



# Louisville Metro Government

Old Jail Auditorium  
514 W. Liberty Street  
Louisville, KY 40202

## Agenda - Final Board of Zoning Adjustment

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Monday, May 4, 2026

1:00 PM

Old Jail

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*The Board of Zoning Adjustment meeting will be conducted in-person at the Old Jail Building Auditorium, 514 West Liberty Street, Louisville, KY 40202.*

*Anyone wishing to join the meeting virtually using a computer, laptop or mobile device, as well as anyone wishing to sign up to speak in support, opposition, or as other for any case, should visit the following link:*

<https://louisvilleky.gov/government/upcoming-public-meetings>

*You can access case materials (staff reports, proposed plans, etc.) by clicking on the link below and selecting the "HTML Agenda" under "Documents" associated with this meeting:*

<https://louisville.legistar.com/Calendar.aspx>

*If you have any questions, please contact the case manager, or call the Office of Planning at 502-574-6230.*

### Call To Order

### Approval Of Minutes

[04.20.2026 BOZA Minutes](#)

### Public Hearing

[26-APPEAL-0002](#)

Request:	Appeal of a staff determination to deny nonconforming rights. <b>Continued from the May 14, 2026, Board of Zoning Adjustment Meeting</b>
Project Name:	Wilson Ave Fence
Location:	1744, 1746, and 1756 Wilson Ave
Applicant:	Chapook Dizayee
Representative:	Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	6 - J.P. Lyninger
Case Manager:	Amy Brooks, Planning Supervisor

[26-VARIANCE-0042](#)

Request: Variance from Land Development Code Table 5.3.2 to allow a parking lot to encroach in the required front yard setback.

Project Name: 3rd Street Road Parking Expansion

Location: 10014 3rd Street Road

Applicant: Richard Orsoto

Representative: Richard Orsoto

Jurisdiction: Louisville Metro

Council District: 12 - Johnathan Joseph

Case Manager: Abby Bills, Planner I

[26-VARIANCE-0004](#)

Request: Variance from Land Development Code (LDC) section 4.4.3.A.1.a.i to allow a fence to exceed the maximum permitted height in the front yard setback.

Project Name: 227 E Ormsby Ave Frontyard Fence

Location: 227 E Ormsby Ave

Applicant: Laura Lane

Representative: Laura Lane

Jurisdiction: Louisville Metro

Council District: 6 - JP Lyninger

Case Manager: Drake Watson, Planner I

[26-CUP-0029](#)

Request: [Continued from 4/20/26 Board Hearing] Conditional Use Permit to allow a transitional home in the R-4 Residential Single-Family zoning district (LDC 4.2.55)

Project Name: Transitional Home

Location: 6014 Robinhood Ln

Applicant: John Flynn

Representative: John Flynn

Jurisdiction: Louisville Metro

Council District: 2 - Barbara Shanklin

Case Manager: Mark Pinto, Planner II

[26-VARIANCE-0041](#)

Request: Variance to allow a structure to encroach into the required infill street side yard setback and to reduce the private yard area

Project Name: Claremont Avenue Variance

Location: 101 Claremont Avenue

Applicant: Paul & Emilie Pfeiffer

Representative: Paul Pfeiffer

Jurisdiction: Louisville Metro Government

Council District: District 9 - Andrew Owen

Case Manager: Zach Schwager, Planner I

[26-CUP-0052](#)

Request: Conditional Use Permit to allow a Crematory in EZ-1 enterprise zoning district (LDC 4.2.59)

Project Name: Veterinary Specialist Partners

Location: 925 Ulrich Ave

Applicant: Traud Properties LLC

Representative: Scott Rizzo

Jurisdiction: Louisville Metro

Council District: 21 - Betsy Ruhe

Case Manager: Jude Mattingly, Planner II

[26-CUP-0050](#)

Request: Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner

Project Name: Short Term Rental

Location: 4513 S 6th St

Applicant: Jason Nelson

Representative: Bardenwerper Talbott & Roberts, PLLC

Jurisdiction: Louisville Metro

Council District: 21 - Betsy Ruhe

Case Manager: Tyler Pobiedzinski, Planner I

[26-CUP-0069](#)

Request: Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the owner

Project Name: Cartledge Court Short Term Rental

Location: 5529 Cartledge Court

Applicant: Angelica & Juan Rodriguez

Representative: Angelica Rodriguez

Jurisdiction: Louisville Metro Government

Council District: District 25 - Khalil Batshon

Case Manager: Zach Schwager, Planner I

## Adjournment



# Louisville Metro Government

## Text File

File Number: 04.20.2026 BOZA Minutes

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**Agenda Date:** 5/4/2026

**Version:** 1

**Status:** Minutes to be Approved

**In Control:** Board of Zoning Adjustment

**File Type:** Minutes

**Agenda Number:**

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT  
April 20, 2026**

A regular meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, April 20, 2026, at the Old Jail Building, located at 514 West Liberty Street, Louisville, KY 40202.

**Board Members Present:**

Sharon Bond, Chair  
Marilyn Lewis, Vice Chair  
Brandt Ford  
Jan Horton  
Miguel Rodriguez  
Yani Vozos (arrived at 1:07 p.m.)

**Staff Members Present:**

Brian Davis, Planning Director  
Laura Ferguson, Assistant County Attorney  
Joseph Haberman, Planning Manager  
Rachel Casey, Planning Supervisor  
Amy Brooks, Planning Supervisor  
Mark Pinto, Planner II  
Zach Schwager, Planner I  
Catherine Gomez, Planner I  
Sydney Fawcett, Planner I  
Abby Bills, Planner I  
Mollie Share, Planner I  
Drake Watson, Planner I  
Hannah Schreck, Associate Planner  
Haritha Gurivindapalli, Management Assistant

The following matters were considered:

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
April 20, 2026**

**APPROVAL OF MINUTES**

**MARCH 30, 2026, BOARD OF ZONING ADJUSTMENT MEETING MINUTES**

00:04:00 On a motion by Member Lewis, seconded by Member Horton, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the March 30, 2026, Board of Zoning Adjustment meeting.

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, and Bond**

**ABSTAINED: Member Rodriguez**

**BOARD OF ZONING ADJUSTMENT  
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April 20, 2026**

**BUSINESS SESSION**

**CASE NO. 26-VARIANCE-0027**

Request:	Variance to allow a principal structure to encroach into the required infill street side yard setback
Project Name:	Hanover Road Variance
Location:	3500 Hanover Road
Applicant:	James & Tammy Johnson
Representative:	James Johnson
Jurisdiction:	Louisville Metro
Council District:	District 9
Case Manager:	Zach Schwager, Planner I

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Deliberation:**

00:04:30 Board deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code (LDC) Section 5.1.12.B.2.e.i.1 to allow the principal structure to encroach into the required infill street side yard setback. Infill street side Yard (Requirement 30', Request 27', Variance 3')**

00:05:15 On a motion by Member Ford, seconded by Member Horton, the following resolution, based on the staff report, staff analysis, and the evidence, was adopted:

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not adversely affect the public health, safety, or welfare, because the request to encroach into the required setback does not impede the safe movement of vehicles or pedestrians along any right-of-way. Additionally, the structure will be required to comply with all applicable building code regulations, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not alter the essential character of the general vicinity as residential properties in the general vicinity maintain similar street side yard setbacks, and

**BOARD OF ZONING ADJUSTMENT  
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**BUSINESS SESSION**

**CASE NO. 26-VARIANCE-0027**

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone as the subject property is similar in size and width to most of the properties on the block face, and

**WHEREAS**, the Board of Zoning Adjustment does find the strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land as the width of the lot and position of the existing home limits where the applicant can construct the addition, and

**WHEREAS**, the Board of Zoning Adjustment does find the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as work has not begun on the proposed structure for which the variance is being requested, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC) Section 5.1.12.B.2.e.i.1 to allow the principal structure to encroach into the required infill street side yard setback. **(26-VARIANCE-0027) Infill Street side Yard (Requirement 30', Request 27', Variance 3')**.

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, Rodriguez, and Bond**

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**April 20, 2026**

**BUSINESS SESSION**

**CASE NO. 26-VARIANCE-0040**

Request: Variance to encroach into the required side yard setback  
Project Name: Moulder Residence Addition  
Location: 617 Wataga Dr  
Applicant: Alison and Nathan Moulder  
Representative: Charles Williams  
Jurisdiction: Louisville Metro  
Council District: District 9  
Case Manager: Catherine Gomez, Planner I

A notice was posted on the property, and 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 Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Deliberation:**

00:06:30 Board deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code (LDC) Table 5.3.1 to allow the principal structure to encroach into the required side yard setback.**

**Side Yard Set Back (Requirement 5', Request 3.53', Variance 1.47')**

00:06:45 On a motion by Member Rodriguez, seconded by Member Lewis, the following resolution, based on the staff report, staff analysis, and the evidence, was adopted:

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not adversely affect the public health, safety, or welfare, or cause a hazard or nuisance to the public because the proposed addition must be constructed to comply with all building codes and the Land Development Code except for the requested relief. All adjacent property owners provided an affidavit indicating consent to the requested variance, and

**BOARD OF ZONING ADJUSTMENT**

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**BUSINESS SESSION**

**CASE NO. 26-VARIANCE-0040**

**WHEREAS**, the Board of Zoning Adjustment does find requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as the proposed addition will follow the Neighborhood Form District site design standards. Additionally, multiple homes in the general vicinity have attached garages similar to the garage being proposed by the applicant, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity as the subject property is similar in size and shape to other properties in the area, and

**WHEREAS**, the Board of Zoning Adjustment does find the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as adherence to the setback standards would not permit the applicant to build the proposed addition in the same manner as nearby properties, and

**WHEREAS**, the Board of Zoning Adjustment does find the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, as the applicant has requested the Variance before obtaining building permits, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC) Table 5.3.1 to allow the principal structure to encroach into the required side yard setback. **(26-VARIANCE-0040) Side Yard Setback (Requirement 5', Request 3.53', Variance 1.47')**

**The vote was as follows:**

**YES: Members Vozos, Ford, Horton, Lewis, and Rodriguez**

**ABSTAINED: Member Bond**

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**April 20, 2026**

**PUBLIC HEARING**

**CASE NO. 21-CUP-0139**

Request: Conditional Use Permit to allow a transitional home (LDC 4.2.55)  
Project Name: Transitional Housing  
Location: 432 S. 16th Street  
Applicant: Flip the Script Recovery  
Representative: Flip the Script Recovery  
Jurisdiction: Louisville Metro  
Council District: District 4  
Case Manager: Amy Brooks, Planning Supervisor

A notice was posted on the property, and 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 Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

00:07:40 Amy Brooks provided an overview of the request and presented a PowerPoint Presentation. Brooks responded to questions from Board Members. (See recording for details)

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

Star Allen, 6803 Triangle Drive, Louisville, KY 40214

Duane Nathaniel, 1115 Christian Road, Louisville, KY 40214

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

00:17:10 Star Allen explained that they previously believed the conditional use permit already obtained was sufficient. Allen noted that they were later informed by Metro staff that a shelter license was also required. Allen emphasized that the oversight was unintentional and due to inconsistent past enforcement of licensing requirements. Allen confirmed they have not begun the licensing process for the subject property and cannot do so until board approval is granted. Allen responded to questions from Commissioners (see recording for details).

**BOARD OF ZONING ADJUSTMENT**

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**CASE NO. 21-CUP-0139**

00:21:50 Duane Nathaniel stated that he has lived in the home for many years and has been in recovery for 21 years. Nathaniel stated that their transitional house has operated responsibly for five years and that they believed they were fully compliant because they never received notices about needing additional permits after their 2021 approval. Nathaniel explained that zoning rules changed shortly afterward, but they were unaware despite frequent contact with Metro staff. Nathaniel emphasized their positive community presence and good neighbor relationships. Nathaniel acknowledged they are still operating on subject property and confirmed he now understands they must obtain all required permits before continuing operations. Nathaniel responded to questions from Commissioners (see recording for details).

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

Ann Ramser, P. O. Box: 14243, Louisville, KY 40214

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

00:27:00 Ann Ramser spoke in opposition to the request and presented a PowerPoint Presentation. Ramser noted that Enforcement records show only two relevant zoning cases (2021 and 2026), and no interior inspections have occurred. In 2021, a complaint was filed but no Notice of Violation was issued. In February 2026, a complaint led to a Notice of Violation for operating without a permit. The operator did not stop operating afterward. A letter from the operator claimed they understood the licensing process but also asked for guidance, which Ramser argued undermines their credibility. Ramser emphasized the home has operated about five years without compliance and believes they have already had more than enough time to meet requirements. Ramser responded to questions from Commissioners (see recording for details).

**Rebuttal:**

00:41:00 Duane Nathaniel explained that they never received notices and genuinely believed the home was fully approved after the 2021 hearing. Nathaniel stated that any mistakes came from misunderstanding the process, not bad faith, and emphasized their long-standing commitment to the neighborhood and to operating a safe, well-run recovery home. Nathaniel described significant improvements made to the home such as bathrooms, fire extinguishers, proper occupancy setup and said the house meets safety and zoning standards. Nathaniel stated that they would never knowingly put residents at risk or ignore requirements and would have acted immediately if they had received

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**CASE NO. 21-CUP-0139**

notices. Nathaniel expressed pride in the home, their recovery work, and their commitment to operating ethically. Nathaniel responded to questions from Commissioners (see recording for details).

**Deliberation:**

00:45:20 Board deliberation

**An audio/visual recording of the Board of Zoning Adjustment meeting related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Board review and approval to exercise a Conditional Use Permit for a transitional home in the R-6 multi-family zoning district in accordance with condition of approval #2.**

01:01:55 On a motion by Member Vozos, seconded by Member Rodriguez, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the request to extend the date to exercise the Conditional Use Permit for a transitional home in the R-6 multi-family zoning district subject to the following amended conditions of approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within six months of April 20, 2026. If the Conditional Use Permit is not so exercised, the site shall not be used for a transitional home until further review and approval by the Board.
3. Prior to lawful commencement of the transitional home use the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies.

**BOARD OF ZONING ADJUSTMENT**

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**PUBLIC HEARING**

**CASE NO. 21-CUP-0139**

4. Maximum full time occupancy shall be limited to eight persons, or the maximum allowed by the property maintenance code.

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, Rodriguez, and Bond**

**BOARD OF ZONING ADJUSTMENT**

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**April 20, 2026**

**PUBLIC HEARING**

**CASE NO. 25-VARIANCE-0067**

Request: Variance to allow a building to be constructed more than 5ft away from the right-of-way on a corner lot.  
Project Name: Empire Tires and Auto Service  
Location: 6702 Southside Drive  
Applicant: LITT Properties LLC  
Representative: John Frances  
Jurisdiction: Louisville Metro  
Council District: District 21  
Case Manager: Catherine Gomez, Planner I

A notice was posted on the property, and 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 Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

01:03:30 Catherine Gomez provided an overview of the request and presented a PowerPoint Presentation. Gomez responded to questions from Board Members. (See recording for details)

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

John Francis, 6702 Southside Dr, Louisville, KY 40214

**Summary of testimony of those spoke in favor of the request:**

01:06:20 John Francis representing Dalton Brown Restoration and Construction, explained that the company is seeking a permit to rebuild a structure that burned down a few years ago. Francis stated that they have already cleared the debris and want to store supplies, not tires in a new warehouse. The goal is to improve the property's appearance and create space for customers to wait comfortably. DBRC took over the project in March to handle the permitting properly. Francis responded to questions from Board Members. (See recording for details)

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

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**PUBLIC HEARING**

**CASE NO. 25-VARIANCE-0067**

Ann Ramser, P. O. Box: 14243, Louisville, KY 40214

Roddy McDowell, 111 Seneca Trail, Louisville, KY 40214

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

01:08:10 Ann Ramser spoke in opposition to the request and presented a PowerPoint Presentation. Ramser stated that the fire happened this February, not years ago, and that tires were only moved into the right-of-way afterward. Ramser argued that the submitted site plans contain errors, showing buildings that no longer exist and omitting an existing shed. Ramser also noted confusing filings, lack of clear communication, and no visible building designs. Ramser expressed concern about inaccurate information and uncertainty about what is planned for her neighborhood. Ramser responded to questions from Commissioners (see recording for details).

01:17:40 Roddy McDowell spoke in opposition to the request and stated that the tires shown in the photos are all used tires. McDowell stated that the business consistently piles used tires up to the top of the metal fence, stores more between the shed and the main building, and never disposes of them as required. McDowell described the accumulation as a hazard, attracting animals and creating a rodent problem. McDowell responded to questions from Commissioners (see recording for details).

**Rebuttal:**

01:20:40 John Francis stated that his company got involved to help the shop operate correctly and improve how tires and materials are stored. Francis explained that most tires are used but repairable and that the new building and shed are intended to move items indoors so fewer tires sit outside. Francis added that they have been working to reduce the number of outdoor tires and plan to store more of them properly once the new space is available. Francis responded to questions from Board Members. (See recording for details)

**Deliberation:**

01:24:25 Board deliberation

**An audio/visual recording of the Board of Zoning Adjustment meeting related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**BOARD OF ZONING ADJUSTMENT**

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**PUBLIC HEARING**

**CASE NO. 25-VARIANCE-0067**

**Variance from Land Development Code (LDC) Section 5.5.1.B to allow a building to be constructed more than 5ft away from the right-of-way along both streets on a corner lot.**

**Front Yard setback (Requirement 0-5', Request 145', Variance 140')**

01:26:40 On a motion by Member Rodriguez, seconded by Member Ford, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not adversely affect the public health, safety, or welfare, or cause a hazard or nuisance to the public because the proposed storage space must be constructed to comply with all building codes and the Land Development Code except for the requested relief. Currently, the auto shop is storing tires outdoors and within the right-of-way, which does adversely affect public health and safety, and creates both a hazard and nuisance for the public. The purpose of the requested addition is to store the tires inside the structure, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as the auto shop is alongside commercial development along Southside Drive with similar deep setbacks, and vicinity, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance does arise from circumstances which do not generally apply to land in the general vicinity as the subject property is an odd triangle shape which would make it difficult to construct a safe building that meets the setback requirements, and

**WHEREAS**, the Board of Zoning Adjustment does find the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as adherence to the setback standards would not permit the applicant to build the storage space for the tires that are creating a nuisance and health hazard for the public, and

**WHEREAS**, the Board of Zoning Adjustment does find the strict application of the circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, as the applicant has requested the Variance after constructing a non-compliant building on the site. This Variance request is

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**CASE NO. 25-VARIANCE-0067**

for a new building that will replace the existing non-compliant structure, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC) Section 5.5.1.B to allow a building to be constructed more than 5ft away from the right-of-way along both streets on a corner lot. (**25-VARIANCE-0067**) Front Yard setback (**Requirement 0-5', Request 145', Variance 140'**).

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, Rodriguez, and Bond**

**BOARD OF ZONING ADJUSTMENT**

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**PUBLIC HEARING**

**CASE NO. 25-VARIANCE-0073/26-VARIANCE-0035**

Request: Variances from Land Development Code (LDC) Table 5.3.1 and Section 5.1.12.B.2.a to exceed the maximum permitted building height and to encroach into the infill front yard setback

Project Name: VanHoose Home

Location: 7118 Beach land Beach Road

Applicant: Robert VanHoose

Representative: Robert VanHoose

Jurisdiction: Louisville Metro

Council District: District 16

Case Manager: Sydney Fawcett, Planner I

A notice was posted on the property, and 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 Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

01:35:00 Sydney Fawcett provided an overview of the request and presented a PowerPoint presentation. Fawcett responded to questions from Board Members. (See recording for details)

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

Robert Michael VanHoose, 7118 Beachland Beach Road, Prospect, KY 40059

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

01:39:40 Robert Michael VanHoose testified that he owns both his current home and the property where he wants to build a new house. VanHoose emphasized that all nearby neighbors support the project, and delays over several years especially from MSD requirements have made the process difficult. The road shown on the plans is a private road shared by residents. VanHoose explained that the increased house height is due to MSD requiring the structure to be raised an additional 4.5 feet for elevation, not because of interior ceiling height. VanHoose emphasized that he simply wants to build the house

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**CASE NO. 25-VARIANCE-0073/26-VARIANCE-0035**

and move forward after years of obstacles. VanHoose responded to questions from Board Members. (See recording for details)

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

**None**

**Deliberation:**

01:43:00 Board deliberation

**An audio/visual recording of the Board of Zoning Adjustment meeting related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variations:**

01:43:30 On a motion by Member Vozos, seconded by Member Horton, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

**1. Variance from Land Development Code (LDC) Table 5.3.1 to exceed the maximum permitted building height. (25-VARIANCE-0073)**

**Building Height (Requirement 35', Request 37', Variance 2')**

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public since the proposed structure is contained within the subject property and does not impede the safe movement of vehicles or pedestrians along the public rights of way, and

**WHEREAS**, the Board of Zoning Adjustment does find that the requested variance will not alter the essential character of the general vicinity and will allow an unreasonable circumvention of the requirements of the zoning regulations because the existing residential structures along Beachland Beach Road vary in building height, and

**WHEREAS**, the Board of Zoning Adjustment does find that the requested variance does not arise from special circumstances which do not generally apply to the land in the general vicinity, or in the same zone. However, due to the location of the property, the applicant is proposing to construct an 18-foot foundation to mitigate potential flooding

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**CASE NO. 25-VARIANCE-0073/26-VARIANCE-0035**

impacts causing the total proposed building height to exceed the maximum permitted in the Neighborhood Form District, and

**WHEREAS**, the Board of Zoning Adjustment does find that strict application of the provisions of the regulation would impose an unnecessary hardship on the applicant as the property is limited in how it can be developed with the Ohio River being adjacent to the subject site and being entirely located in the floodplain, and

**WHEREAS**, the Board of Zoning Adjustment finds 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. The applicant has requested the variance and construction has not yet begun, now, therefore be it.

**2. Variance from Land Development Code (LDC) Section 5.1.12.B.2.a to allow a principal structure to encroach into the required infill front yard setback. (26-VARIANCE-0035)**

**Infill Front Yard setback (Requirement 20-40', Request 6.4', Variance 13.6')**

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public since the proposed structure is contained within the subject property and does not impede the safe movement of vehicles or pedestrians along the public rights of way. The proposed structure will not encroach into any neighboring properties and will be required to comply with all applicable building code regulations, and

**WHEREAS**, the Board of Zoning Adjustment does find that the requested variance will not alter the essential character of the general vicinity as the residential properties along Beachland Beach Road have varying front yard setbacks, and

**WHEREAS**, the Board of Zoning Adjustment does find that the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone as the subject property is similar in size and depth to most of the properties on the block face, and

**WHEREAS**, the Board of Zoning Adjustment does find that strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land as the proposed structure would typically comply with the required infill front yard setback. However, due to the size of the proposed stairs, they are integral to the structure which

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would be consider as part of the principal structure. Therefore, the variance is required, and

**WHEREAS**, the Board of Zoning Adjustment finds 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. The applicant has requested the variance and construction has not yet begun, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance **(1)** from Land Development Code (LDC) Table 5.3.1 to exceed the maximum permitted building height. **(25-VARIANCE-0073)** Building Height **(Requirement 35', Request 37', Variance 2')** and Variance **(2)** from Land Development Code (LDC) Section 5.1.12.B.2.a to allow a principal structure to encroach into the required infill front yard setback. **(26-VARIANCE-0035)** Infill Front Yard setback **(Requirement 20-40', Request 6.4', Variance 13.6')**.

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, Rodriguez, and Bond**

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**CASE NO. 26-VARIANCE-0004**

Request: Variance from Land Development Code (LDC) section 4.4.3.A.1.a.i to allow a fence to exceed the maximum permitted height in the front yard setback.

Project Name: 227 E Ormsby Ave Front Yard Fence

Location: 227 E Ormsby Ave

Applicant: Laura Lane

Representative: Laura Lane

Jurisdiction: Louisville Metro

Council District: District 6

Case Manager: Drake Watson, Planner I

A notice was posted on the property, and 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 Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

01:45:00 Drake Watson provided an overview of the request and presented a PowerPoint presentation. Watson responded to questions from Board Members. (See recording for details)

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

**None**

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

Helga Ulrich, 112 E Ormsby Ave, Louisville, KY 40203

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

01:48:20 Helga Ulrich raised concerns about running an unlicensed short-term rental, installing a non-compliant fence, and advertising an unsafe third-floor rental unit. Ulrich argued the owner consistently seeks approval only after breaking codes and urged the board not to allow the fence to remain. Ulrich responded to questions from Board Members. (See recording for details)

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**CASE NO. 26-VARIANCE-0004**

**Deliberation:**

01:51:50 Board deliberation

**An audio/visual recording of the Board of Zoning Adjustment meeting related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a fence to exceed the maximum permitted height in the required front yard setbacks. (26-VARIANCE-0004)**

**Front Yard Setback (Requirement 42", Request 64", Variance 22")**

01:55:45 On a motion by Member Lewis, seconded by Member Horton, the following resolution, based on the evidence and testimony heard today, was adopted:

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** the case to May 4, 2026, Board of Zoning Adjustment public hearing.

