scenic Corridor Development Standards for a Single Family Residences on Preexisting or Minor Platted Lots.

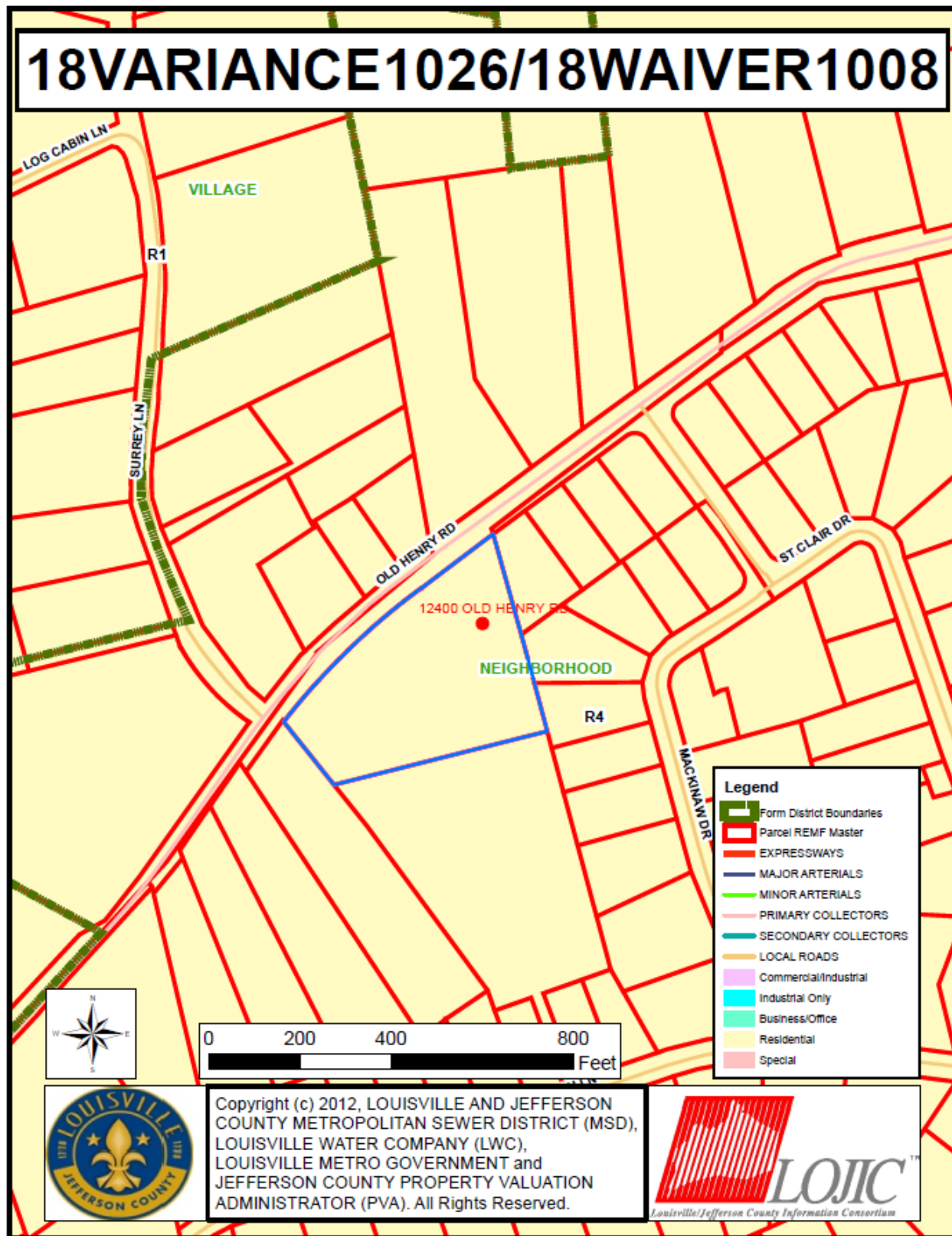
NOTIFICATION

Date	Purpose of Notice	Recipients
July 20, 2018	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals
July 19, 2018	Hearing before BOZA	Notice Posted on Property

