

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

JUNE 19, 2006

DOCKET NO. B-99-06

Applicant: First Federal Savings Bank

Owner: James E Vogt

Subject: An application for a variance from the land Development Code to allow the placement of a proposed structure.

Premises affected: On property known as 9420 Seatonville Road and being in Louisville Metro.

Appearances for Applicant:

Bill Bardenwerper, Bardenwerper, Talbott & Roberts PLLC, 8311 Shelbyville Road, Louisville, Kentucky 40222, whom submitted a booklet with exhibits.

Ann Richards, Land Design & Development Inc., 8014 Vine Crest, Suite 8, Louisville, Kentucky 40222.

Appearances-Interested Party:

Tom Koppel, 6912 Cedar Lake Court, Louisville, Kentucky.

Stephen Ott, 11003 Clear Spring Court, Louisville, Kentucky 40291.

Appearances Against Applicant:

No one.

Julia Williams gave a brief presentation of the case to the Board.

Bill Bardenwerper spoke in rebuttal and answered questions posed by the Board.

On May 2, 2006, First Federal Saving Bank, filed an application for a variation from the requirements of the Land Development Code to allow the placement of a proposed structure.

On June 19, 2006, at a meeting of the Board, a hearing was held on the case. A drawing showing the premises affected and the existing and/or proposed construction was presented to each Board member.

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In accordance with the Board Bylaws, the staff report prepared for this case was incorporated into the record. The Board members had received this report in advance of the hearing and it was available to any interested party prior to the public hearing. See Addendum for staff report in full.

A video of the site and surrounding area was shown.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available in the Planning and Design Services Office.

The recording of this hearing will be found on the CD of the June 19, 2006 proceedings.

After the public hearing and a further discussion of the case by the members of the Board in open business session, on a motion by Member Queenan, seconded by Member Grisanti, the following resolution was adopted:

WHEREAS, the Board finds, from the file of this case, the staff report, and the evidence and testimony submitted at the public hearing to allow the placement of a proposed structure; and

WHEREAS, the Board finds the chief result of a denial of the variance would be that the applicant would not be able to build as planned; therefore, the strict application of the provisions of the regulations would create an unnecessary hardship on the applicant; and

WHEREAS, the Board finds that the circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning regulation from which relief is sought; and

WHEREAS, the Board finds the location preserves the existing location of Cedar Creek and its buffers; that preserving the creek along the frontage of the lot is characteristic of both the residential lot to the south and the church lot across Seatonville Road to the north; that buffers between the residential zones to the east and south will be provided and a buffer between the parking lot and Seatonville Road will be provided; therefore, the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the

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public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations;

NOW, THEREFORE, BE IT RESOLVED, that the variances are hereby **APPROVED**.

The variances allow:

1. The proposed structure to be located 270 feet from the front yard property line.
2. The proposed structure to be located 82 feet from the street side property line.
3. The proposed structure to be located 170 feet from the side yard property line.
4. The proposed structure to be located 25 feet from the rear yard property line.
5. The proposed structure to be 34 feet in height.

The vote was as follows:

YES: Members Queenan, Stewart, Rhodes, Francis, Anderson and Grisanti.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Member Crowder.

ABSTAINING: No one.

The meeting adjourned at 3:15 p.m.

CHAIRPERSON

SECRETARY