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, Rodriguez, and Bond**

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**CASE NO. 26-VARIANCE-0021**

Request: Variance from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a fence to exceed 42 inches in height in the street side yard setback

Project Name: V&N Imperial Properties

Location: 2801 Montgomery St

Applicant: V&N Imperial Properties

Representative: Vildan Ahmic

Jurisdiction: Louisville Metro

Council District: District 5

Case Manager: Mollie Share, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

01:57:10 Mollie Share provided an overview of the request and presented a PowerPoint presentation. Share responded to questions from Board Members. (See recording for details)

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

Vildan Ahmic, 2801 Montgomery Street, Louisville, KY 40212

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

02:02:45 Vildan Ahmic explained that the property was fully renovated, and a modern wooden fence was installed. Ahmic stated that the fence only appears too tall from the street because of the retaining wall and steep grade, but its actual height is under six feet. Ahmic stated that the fence improves privacy and safety for tenants and was set back to allow for new landscaping. All landscaping and property improvements have already been completed. Ahmic responded to questions from Board Members. (See recording for details)

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**CASE NO. 26-VARIANCE-0021**

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

**None**

**Deliberation:**

02:08:20 Board deliberation

**An audio/visual recording of the Board of Zoning Adjustment meeting related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a fence to exceed 42 inches in height in the front and street side yard setback. (26-VARIANCE-0021)**

**Street Side Yard (Requirement 42", Request 96", Variance 54")**

**Front Yard (Requirement 42", Request 63", Variance 21")**

02:08:50 On a motion by Member Rodriguez, seconded by Member Lewis, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not adversely affect public health, safety, or welfare, because the requested fence height and type will not impede the safe movement of vehicles or pedestrians along any right-of-way. It will be installed in accordance with applicable building codes, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not alter the essential character of the general vicinity as there are several fences in the surrounding neighborhood that are similar in height, design, and placement in a front and street side yard setback, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance does arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone as the subject property is a corner lot. Because this is a corner lot, the applicant has increased exposure on two sides, which creates a privacy and safety issues that other lots in the area are not subjected to, and

**WHEREAS**, the Board of Zoning Adjustment does find that the strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land

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because the requested fence height and type will not impede the safe movement of vehicles or pedestrians along any right-of-way and matches the existing character of the neighborhood, and

**WHEREAS**, the Board of Zoning Adjustment does find that the circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as work has begun on the fence construction for which the variance is being requested, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a fence to exceed 42 inches in height in the front and street side yard setback. **(26-VARIANCE-0021) Street Side Yard (Requirement 42", Request 96", Variance 54")** and Front Yard **(Requirement 42", Request 63", Variance 21")**.

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, Rodriguez, and Bond**

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**CASE NO. 26-VARIANCE-0022**

Request: Variance to encroach into the required front yard setback  
Project Name: Hawk Realty Warehouse  
Location: 11517 Blankenbaker Access Drive  
Applicant: Hawk Realty LLC  
Representative: Deco Architects  
Jurisdiction: Louisville Metro  
Council District: District 11  
Case Manager: Catherine Gomez, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

02:09:30 Catherine Gomez provided an overview of the request and presented a PowerPoint presentation. Gomez responded to questions from Board Members. (See recording for details)

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

Justin D Glasscock, Deco Architects, 127 Old Monticello Street, Somerset, KY 42603

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

02:12:00 Justin Glasscock testified that the project aims to build a warehouse for Hawk Realty and moved the building upslope to cut costs, lowering the budget from \$5.6 million to \$3.6 million. Glasscock explained that an early survey of the Blankenbaker Access Drive project led them to mistakenly believe a triangular portion of land would revert to the owner. Because it did not, the building now encroaches by over five feet, requiring a variance. Glasscock confirmed the area in question is a steep slope, and the project will require fill material to create a level grade for the warehouse. Glasscock responded to questions from Board Members. (See recording for details)

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**CASE NO. 26-VARIANCE-0022**

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

**None**

**Deliberation:**

02:15:45      Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code (LDC) Section 5.3.4.D.3.a to allow the principal structure to encroach into the required front yard setback. Front Yard setback (Requirement 25', Request 5', Variance 20')**

02:16:10      On a motion by Member Ford, seconded by Member Horton, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not adversely affect the public health, safety, or welfare, or cause a hazard or nuisance to the public because the proposed structure must be constructed to comply with all building codes and the Land Development Code except for the requested relief. The front of the property has a significant amount of right-of-way that creates a buffer between the front of the building and the edge of the road, so even if the building is encroaching into the setback, the right-of-way provides the intended setback for the building, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as there are other buildings in the area are just as close to the property line as the one being proposed. The industrial development on this site matches the development in the general vicinity and complies with the site design standards of the Suburban Workplace form district, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity as the subject property is similar in size and shape to other properties in the area, and

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**CASE NO. 26-VARIANCE-0022**

**WHEREAS**, the Board of Zoning Adjustment does find that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as adherence to the setback standards would not permit the applicant to build the proposed warehouse. Since the building is large enough to cover most of the parcel, then the building cannot be setback due to site constraints. Additionally, there is enough right-of-way in front of the building to create the intended buffer from the street, and

**WHEREAS**, the Board of Zoning Adjustment does find that the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, as the applicant has requested the Variance before obtaining building permits, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC) Section 5.3.4.D.3.a to allow the principal structure to encroach into the required front yard setback. **(26-VARIANCE-0022) Front Yard setback (Requirement 25', Request 5', Variance 20')**.

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, Rodriguez, and Bond**

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**CASE NO. 26-VARIANCE-0036**

Request: Variance from St. Matthews Development Code Section 4.7.C.2.b to allow a proposed carport to encroach in the side yard setback.

Project Name: St Matthews Carport Variance

Location: 3607 Hughes Rd

Applicant: Sue Gerstle

Representative: Austin Brooks

Jurisdiction: St. Matthews

Council District: District 9

Case Manager: Abby Bills, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

02:17:00 Abby Bills provided an overview of the request and presented a PowerPoint presentation. Bills responded to questions from Board Members. (See recording for details)

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

Austin Brooks, 5801 Lovers Lane, Louisville, KY 40299

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

02:20:30 Austin Brooks, the contractor, explained that they plan to build a simple carport over the existing driveway and need a 3-foot variance. Brooks responded to questions from Board Members. (See recording for details)

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

**None**

**Deliberation:**

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**CASE NO. 26-VARIANCE-0036**

02:22:50 Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from St. Matthews Development Code Section 4.7.C.2.b to allow a proposed carport to encroach in the side yard setback.**  
**Side Yard setback (Requirement 5', Request 2', Variance 3')**

02:23:00 On a motion by Member Horton, seconded by Member Ford, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public. The proposed carport is not located close to public road and will not impede pedestrian or vehicular traffic. Additionally, there is an existing fence screening the proposed carport from the closest adjacent property, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not alter the essential character of the general vicinity as there are multiple properties along Hughes Rd with carports and attached garages extending into side yard setbacks, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone, as side yard setback regulations are the same for all properties zoned R-5 in the surrounding area. The subject site has the same lot shape and size as the majority of properties in the vicinity, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land as it would limit where the applicant can construct the proposed carport. The applicant is proposing to construct the carport to be in line with the existing driveway and side entrance to the residence. There would be no other reasonable placement of the carport on the property, and

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**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as work has not begun on the proposed structure for which the variance is being requested, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from St. Matthews Development Code Section 4.7.C.2.b to allow a proposed carport to encroach in the side yard setback. **(26-VARIANCE-0036)** Side Yard setback **(Requirement 5', Request 2', Variance 3')**.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**CASE NO. 26-VARIANCE-0038**

Request: Variance from Land Development Code (LDC) Table 5.2.2 to allow a principal structure to encroach into the front yard setback

Project Name: The Nine Louisville

Location: 1900 S Floyd St

Applicant: Vesper Louisville Nine, LLC

Representative: Dinsmore & Shohl LLP

Jurisdiction: Louisville Metro

Council District: 6 – JP Lyninger

Case Manager: Mollie Share, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

02:24:00 Mollie Share provided an overview of the request and presented a PowerPoint presentation. Share responded to questions from Board Members. (See recording for details)

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

Emily Wade, 101 S 5<sup>th</sup> Street, Suite 101, Louisville, KY 40202

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

02:26:40 Emily Wade provided an overview of the request and presented a PowerPoint presentation. Wade responded to questions from Board Members. (See recording for details)

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

**None**

**Deliberation:**

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**PUBLIC HEARING**

**CASE NO. 26-VARIANCE-0038**

02:29:00 Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code (LDC) Table 5.2.2 to allow a principal structure to encroach into the front yard setback. (26-VARIANCE-0038)**

**Front Yard setback (Requirement 10', Request 5.3', Variance 4.7')**

02:29:30 On a motion by Member Lewis, seconded by Member Ford, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public because the building has been in operation and no new construction or encroachment is proposed. The applicant decided the variance was necessary during the due diligence process and filed the variance after acquiring the property and a professional survey, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not alter the essential character of the general vicinity, as the building is existing and meshes with the character of the surrounding area, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone, as the site is a corner lot. This is also unique to the vicinity as it is an after-the-fact variance on an existing building because of survey findings, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provision of the regulation would create an unnecessary hardship, as the structure has already been built and operational for some time now. A variance would prevent the need for extreme hardship and unnecessary measures, including relocating renters, demolition, and reconstruction to maintain reasonable use of the land, and

**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as work has been completed on the structure for which the variance

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is being requested. The applicant is seeking a variance upon discovery of the additional setback encroachment, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC) Table 5.2.2 to allow a principal structure to encroach into the front yard setback. **(26-VARIANCE-0038)** Front Yard setback **(Requirement 10', Request 5.3', Variance 4.7')**

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**CASE NO. 26-VARIANCE-0039**

Request: Variance from Land Development Code Table 8.3.2 to permit a freestanding sign that exceeds the maximum allowable sign area and height.

Project Name: Speedway Freestanding Sign

Location: 5601 Bardstown Rd

Applicant: Smart LED Signs

Representative: Smart LED Signs

Jurisdiction: Louisville Metro

Council District: District 22

Case Manager: Abby Bills, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

02:30:20 Abby Bills provided an overview of the request and presented a PowerPoint presentation. Bills responded to questions from Board Members. (See recording for details)

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

Paul Nee, 11524 Bristol Harbor Avenue, Louisville, KY 40245

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

02:33:20 Paul Nee stated that the proposed sign exceeds the allowed height and area for a collector road (Hudson Lane) approximately 25% too large and 30% too tall but matches Speedway's signage used elsewhere. Nee stated that a smaller, lower sign would reduce visibility for drivers coming from Hudson Lane, negatively affecting traffic and sales, and could increase the risk of vandalism. Nee mentioned that there is no existing sign at the location, and the site has been cleared for new construction. Nee responded to questions from Board Members. (See recording for details)

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

**None**

**Deliberation:**

02:42:10      Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code Table 8.3.2 to permit a freestanding sign that exceeds the maximum allowable sign area and height.**

02:43:10      On a motion by Member Ford, seconded by Member Horton, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds that the variance will not adversely affect public health, safety, or welfare or cause a hazard or nuisance to the public. The sign would, however, alter the essential character of the vicinity and would allow an unreasonable circumvention of the zoning regulations. There are other gas stations in the vicinity located on corner lots and situated on collector level roads off Bardstown Rd. All other gas stations in the vicinity maintain compliance with the sign regulations, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance does not arise from special circumstances unique to the subject property. The lot configuration, corner location, and collector level frontage are conditions common to other properties within the same zoning district and corridor. As such, the circumstances cited by the applicant are generally applicable to similarly situated properties and do not justify deviation from the established standards, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the regulation would not create an unnecessary hardship, as the property can continue to operate as a gas station with a freestanding sign that complies with the permitted height and square footage limitations. Limiting the proposed sign along Hudson Ln to the maximum area and height allowed under the Land Development Code does not deprive

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the applicant of reasonable use of the land, but rather ensures consistency with corridor standards and equitable application of the regulations, and

**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations as the sign has yet to be installed, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the requested Variance from Land Development Code Table 8.3.2 to permit a freestanding sign that exceeds the maximum allowable sign area and height.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**CASE NO. 25-CAT3-0014**

Request: Category 3 Development Plan for a 127-unit senior living facility with associated variance and waivers  
Project Name: LDG First Link  
Location: 431 E. Liberty Street  
Applicant: Louisville Metro Housing Authority  
Representative: Dinsmore & Shohl LLP  
Jurisdiction: Louisville Metro  
Council District: District 4  
Case Manager: Sydney Fawcett, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

02:44:30 Sydney Fawcett provided an overview of the request and presented a PowerPoint presentation. Fawcett responded to questions from Board Members. (See recording for details)

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

Cliff Ashburner, 101 S 5<sup>th</sup> Street, Louisville, KY 40202

Cameron Acheson, 213 25<sup>th</sup> Street North, Suite E, Birmingham AL 35203

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

02:48:40 Cliff Ashburner provided an overview of the request and presented a PowerPoint presentation. Ashburner outlined the current development plan, elevations, access, parking, and landscaping. Ashburner responded to questions from Board Members. (See recording for details)

02:56:00 Cameron Acheson spoke in support of the request. Acheson responded to questions from Board Members. (See recording for details)

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**The following spoke in opposition to the request:  
None**

**Deliberation:**

02:58:40      Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code (LDC) Section 5.2.1.C.3 to allow the proposed building to exceed the 15' maximum setback with at least 60% of the street wall maintained. (25-VARIANCE-0125)**

02:59:00      On a motion by Member Vozos, seconded by Member Ford, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety, or welfare, or cause a hazard or nuisance to the public as the proposed structure will maintain a greater street wall than the existing structure on-site. Nearly 45% of the street wall along E. Liberty Street is being maintained, which does not qualify the development for the maximum 15-foot setback. However, the development is providing an outdoor open space in place of where the street wall would be provided, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as the surrounding developments in the area do not maintain a street wall along at least 60% of their lot frontage while exceeding the 15-foot maximum setback, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity or in the same zone as the requirement applies to all developments within the Downtown form district, and

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**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as it would require the applicant to redesign the proposed building which may eliminate the provided open space and off-street parking, and

**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought as the applicant has requested the variance prior to beginning construction, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC) Section 5.2.1.C.3 to allow the proposed building to exceed the 15' maximum setback with at least 60% of the street wall maintained. **(25-VARIANCE-0125)**.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

**Waivers:**

02:59:50 On a motion by Member Vozos, seconded by Member Ford, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**1. Waiver from Land Development Code (LDC) Section 5.2.1.C.2 to allow the proposed building to not maintain a 3-story street wall for the length of the lot frontage and for the façade to recede more than 18" from the street wall. (25-WAIVER-0171)**

**WHEREAS**, the Board of Zoning Adjustment finds that the waiver will not adversely affect the adjacent property owners as the proposed development will be maintaining 45% of the street wall along E. Liberty Street which is roughly 10% greater than the existing structure, and

**WHEREAS**, the Board of Zoning Adjustment finds that the Community Form Goal 1 Policy 3.1.1 characterizes the Downtown form district as a blend of office, commercial, civic, medical, high-density residential, and cultural land uses. Buildings are generally the greatest in volume and height in the metropolitan area, and there is public open space

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including plazas and squares. The Downtown form should give identity to the whole community and should provide for a mixture of high density and intensity uses. Community Form Goal 1 Policy 4 seeks to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1 Policy 5 allows a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to provide an appropriate transition between the areas. Examples 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. The size and scale of the proposal is compatible with nearby developments in the general vicinity. The location of the proposed parking, open space, and landscaping will provide a transition from the subject site to the existing multi-family developments along E. Liberty Street, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. To maintain a street wall for the length of the lot frontage would limit how the site could be developed. The proposed open space would be required to be provided in the rear of the site with limited mitigation from I-65 which is directly north of the subject property. Additionally, the applicant would be required to move or eliminate the proposed off-street parking, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the proposed building would need to be significantly redesigned to maintain a street wall along the lot frontage on E. Liberty Street which could potentially eliminate the opportunity for outdoor open space for residents on-site, now, therefore be it.

**2. Waiver from Land Development Code (LDC) Section 5.5.1.B.1.a.ii to allow the parking to not be located behind the principal structure. (25-WAIVER-0172)**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not adversely affect the adjacent property owners as surrounding developments do not provide parking behind the principal structures. Several of the existing developments in the general vicinity provide parking in front of the principal structures, and

**WHEREAS**, the Board of Zoning Adjustment finds that the Plan 2040 Community Form Goal 1 Policy 4 seeks to ensure new development and redevelopment are compatible

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with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Community Form Goal 1 Policy 12 suggests ensuring that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. The placement of parking lots behind or beside the building rather than facing the street is encouraged. The use of alleys for access to parking lots is also encouraged, especially in the Downtown form district. The applicant will be providing buffering features such as a 3-foot wall and landscaping to buffer the proposed parking lot from the street and sidewalk. While a 20-foot cross access easement will be granted for the western portion of the site, it will strictly be used for trash and emergency services for the development, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant is limited to where off-street parking can be provided. To provide open space internal to the proposed structure, the applicant is restricted to provide parking on the eastern portion of the site, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. There are no minimum parking requirements within the Downtown form district. However, since the proposal is for multi-family residential, the applicant is providing off-street parking to serve the development, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Waiver **(1)** from Land Development Code (LDC) Section 5.2.1.C.2 to allow the proposed building to not maintain a 3-story street wall for the length of the lot frontage and for the façade to recede more than 18” from the street wall. **(25-WAIVER-0171)** and Waiver **(2)** from Land Development Code (LDC) Section 5.5.1.B.1.a.ii to allow the parking to not be located behind the principal structure. **(25-WAIVER-0172)**.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**CASE NO. 25-CAT3-0014**

**Category 3 Development Plan**

03:00:25 On a motion by Member Vozos, seconded by Member Ford, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Category 3 Development Plan.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**CASE NO. 26-CUP-0029**

Request: Conditional Use Permit to allow a transitional home in the R-4 Residential Single-Family Zoning District (LDC 4.2.55)  
Project Name: Transitional Home  
Location: 6014 Robinhood Ln  
Applicant: John Flynn  
Representative: John Flynn  
Jurisdiction: Louisville Metro  
Council District: District 2  
Case Manager: Mark Pinto, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

03:01:20 Mark Pinto provided an overview of the request and presented a PowerPoint presentation. Pinto responded to questions from Board Members. (See recording for details)

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

John Flynn, 11802 Britney Avenue, Louisville, KY 40243

Saybach Glay, 135 Shadow Rock Ct, Louisville, KY 40165

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

03:04:50 John Flynn, the CFO for the property owner, explains that a Christian ministry leasing the home has been providing transitional housing for people recovering from substance abuse, but they operated without the required conditional use permit and were fined. Flynn stated that they intend to comply fully going forward. Flynn noted that the ministry felt compelled to help people who would otherwise be homeless, which contributed to them operating prematurely. Flynn responded to questions from Board Members. (See recording for details)

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

Ann Ramser, P. O. Box: 14243, Louisville, KY 40214

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

03:08:30 Ann Ramser spoke in opposition to the request and presented a PowerPoint Presentation. Ramser presents a detailed timeline of enforcement actions against the property, including multiple notices of violation, property-maintenance issues, shelter-related violations, final orders, and unpaid fines. Ramser highlighted problems such as improper use of the property and even basic maintenance concerns, like a refrigerator left in the driveway. Ramser raised concern about the facility's intake policies, pointing out that registered sex offenders may be prohibited from living so close to an Elementary School located about 0.3 miles away. Ramser responded to questions from Commissioners (see recording for details).

**Rebuttal:**

03:13:00 John Flynn clarified that the facility does not accept individuals with sexual-offense histories and that all prospective residents are vetted through background checks by the ministry operating the home. Flynn acknowledged past violations and fines, expressing regret and attributing some issues to the ministry's focus on helping people before fully understanding compliance requirements. Flynn stated that future operations including any additional homes will follow all permitting rules before anyone occupies the property, and he personally commits to hiring someone to manage procedural compliance. Flynn responded to questions from Board Members. (See recording for details)

**Deliberation:**

03:14:35 Committee deliberation

03:19:00 Chair Bond reopened the public hearing to receive testimony from the operator of the transitional home.

03:19:40 Saybach Glay stated that the transitional home houses about six men and does not accept sex offenders. Glay acknowledged that she has been operating the home for nearly two years without the necessary zoning-related license but says she believed

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she was already in the process of compliance. Glay described the home's structure, noting staff are present from 6 p.m. to midnight, residents attend programming at a certified facility during the day, curfews are enforced, vehicles are monitored, and random drug testing is conducted. Glay noted that this is her first transitional home, and she is unaware of license needed for house operation. Glay responded to questions from Board Members. (See recording for details)

**Deliberation:**

03:27:40 Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Conditional Use Permit to allow a transitional home in the R-4 Single-Family Residential zoning district with relief from lettered standard 'F' (LDC 4.2.55).**

03:41:50 On a motion by Member Lewis, seconded by Member Horton, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** the case to the May 4, 2026, Board of Zoning Adjustment public hearing to allow the applicant to provide additional information regarding the operation of the transitional home, including on-site and off-site activities, the management plan, the organizational structure, and details regarding the population served.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**CASE NO. 26-CUP-0043**

Request: Conditional Use Permit to allow the short-term rental of a dwelling unit that is the primary residence of the owner in the TNZD (LDC 4.2.63).

Project Name: Short Term Rental

Location: 511 Bertrand St

Applicant: Dennis Lally

Representative: Dennis Lally

Jurisdiction: Louisville Metro

Council District: District 6

Case Manager: Abby Bills, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

03:44:00 Abby Bills provided an overview of the request and presented a PowerPoint presentation. Bills responded to questions from Board Members. (See recording for details)

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

Dennis Lally, 514 W St. Catherine Street, Louisville, KY 40203

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

03:46:40 Dennis Lally testified that he is a long-time Louisville resident and the owner of the property in question, having restored the house twice and repurchased it last year after previously owning it in the 1990s. Lally explained that he lives in the main building as his primary residence and built a carriage house on the property, which he intends to rent for additional income. Lally responded to questions from Board Members. (See recording for details)

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

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Helga Ulrich, 112 E Ormsby Ave, Louisville, KY 40203

Ann Ramser, P. O. Box: 14243, Louisville, KY 40214

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

03:48:30 Helga Ulrich raised concerns about the number of dwelling units on the property and the increase in short-term rental in the area. Ulrich argued that the carriage house functions as an ADU, which she believes should support long-term housing rather than short-term rentals, and notes that the block already contains several short-term rentals, some of which lack proper licensing. Ulrich responded to questions from Board Members. (See recording for details)

03:52:20 Ann Ramser spoke in opposition to the request and presented a PowerPoint Presentation. Ramser questioned whether the applicant truly lives at the property, citing PVA records showing multiple properties owned by Mr. Lally with mailing addresses that don't match his claimed primary residence. Ramser noted that one address appears to be a single-family home and sees no evidence of multiple units. Ramser responded to questions from Commissioners (see recording for details).

**Rebuttal:**

03:56:30 Dennis Lally stated that he lives in the recently restored house listed on their driver's license. Their other house hasn't sold yet and is currently rented. Lally emphasized they oppose Airbnb-type rentals and support owner-occupied housing. Lally stated that the property has three units in the main house plus a carriage house (four total), and he lives in one of the main-house units. Lally responded to questions from Board Members. (See recording for details)

**Deliberation:**

03:57:30 Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

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**CASE NO. 26-CUP-0043**

**Conditional Use Permit to allow the short-term rental of a dwelling unit that is the primary residence of the owner in the TNZD (LDC 4.2.63)**

03:58:00 On a motion by Member Ford, seconded by Member Rodriguez, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

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

**WHEREAS**, the Board of Zoning Adjustment finds that the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and appearance since no changes to the exterior of the property are being proposed which reduce compatibility with the area, and

**WHEREAS**, the Board of Zoning Adjustment finds that the necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation adequate to serve the proposed use are available, and

**WHEREAS**, the Board of Zoning Adjustment finds that the applicant has demonstrated, or will be required to demonstrate, compliance with each of the lettered standards for a conditional use permit. The proposed short-term rental includes two (2) bedrooms, allowing a maximum occupancy of six (6) guests. There are currently six (6) approved conditional use permits for short-term rentals within 600 feet of the subject site. However, the applicant has indicated that their primary residence is located on the property. In accordance with the Land Development Code, the separation requirement does not apply when the owner acts as host and maintains their primary residency within another dwelling unit on the same parcel of land, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow the short-term rental of a dwelling unit that is the primary residence of the owner in the TNZD (LDC 4.2.63) **SUBJECT** to the following Conditions of Approval:

1. The conditional use permit for this short-term rental approval shall allow up to two (2) bedrooms with a maximum of six (6) guests at any one time. Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code

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of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms/guests.

