

**Board of Zoning Adjustment
Staff Report**
August 1, 2016



Case No:	16Appeal1006
Project Name:	Reconsideration Request
Location:	500 Caldwell Street
Owner:	Pescador LLC
Appellant:	Travis Provencher Family Trust
Jurisdiction:	Louisville Metro
Council District:	4- David Tandy
Case Manager:	Steve Hendrix, Planning & Design Supervisor

REQUEST

- Reconsideration of case 16Appeal1006.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

On July 11, 2016, the Board approved the appeal request, overturning the Administrative Official Action that determined the primary use of the structure at 500 East Caldwell Street as a religious building under the Land Development Code.

The motion was made by Member Fishman and seconded by Member Howard.

The motion carried by the following vote:

Yes: Fishman, Turner, Jarboe, Tharp, Bergmann, and Howard

Absent: Allendorf

BOZA Bylaws: Reconsideration Policy

No appeal, application, or other matter acted upon by the Board may be reconsidered, except:

Upon motion by a member of the Board who voted with the majority.

Said motion must be seconded by any member of the Board either for reconsideration, or rehearing.

Such motions for reconsideration shall be made within thirty (30) days of the Board's original vote. Hearings on successful motions for reconsideration shall take place at the next regularly scheduled meeting of the Board.

STAFF ANALYSIS: The following sections of the Land Development Code appear to be applicable to this case. The full text of these sections may be found within the Land Development Code for all of Jefferson County.

Chapter 1.2.2. Definitions

Religious Building - Any building and the grounds of a building used by an association of persons for religious worship and associated buildings and grounds used for instruction regarding the tradition and tenets of a religious faith or for offices of persons engaged in the faith based activities of the religion or for social and recreational purposes or child care centers, or as a meeting hall. Such buildings and grounds may not also be used for retail sales or other merchandising purposes, except that such buildings and grounds may be used for religious bazaars and suppers. No such building or portion of a building may be used primarily as a commercial theater, except that occasional plays or pageants for which a price of admission is charged may be held. Churches, synagogues, temples and mosques are considered religious buildings for purposes of this Land Development Code.

Mr. Mike Allendorf

Chair, Louisville Board of Zoning Adjustment

RE: Loaves and Fishes (16 Appeal 1006)

I write on behalf of Loaves and Fishes and Pescador LLC to move the Board of Zoning Adjustment to reconsider its July 11 decision granting 16 Appeal 1006. Pursuant to Bylaw 9.01, we respectfully request reconsideration at the August 1 meeting, with a hearing to follow at a regularly scheduled meeting. Due to my personal travel, I request that it not be heard at the August 15 meeting, but that it be heard at a later date.

At the July 11 hearing, members of BOZA sought evidence of proposed religious activities and church affiliation as it applied the Land Development Code to the appeal. Essential information was not fully discussed or reviewed on July 11. Attached please find

1. A letter submitted to staff in our application describing proposed religious activities and affiliation with St. Francis In The Fields Episcopal Church. (It's come to our attention that staff did not have this letter before the members of BOZA in their packets at the time of its decision.),
2. A proof of a weekly schedule of proposed, "work in progress", and existing religious instruction and faith-based social ministries and activities,
3. A new letter from St. Francis in the Fields identifying the Loaves and Fishes board members as members of St. Francis in the Fields, and
4. A Certificate of Occupancy (reflecting completed work per building permit).

The Land Development Code defines a "religious building" as

Any building and the grounds of a building used by an association of persons for religious worship and associated buildings and grounds used for instruction regarding the tradition and tenets of a religious faith or for offices of persons engaged in the faith based activities of the religion or for social and recreational purposes or child care centers, or as a meeting hall.... [Emphasis ours]