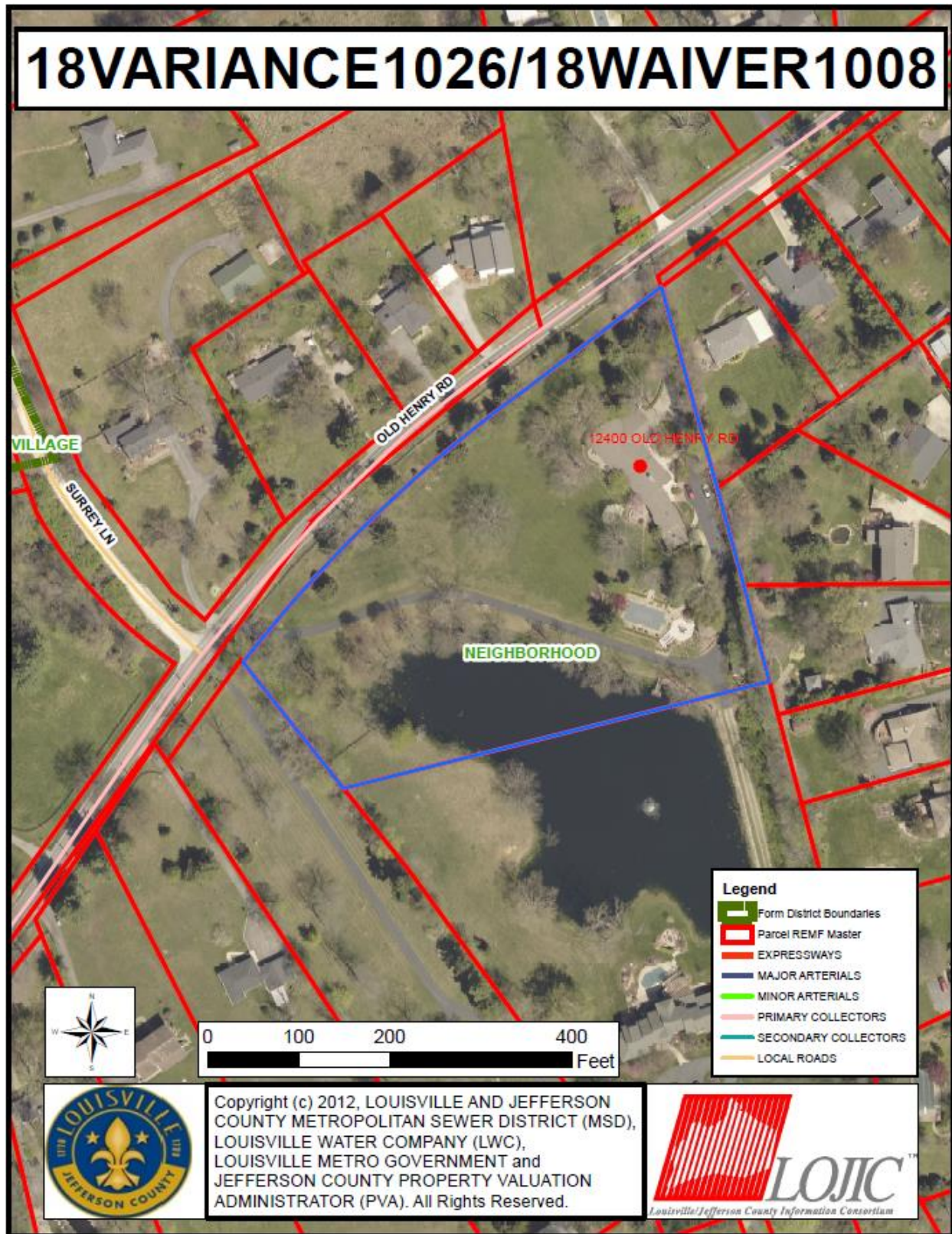
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. E-mail from neighbor supporting the variance

1. Zoning Map



2. Aerial Photograph



4. E-mail from neighbor supporting the variance (first page)

Allen, Ross

From: Gary Huntoon <GaryH@advancedpayroll.com>
Sent: Tuesday, July 10, 2018 8:17 AM
To: Allen, Ross
Cc: Brenda Morris-Huntoon; Stephen Miller; Doug Michael
Subject: RE: 18Variance1026

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Allen – Good morning. Yesterday, August 9th, Doug Michael and I reviewed the revised plans for the variance requested above to allow the construction of a tennis court on his property with the court paralleling Old Henry Rd. Based on the revised position of the tennis court per the new plans, my wife and I now support his request for the variance to allow the construction of the court and hereby withdraw my (our) concern and objection stated in the email below.

Please feel free to contact me if you have further questions in this matter. I look forward to receiving notice of and attending the public hearing.

Regards,

Gary and Brenda Huntoon


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Did I meet your needs today? [Yes](#) [No](#)

From: Gary Huntoon
Sent: Wednesday, March 28, 2018 5:56 PM
To: ross.allen@louisvilleky.gov

E-mail from neighbor supporting the variance (second page)

Cc: Brenda Morris-Huntoon <dr71653@gmail.com>; Stephen Miller <smiller@stephenmiller.com>
Subject: 18Variance1026

Mr. Allen – I am in receipt of the Notice of Public Hearing currently scheduled to address the proposed variance referenced above. I am writing to express my objection to Case # 18Variance1026 requesting a variance to allow the construction of a tennis court on the 12400 Old Henry Rd property. My wife and I are the property owners across the lake and we are very concerned with the potential of this project to ruin or destroy really, the park like setting and beautiful view that we currently enjoy. We have expended significant resources to make sure that our home and setting is unique and tranquil. I have spoken with Mr. Michaels today regarding this situation and walked with him, the proposed placement of the tennis court represented by the staking. Once I saw the extent of the incursion into the main property view, I expressed my concern and objection.

We have invested a great deal of money to build our home in such a special setting, and my wife and I just can't see how putting in a tennis court with lighting and 10 ft. fencing improves that view. If this project were to move forward, I think the tennis court should be moved alongside the residence toward the driveway, to remove it from my line of sight view. I reiterate my objection to this variance request at this time.

Sincerely,

Gary and Brenda Huntoon
12505 Nassau Lane
40243


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The updated tax tables will be included in the January Legislative Update scheduled for Wednesday, January 31, 2018.

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