2. Prior to the commencement of any short-term rental on the subject property, the owner shall register the short-term rental pursuant to the Louisville Metro Code of Ordinances. If the short-term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
3. The owner shall act as host and maintain their primary residency within a dwelling unit in the same building or on the same parcel of land.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**CASE NO. 26-CAT3-0001**

Request: Category 3 Development Plan for Mid-City Mall redevelopment with associated waivers and variances  
Project Name: Mid-City Market  
Location: 1250 Bardstown Road, 1620 Beechwood Ave  
Applicant: Branch Acquisition Co LLC  
Representative: Dinsmore & Shohl LLP  
Jurisdiction: Louisville Metro  
Council District: District 8  
Case Manager: Mark Pinto, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

04:09:30 Mark Pinto provided an overview of the request and presented a PowerPoint presentation. Pinto responded to questions from Board Members. (See recording for details)

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

Ben Botkins, 1299 Willow Avenue, Louisville, KY 40204

Cliff Ashburner, 101 S 5<sup>th</sup> Street, Louisville, KY 40202

Jesse Shannon, 3340 Peachtree Road NE, Ste 2775, Atlanta, GA 30326

Brian Caudill, 1416 Willow Avenue, Louisville, KY 40204

Rob Willy, 1230 Everett Avenue, Louisville, KY 40204

Nick Morris, 1013 Everett Avenue, Louisville, KY 40204

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#### Summary of testimony of those in favor:

04:25:20 Ben Botkins who owns the adjacent Bellwether Hotel, supports the proposed development. Botkins stated that after six years of trying to attract quality redevelopment to the area without success, they believe this project is the best opportunity to revitalize the corridor. Botkins highlighted benefits like added sidewalks and improved walkability, note their long involvement with Bardstown Road, and urge the board to approve the project, saying the neighborhood needs it. Botkins responded to questions from Board Members. (See recording for details)

04:29:00 Cliff Ashburner introduced the project team members present, including representatives from Branch, the site design firm, and the building architects. Ashburner responded to questions from Board Members. (See recording for details)

04:30:40 Jesse Shannon, president of Branch Properties, gives a brief background on his company's long experience developing shopping centers. Shannon explained that planning for this redevelopment began a year ago and has involved six months of meetings with city staff, neighborhood groups, and other stakeholders. The plan has gone through several revisions to balance community input, site constraints, and tenant needs. Shannon stated that the result is the best feasible version of the project. Shannon responded to questions from Board Members. (See recording for details)

04:35:00 Cliff Ashburner provided an overview of the request and presented a PowerPoint presentation. Ashburner outlined the current development plan, elevations, access, pedestrian access, parking, and landscaping. Ashburner stated that the Mid City Market redevelopment shifts buildings toward the street, moves most parking inside the site, and adds far more landscaping and pedestrian paths. The team held 34 meetings with neighborhood groups, businesses, and the library to shape the plan. Bardstown and Baxter frontages gain new sidewalks, buffers, and improved entrances, while Rosewood Park and Beachwood Park are preserved and enhanced. A new 12,000-sq-ft library is included, with red brick and design changes based on community feedback. Ashburner responded to questions from Board Members. (See recording for details)

04:56:00 Nick Morris representing the Highlands Commerce Guild, voiced support for the Mid-City Market project on behalf of local small businesses. Morris emphasized that the Highlands thrives when new investment respects neighborhood character and strengthens walkability, foot traffic, and economic vitality. Morris encouraged a tenant mix that includes local businesses, asked for ongoing communication with the developer, and

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stressed the need for a thoughtful construction and traffic plan to minimize disruption. Morris responded to questions from Board Members. (See recording for details)

04:58:10 Rob Willy a long-time Highland's resident speaking for the Cherokee Triangle Association, expressed strong support for the Mid-City Market proposal. Willy stated that the association met twice with the developers and believes the project will improve walkability, add green space, bring a needed grocery anchor, and provide a new home for the neighborhood library. Willy urged the city and developer to finalize the library agreement and praised recent design revisions, especially along Baxter Avenue. The association formally voted to support the project and emphasized that it should move forward without delay. Willy responded to questions from Board Members. (See recording for details)

05:01:10 Brian Caudill president of the Friends of Beachwood Park and a longtime resident of both the Triangle and Beachwood Avenue, expressed full support for the Mid-City Market plan. Caudill explained that the park is leased from Mid-City Mall and has long been maintained by volunteers, and he had been concerned about its future under new ownership. Caudill stated that the developer will fully incorporate the park into the redevelopment and hopes the nearby library will use it for programming. The Friends of Beachwood Park formally endorse the project and look forward to its completion. Caudill responded to questions from Board Members. (See recording for details)

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

Patricia Clare, 1129 Hilliard Avenue, Louisville, KY 40204

Manuel Carralero, 1313 Mossrose Avenue, Louisville, KY 40204

Charles Swanson, 1621 Rosewood Avenue, Louisville, KY 40204

Sarah Sturgeon Almy, 1611 Rosewood Avenue, Louisville, KY 40204

Karolle Swanson, 1621 Rosewood Avenue, Louisville, KY 40204

Jack Trawick, 1129 Hillard Avenue, Louisville, KY 40204

Todd Martin, 1717 Rosewood Avenue, Louisville, KY 40204

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

05:04:00 Patricia Clare argued that Baxter is a major frontage not the “rear” of the project and deserves a stronger, more pedestrian-friendly design. She believes the proposed deep setback and building placement miss an opportunity to create an active streetscape and do not align with the development code or Plan 2040. Clare was concerned that the current plan’s treatment of Baxter Avenue is inappropriate and does not meet the standards for this corridor. Clare responded to questions from Board Members. (See recording for details)

05:07:25 Manuel Carralero emphasized that past agreements protected the alleys as residential and warned that converting sections to two-way traffic could make nearby garages unusable due to increased vehicle flow. Carralero argued that proposed 3-ft ornamental buffers are inadequate and should match the existing 6-ft screening along the property line. Carralero raised concern about a dumpster placed directly below his balcony and asked that it be relocated. Carralero responded to questions from Board Members. (See recording for details)

05:10:00 Charles Swanson stated that he supports development in general but opposes the plan’s treatment of the alleys. Swanson argued that the alleys are public neighborhood space and converting them into two-way traffic would endanger residents backing out of garages. Swanson raised concerns about residential screening, buffering and neighborhood alleys. Swanson responded to questions from Board Members. (See recording for details)

05:14:10 Sarah Sturgeon Almy supports development but opposes using the long-established residential alleys for access. Almy noted BOZA already denied alley use and that past agreements required substantial screening, which they want restored with a 6-foot fence. Almy stated that nearby residents were barely consulted, unlike other neighborhoods farther away. Almy raised concerns about the alleys, planned driveways, and screening. Almy responded to questions from Board Members. (See recording for details)

05:17:45 Karolle Swanson spoke in opposition and raised concern about the alleys (See recording for details)

05:21:15 Jack Trawick raised concerns about traditional visual character, alternative transportation, connections to nearby residential areas, and compatibility with adjacent neighborhoods. Trawick responded to questions from Board Members. (See recording for details)

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05:26:10 Todd Martin raised concerns about converting the alley from one-way to two-way traffic. Martin also concerned about increased speeding, safety issues, and difficulty accessing garages. Martin asked who would maintain the expanded alley if part is on private property and part on city right-of-way. Martin also questioned why no traffic impact study is required, given the change in traffic flow, and asks whether speed humps, lighting controls, and shielding have been considered to protect nearby homes. Martin responded to questions from Board Members. (See recording for details)

**Rebuttal:**

05:29:20 Cliff Ashburner explained that the design aims to address major community priorities such as keeping the library, maintaining a grocery store, and improving walkability. Ashburner argued that alternative building layouts, like reorienting structures along Baxter Avenue were explored but created other problems or costs. Ashburner emphasized that the plan adds significant new sidewalks and ADA-compliant pedestrian routes, improving walkability compared to the current asphalt lot. Ashburner stated that Rosewood alley remains one-way at its entrance, becoming a shared alley/access lane only deeper into the site. Beachwood alley circulation stays limited, as it is today. Ashburner stated that the developer believes the need for heavy screening is reduced because the new design replaces a large parking lot with a building and landscaping. Ashburner mentioned that for one specific property, the developer is willing to install a new 6-foot solid screen and additional landscaping. Ashburner responded to questions from Board Members. (See recording for details)

**Deliberation:**

05:37:30 Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variances:**

05:40:30 On a motion by Member Rodriguez, seconded by Member Lewis, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

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**CASE NO. 26-CAT3-0001**

**1. Variance from Land Development Code (LDC) 5.1.12.A.2.a to allow the proposed building at 1620 Beechwood Avenue to exceed the maximum infill front yard setback of 29 ft. by 20 ft (26-VARIANCE-0020).**

**Variance #1- Front Yard (Beechwood Ave) (Requirement 29', Request 49', Variance 20')**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public. The proposed office/library building shall be required to meet all applicable building and fire code regulations. The building is meeting required setbacks from adjacent lower intensity, residential uses along Beechwood Avenue. The existing zoning district does not permit potentially hazardous, or nuisance uses such as heavy industrial land uses that could negatively impact adjacent residences. The proposed parking is located between the proposed building and an alley, which is the desired off-street parking location within the Traditional form districts. The required 5 ft. landscape buffer area (LBA) is being provided to screen the proposed parking from adjacent residential uses. Transportation and Public Works have reviewed the proposal and given preliminary approval, including the proposed parking adjacent to the alley, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The infill front yard setback range is determined by adjacent residential uses along Beechwood Avenue. An open green space area is located where the proposed building would be located if the infill setback was maintained. The area is proposed to be a park with open green space, which is in keeping with the existing character of Beechwood Avenue. The location of parking is common in Traditional form districts and backout parking off the alley is encouraged, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone since the properties along Beechwood Avenue are residential uses with traditional residential form lot sizes, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulations would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant. The size of the park area could be reduced or eliminated to allow the proposed building to meet the infill front yard setback and pull the parking out of the required rear yard setback. However, this could reduce

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compatibility with adjacent residential uses along Beechwood Avenue by removing or reducing the open green space that has historically existed, and

**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has not begun construction on the structure for which the variances are being requested, now, therefore be it.

**2. Variance from LDC Table 5.2.2 to allow parking for the proposed building at 1620 Beechwood Avenue to encroach into the required 5 ft. rear yard setback (26-VARIANCE-0045).**

**Variance #2 - Rear Yard (Beechwood Ave) (Requirement 5', Request 0', Variance 5')**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public. The proposed office/library building shall be required to meet all applicable building and fire code regulations. The building is meeting required setbacks from adjacent lower intensity, residential uses along Beechwood Avenue. The existing zoning district does not permit potentially hazardous, or nuisance uses such as heavy industrial land uses that could negatively impact adjacent residences. The proposed parking is located between the proposed building and an alley, which is the desired off-street parking location within the Traditional form districts. The required 5 ft. landscape buffer area (LBA) is being provided to screen the proposed parking from adjacent residential uses. Transportation and Public Works have reviewed the proposal and given preliminary approval, including the proposed parking adjacent to the alley, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The infill front yard setback range is determined by adjacent residential uses along Beechwood Avenue. An open green space area is located where the proposed building would be located if the infill setback was maintained. The area is proposed to be a park with open green space, which is in keeping with the existing character of Beechwood Avenue. The location of parking is common in Traditional form districts and backout parking off the alley is encouraged, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance arise from circumstances which do not generally apply to land in the general vicinity, or in the same

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zone since the properties along Beechwood Avenue are residential uses with traditional residential form lot sizes, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulations would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant. The size of the park area could be reduced or eliminated to allow the proposed building to meet the infill front yard setback and pull the parking out of the required rear yard setback. However, this could reduce compatibility with adjacent residential uses along Beechwood Avenue by removing or reducing the open green space that has historically existed, and

**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has not begun construction on the structure for which the variances are being requested, now, therefore be it.

**3. Variance from LDC 5.1.12.A.2.a to allow the proposed grocery store building at 1250 Bardstown Road to exceed the maximum infill front yard setback of 5 ft. by 143 ft. along Baxter Avenue (26-VARIANCE-0019).**

**Variance #3 - Front Yard (Baxter Ave) (Requirement 5', Request 142', Variance 137')**

**WHEREAS**, the Board of Zoning Adjustment finds that the variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public. The proposed grocery store building shall be required to meet all applicable building and fire code regulations. The building is meeting required setbacks from adjacent lower intensity, residential uses along Baxter Avenue. The existing zoning district does not permit potentially hazardous, or nuisance uses such as heavy industrial land uses that could adversely affect adjacent properties, and

**WHEREAS**, the Board of Zoning Adjustment finds that the variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The required front yard setback is determined by the two nearest lots with principal structures, which are two residential lots along Baxter Avenue that front Beechwood and Rosewood Avenue. The subject site is currently developed with a parking lot at this location and the existing building is setback approximately 350 ft. from the property line adjacent to Baxter Avenue. The proposal brings the building closer to Baxter Avenue with improved landscaping and screening, and

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**WHEREAS**, the Board of Zoning Adjustment finds that the variance does not arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone since there are adjacent properties within the Traditional Marketplace form district with similar required setbacks from roadways, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulations would create an unnecessary hardship on the applicant since the rear of the grocery store would be required to be located within 5 ft. of the property line. Vehicular access and deliveries would need to be reconfigured which could adversely impact the proposed park area and maneuvering areas that are located between the proposed grocery store and Baxter Avenue, and

**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has not begun construction on the structure for which the variance is being requested, now, therefore be it.

**4. Variance from LDC 5.1.12.A.2.a to allow the proposed retail buildings at 1250 Bardstown Road to exceed the maximum infill front yard setback of 35 ft. by 221 ft along Bardstown Road (26-VARIANCE-0019).**

**Variance #4 - Front Yard (Bardstown Rd) (Requirement 35', Request 221', Variance 256')**

**WHEREAS**, the Board of Zoning Adjustment finds that the variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public. The proposed retail buildings shall be required to meet all applicable building and fire code regulations. The buildings are meeting required setbacks from adjacent lower intensity, residential uses. The existing zoning district does not permit potentially hazardous, or nuisance uses such as heavy industrial land uses that could adversely affect adjacent properties, and

**WHEREAS**, the Board of Zoning Adjustment finds that the variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations. There are two existing buildings on the subject site that are proposed to remain and are in front of the proposed retail buildings. The new proposed retail buildings are located closer to Bardstown Road than the existing mall building, and

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**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance arises from circumstances which do not generally apply to land in the general vicinity, or the same zone. The subject site is developed with existing buildings that are located within the required setback that are proposed to remain on the site, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulations would create an unnecessary hardship on the applicant since the existing coffee shop and restaurant would be required to be demolished. The proposed retail buildings would need to be constructed where the existing coffee shop and restaurant are currently located, and

**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has not begun construction on the structures for which the variance is being requested, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance **(1)** from Land Development Code (LDC) 5.1.12.A.2.a to allow the proposed building at 1620 Beechwood Avenue to exceed the maximum infill front yard setback of 29 ft. by 20 ft **(26-VARIANCE-0020)**. Variance #1- Front Yard (Beechwood Ave) **(Requirement 29', Request 49', Variance 20')** , Variance **(2)** from LDC Table 5.2.2 to allow parking for the proposed building at 1620 Beechwood Avenue to encroach into the required 5 ft. rear yard setback **(26-VARIANCE-0045)**. Variance #2 - Rear Yard (Beechwood Ave) **(Requirement 5', Request 0', Variance 5')** , Variance **(3)** from LDC 5.1.12.A.2.a to allow the proposed grocery store building at 1250 Bardstown Road to exceed the maximum infill front yard setback of 5 ft. by 143 ft. along Baxter Avenue **(26-VARIANCE-0019)**. Variance #3 - Front Yard (Baxter Ave) **(Requirement 5', Request 142', Variance 137')** and Variance **(4)** from LDC 5.1.12.A.2.a to allow the proposed retail buildings at 1250 Bardstown Road to exceed the maximum infill front yard setback of 35 ft. by 221 ft along Bardstown Road **(26-VARIANCE-0019)**. Variance #4 - Front Yard (Bardstown Rd) **(Requirement 35', Request 221', Variance 256')**

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**Waivers:**

05:45:25 On a motion by Member Ford, seconded by Member Rodriguez, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**1. Waiver of LDC 10.2.10 to omit the required 10 ft. vehicular use area landscape buffer (VUA LBA) along the property line adjacent to Bardstown Road in front of the existing restaurant (26-WAIVER-0018).**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waivers will not adversely affect adjacent property owners since the waiver is to accommodate existing site conditions for the vehicular use area between the existing restaurant and Bardstown Road. There are street trees between the parking lot and Bardstown Road that adequately screen the area from the roadway, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waivers will not violate specific guidelines of Plan 2040. Community Form Goal 1, Policy 4 calls to ensure that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. The existing street trees are to remain, and no new construction is proposed in this area of the site, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waivers of the regulation is the minimum necessary to afford relief to the applicant since the restaurant and vehicular use area are an existing site condition, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant. The vehicular use area would need to be reconfigured which could adversely affect vehicular and pedestrian circulation for the existing restaurant. No new construction is proposed in this area of the subject site where the waiver is being requested, now, therefore be it.

**2. Waiver of LDC 5.5.1.A.3.a to allow parking in front of the proposed retail buildings facing Bardstown Road and proposed grocery store building along Baxter Avenue (26-WAIVER-0019).**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not adversely affect adjacent property owners since the location of the parking shall not

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interrupt or impede vehicular and pedestrian travel along adjacent roadways. The parking areas are contained within the subject site and do not constitute access through areas or properties of significantly lower intensity, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waivers will not violate specific guidelines of Plan 2040. Mobility Goal 2, Policy 4 states to avoid access to development through areas of significantly lower intensity or density development. The proposed parking areas in front of the buildings are accessed through Baxter Avenue and Bardstown Road, which are arterial roadways that serve a mix of residential and commercial uses in the area.

Community Form Goal 2, Policy 1 calls to locate activity centers in appropriate areas in all Form Districts. The design of activity centers should be compatible with the desired form, adjacent uses, and existing and planned infrastructure. While off-street parking in front of buildings is generally discouraged in Traditional form districts, adequate screening and the design of the proposal helps mitigate any potential negative impacts. The off-street parking areas in front of the proposed retail buildings facing Bardstown Road are located behind the existing coffee shop and restaurant, thereby reducing the visual impact along Bardstown Road. The off-street parking area located in front of the building along Baxter Avenue will be screened with a brick wall, colonnade structure with aluminum railing and other architectural features that provide visual interest. New street trees shall also be planted in the right-of-way along the Baxter Avenue frontage, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the off-street parking areas could be redesigned or removed from the proposed locations to comply with the regulations. However, there are several hundred parking spaces in front of the existing Mid City Mall building with minimal to no screening. The proposal includes additional landscaping and screening along the Baxter Avenue structure to reduce the visual impact of the proposed off-street parking area, and

**WHEREAS**, the Board of Zoning Adjustment finds that 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. The applicant is proposing a colonnade structure consisting of brick, aluminum railing, and other architectural features along the Baxter Avenue frontage to provide visual interest and enhanced screening. Also, a 10 ft. landscape buffer area is proposed between the parking spaces and colonnade wall, now, therefore be it.

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**3. Waiver of LDC 5.5.1.A.4.b to allow loading docks on a primary façade of the proposed grocery store building along Baxter Avenue (26-WAIVER-0019)**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not adversely affect adjacent property owners since the location of the loading docks shall not interrupt or impede vehicular and pedestrian travel along adjacent roadways or through adjacent properties. The parking areas are contained within the subject site and do not constitute access through areas or properties of significantly lower intensity, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waivers will not violate specific guidelines of Plan 2040. Mobility Goal 2, Policy 4 states to avoid access to development through areas of significantly lower intensity or density development. The proposed loading docks on the rear façade are accessed through Baxter Avenue and Bardstown Road, which are arterial roadways that serve a mix of residential and commercial uses in the area.

Community Form Goal 2, Policy 11 calls to ensure appropriate placement, design, and scale of centers in all form districts to ensure compatibility with nearby residences. The loading docks on the rear façade facing Baxter Avenue should have a minimum visual impact on Baxter Avenue and nearby residences. A screen wall attached to the rear of the building is proposed to obstruct the view of the loading docks. Landscape buffering and screening is proposed to mitigate the visual impact of the loading docks along Baxter Avenue, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the proposed buildings could be redesigned for the loading docks to be positioned internally to avoid the waiver request. However, the subject site is a dual frontage lot with respect to Bardstown Road and Baxter Avenue, making the rear and front facades of the grocery store building primary facades. Grocery store buildings commonly have loading areas in rear to minimize impacts of delivery vehicle circulation on the site, and

**WHEREAS**, the Board of Zoning Adjustment finds that 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. The applicant is proposing a colonnade structure consisting of brick, aluminum railing, and other architectural features along the Baxter Avenue frontage to provide visual interest and enhanced screening. Also, a 10 ft. landscape buffer area is proposed between the parking spaces and colonnade wall.

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Lastly, the loading docks are shown to be screened with a masonry wall attached to the rear of the building that will be painted with a mural, now, therefore be it.

**4. Wavier of LDC 5.5.1.A.1.b to not provide a customer entrance facing Baxter Avenue (26-WAIVER-0045).**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not adversely affect adjacent property owners since the configuration and placement of building entrances should only affect the subject site and not adjacent properties. Adjacent residential properties may utilize vehicular and pedestrian routes to access the main entrance on the front façade of the grocery store building, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waivers will not violate specific guidelines of Plan 2040. Mobility Goal 3, Policy 3 states developments should be evaluated for their ability to promote public transit and pedestrian use. Higher density developments should reduce the need for multiple automobile trips as a means for providing alternative transportation choices. There is an established transportation network that encourages walking, biking, and public transit in the area. The development is proposing a sidewalk network that provides access from Baxter Avenue and Bardstown Road into the subject site and to various building entrances for the retail and grocery store buildings, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the grocery store building could be reconfigured to include an entrance on the rear façade facing Baxter Avenue. However, the subject site is a dual frontage lot with respect to Bardstown Road and Baxter Avenue, requiring customer entrances facing both the primary and secondary street. Properties with double frontages not located on a corner are not common in the area, as properties generally front on one street and require only one entrance. Grocery store buildings commonly have loading areas in the rear to minimize impacts of delivery vehicle circulation on the site, and

**WHEREAS**, the Board of Zoning Adjustment finds that 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. The applicant is proposing a colonnade structure consisting of brick, aluminum railing, and other architectural features along the Baxter Avenue frontage to provide visual interest and enhanced screening. Also, a 10 ft. landscape buffer area is proposed between the parking spaces and colonnade wall. Lastly, internal sidewalk connections are proposed to provide pedestrian access

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throughout the site to all the retail buildings along the sides and front of the property, and to the main entrance of the grocery store, now, therefore be it.

**5. Waiver of LDC 5.7.1.B.3.b to not require the side facades of the proposed grocery store and retail buildings to meet the transition standard for primary facades (26-WAIVER-0046).**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not adversely affect adjacent property owners since the proposed buildings are meeting all required setbacks from adjacent residential properties and the alleys. The buildings will be required to meet all applicable building and fire code regulations, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not violate specific guidelines of Plan 2040. Community Form Goal 2, Policy 1 states design of activity centers should be compatible with the desired form and adjacent uses. The proposed buildings contain additional architectural features along all the building facades, including the side facades that require the waiver, over the facades of the existing building. Like the front and rear facades, the side facades contain variation in materials, awnings, parapet walls, and variation in roofline to provide visual interest. Lastly, new development on the site is meeting the requirements of LDC Chapter 10 for landscaping and screening, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The primary facades of the proposed buildings contain architectural features such as cornices, decorative tiebacks, glass, awnings, and variation in materials. The side facades of the buildings within the transition zone also contain cornices and variation in materials. Generally, it is uncommon for side facades of buildings to be constructed with the same level of architectural detail on the primary facades with respect to doors, windows, and access, and

**WHEREAS**, the Board of Zoning Adjustment finds that 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. The applicant is proposing a colonnade structure consisting of brick, aluminum railing, and other architectural features along the Baxter Avenue frontage to provide visual interest and enhanced screening. Also, a 10 ft. landscape buffer area is proposed between the parking spaces and colonnade wall. Lastly, there are park areas proposed as the amenity spaces to provide a transition

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between existing residential properties and to provide a sense of place, now, therefore be it.

**6. Waiver of LDC 5.6.1.C.1 to provide less than 50 percent clear glazing along the façade of the proposed grocery store building facing Baxter Avenue and interior to the site (26-WAIVER-0019).**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not adversely affect adjacent property owners since the proposed building is meeting all required setbacks from adjacent residential properties and the alleys. The building will be required to meet all applicable building and fire code regulations, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not violate specific guidelines of Plan 2040. Community Form Goal 2, Policy 1 states design of activity centers should be compatible with the desired form and adjacent uses. The proposed building contains more architectural features along all the building facades than the existing building currently provides, thereby increasing compatibility with the Traditional form district and adjacent properties. The subject buildings have variation in materials consisting of cornice molding, glass, brick, paneling, and other architectural features that provide visual interest from the roadway, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The primary facades of the proposed buildings contain architectural features such as cornice, decorative tiebacks, glass, awnings, and variation in materials. The requested waiver is common for grocery store buildings throughout Louisville Metro, and

**WHEREAS**, the Board of Zoning Adjustment finds that 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. The applicant is proposing a colonnade structure consisting of brick, aluminum railing, and other architectural features along the Baxter Avenue frontage to provide visual interest and enhanced screening. Also, a 10 ft. landscape buffer area is proposed between the parking spaces and colonnade wall. Lastly, there are park areas proposed as the amenity spaces to provide a transition between existing residential properties and to provide a sense of place, now, therefore be it.

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**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Waiver **(1)** of LDC 10.2.10 to omit the required 10 ft. vehicular use area landscape buffer (VUA LBA) along the property line adjacent to Bardstown Road in front of the existing restaurant **(26-WAIVER-0018)**, Waiver **(2)** of LDC 5.5.1.A.3.a to allow parking in front of the proposed retail buildings facing Bardstown Road and proposed grocery store building along Baxter Avenue **(26-WAIVER-0019)**, Waiver **(3)** of LDC 5.5.1.A.4.b to allow loading docks on a primary façade of the proposed grocery store building along Baxter Avenue **(26-WAIVER-0019)**, Waiver **(4)** of LDC 5.5.1.A.1.b to not provide a customer entrance facing Baxter Avenue **(26-WAIVER-0045)**, Waiver **(5)** of LDC 5.7.1.B.3.b to not require the side facades of the proposed grocery store and retail buildings to meet the transition standard for primary facades **(26-WAIVER-0046)** and Waiver **(6)** of LDC 5.6.1.C.1 to provide less than 50 percent clear glazing along the façade of the proposed grocery store building facing Baxter Avenue and interior to the site **(26-WAIVER-0019)**.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

**Category 3 Development Plan**

05:46:50 On a motion by Member Lewis, seconded by Member Ford, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Category 3 Development Plan.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**ADJOURNMENT**

The meeting adjourned at approximately 7:05 p.m.

DocuSigned by:

*Sharon Bond*

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**Chair**

Signed by:

*Brian Davis*

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**Planning Director**



# Louisville Metro Government

## Text File

File Number: 26-APPEAL-0002

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**Agenda Date:** 5/18/2026

**Version:** 1

**Status:** Public Hearing

**In Control:** Board of Zoning Adjustment

**File Type:** Planning Case

**Agenda Number:**

# Board of Zoning Adjustment

## Staff Report

May 18, 2026



<b>Case No:</b>	26-APPEAL-0002
<b>Project Name:</b>	Appeal of Nonconforming Rights
<b>Location:</b>	1744, 1746, and 1756 Wilson Ave
<b>Owner(s):</b>	Chapook Dizayee
<b>Representative:</b>	Bardenwerper, Talbott & Roberts, PLLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	6 – Phillip Baker
<b>Case Manager:</b>	Amy Brooks, Planning Supervisor

### REQUEST(S)

- **Appeal** of an administrative decision to deny nonconforming rights for a fence in the R-7, multi-family residential zoning district and Traditional Neighborhood form district (LDC 11.7.3).

### CASE SUMMARY

An application requesting nonconforming rights for a fence was submitted to the Office of Planning on December 8, 2025. With this application, the applicant provided a description of the existing nonconforming structure, several advertisements from the Courier Journal, two (2) letters attesting to the presence of the non-conforming structure, and site photographs.

According to historic zoning maps (see findings report published with public meeting agenda), the site was zoned as Apartment C in 1931. By 1965, the zoning district was R-7 multi-family residential. Directory listings indicate that a commercial use was active prior to 1971 until 1997, at which point the provided listings indicate that the site became vacant and/or residential. The non-residential buildings and commercial use are not the subject of the current request. The fence in question is around six (6) feet at its highest point (including the masonry wall at its base) and is screened with a loose fabric. Barbed and razer wire was removed as part of the zoning enforcement case on the property. The subject site is in the Traditional Neighborhood form district which restricts fences to a maximum of 3.5 feet in the front yard setback. The request needed to establish that the non-conforming structure (fence) existed on the property in 1971 and has been present without modification or expansion to the present. Between 2016-2019, the building on the site was demolished and the fence was altered. Staff reviewed submitted documents, inspected the site, and conducted its own research using city directories. As such, staff determined that there was sufficient evidence to deny nonconforming rights for a fence in the R-7 zoning district. An appeal of this determination was submitted on February 26, 2024.

### STAFF FINDING

No additional evidence has been provided by the appellant that supports a claim of nonconforming rights; therefore, the administrative decision should be affirmed, and the appeal denied.

### TECHNICAL REVIEW

- Land Development Code, Section 1.3.1 (Nonconforming Use – relevant text):

A. A nonconforming use is an established activity which lawfully existed at the time of the enactment of any zoning regulation which would not permit such activity.

B. A nonconforming use may be continued until it is abandoned notwithstanding the sale of the land parcel on which the nonconforming use exists; but a nonconforming use shall not be enlarged, expanded or changed except as expressly permitted by KRS 100.253 and by Chapter 1 Part 3.

C. There shall be no increase in the floor area or the land area devoted to a nonconforming use or other enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation that made the use nonconforming was adopted.

## **STAFF ANALYSIS**

By 1965, the subject properties were zoned R-7, multi-family residential. The request for nonconforming rights needed to establish that the non-conforming structure (fence) existed on the property in 1971 and continued without expansion to the present date. The appellant presented two (2) written statements from individuals familiar with the property in question; these non-notarized statements indicated that a fence was present in the 1970's. These affidavits alone do not support a claim of nonconforming rights and could not be supported by additional evidence.

Clear historical imagery of the fence is difficult to ascertain. In 1963, there appears to be a fence or wall on the site. The applicant provided three pieces of evidence from historical Courier Journal advertisements. The first piece of evidence shows property photos from May 20, 1962, with what appears to be a fence. The other classified advertisements are clearer. There is a fence on the properties in 1977. However, by 1975, the City of Louisville's land use regulations would have restricted the height of any fence within the front setback to 3.5 feet. There is no definitive evidence to indicate that the fence was enlarged, expanded, or modified prior to the 2019 Google Street view. In 2018, an emergency wrecking permit was approved by the city to allow for the demolition of the building at 1744 Wilson Avenue that had been destroyed by fire. The Google Street view of the site, dated June 2019, shows that the existing fence had been enlarged and modified. A fence panel had been added where the building at 1744 Wilson had once stood and both barbed wire and covering had been added to the fence. Based upon the review of the record, staff finds that the structure has undergone substantial modification and enlargement over time which negates the appellant claim of nonconforming rights.

## **REQUIRED ACTIONS**

- **APPROVE** or **DENY** the **APPEAL** of an administrative decision to deny nonconforming rights for a fence in the R-7 zoning district and Traditional Neighborhood form district.

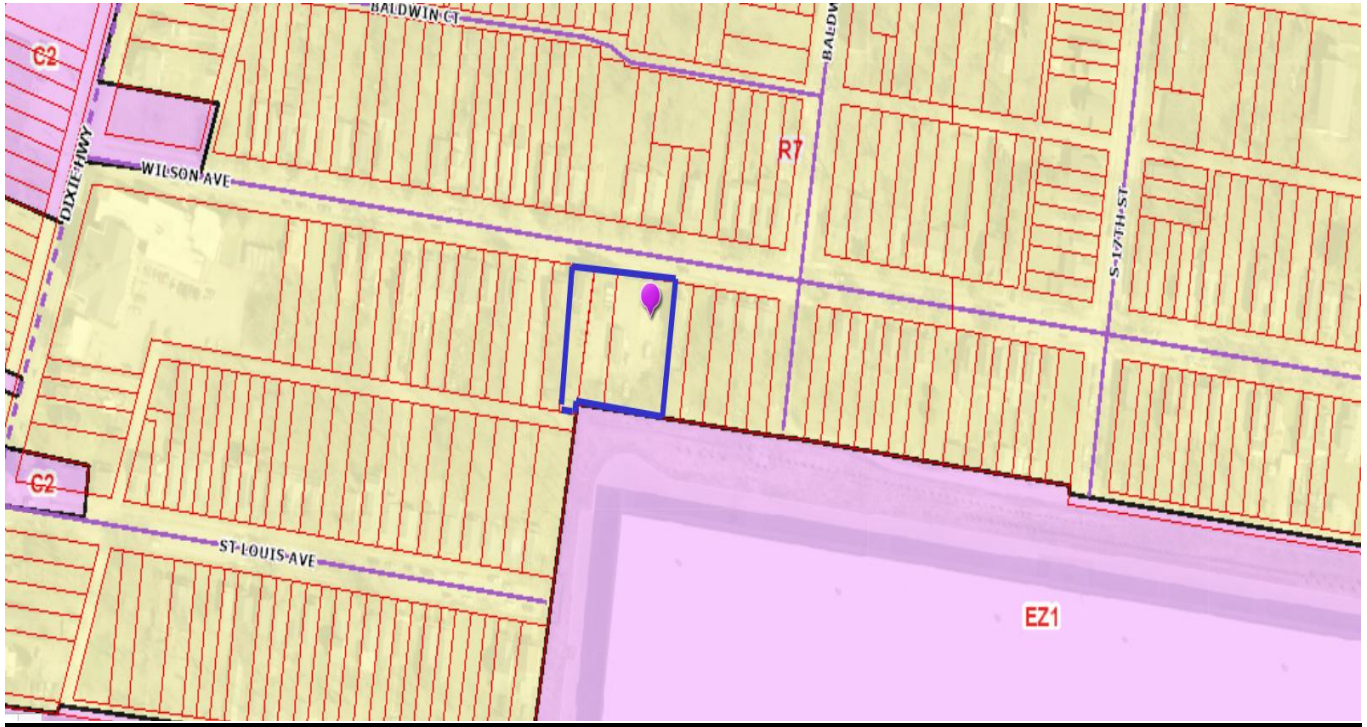
## **NOTIFICATION**

Date	Purpose of Notice	Recipients
04/20/2026 04/20/2026	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 6
05/09/2026	Hearing before BOZA	Legal Advertisement

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



## 2. Aerial Photograph





OFFICE OF PLANNING  
LOUISVILLE, KENTUCKY

CRAIG GREENBERG  
MAYOR

BRIAN DAVIS, AICP  
DIRECTOR

February 17, 2026

Chapook Dizayee  
1744 Wilson Avenue Trust  
PO BOX 206384  
Louisville, KY 40250-6384

Re: 25-NONCONFORM-0024  
1744, 1746, and 1756 Wilson Avenue  
Louisville, KY 40210

This letter will serve notice that nonconforming rights for a fence have not been established for the property located at 1744, 1746, and 1756 Wilson Ave. The subject property lies within the R-7 Multi-Family zoning district. This decision is based upon information provided in the application and Office of Planning files dating back to 1971.

To recognize nonconforming rights, conclusive evidence showing the use's establishment and continuous existence since 1971 must be provided. Given the expansion and/or enlargement of the structure, staff finds there is sufficient evidence to deny nonconforming rights for a fence in the R-7 zoning district.

Staff's conclusion can be appealed to the Louisville Metro Board of Zoning Adjustment pursuant to Kentucky Revised Statutes, Section 100.257 within 30 days.

Sincerely,

*Amy Brooks*

Amy Brooks

Planning Supervisor

[www.louisvilleky.gov](http://www.louisvilleky.gov)

METRO DEVELOPMENT CENTER 444 S. FIFTH STREET, STE 300, LOUISVILLE, KENTUCKY 40202 502.574.6230 FAX 502.

Received: March 16, 2026

574.8129

26-APPEAL-0002

# 1744, 1746, 1756

## Wilson Ave.

25-NONCONFORM-0024

The applicant is requesting nonconforming rights for a commercial grade fence in the R-7 zoning district.

### PVA PROPERTY DETAILS:

Zoning District: R-7 Residential Zoning District

Form District: TN

PVA Property Class: 480 – Commercial Warehouse,  
400 – Commercial Vacant Land

Year	Directory Listings (staff analysis)
1970-1997	Commercial Cleaning
1998+	0 to 2 Residential Unit Listed

Year	Historic Zoning
1931	C (Apartment)
1944	C (Apartment)
<u>1965</u>	R-7
<u>1979</u>	R-7
<u>1995-2001</u>	R-7
Present	R-7



**Supporting Evidence:**

The applicant has requested nonconforming rights for a nonconforming structure (fence) in the R-7 zoning district. Directory listings indicate that a commercial use was active prior to 1971 until 1997, at which point the listings are vacant or residential. Aerial imagery indicates that the commercial use may have started prior to 1963. The fence was erected at an unknown date.

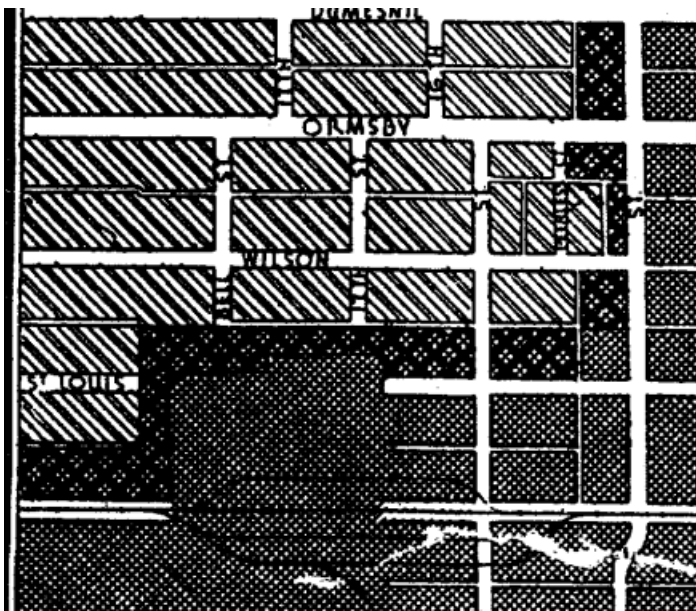
**Staff Summary:**

said this has been removed The fence in question is 8 feet at points when considering the masonry wall at its base, has strands of barbed wire at the top (applicant), and is screened with a loose fabric. Fences in this zoning district would be restricted to 42 inches.

Clear historical imagery of the fence is difficult to ascertain, though it does show up in historic aerials. However, even in 1975, the Development Code would have only allowed a 3.5 foot fence. It is difficult to tell if it has been enlarged, expanded, or changed prior to the 2007 Google Street view. From 2007 to 2024, the fence was expanded when the primary structure was demolished, and new fencing was added to close the gap. Lojic's historical imagery indicates this would have taken place between 2016 and 2019.

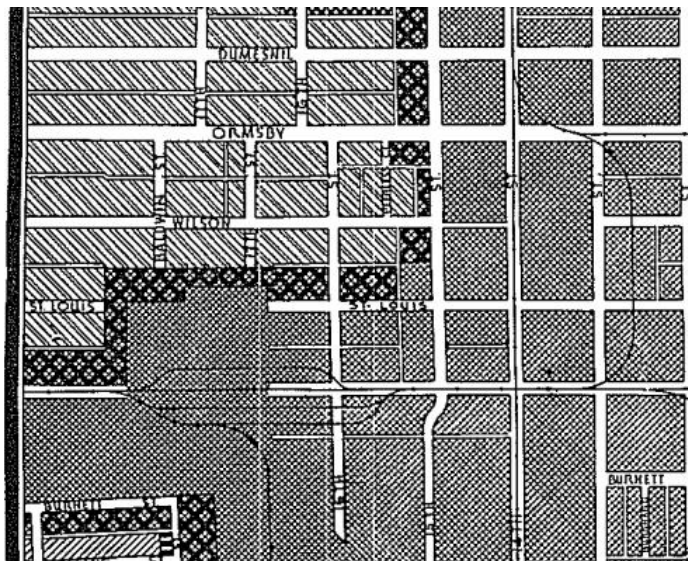
There is sufficient evidence to deny nonconforming rights for a fence in the R-7 zoning district.

Applicant indicates that building constructed in a commercial zoning district in the 1910s-1920s. This does not appear accurate.



USE	DISTRICT	SYMBOL	HEIGHT STORIES FEET	REAR YARD	SIDE YARD	FRONT YARD	LOT AREA PER FAMILY IN SQUARE FEET
APARTMENT USES PERMITTED IN "B" DISTRICT - MULTIPLE DWELLINGS - HOTELS - STORAGE GARAGES UNDER CERTAIN CONDITIONS	C		3 45'	25' INTERIOR 15' CORNER	5' FOR 24 STORIES 6' FOR 3 STORIES	25'	600
	D		8 100'	25' INTERIOR 15' CORNER	5' FOR 24 STORIES 1' FOR EACH STORY OVER 2	25'	250

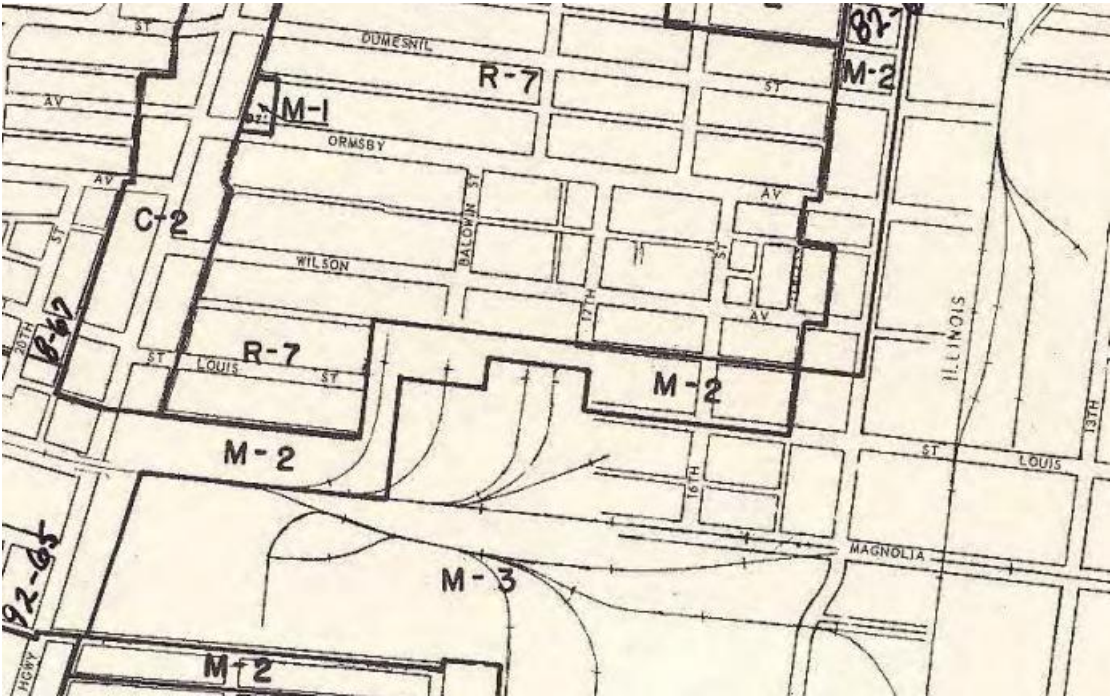
1931 Zoning Map – indicates property zoned as Apartment C



USE	DISTRICT	SYMBOL	HEIGHT STORIES FEET	REAR YARD	SIDE YARD	FRONT YARD	LOT AREA PER FAMILY IN SQUARE FEET
ONE FAMILY 1 FAMILY DWELLINGS - SCHOOLS CHURCHES - LIBRARIES - ETC.	A		2 1/2 35'	25'	5'	25'	5000
TWO-FOUR FAMILY USES PERMITTED IN "B" DISTRICT - MULTIPLE DWELLINGS - HOTELS - STORAGE GARAGES UNDER CERTAIN CONDITIONS	B		2 1/2 35'	25'	5'	25'	5000 1 FAMILY 2500 2 FAMILY 1200 4 FAMILY
APARTMENT USES PERMITTED IN "B" DISTRICT - MULTIPLE DWELLINGS - HOTELS - STORAGE GARAGES UNDER CERTAIN CONDITIONS	C		3 45'	25' INTERIOR 15' CORNER	5' FOR 24 STORIES 6' FOR 3 STORIES	25'	600
	D		8 100'	25' INTERIOR 15' CORNER	5' FOR 24 STORIES 1' FOR EACH STORY OVER 2	25'	250
COMMERCIAL USES PERMITTED IN APARTMENT DISTRICT RETAIL STORES - BANKS - OFFICES THEATERS - RESTAURANTS - FILLING STATIONS - ETC. PUBLIC GARAGES IN "B"/"C" DISTRICTS UNDER CERTAIN CONDITIONS	E		2 1/2 35'	25'	NONE UNLESS LOT ADJOINS DWELLING DISTRICT	25'	1200
	F		3 45'	25' INTERIOR 15' CORNER	NONE UNLESS LOT ADJOINS DWELLING DISTRICT	NONE UNLESS LOT ADJOINS DWELLING DISTRICT	600
	G		8 100'	NONE UNLESS LOT ADJOINS DWELLING DISTRICT	NONE UNLESS LOT ADJOINS DWELLING DISTRICT	NONE UNLESS LOT ADJOINS DWELLING DISTRICT	250
BUSINESS DISTRICT SAME AS LIGHT INDUSTRIAL DISTRICT	H		2 1/2 TIMES ST. WIDTH	NONE	NONE	NONE	250
LIGHT INDUSTRIAL ANY USE NOT OBSESSIVE BECAUSE OF EMISSION OF SMOKE-DUST-SMOKES- GAS OR NOISE	I		3 45'	NONE UNLESS LOT ADJOINS DWELLING DISTRICT	NONE UNLESS LOT ADJOINS DWELLING DISTRICT	NONE UNLESS LOT ADJOINS DWELLING DISTRICT	600
	J		10 125'	NONE UNLESS LOT ADJOINS DWELLING DISTRICT	NONE UNLESS LOT ADJOINS DWELLING DISTRICT	NONE	250
HEAVY INDUSTRIAL ANY USE	K		10 125'	NONE UNLESS LOT ADJOINS DWELLING DISTRICT	NONE UNLESS LOT ADJOINS DWELLING DISTRICT	NONE	250

INDICATES PARKS & OPEN SPACES  
FOR COMPLETE REGULATIONS & EXCEPTIONS SEE TEXT OF ZONING ORDINANCE

1944 Zoning Map – indicates property zoned as Apartment C



1965 Zoning Map (section 22), indicates property zoned as R-7



1945 Aerial Map – building may be present



1963 Aerial Map – buildings are present, lot has been cleared out. A fence or wall seems to be present.



1985 Aerial Map- the fence is clearly shown at this point

Chapook Dizayee  
1744 Wilson Avenue Trust  
PO BOX 206384  
Louisville, Ky 40250-6384

Phone:502-296-7333  
Email:[Louisville2020@gmail.com](mailto:Louisville2020@gmail.com)

**To: Louisville Metro Board of Zoning Adjustment - Section 100.257**  
**Subject- Appeal for case no# 25-NONCONFORM-0024**

Subject: Appeal Explanation

I am appealing this rejection for a number of reasons. The first is that this fence has been around since before the 1920s, and this has been proven through newspapers from the Courier Journal. Another reason is that this fence came with the property when I purchased it and has not been touched.

Also it was the Office of Planning that told me to apply to such Nonconforming rights use determination application, because the fence was built with the property and should be "grandfathered in". But it was that same office that told me to fill out this application but another individual from said office that denied my request.

This fence protects the property from squatters and loitering. It keeps the property clean and does not allow anyone to litter on the property.

This was a residential zone, as you pointed out, but it was shown in the Courier Journal business section in 1962 as a paint company. Why was this allowed to be put in the business section of the most famous newspaper in the city if it was known as a residential zone? This is also not the only time it has shown up in the newspaper as a business.

Now it is suddenly a problem, and to alter this fence would take thousands of dollars in labor because it is a huge fence with four gates. One of the gates is a rolling gate, and the others are double doors.

Also, the fence is not eight feet tall as Ms. Brooks stated in her email; it is six feet tall and was built originally with the property, as stated by eyewitness accounts.

---

Subject: 1744, 1746, 1756 Wilson Avenue - Appeal

The first being, what the primary function on the property is? Well there is no function for the property, I never used it for any working purposes since I bought the property in 2017. Also I won't use it for any working purposes. Then for the fact of evidence, I have multiple pieces of evidence that show that the fence has been up on the property since before 1975 and after. I went to the library and found old listings and photos of the property from old newspapers from the Courier Journal.

1. The first piece of evidence shows photos of the property from May 20 1962 with the same fence and gate that I have a code on. The photos I will provide from the Courier show the building located on 1744 Wilson ave with the fence and gate beside it, and the property is shown as a paint company.

2. Then for the second piece of evidence, with another document I will provide it shows the property listed on the Courier Journals Business section. Showing it as a Construction industry property business, as a real estate for sale ad. This listing shows the property with the building, fence, and gate clearly showing from May 1st 1977.

3. Then for the third piece of evidence, I have another newspaper from the Courier Journal that shows the same property for sale at a later date. Which in the ad includes the fence, gate, and building in the property listing photo from April 25th 1977.

4. The fourth of evidence are two signed affidavits, both of these individuals have experience being that they lived on it. On both papers they have left statements and explained the properties history, explaining that the fence was there from the properties begging and the business that used to use the property.4. The fourth and final pieces of evidence are two signed affidavits, both of these individuals have experience being that they lived on it. On both papers they have left statements and explained the properties history, explaining that the fence was there from the properties begging and the business that used to use the property.

5. For the fifth piece of highlight evidence, your board highlighted that my fence stretches to 8 feet which is incorrect. This 8 foot fence is my neighbors, which are located in an industrial zone (M-2) ( This is shown on #5 -1). My fence which I have also attached is less than 6 feet tall (This is shown on #5 -2).

6. The sixth piece of evidence shows the littering and trash thrown on the property. These photos were taken Sun Mar 12, and it shows trash that was thrown and left in and around the property. When I went to take said photos I found that people had thrown trash, junk, and tree stumps. This is with the fence still up without it there is no saying what will happen to the property. Bottles were left around the property to form the homeless population in and around the area too. They use the surroundings of my property as a hangout spot. The only thing that protects my property is this fence, from more illegal activities from happening on my property.

All of these photos and ads have been highlighted on the pieces of evidence I have provided. Or have the number of which they coincide with at the top of the page.

All of these pieces of evidence show that the property has had the fence and gate long before I have purchased the property. Being that this fence and gate has been around since the creation of the property, since the 1920s. This shows that the fence should be grandfathered in because it was built before new zoning rules and restrictions.

Is this not the whole reason for the Nonconforming Rights Use Determination Application for cases like this?

---

Subject: Explanations-Closing Statement/Summary

Being that this property fulfills the requirements for grandfathering, I am arguing that it should be grandfathered, as I have shown multiple pieces of evidence demonstrating that this fence was on the property during the 1960s and 1970s. It was shown in multiple newspaper articles, with the fence and gates clearly visible in the photos included in those articles. As noted above, I also provided a business listing from one of the *Courier Journal* business newspapers.

Additionally, I have presented evidence showing the building with the fence in articles dating back as far as the 1960s, including sources such as the *Courier Journal*. The property has not been altered or expanded, which complies with the no-expansion rule. Since purchasing the property, I have not added to or removed any portion of the fence; I have left it in the same condition as when I first bought it. I have also not conducted any business on the property.

As stated previously, this fence is the only protection the property has against squatters and against trash being thrown onto and polluting the property. It has been in place since the property's construction, which I have demonstrated through the multiple pieces of evidence provided, as well as through signed affidavit statements from individuals familiar with the property. I hope this clearly shows why the fence should be grandfathered in and highlights its importance to the property.

Also the neighborhood itself is an R-7 zone now, but the property back in its creation was an industrial area being that many businesses have conducted operations on said property. Also, the areas surrounding my property were classified as an M-2 and M-3 zone.

In Louisville Metro, a fence that has existed since the 1970s is likely "**grandfathered**," technically referred to as a **legal non-conforming structure**.

Under the Louisville Land Development Code (LDC) and Kentucky State Law (KRS 100.253), structures that were lawful when they were built but no longer meet current zoning standards (such as height or setback requirements) are allowed to remain.

Here is the breakdown of how this works and the "catches" you should know:

## 1. The Requirements for Grandfathering

To be considered a legal non-conforming structure in Louisville, the fence must meet two main criteria:

- **Lawful Origin:** It must have been legal under the zoning laws in effect at the time it was built (or built before zoning laws for that area existed).
- **Continuity:** It must have existed continuously. If a non-conforming use or structure is "abandoned" or removed for more than **12 consecutive months**, it typically loses its grandfathered status and any replacement must follow current codes.

## 2. Proving the "1970s" Status

If the city issues a citation, the burden of proof is on the property owner to show the fence is grandfathered. For properties in Louisville/Jefferson County, the Planning Office often looks for documentation dating back to:

- **1971** for the old City of Louisville boundaries.
- **1943** for the rest of Jefferson County.
- **Evidence types:** Historical photos, old property surveys, or even dated aerial imagery (available through LOJIC) can serve as proof.

## 3. The "No Expansion" Rule

Grandfathering is a "one-way street." You have the right to keep what is there, but you generally cannot:

- **Increase the non-conformity:** You cannot make the fence taller or move it further into a restricted setback.
- **Rebuild from scratch:** If the fence falls into total disrepair or is destroyed (usually defined as more than 50% damage), the city may require the new fence to meet current standards (e.g., a 4-foot limit in front yards vs. an old 6-foot fence).
- **Maintenance is okay:** You are allowed—and encouraged—to perform routine maintenance (painting, replacing a few boards) to keep it safe.

1# Piece of evidence - 1962

See page 49 in today's Courier-Journal Magazine for a SPECIAL FLAG OFFER.

TRIPLE-KOTE PAINT - ONE COAT APPLY WITH BRUSH OR ROLLER. LATER BASE. GAL. DAGES PAINT CO. 1140 E. OAK. NE 5-2666

ASK THE MAN WHO...

U. Of L. Man, Head Of Institute, Gives The 'Inside' On Painting

"Tying Asks" and "Sawdust" Are TROUBLE SIGNS! TERMITES. And they're after your home! When you see these signs you have a destructive pest, call LOUISVILLE CHEMICAL CO. for professional information.

LOUISVILLE CHEMICAL CO. Jefferson at Hancock St. Washington Office—423 Asplinger Ave. BLDG. 200

"PAINTING has been made so simple that a housewife can choose between baking a cake or painting the dining room."

She can do one about as easily and simply as the other, says Dr. J. S. Long, University of Louisville professor and director of the Paint Research Institute for the weekend nationally.

Last week Dr. Long translated some of the "high-brow research" carried out by the institute into language that the housewife can understand.

Out of some 28 years of "trying" to put science into the paint industry (the institute was formed in 1934), Dr. Long has accumulated a storehouse of information that would be helpful to a homeowner faced with painting or repainting his house.

Here from conversation with him and from his writings are some suggestions:

How can you tell when to repaint?

"One good answer is to tint the undercoat a bit with black paint when the black is shown through, it is time to put one finish coat on all over the house."

Or "Write your name in big letters at places on the south and west sides (Jim, Pete, Harry). Then apply finish coat over these. As the years go by, they will begin to show through—then it's time to apply one finish coat."

For Peeling

To minimize peeling, Long advocates applying only one finish coat—usually at five-year intervals and thus avoid building up on the house an excessive film thickness.

Let one coat erode away by action of sun and rain before applying another one!

How to stop the unsightly peeling often seen on galvanized iron gutters?

First apply one coat of zinc-dust primer. Ordinary house paint will not adhere to metal permanently unless such a primer is applied first.

The cause of blistering and peeling on exterior walls, and how to stop it:

This has been a serious problem for Dr. Long and the staff of young chemists who assist him. "Now, 90 percent of the houses are peeling than ever before," he writes in a pamphlet dealing with the subject.

Analyses Dilemma

He concludes that the cause of blisters is water and notes further, "Now, 90 percent of the seeping is due to water coming from INSIDE the house even from houses that have been lived in for years."

This, he says, is because

houses have become smaller or tighter, or both. He analyzes the dilemma of the owner of the modern house this way: "As the cost of building went up, we made the houses smaller. Each time the real estate came up and the price of coal rose, we tried to make them tighter. Also we use more water than we did, and this water finds its way... into the stud spaces of the house."

Family activities—from bathing to breathing—contribute to the moisture content, which has risen as the number of devices for creature comforts has risen. Consequently, unless precautions are taken, a house can deteriorate in 10 years, Dr. Long estimates.

How can blistering and peeling be avoided and stopped? One simple way to ventilate is to open a window or two just a little bit, preferably down from the top at one place, up from the bottom at another. Open the damper in a fireplace. Turn on a ventilating fan in the kitchen if there is one.

And, to provide a more effective vapor barrier on the inside, paint the interior walls. Dr. Long recommends a paint with an alkyd resin base or varnish base before applying the more porous flat wall paint.

Behind the success of the woman who elects to paint the dining room instead of baking a cake or an engineer who needs an extra durable industrial coating are some of the newest paint developments.

The chemists proved to be among the housewives' best friends when they developed

charge chemical effluents into streams. The chemical vapors rising from the waters at Beargrass Creek and other streams as they were pumped through the pumps of the floodwall system were causing corrosion that sometimes short-circuited the electrically operated gate mechanisms.

Painting had become distressingly more frequent and much too costly, in the opinion of then City Works Director W. W. Sanders. He asked the institute of Industrial Research at the University of Louisville for advice. Through tests of samples placed in contact with the vapors at the pump stations, the researchers found the formulas to combat situations that differed somewhat at each pumping station, depending on the type effluent each ordinarily pumps.

Long listed these four main categories of chemically resistant paints: vinyls, epoxies, urethanes, and chlorinated rubbers.

Epoxy resin, base of the epoxy paints, was developed here in Louisville by a research team under the direction of Dr. Long. Epoxy resin has had many applications beyond the paint field. It adheres to aluminum more firmly than welding, says Dr. Long, noting that it is being used at about 400 points to fasten parts of the wings of airliners.

Some of these chemically resistant coatings grew out of a series of experiments in concrete the corrosion caused in Louisville's floodwall system by chemical-laden water. Louisville has a better-than-average share of chemical plants and for that matter, most industrial plants dis-

Special on Floor Tile Asphalt Tile 9x9 ALL Perfect 5¢ EACH 8 COLORS Vinyl Asbestos Tile 9x9 All Perfect 9¢ EACH Reg. 12¢ FLOOR COVERINGS STEVENS 730 W. MARKET

WALLPAPER BARGAINS AT DISCOUNT PRICES Values to 25¢ NOW 12 1/2¢ AND 15¢ Values to 35¢ 40¢ NOW 17 1/2¢ AND 20¢ Values to 45¢ 50¢ NOW 25¢ AND 30¢ PLASTIC DRAPES 2 Pair For \$7.00 WINDOW SHADES ON ROLLER CUT FREE LARGER SIZES AVAILABLE UP TO 24" 98¢ 1-HOUR FREE PARKING WITH PURCHASE OF \$2.00 OR MORE IN PARKING LOT NEXT DOOR JOSEPH ROSENBERGER 225 W. Market St. Between 2nd and 3rd Sts. [In Newport, Ky., 615 Monmouth Street] Mon. 8:30 to 8:30; Tues. thru Sat. 8:30 to 5:30. JU 3-3446

CARPET DISCOUNT CENTER CARPET DISCOUNT CENTER

GROUP A WOOL OR NYLON 13 DECORATOR COLORS INSTALLED COMPLETE WITH HEAVY RUBBERIZED CUSHION TACKLESS INSTALLATION 4.75 SQ. YD. GROUP B WOOL OR NYLON (CONTINUOUS FILAMENT) 12 DECORATOR COLORS INSTALLED COMPLETE WITH HEAVY RUBBERIZED CUSHION TACKLESS INSTALLATION 6.75 SQ. YD. GROUP C CAPROLAN NYLON OR HEAVY QUALITY WOOL INSTALLED

Paint Company Remodels. Photo by Robert Strickland. Irvin H. Whitehouse and Sons Company, painting contractors, has expanded its offices in this remodeled building, a former grocery store, at 1744 Wilson Avenue. The drapery-hung windows were used as display windows by the store. Offices for estimators and other employees are on the second floor. Space on the first floor is used by the firm's officials.

3 DAYS ONLY Chain Link Fence Sale OVERSTOCKED ON WIRE MUST CLEAR WAY FOR INVENTORY Here's Why You're Better Protected With "All American" CHAIN LINK FENCE! 1. Single Strand Tension Wire. 2. 1-3/8" Top Rail. Hot Dipped Galvanized Inside and Out. 3. Heavy Cast Aluminum PERMADUR Cap For 2 1/2" Terminal Post. 4. Heavy Duty 2 1/2" Terminal Post Hot Dipped Galvanized Inside and Out. 5. Pavis Set in 30" of Concrete. SPRING SALE AT LOWER PRICES 40 YR. GUARANTEE NO DOWN PAYMENT 24 1/2¢ SO. FT. INSTALLED

BEFORE YOU CLEAN UP OR PAINT UP THIS AD WORTH WHEN \$4 BRYANT HEATING CO. CALL EM 3-2451 WH 3-6808

Why use 2 when 1 will do 2 Points in 1 KURFEES T-308 \$6.95 gal. T-308 is the revolutionary house paint that requires no primer... it's 2 points in one... because the primer is built in. Peel-proof and blister-proof on bare, dry wood. Blister and peel resistant when applied over old paint coatings. Pume proof, stain proof, and resists mildew. Sam KOHN & Sons 770 So. Preston Free Parking Open Every 10 Hours JU 5-5272

Grants KNOWN for VALUES SPECIAL PURCHASE! The finest top quality field-grown 2-year olds, guaranteed to bloom this summer! JUMBO ROSEBUSHES Reg. 1.59 2 for 1.29 4 for 2.50 66¢ Ea. Grants' once a year sale of top quality Rosebushes at prices less than half of original value. Jumbo Size. W T G PLASTIC GARDEN HOSE 1.99

Received: March 16, 2026

26 APPEAL-0002

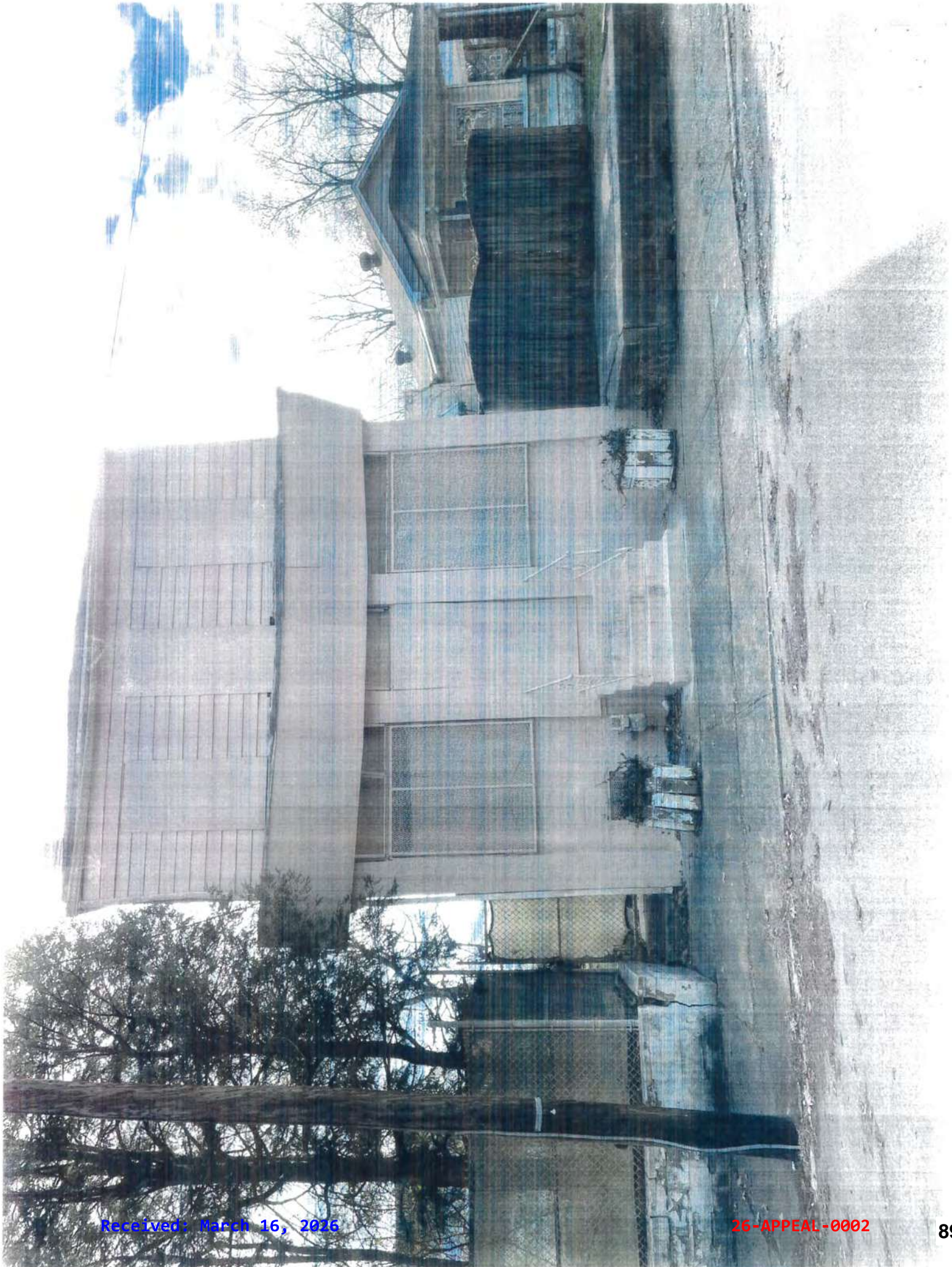
1st Piece of evidence # 2

# Paint Company Remodels



Staff Photo By Robert Steinau

Irvin H. Whitehouse and Sons Company, painting contractors, has expanded its offices in this remodeled building, a former grocery store, at 1744 Wilson Avenue. The drapery-hung windows were used as display windows by the store. Offices for estimators and other employees are on the second floor. Space on the first floor is used by the firm's officials.



Received: March 16, 2016

25-APPEAL-0002

2# Piece of Evidence - 197

# Business

## Car-rebates might cause trade problems

By CLYDE H. FARRSWORTH

WASHINGTON — American policy makers are facing a dilemma over one of the key elements of President Carter's energy program — the incentives to encourage use of fuel-efficient cars.

What's described by one American trade official as a "billion-dollar problem" because most of the cars that get high mileage on the gas they use are imported.

Should the rebates be handed out indiscriminately, the U.S. Treasury would in effect be subsidizing foreign car makers at a time of high unemployment in Detroit.

But if the United States does discriminate, it can be brought to the forefront of the world trade system in Geneva.

Free and a half billion dollars in auto rebates are expected by U.S. dealers from Europe and Japan last year. Trading rules allow exporters to calculate if they are victims of unfair discrimination.

Another bumper crop of wheat seems certain

By SEITH S. KING

SEVENTH, Kan. — From the dirt a heavy, crumbly mass of dark brown soil only three inches below the dark green, lustrous grass and clover stems.

The brown mass, mid-rotted wheat chaff and straw, recently plowed, the lighter green maize rangeland area recovering from winter drought and the dark green indicates thousands of acres of rejuvenated winter wheat, now on the way to becoming another bumper crop.

At well over a bushel per acre of grain before mid-June, and well above a bushel a day, it's not known where Hayes, who farms a thousand acres near this tiny central Kansas town.

A third huge wheat crop in a row would mean another increase in world grain supplies. But it also brings with it the double problem for American farmers of where to store it and how to dispose of their financial losses from plummeting market prices.

And these two problems in turn confront the Carter administration with the perplexing economic and political problems of another production glut.

Winter wheat, the primary bread grain, is planted in the fall and harvested the following June and July.

Last fall's bumper crop, however, the winter wheat crop, produced an estimated 1.5 billion bushels of grain, a surplus that is equivalent to almost two years' domestic supply.

## State losing hearing-aid dealers

Continued from Page 1

Drug Administration (FDA) and the Federal Trade Commission (FTC) have proposed regulations that are virtually identical to the provisions of Kentucky's law.

"It's harder than building a living in a new area," said Amir of Paducah. "If I get my hands on the law, I'm going to throw up my hands."

Amir said his sales dropped from \$100,000 for a six-month period before the law took effect to \$20,000 in the following six months.

"I don't see how," Amir said of the law.

"Not all dealers were hurt; some in Louisville say their business has improved this year. But the rural dealers such as Thompson, who relied on sales made in the history, have been affected, industry spokesmen say. Only five of the 30 dealers who gave their names in 1977 remained in Louisville or Lexington.

THROUGHOUT the country, hearing aids have been sold in two ways: in offices by doctors who check customers in their offices with advertisements, and in stores for dealers who seek out people with hearing problems and try to

sell them aids. These salesmen in most cases are rural salesmen.

Thompson cited as did many other dealers by leaving the dealers of rural Kentucky for professional customers who would be regular, visit frequent offices.

"We would get leads through ads," Thompson said. "You would get names from your customers. You'd call on your own prospecting. You'd call on them and give them a hearing test."

This type of selling made Belrose Hearing Aid Service one of the country's largest hearing-aid companies, but consumer advocates said it was selling equipment in high-pressure tactics and at exorbitant prices.

The state consumer council voted on complaints about Belrose hearing-aid sales to support a campaign for stricter laws. Belrose said the complaints were isolated, and they accused consumer advocates of conspiring with plaintiffs to destroy the company.

Belrose's salesmen — professionals trained in estimating hearing difficulties — were accused of using a test device called a hearing aid to test out hearing aid sales themselves.

Consumer advocates and plaintiffs who spoke for the new law said their intent was simply to provide consumers with protection from unethical sales.

Though the law didn't take effect until July 1976, critics braced to leave Kentucky before then, industry spokesmen say.

At the Bellows office in Hopkinsville, where Thompson had worked his way up to sales manager, four Bellows salesmen were forced to follow up leads and make home demonstrations, said Thomas Elliott, president of the company there.

Three of his dealers quit shortly before the law took effect, Elliott said.

"They didn't figure they could make a living," Elliott said. "The bottom line was they just couldn't make a profit."

The spokesman, Thompson said, "was the writing on the wall." Since his income came in large part from an "override commission" on sales, he was forced out of the business when the salesmen stopped selling.

So Thompson, with a wife, three children and two granddaughters, began looking for work. He found a job selling cars for a Ford dealership in Hopkinsville. He says he hopes his new career has not ended the hearing-aid business at all.

Thompson's former boss, Elliott, is still trying to make a living selling hearing aids. However, he said, he must buy

most of the work himself now and his volume has not increased. In 1976, he said, he had 100 sales. In 1976, he had 100 sales. In 1976, he had 100 sales.

EVEN IN Louisville, where the industry apparently hasn't been hit as hard by the law, 2076 was a good year for John Johnson, president of Bellows in Louisville.

An active member of the industry's trade association, Johnson found hard against the hearing-aid law. He lost that battle, then saw his business drop and salesmen quit as the law cut down on the number of people his company could employ.

The only people have been recruited to join the firm that substitute a personal visit.

On top of everything else, Johnson had two heart attacks last year.

He says he's trying to accept the reality of the new law and keep his business operating by converting to hearing aids.

He concedes that the new law does prevent consumers from unethical dealers. But he says that people who want quality service for hearing aids will "have a life of hell" because of the law.

Robert Steiner, a Louisville dealer and chairman of the state hearing-aid board, said he knows that improvement in the law, but he still thinks the law is bad.

Steiner, who led the lobbying effort against the legislation, said the medical profession and other related professions aren't as bad. But the protection on an individual basis, he said, is "wonderful." He employs no salesmen for in-home visits.

Robert Ballack, head of the attorney general's Consumer Protection Division, says the in-home restrictions are justified. The consumer division served as a consultant to the consumer council and helped to write the law.

The issue that was before the Consumer Advisory Council — and, ultimately, the General Assembly — was whether it was proper business practice for hearing aids to be sold as a distributor's "loss leader" to attract customers.

"The problem develops when an individual finds himself or herself literally trapped in their home and is surrounded by hearing aids," he said. "Many of these people are elderly people and it was felt they shouldn't be subjected to this."

Ballack said people sending a hearing aid can receive a salesman into the home by writing a note. That was, he said, people can still get in unless written in their own hand.

He said a base of business in the state is at stake. But he did not express concern and legislation "maintained the interests of the public and is appropriate to the use of business."

"I think the law is a good law," Ballack said.

## Hyatt goal: More exposure in Midwest

Continued from Page 1

Life policy is first mortgage on the building.

But Hyatt's lack of attracting the younger hotel chain to Louisville is the main reason the state's subscription of part of the law.

The state will receive 2 per cent of the net revenues from food and beverage sales during the 30-year term of the lease of the hotel. The state will also receive 2 per cent of the net revenues from the hotel's operation.

A feasibility study commissioned by the Hyatt hotel-management firm predicts that the hotel will lose money during its first three or four years of operation from 1978 through 1980.

By 1982, though, the study predicts there will be a before-tax profit from hotel operations, and it forecasts a 10 per cent occupancy rate in that year.

The feasibility study also suggests that the hotel will be \$40 a day.

The hotel will not break even for its first year of operation because the construction costs are a large part of each hotel's divorce, are currently booked for 1978.

"There are a few bad things that can happen to this year's crop, but right now it looks very, very good," said Hayes, who is the president of the Kansas Wheat Growers Association.

"If it turns out to be as good as it looks today, and with those statistics filled the way they are, there'd be no place to put it except to pile it in the stores and wait for new storage space or some new demand elsewhere else in the world," he added.

The United States grows each year in support at least two-thirds of its wheat. But after three years of poor crops in 1974, 1975 and 1976, the United States is now seen as an export market for wheat.

The Soviet Union, it is estimated to buy from four million to five million tons of American wheat each year. But even if they bring their consumption to 10 million tons, it will not cover the American surplus.

agreements with several companies in Europe, meetings held there. The chairman of the hotel is generally known and business traveler, according to Kofersberger.

THOUGH LITTLE specific information about the financial arrangements of the Lexington and Indianapolis hotels is available, the terms of the Hyatt plan in Louisville appear to be similar in many ways.

All the hotels, for example, are being built with relatively small investments by the Hyatt family. And there will be no long-term lease contracts by the Hyatt Corp. Each hotel plan is to be a 30-year lease.

Following this pattern, the Indianapolis hotel, like the Lexington hotel, has a term of 30 years. The developers would not exceed the state terms of the Hyatt plan in Lexington. But unlike the financial arrangements in Indianapolis and Louisville, the Prinkers family has no investment in the Lexington hotel, according to Kenneth J. Schaefer, general manager of Hays-Lansmark, Ltd., the hotel's developer.

Schaefer also said that Hays-Lansmark, a partnership formed by the Hays family, Nichols, Columbia City, Ind., and Elmerie Architects Inc., of Bloomington, Miss., provided the construction drawings for the hotel from its own files of records.

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**H-5 HWDE. POOL CITY**  
Atrium From Valley Hwy

**MIDDLETOWN 5 & 7 HARDWARE**  
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**SCHILLER HARDWARE**  
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MODEL	REGULAR	MAY SALE PRICES
4586 6 1/2"	\$89 <sup>99</sup>	\$79 <sup>99</sup>
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4076 1/2"	\$44.99	\$37 <sup>99</sup>
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4276 1/2"	\$59.99	\$49 <sup>99</sup>

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**REAL ESTATE SALE**

**CONSTRUCTION INDUSTRY PROPERTY**

**CENTRAL LOCATION**

**1744 WILSON AVE., Louisville, Ky.**

- Buy all or a portion
- 6600 Metal Bldg. w/Mezzanine
- Lot Size 162 x 167
- Approx. 5000 Sq. Ft. Office Space
- City Sewers
- Open Financing

- Approx. 11,500 Sq. Ft. Warehouse & Storage Space
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- Immediate Possession
- Full Commission to Brokers

For inquiries call H.P. Stainback

**634-3688**

# REAL ESTATE SALE

CONSTRUCTION INDUSTRY PROPERTY  
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3 # Piece of evidence April 25 1977

# JACOBY ON BRIDGE

By OSWALD and JAMES JACOBY

- NORTH**  
 ♦ Q 4  
 ♥ K 7 3  
 ♦ K 10 5  
 ♠ A 10
- WEST**  
 ♠ A 7 2  
 ♥ J 8 4  
 ♦ Q 7 6  
 ♠ A 10 5
- EAST**  
 ♠ A 3 4  
 ♥ 10 9 8 5  
 ♦ 10 5 2  
 ♠ 7 6
- SOUTH (D)**  
 ♠ K J 10 5  
 ♥ A 10  
 ♦ A 8 7  
 ♠ K Q 10 2
- Both vulnerable
- West North East South  
 Pass A N T Pass Pass  
 Opening lead — A

Today is a rather important one for me since it is your 45th wedding anniversary. How about some of your experiences in teaching another how to play bridge?

Oswald: "Here is a typical hand. I opened two no-trumps. The next player asked, 'How many points?' My data recalled, 'It's supposed to be 21 or 22, but he probably has 18 or 20.' Then she bid her.

Jim: "This hand is evidence. It produces a good slam contract because it

will make it South can score four club tricks or if something good happens in diamonds.

Oswald: "The clubs were wrong, but something good did happen in diamonds. West led his ace of spades and eventually the suit. I cashed three hearts and three spades to come down to a six-card ending with just two diamonds left in my hand. Then West had to duck a club to protect his seven-trick diamonds and I had my slam."

A veteran reader wants to know how many points a positive response allowed in the original Vanderbilt Club contract. How as described by Oswald's Vanderbilt. In the original Vanderbilt convention, point count wasn't used and two quick tricks were required. You could reach anywhere from 7-10 high-card points with a 2-4-4-3 distribution.

Associated Enterprise Association

## REAL ESTATE SALE


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"A STAR IS BORN" 7:00, 9:40	"SILVER STREAK" 7:20, 9:30
"MONEY, MONEY, MONEY" 7:25, 9:25	"STAT HENRY" 7:20, 9:20
"A STAR IS BORN" 8:00, 9:40	"KING KONG" 7:20, 9:40
"SILVER STREAK" 7:20, 9:30	"RAGGEDY ANN AND ANDY" 7:00, 8:40

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"Facts a terror waiting - exciting playfulness and sparkling wit."

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OKMOOR Center Westland  
 Cinemas 123-60 Cinemas 143-84

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OKMOOR Center "THE LATE SHOW" 7:00-9:30	Westland "A STAR IS BORN" 7:00-9:30
"CARRIE" 7:00-9:30	"FEB WITH DICKIE JANE" 7:00-9:30
"NASTY HABITS" 7:00-9:30	"NASTY HABITS" 7:00-9:30
"NASTY HABITS" 7:00-9:30	"NASTY HABITS" 7:00-9:30

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10-lb. bag **159¢**

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No other film is going to equal this one. It simply has to be the best film of 1976. 100% "A" Grades. Midnight Run

Continuous Showing From 12 Noon

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Special Dinner Station in  
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BOX OFFICE OPENS AT 6:30 PM

"SILVER STEAK" 7:00-9:10	"MADRID O.A." 7:10-9:00
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"DOMINO" 8:15-9:45	"INTERSTATE" 8:15-9:45

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7-up, Diet 7-up, Diet Pepsi & Pepsi 8 pak, 16-oz. bottles **99¢**

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 Okolona Shopping Center  
 Preston Hwy. at Outer Loop  
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# REAL ESTATE SALE

CONSTRUCTION INDUSTRY PROPERTY  
CENTRAL LOCATION

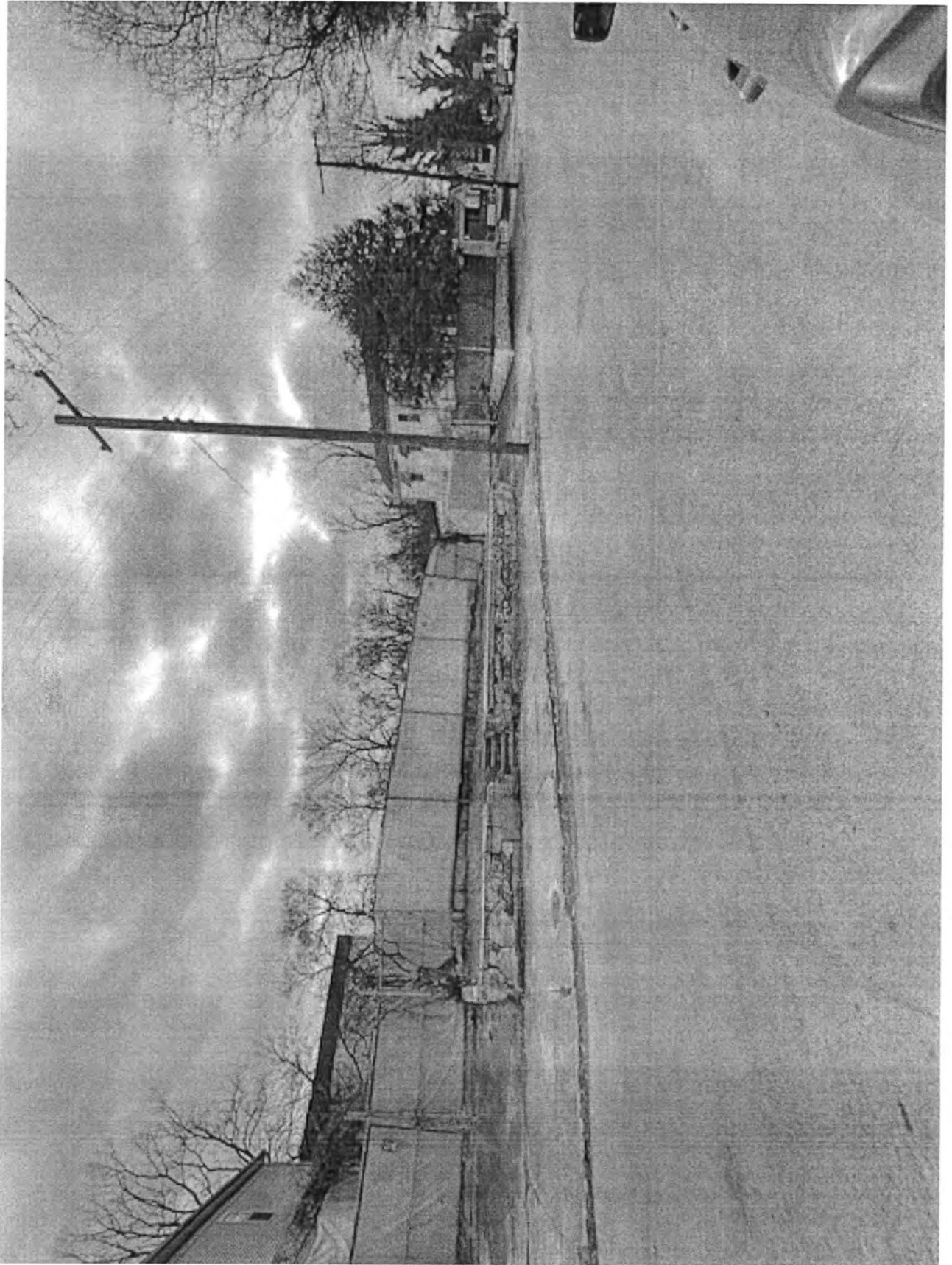


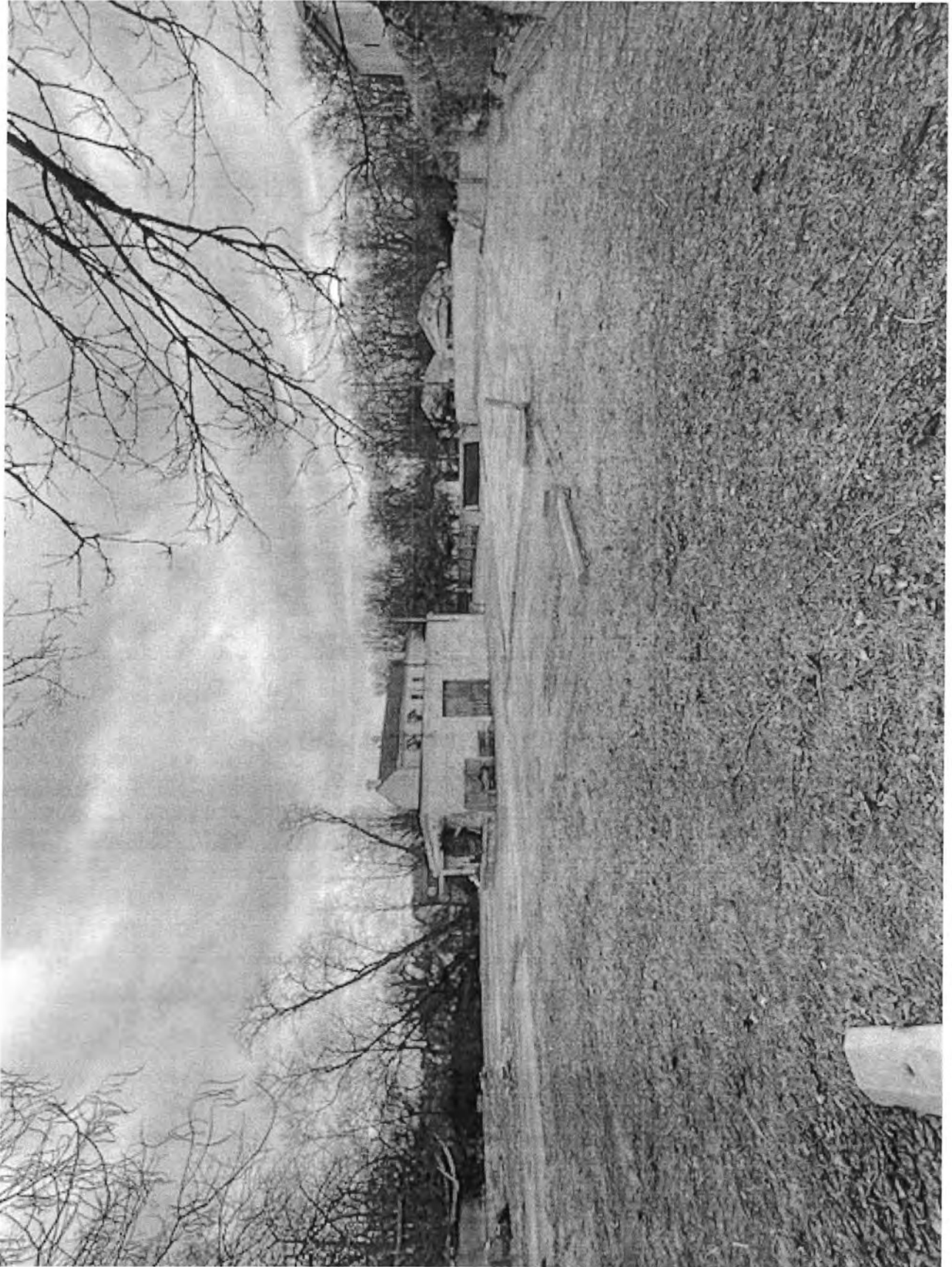
**1744 WILSON AVE.,** Louisville, Ky.

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- 66x60 Metal Bldg. w/Mezzanine
- Lot Size 162'x167'
- Approx. 5000 Sq. Ft. Office Space
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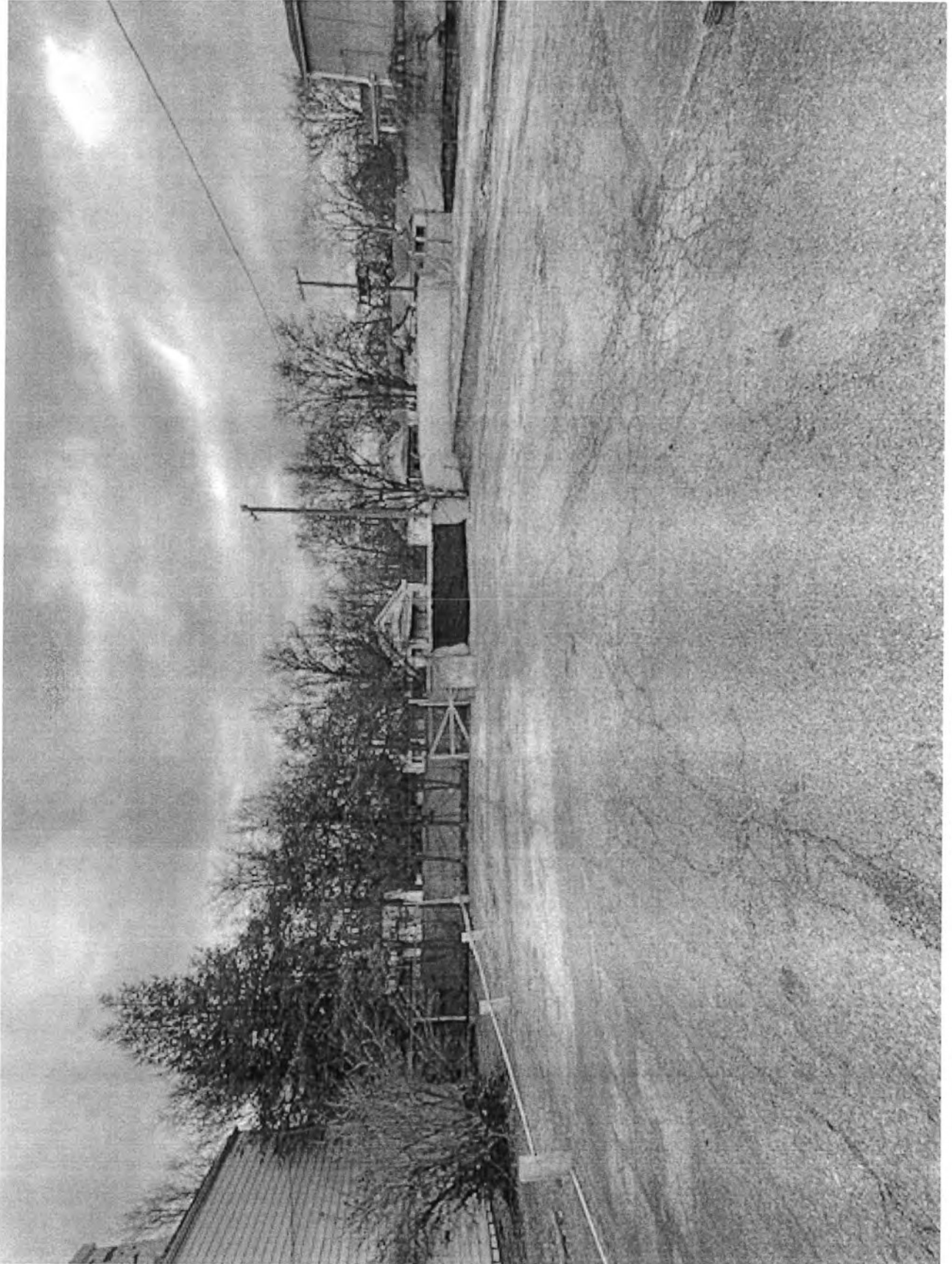
*for inquiries call H.P. Stainback*

**634-3688**









J-3-26

To: Whom this may concern.

Subject is at 1744 Wilson Ave, the owner is Keith Thomas he lived at this residence for a period of time that started in 1900 or Sept. It was purchased from Service-Master and the fence has been here as long as the building his wife was Wanda Campbell, her husband Keith Campbell was deceased in 2020 Mrs. Wanda is my mother, as a kid I grew up at this residence.

For Contact number  
John 502-262-8286 Thanks  
for your effort

4<sup>th</sup> piece of  
evidence #2

John 502-262-8286



To Whom Concern for the Resident  
Edson Campbell bought in 1993 the  
fence was built with the property  
I never lived with Edson Campbell  
for ten years, and the fence was  
purchased. I grew up in this  
neighborhood. The place was  
called Service Master back in  
1973.

Thank You

Steve Hawley

- My phone #

(502) 544-3647

Feb 5, 2026

4<sup>th</sup> piece of evidence #1

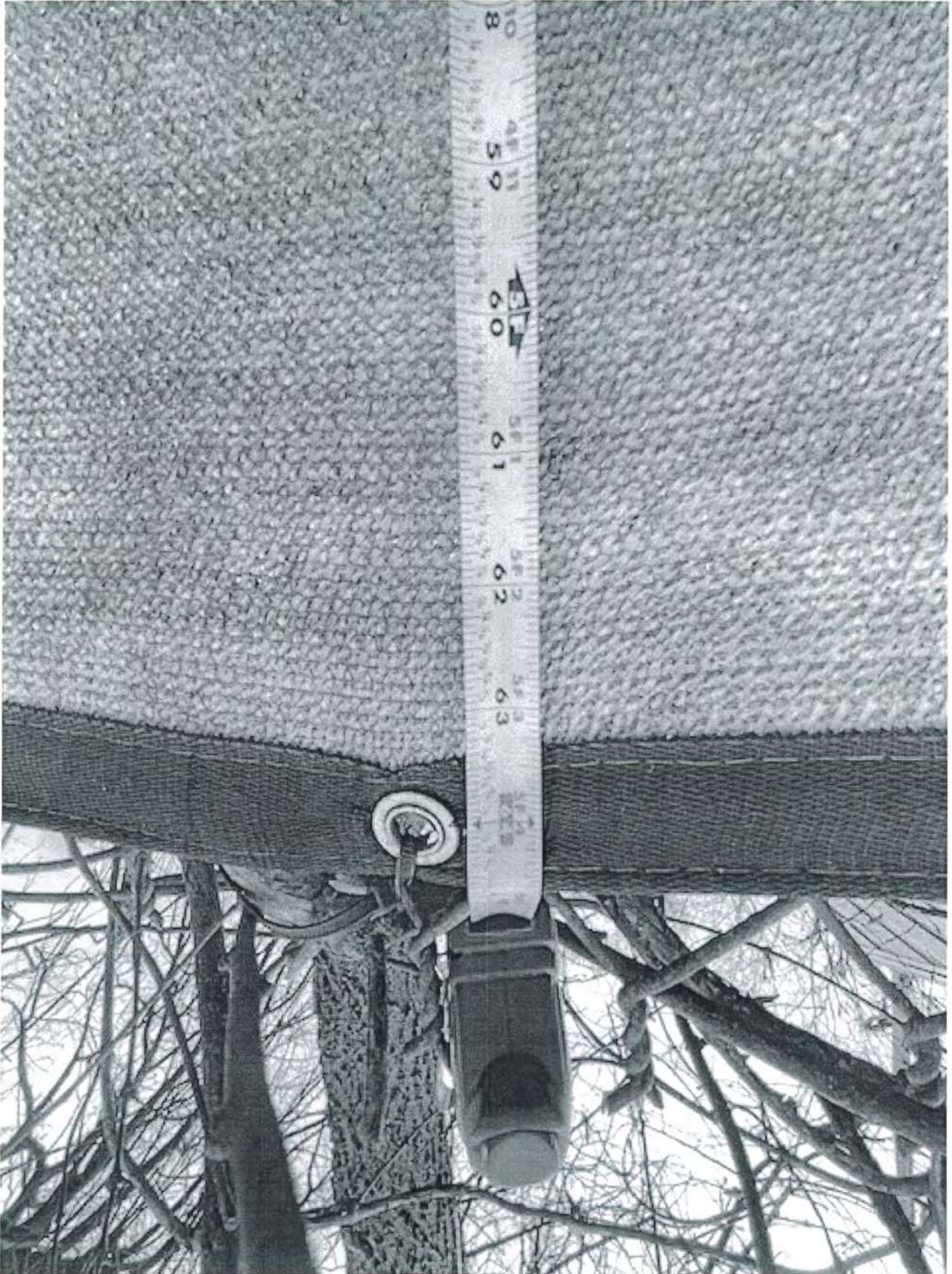
Piece # 5 - 1

Fence of the property behind me ← M-2 Zone



Piece # 5-2

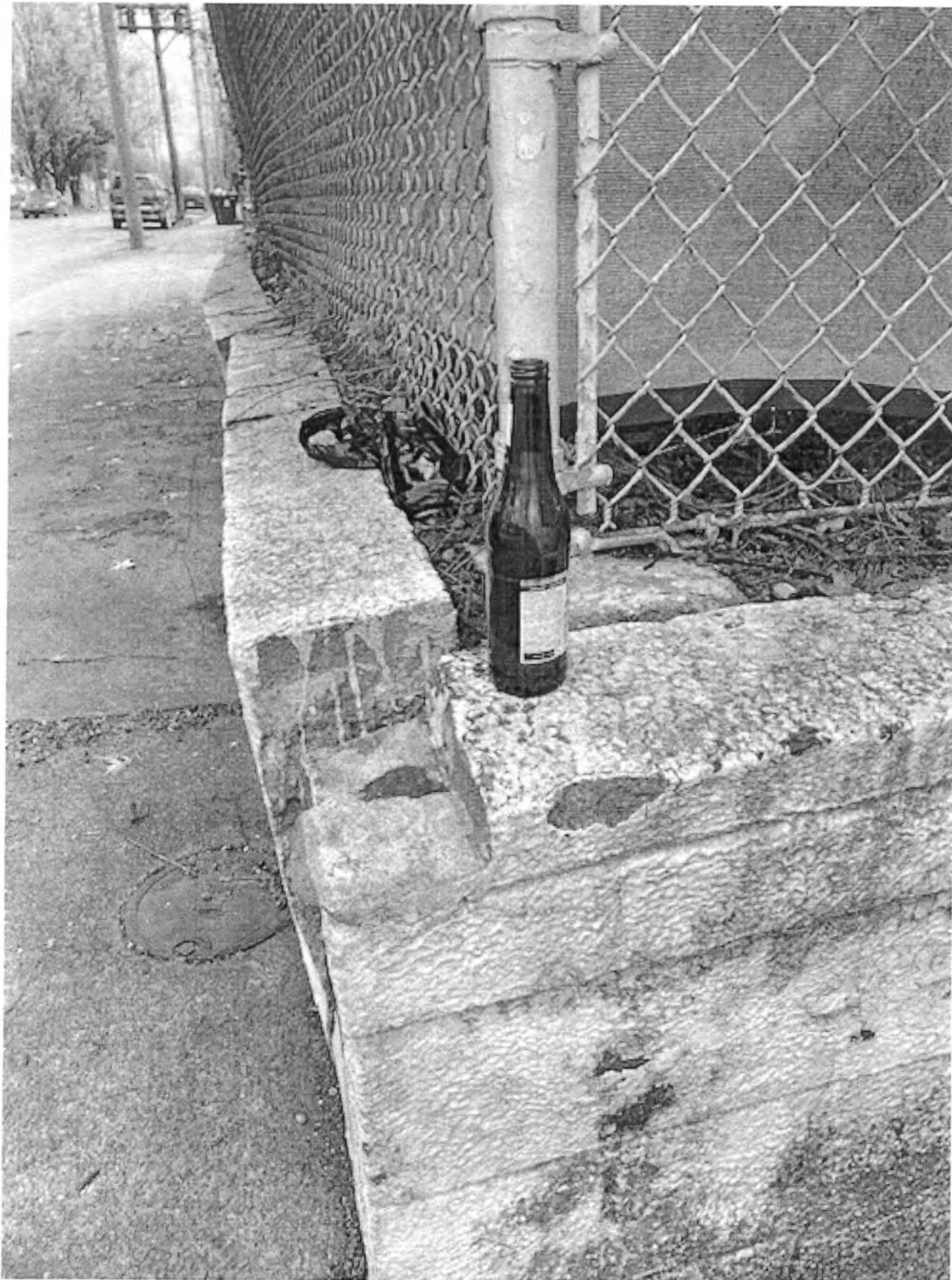
My fence



Piece # 6 - This photo and below



#6 - People littering on property - (throwing / leaving trash on the property)



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SUITE 200 • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • WWW.BARDLAW.NET

John C. Talbott  
Cell Phone: (502) 741-8783  
Email: JOHN@BARDLAW.NET

March 16, 2026

Case Manager  
Louisville Metro Office of Planning  
444 S. Fifth Street  
Louisville, Kentucky 40202

Re: Appeal of NCU Determination

Dear Case Manager:

We are herewith filing an Appeal of the Board of Zoning Adjustments Non-Conforming Rights Denial dated February 17, 2026.

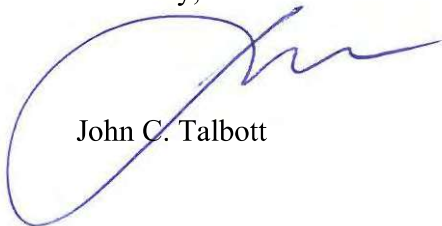
The fence was built on the property when the property was used as a commercial property, well before the 1960's, as shown in the materials already provided. The property was developed in or around the 1920's, and used commercially as a paint store which operated at least as early as 1962. A photo attached to this application shows that the same fence and gate that exists today. This property changed owners over the years, but was always a commercial building.

The fence was replaced due to the age, recently. This maintenance and replacement was not an expansion of the non-conforming use. The confusion has arisen from the fact that the warehouse building on the site burned down. The outside wall of the building was a continuation of the fence near the property line. When it burned down, the fence was installed where the brick wall had been formerly. Both the wall and the fence served to enclose the property, and to protect it.

It should also be noted that a neighbor incorrectly stated that a fence was 8 ft. That fence is not on the appellants property, but rather an adjoining M-2 property. The fence on site is less than 6 ft.

We look forward to answering any questions you may have regarding this development.

Sincerely,



John C. Talbott



**Louisville-Jefferson County Metro Government**

**DEPARTMENT OF CODES AND REGULATIONS**

**PROPERTY MAINTENANCE DIVISION**

444 S. 5TH STREET, SUITE 200

LOUISVILLE, KENTUCKY 40202

Phone: (502)574-2508 Website: <https://louisvilleky.gov/government/codes-regulations/zoning-enforcement>

Case: ENF-ZON-25-001775-1-936983325

Date of Report: 11/6/2025

Page 1 of 3

**Property Owner**

WILSON AVENUE TRUST 1744

PO BOX 206384

LOUISVILLE, KY 40250-6384

**NOTICE OF VIOLATION - LAND DEVELOPMENT CODE / ZONING**

Case Number: ENF-ZON-25-001775-1

Subject Property: 1744 WILSON AVE

Inspection Date/Time: 11/6/2025 8:15:00AM

Following receipt of a complaint, your property was inspected by a Louisville Metro Code Enforcement Officer. As observed during the inspection and/or discovered through subsequent investigation, a violation(s) exists that requires your immediate attention.

You must immediately stop using this property in violation of the Land Development Code. You may contact the Department of Codes and Regulations to determine what steps must be taken to remedy the violation(s) noted below. Failure to comply with this Notice may result in a Citation or referral to District Court. In addition, any person or entity that violates any provision of the Land Development Code can be fined not less than \$10 nor more than \$500 for each violation. Each day of violation constitutes a separate offense.

Your property will be re-inspected at a later date to determine compliance.

Cindy Calvelo

Inspector

(502)548-0900

[Cindy.Calvelo@louisvilleky.gov](mailto:Cindy.Calvelo@louisvilleky.gov)

**Violations:**

---



# Louisville-Jefferson County Metro Government

## DEPARTMENT OF CODES AND REGULATIONS

### PROPERTY MAINTENANCE DIVISION

444 S. 5TH STREET, SUITE 200

LOUISVILLE, KENTUCKY 40202

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Page 2 of 3

#### ZV\_004 Unlawful Use In Residential Zoning District

**Inspector Violation Comments:** Inspected and found this property in violation of Louisville Metro Land Development Code.

Violation 1:

Unlawful Use in Residential Zoning District

Property is zoned R7, Traditional Form District

This is a vacant lot with no primary residential structure; therefore, it cannot be used for parking, storage, etc.

Remove all vehicles and stored items.

No land may be used except for a purpose permitted in the zoning and form districts in which it is located. The use of the property is not a permitted use in the residential zoning district in which it is located. (Louisville Metro Land Development Code Chapter 2 Part 2)

#### ZV\_032 Unlawful Or Noncompliant Fence, Wall, Or Signature Entrance

**Inspector Violation Comments:** Violation 2:  
Unlawful Or Noncompliant Fence.

Fence exceeds the maximum allowable height of 42 inches.

Reduce the height of the front fence to 42 inches or less, move it farther back out of the front setback (area within 16 feet of the sidewalk), or remove the fence.

In addition, barbed wire and razor wire are prohibited. Remove all barbed wire and razor wire on the entire fence.

There is an unlawful or noncompliant fence, wall, and/or signature entrance on the property. Fences, walls, and signature entrances must be in compliance with the regulations set forth in the Land Development Code. (Louisville Metro Land Development Code Section 4.4.3)

#### ZV\_076 Parking: Noncompliant Parking In Residential Area

**Inspector Violation Comments:** Violation 3:

Non-Compliant Parking

Parking is prohibited on a vacant lot.

Remove all vehicles.

Notice of Violation for ZV\_004, ZV\_032, and ZV\_076 issued.

A requirement related to parking in a residential area is not being met on the property. All standards and requirements set forth in the Land Development Code must be met. (Louisville Metro Land Development Code Section 9.1.15)



**Louisville-Jefferson County Metro Government**

**DEPARTMENT OF CODES AND REGULATIONS**

**PROPERTY MAINTENANCE DIVISION**

444 S. 5TH STREET, SUITE 200

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**Date of Report:** 11/6/2025

**Page 3 of 3**

Subject violation(s) must be brought into compliance to avoid fines and enforcement action.

If you want to contest this Notice of Violation, you may file an appeal to the Board of Zoning Adjustment (BOZA). Appeals must be filed within 30 days. BOZA appeal forms are available at the Office of Planning or online at <https://louisvilleky.gov/government/office-planning>. The Office of Planning is located on the third floor of the Metro Development Center at 444 South 5th Street, Louisville, KY 40202. If you have questions about the appeal process, please call (502)574-6230.



**Louisville-Jefferson County Metro Government**

**DEPARTMENT OF CODES AND REGULATIONS**

**PROPERTY MAINTENANCE DIVISION**

444 S. 5TH STREET, SUITE 200

LOUISVILLE, KENTUCKY 40202

Phone: (502)574-2508 Website: <https://louisvilleky.gov/government/codes-regulations/zoning-enforcement>

Case: ENF-ZON-25-001775-1-8005775125

Date of Report: 11/6/2025

Page 1 of 3

**Property Owner**

Chapook Dizayee & Ahmed Dizayi  
2518 Hikes Ln  
Louisville, KY 40218

**Owner:**

1744, WILSON AVENUE TRUST  
PO BOX 206384  
LOUISVILLE, KY 40250-6384

**NOTICE OF VIOLATION - LAND DEVELOPMENT CODE / ZONING**

Case Number: ENF-ZON-25-001775-1

Subject Property: 1744 WILSON AVE  
Inspection Date/Time: 11/6/2025 8:15:00AM

Following receipt of a complaint, your property was inspected by a Louisville Metro Code Enforcement Officer. As observed during the inspection and/or discovered through subsequent investigation, a violation(s) exists that requires your immediate attention.

You must immediately stop using this property in violation of the Land Development Code. You may contact the Department of Codes and Regulations to determine what steps must be taken to remedy the violation(s) noted below. Failure to comply with this Notice may result in a Citation or referral to District Court. In addition, any person or entity that violates any provision of the Land Development Code can be fined not less than \$10 nor more than \$500 for each violation. Each day of violation constitutes a separate offense.

Your property will be re-inspected at a later date to determine compliance.

Cindy Calvelo  
Inspector  
(502)548-0900  
[Cindy.Calvelo@louisvilleky.gov](mailto:Cindy.Calvelo@louisvilleky.gov)

**Violations:**

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**Louisville-Jefferson County Metro Government**

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LOUISVILLE, KENTUCKY 40202

Phone: (502)574-2508 Website: <https://louisvilleky.gov/government/codes-regulations/zoning-enforcement>

Case: ENF-ZON-25-001775-1-8005775125

Date of Report: 11/6/2025

Page 2 of 3

**ZV\_004 Unlawful Use In Residential Zoning District**

**Inspector Violation Comments:** Inspected and found this property in violation of Louisville Metro Land Development Code.

Violation 1:

Unlawful Use in Residential Zoning District

Property is zoned R7, Traditional Form District

This is a vacant lot with no primary residential structure; therefore, it cannot be used for parking, storage, etc.

Remove all vehicles and stored items.

No land may be used except for a purpose permitted in the zoning and form districts in which it is located. The use of the property is not a permitted use in the residential zoning district in which it is located. (Louisville Metro Land Development Code Chapter 2 Part 2)

**ZV\_032 Unlawful Or Noncompliant Fence, Wall, Or Signature Entrance**

**Inspector Violation Comments:** Violation 2:  
Unlawful Or Noncompliant Fence.

Fence exceeds the maximum allowable height of 42 inches.

Reduce the height of the front fence to 42 inches or less, move it farther back out of the front setback (area within 16 feet of the sidewalk), or remove the fence.

In addition, barbed wire and razor wire are prohibited. Remove all barbed wire and razor wire on the entire fence.

There is an unlawful or noncompliant fence, wall, and/or signature entrance on the property. Fences, walls, and signature entrances must be in compliance with the regulations set forth in the Land Development Code. (Louisville Metro Land Development Code Section 4.4.3)

**ZV\_076 Parking: Noncompliant Parking In Residential Area**

**Inspector Violation Comments:** Violation 3:

Non-Compliant Parking

Parking is prohibited on a vacant lot.

Remove all vehicles.

Notice of Violation for ZV\_004, ZV\_032, and ZV\_076 issued.

A requirement related to parking in a residential area is not being met on the property. All standards and requirements set forth in the Land Development Code must be met. (Louisville Metro Land Development Code Section 9.1.15)



## Louisville-Jefferson County Metro Government

### DEPARTMENT OF CODES AND REGULATIONS

#### PROPERTY MAINTENANCE DIVISION

444 S. 5TH STREET, SUITE 200

LOUISVILLE, KENTUCKY 40202

Phone: (502)574-2508 Website: <https://louisvilleky.gov/government/codes-regulations/zoning-enforcement>

Case: ENF-ZON-25-001775-1-8005775125

Date of Report: 11/6/2025

Page 3 of 3

Subject violation(s) must be brought into compliance to avoid fines and enforcement action.

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# Louisville Metro Government

## Text File

File Number: 26-VARIANCE-0042

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**Agenda Date:** 5/18/2026

**Version:** 1

**Status:** Public Hearing

**In Control:** Board of Zoning Adjustment

**File Type:** Planning Case

**Board of Zoning Adjustment**  
**Staff Report**  
 May 4, 2026



<b>Case No:</b>	26-VARIANCE-0042
<b>Project Name:</b>	Parking Lot Infill
<b>Location:</b>	10014 3 <sup>rd</sup> Street Road
<b>Applicant:</b>	Richard Orsoto
<b>Representative:</b>	Richard Orsoto
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	12 – Jonathan Joseph
<b>Case Manager:</b>	Abby Bills, Planner I

**REQUEST:**

- **Variance** from Land Development Code (LDC) Section 5.1.12.B.2.a. to allow a parking lot to encroach in the front yard infill setback.

Location	Requirement	Request	Variance
Front Yard	90 ft.	10 ft.	80 ft.

**CASE SUMMARY**

The site is approximately 0.74 acres in the C-1 Commercial zoning district and Neighborhood form district. The subject property is located on 3<sup>rd</sup> Street Rd, east of Dixie Hwy. There is an existing 67' x 77' parking lot on the property, which the applicant plans to expand south by approximately 40'. The new parking lot will be a total of 107' x 77', with 22 striped parking spaces. This site is subject to infill context, so the front yard setback is approximately 90'. The proposed parking lot expansion will have a front yard setback of 10', therefore, a variance is required.

**STAFF FINDING**

The requested variance is adequately justified for approval based on the analysis contained in the standard of review.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE**

1. The requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect public health, safety, or welfare, because the requested parking lot will be internal to the site and will be required to provide a landscape plan and landscape buffers in compliance with Chapter 10 of the Land Development Code.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity. The subject site is a commercial lot in an otherwise residential area and has been for at least 30 years. Expanding the existing parking lot will not constitute an alteration of the essential character of the area, because the parking lot is part of that essential character. Additionally, there is a church less than 500 ft away from the subject site with a parking lot in a front yard infill setback as well.

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

STAFF: The requested variance does arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone. The subject property is the only commercially zoned and used property in the general vicinity. No other property in the area would meet the same level of demand for parking as the subject site, and due to the varying width of the parcel, there is limited space to provide parking in the rear.

4. The strict application of the provision 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 strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land. Strict application of the infill setback would deprive the applicant of the entire front yard, whereas if infill did not apply, the setback would only be the first 10'. The existing building meets the infill setback and intent of the regulation already as well.

5. The circumstances are the result of action 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 action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, as work has not begun on the parking lot for which the variance is being requested.

**REQUIRED ACTION**

- **APPROVE** or **DENY** the **Variance** from Land Development Code (LDC) Section 5.1.12.B.2.e. to allow a parking lot to encroach in the front yard infill setback.

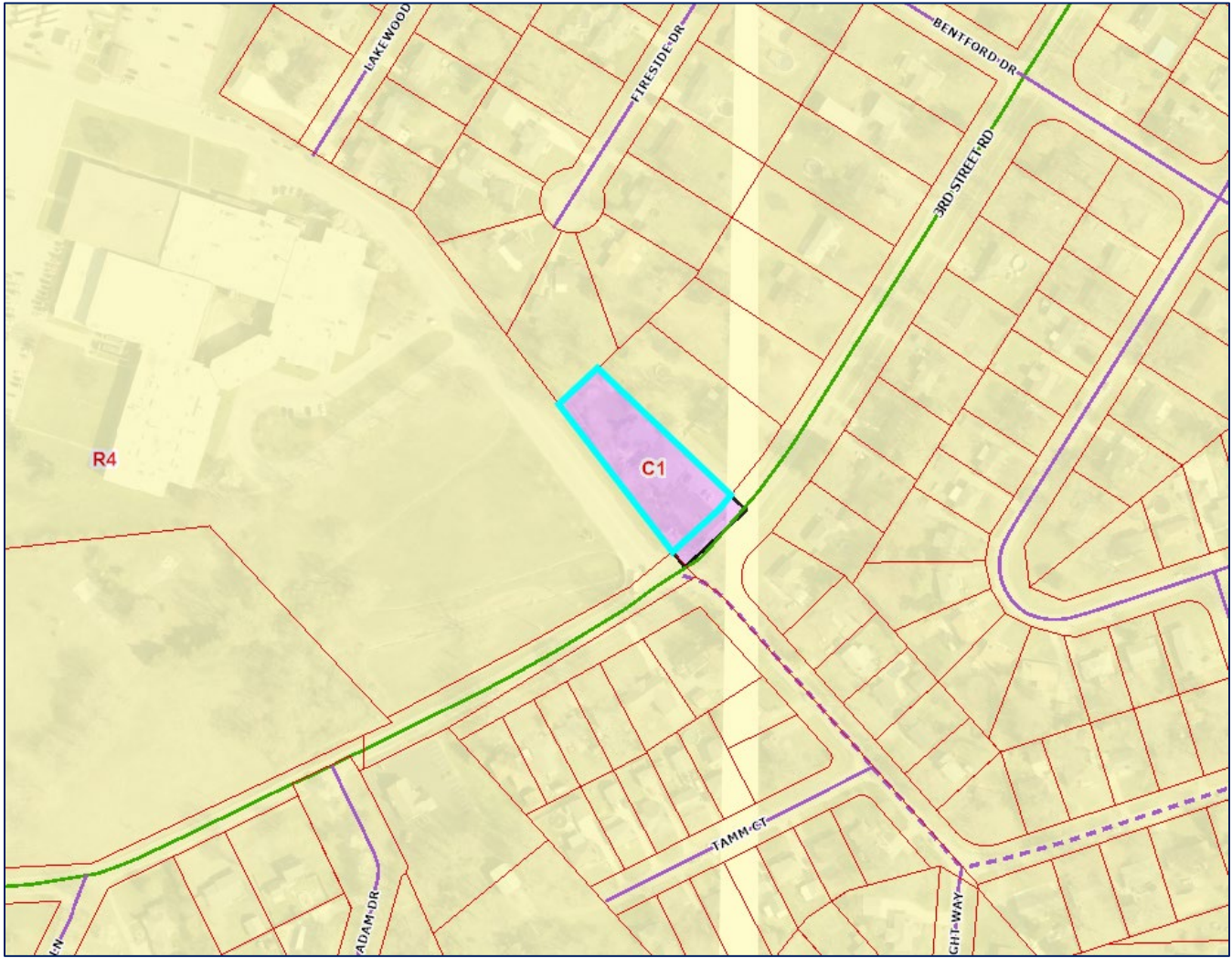
**NOTIFICATION**

Date	Purpose of Notice	Recipients
04/20/2026	Hearing before Board of Zoning Adjustment	1 <sup>st</sup> tier adjoining property owners and current residents
04/21/2026		Registered Neighborhood Groups in Council District 12
04/20/2026		Sign Posting on property

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph



## JUSTIFICATION

To justify approval of any variance, the Board or Commission considers the following criteria.

Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes, No, or N/A** will **NOT** be accepted.

1. Explain how the variance will not adversely affect the public health, safety, or welfare.

The proposed expansion of the parking area will not adversely affect public health, safety, or welfare. To the contrary, it will improve on-site traffic flow, reduce congestion, and provide safer, designated parking for clients and staff. The design will comply with applicable drainage, access, and safety standards, ensuring that the improvement enhances overall site functionality without creating hazards.

2. Explain how the variance will not alter the essential character of the general vicinity.

The variance will not alter the essential character of the general vicinity. The surrounding area consists of similar residential and commercial uses, many of which include on-site parking areas. The proposed parking expansion is consistent with existing development patterns and will maintain the visual and functional character of the neighborhood.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The variance will not cause a hazard or nuisance to the public. The expanded parking area will be properly maintained, and traffic will remain controlled within the site. The improvement will reduce on-street parking and minimize disruptions, noise, and congestion, thereby benefiting both neighboring properties and the public.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The requested variance does not represent an unreasonable circumvention of zoning regulations. It is a minimal and reasonable adjustment necessary to accommodate existing business operations and improve site usability. The request is consistent with the intent of the zoning ordinance and supports orderly development.

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The need for the variance arises from unique characteristics of the property, including its layout, existing improvements, and limited available space for adequate parking. These conditions are not generally applicable to other properties in the vicinity and create a practical limitation that justifies the requested relief.

6. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

Strict application of the zoning regulations would deprive the applicant of the reasonable use of the property by limiting adequate parking necessary for normal business operations. The expansion is required to safely and efficiently serve clients and staff, and without the variance, the property would experience unnecessary operational hardship.

7. Are the circumstances the result of actions of the applicant taken *after* the adoption of the regulation from which relief is sought?

The circumstances are not the result of actions taken by the applicant after adoption of the regulation. The need for additional parking arises from the inherent characteristics of the property and the reasonable operational needs of the business, rather than any intentional or avoidable actions by the applicant.

MAR 24 2026

OFFICE OF PLANNING

Variance Application – Office of Planning – July 2025

26-VARIANCE-0042



# Louisville Metro Government

## Text File

File Number: 26-VARIANCE-0004

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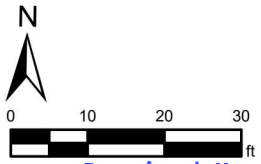
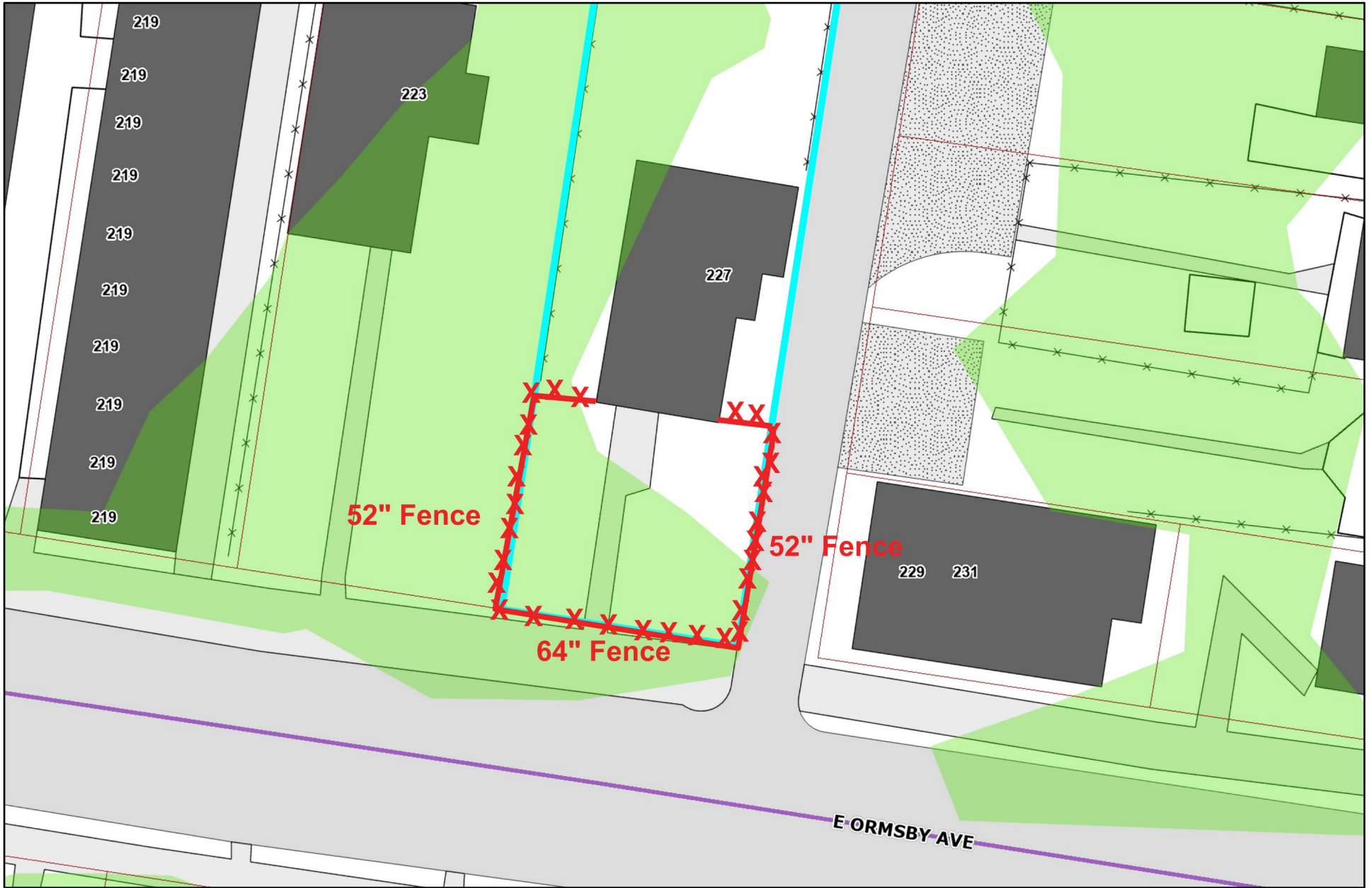
**Agenda Date:** 5/4/2026

**Version:** 1

**Status:** Public Hearing

**In Control:** Board of Zoning Adjustment

**File Type:** Planning Case



Received March 11, 2026

# Site Plan

Wednesday, March 11, 2026 | 12:41 PM

Planning & Design



LOJIC © 2026

This map is not a legal document and should only be used for general reference and identification.

26-VARIANCE-0004

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227 E Ormsby Ave - 26-Variance-0004, BOZA 4/20/26

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From hhubmw@gmail.com <hhubmw@gmail.com>

Date Thu 4/16/2026 4:22 PM

To Watson, Drake <Drake.Watson@louisvilleky.gov>

Cc 'David Faulkner' <ronalddavidfaulkner@gmail.com>

**CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.**

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**227 E Ormsby Ave - -26-Variance-0004**

BOZA 4/20/26, item 6, 26-Variance-0004, CM Drake Watson

Owner perpetually ignores applicable ordinances and regulations. He took ownership of the house in December 2020 and since then I can point to evidence that he has engaged in non-permitted activities.

The evidence:

- o 4/18/2022 – owner/host listed the house for short-term rental without a permit or license.
- o 7/5/2022 - listing had not yet been removed.
- o 10/2022 - the listing for a 5-bedroom house for 12 guests was finally changed to a midterm rental of 30 days minimum : now permitted.
- o 4/18/2024 - Non-permitted Aluminum tubing taller than permitted fence had been installed around the front of the property without approval. It was reported to Landmark. To date it is still in place and subject of this 25-I believe it became subject matter at the Old Louisville ARC build around the front yard; it is still in place at the original height and subject of the request to grant of this 26-Variance-0004.
- o 4/14/2026 The newest violation was documented by a real estate sales listing. property is offered functionally as a 2-unit residence, where the 3<sup>rd</sup> floor apt is listed as a potential rental income. That is not permitted for two reasons:
  1. property is located within TNZD and therefore one of the units must be at least 2450 ft<sup>2</sup> in size : not likely as the 3<sup>rd</sup> floor apartment would only be in total of 400 ft<sup>2</sup>
  2. there is no separate or egress or entrance to the 3<sup>rd</sup> floor and therefore not permitted as a rental unit: clear violation of the fire code.
- I strongly request that the variance to the taller than permitted fence be denied.

Because I am not certain whether I'd be able to object in person: I will try.



47 9 0 4 1 2 3 4 5 6 7 8 9 130 1 2 3 44 52











# 26-VARIANCE-0004

**Fence Variance**

**227 E Ormsby Ave**

**Board of Zoning Adjustment**

**Monday, May 4, 2026**

**Case Manager: Drake Watson**

# REQUEST



- Variance from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a 64” fence to exceed the maximum permitted height of 42” in the required front yard setback.

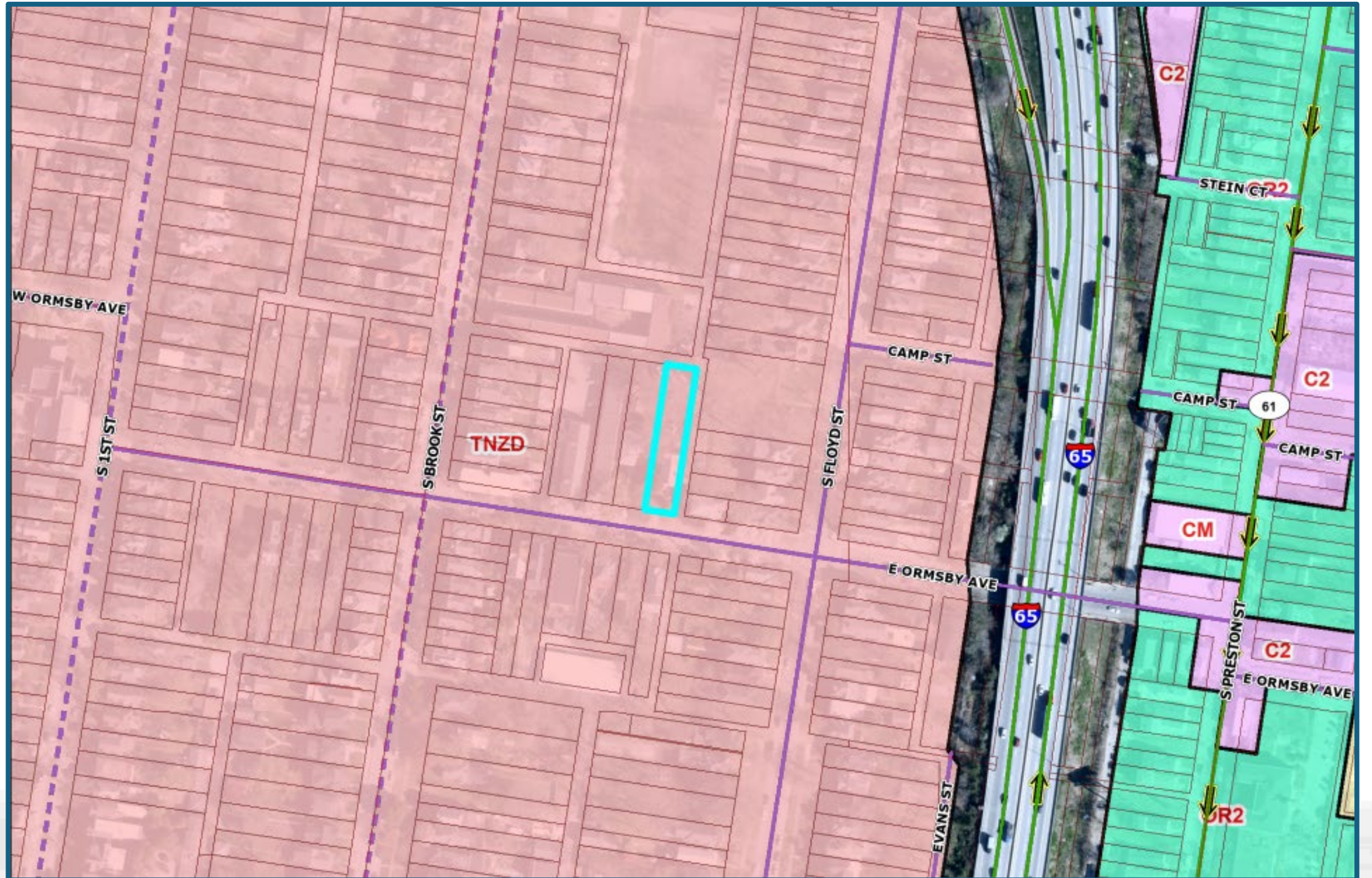
Location	Requirement	Request	Variance
Front Yard Setback	42 in	64 in	22 in

# CASE SUMMARY



- TNZD zoning district, Traditional Neighborhood form district
- The applicant is proposing a 64” metal fence parallel to the sidewalk along E Ormsby Ave.

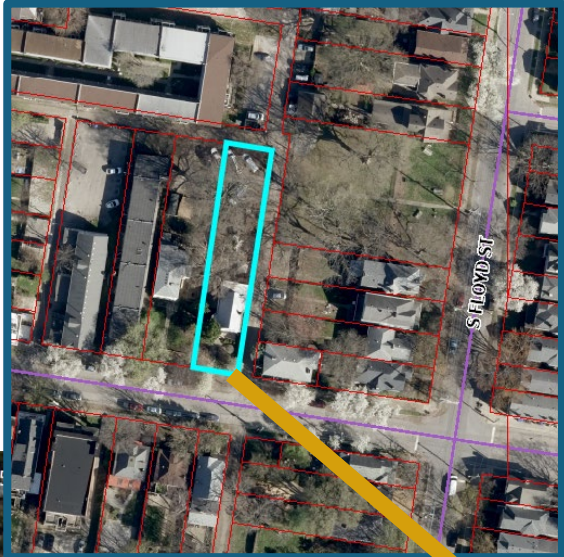






# SUBJECT PROPERTY

VIEW FROM E ORMSBY AVE



Nov 24, 2025



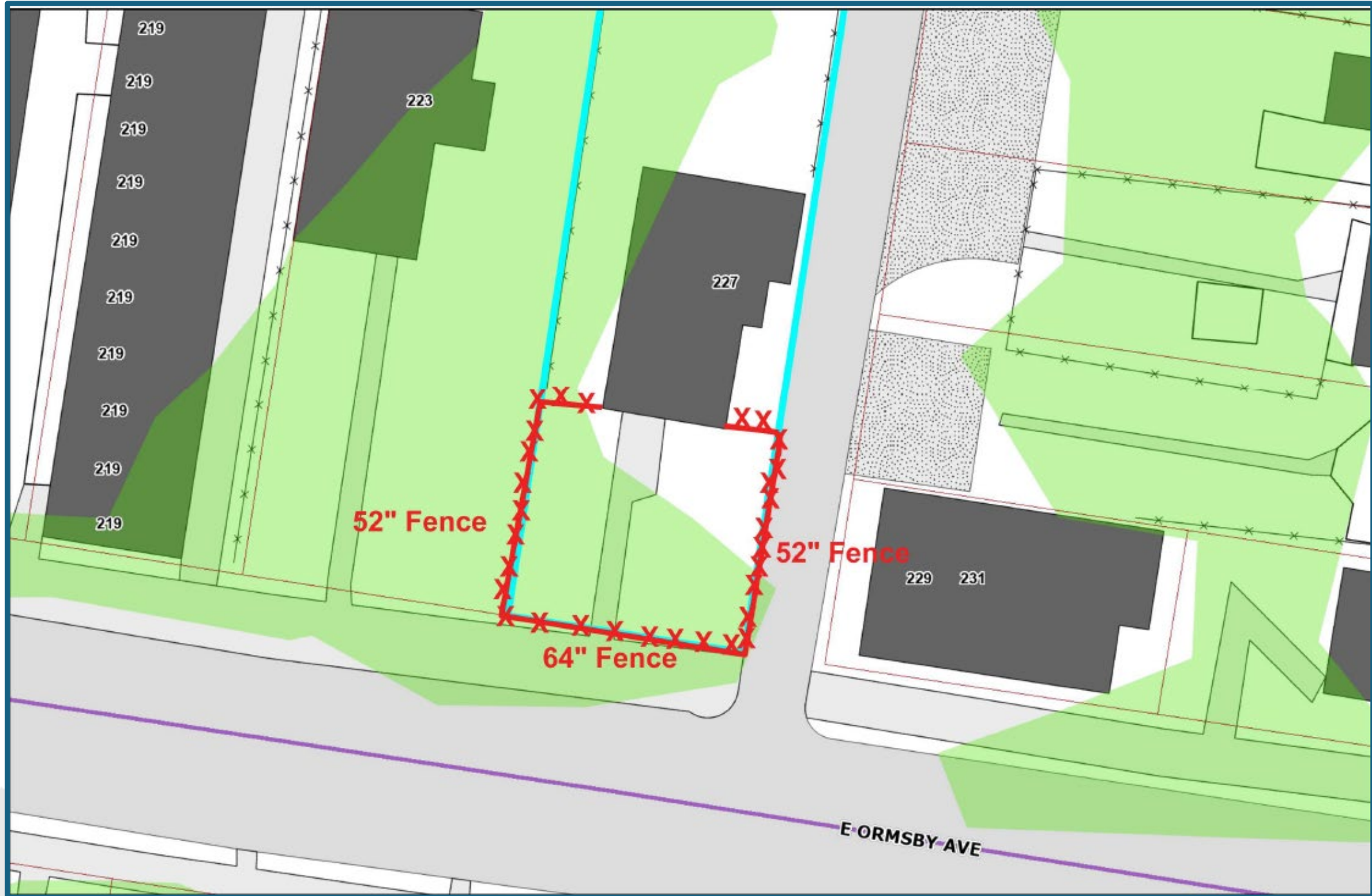
# ADJACENT PROPERTY

VIEW ACROSS E ORMSBY AVE



Nov 24, 2021





# STAFF FINDINGS



Staff finds the Variance has been justified for approval based on staff's analysis in the standards of review



The variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the zoning regulations.



The proposed Variance will not adversely impact adjoining owners or residents in the general vicinity. The variance will not impede vision clearance.

# REQUIRED ACTION



- **APPROVE** or **DENY** the Variance from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a 64” fence to exceed the maximum permitted height of 42” in the required front yard setback.



# Board of Zoning Adjustment

## Staff Report

April 20, 2026



<b>Case No:</b>	26-VARIANCE-0004
<b>Project Name:</b>	227 E Ormsby Ave Frontyard Fence
<b>Location:</b>	227 E Ormsby Ave
<b>Applicant:</b>	Laura Lane
<b>Representative:</b>	Laura Lane
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	6 – JP Lyninger
<b>Case Manager:</b>	Drake Watson, Planner I

**REQUEST**

- **Variance** from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a fence to exceed the maximum permitted height in the required front yard setbacks.

Location	Requirement	Request	Variance
Front Yard Setback	42 in	64 in	22 in

**CASE SUMMARY**

The subject site is approximately 0.22 acres zoned TNZD Traditional Neighborhood Zoning District in the Traditional Neighborhood Form District and is within the Old Louisville Historic Preservation District. The subject site is located on E Ormsby Ave adjacent to an alley and is three lots west of S Floyd St. The existing 64” tall fence was installed in the front yard setback sometime between October 2022 and July 2023. A Certificate of Appropriateness (23-COA-0193) was previously requested for a front yard fence. The Old Louisville Architectural Review Committee approved the COA in October 2023 with the condition that the “front yard fence shall be removed and replaced with a new metal fence that does not exceed three feet in height,” stipulating that a variance must be requested and approved before the existing fence of 64” could be reviewed under a new Certificate of Appropriateness application (26-COA-0012).

**STAFF FINDING**

The requested variance is adequately justified for approval based on the analysis contained in the standard of review.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE**

1. The requested variance will not adversely affect the public health, safety, or welfare and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety, or welfare, or cause a hazard or nuisance to the public, because the metal fence has a low opacity, which will

not impede any vision clearance or adversely impact the safe movement of pedestrians and vehicles through the sidewalk and alley.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations, as there are fences of similar heights in the front setback in the general vicinity.

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

STAFF: The requested variance does not arise from circumstances which do not generally apply to land in the general vicinity, as the subject property is similar in size and shape to other properties in the area.

4. 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 strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as adherence to the setback standards would not permit the applicant to maintain the already constructed fence. The removal of the existing fence and installation of a new fence would be cost burdensome on the applicant.

5. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

STAFF: The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, as the applicant has requested the Variance after the fence was installed.

#### **REQUIRED ACTION:**

- **APPROVE** or **DENY** the **Variance** from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a fence to exceed the maximum permitted height in the required front yard setback.

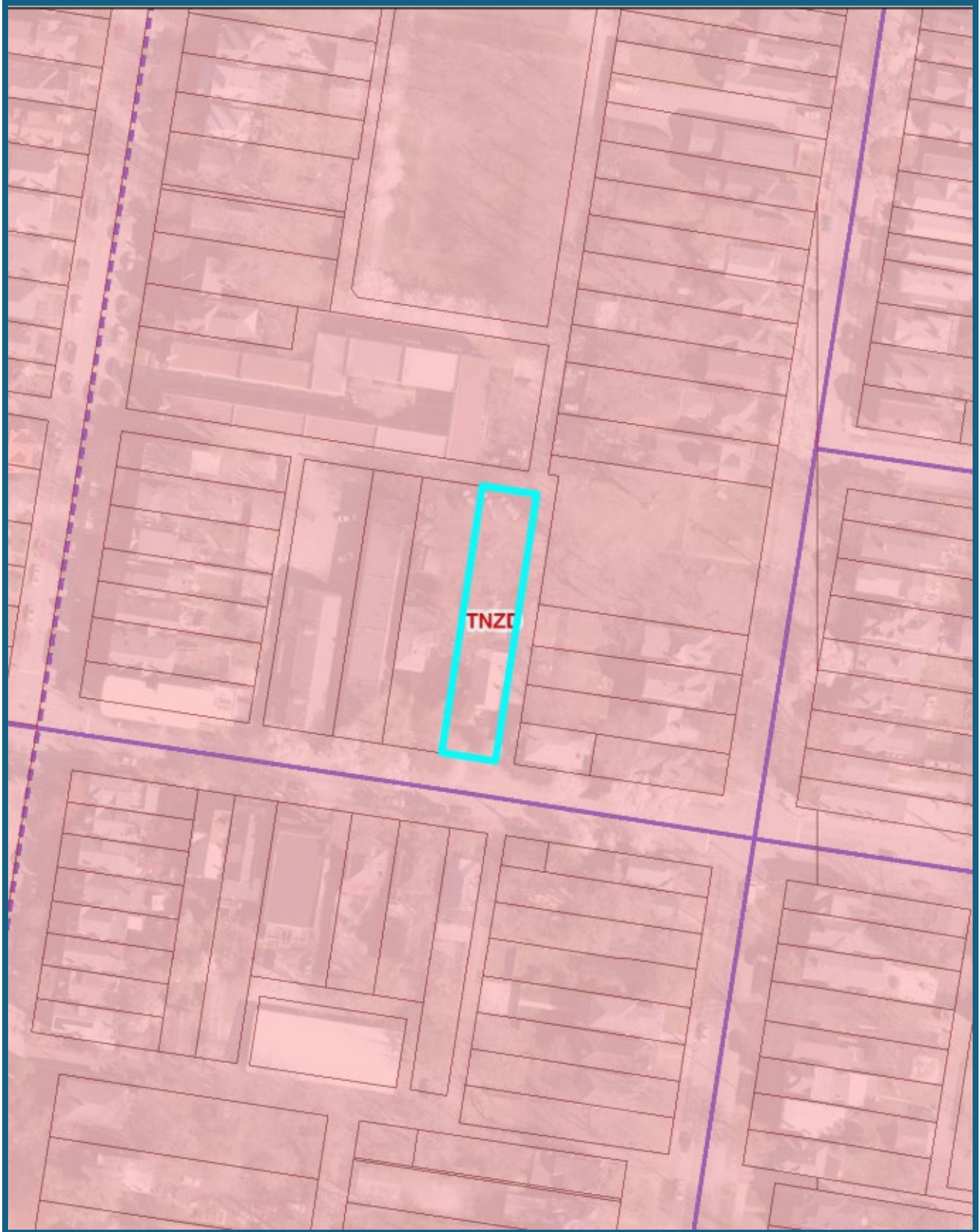
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
3/18/2026	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and current residents. Registered Neighborhood Groups in Council District 6
4/6/2026	Hearing before BOZA	Sign Posting on property

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph





# Louisville Metro Government

## Text File

File Number: 26-CUP-0029

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**Agenda Date:** 5/4/2026

**Version:** 1

**Status:** Public Hearing

**In Control:** Board of Zoning Adjustment

**File Type:** Planning Case

# Board of Zoning Adjustment

## Staff Report

April 20, 2026



<b>Case No:</b>	26-CUP-0029
<b>Project Name:</b>	Transitional Home
<b>Location:</b>	6014 Robinhood Lane
<b>Applicant:</b>	John Flynn
<b>Representative:</b>	John Flynn
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	2 –Barbara Shanklin
<b>Case Manager:</b>	Mark Pinto, Planner II

### REQUEST

- **Conditional Use Permit** to allow a transitional home in the R-4 Single-Family Residential zoning district with relief from lettered standard 'F' (LDC 4.2.55).

### CASE SUMMARY

The applicant has requested a conditional use permit (CUP) for transitional housing in the R-4 Single-Family Residential zoning district and Neighborhood form district. The site is currently developed with a one-story home. The application states there are three (3) bedrooms, which will be required to meet LMCO standards regarding the required square feet per occupant. The conditional use permit is required since Land Development Code section 4.3.14 sets a maximum occupancy for transitional housing allowed with special standards to three (3) occupants. The request is for six (6) residents.

The CUP standards require that each room meet the minimum dimensional and occupancy limitations established by LMCO, Chapter 156. Each sleeping room shall meet the minimum occupancy limitations of 70 sq. ft. for each room and 50 sq. ft. for each occupant. The existing home is located closer than 30 feet to the property side lines. As such, the request will require the Board of Zoning Adjustment to consider relief from standard "F" of the CUP standards.

### STAFF FINDING

The proposal is adequately justified based on staff's analysis and the standard of review. There are no approved conditional use permits for group housing within 1000 ft. of the subject property at the time of this staff report. The applicant will be required to demonstrate compliance with each of the lettered standards listed for the conditional use permit per LDC 4.2.55.

### TECHNICAL REVIEW

Transitional Housing - A temporary residential living arrangement for persons participating in a program that provides supportive services (such as counseling, education, training, etc.) to help them achieve personal independence. Staff is available as needed. Transitional Housing is not a Boarding House, Family Care Home, Homeless Shelter, Rehabilitation Home, Residential Care Facility, or any other use more specifically defined in this Land Development Code. These facilities are not subject to the Uniform Residential Landlord and Tenant Act as set forth in KRS Chapter 383.

## **INTERESTED PARTY COMMENTS**

All comments staff receives shall be incorporated into the record and made available to the Board in advance of the public hearing. At the time of this report, staff has not received any interested party comments.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT**

### 1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the land use and development policies of Plan 2040. The proposed use advances the equitable distribution of community services and promotes neighborhoods that have access to the resources necessary to maintain health and well-being, including access to recovery and supportive services.

### 2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with the surrounding land uses and the general character of the area. The applicant has not proposed any exterior changes that would reduce its compatibility with the residential character of the surrounding area. The existing home is to remain and no construction is proposed.

### 3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: All necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation are adequate to serve the proposed use are available or will be provided.

### 4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

A. All bedrooms and sleeping areas shall meet the current occupancy limitations required in LMCO and any applicable building, fire, or life safety code.

B. Transitional Housing shall be a temporary housing arrangement for its residents, with stays generally being less than two (2) years. Such housing is intended to serve residents as they transition into permanent housing.

C. Transitional Housing shall have supervision of its residents, as well as structure and support services for its residents. Nonresidential uses and services that are not accessory to the Transitional Housing use shall not be carried out unless otherwise permitted and approved as a separate use. Transitional housing that serves as recovery housing should follow best practice industry standards and operational rules such as the National Alliance for Recovery Residences (NARR) standards.

D. When reviewing a conditional use permit application for Transitional Housing, the BOZA shall, to the best of its abilities, find that the establishment of the use will not result in harm to the health, safety, or general welfare of the surrounding neighborhood. The property on which a Transitional Housing is situated shall not be located closer than 1,000 feet (measured in a straight line from

nearest property line to nearest property line) to any property on which another Commercial Boarding House, Rehabilitation Home, or Transitional Housing use that has been approved by a conditional use permit is situated.

E. Transitional Housing shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.

F. No building shall be closer than 30 feet to a property line unless required to by a form district maximum setback or build-to-line.

G. The parking requirements for the use are set forth in Chapter 9 of this Land Development Code. The BOZA may require additional or restrict parking if warranted.

H. Signage for the use is permitted in accordance with Chapter 8 of this Land Development Code. The BOZA may further restrict signage if warranted.

I. Additional Single-Family Residential Zoning District Standards (R-R, R-E, R-1, R-2, R-3, R-4, R-5, or U-N):

1. Any building shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with other residential architecture in the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.

2. Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.

3. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).

J. For a complete application submittal for any Transitional Housing conditional use permit, in addition to the documentation required of all conditional use permit applications, the following additional information shall be provided:

1. Type of resident population to be served, if any;

2. The proposed maximum number of residents/beds and maximum number of employees;

3. Floor plans of any building subject to the use (showing the location and dimensions of all bedrooms and sleeping areas);

4. A written statement, plans, and/or permits indicating how any building subject to the application meets or will adapted to meet all applicable building codes for the use if approved; and

5. Rules of conduct and management plan.

In the event a conditional use permit for a Transitional Housing is approved, any change to the foregoing information must be approved by the BOZA as a modification pursuant to Section 11.5A.1 of this Land Development Code.

K. If Transitional Housing with an approved conditional use permit is subject to two (2) or more substantiated civil and/or criminal complaints within a 12 month period, the Planning Director may request that the BOZA revoke the conditional use permit in accordance with Section 11.5A.6 of this

Land Development Code. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

L. An active license of the Transitional Housing, as required by LMCO Chapter 115, shall be maintained. No transitional housing may take place unless the license is active and in the name of the current operator and property owner. If the license is not renewed and lapses for six (6) months, or in the event of a change of ownership and/or operator, a new license is not issued within six (6) months from the date of the change, the conditional use permit shall become null and void. In order to recommence any Transitional Housing use, a new conditional use permit must be granted if required.

STAFF: The applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit, except where relief is requested from standard “F.” The existing home is located closer than 30 feet to the side property lines. This is an existing site condition, and the applicant is not proposing any new construction. Therefore, relief is adequately justified from standard “F” given the location of the existing home. A management care plan and rules of conduct have been submitted describing how the site and program are to be managed.

**REQUIRED ACTION**

- **APPROVE** or **DENY** the **CONDITIONAL USE PERMIT** to allow a transitional home in the R-4 Single-Family Residential zoning district with relief from lettered standard ‘F’ (LDC 4.2.55).

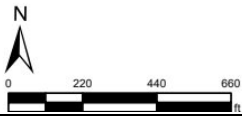
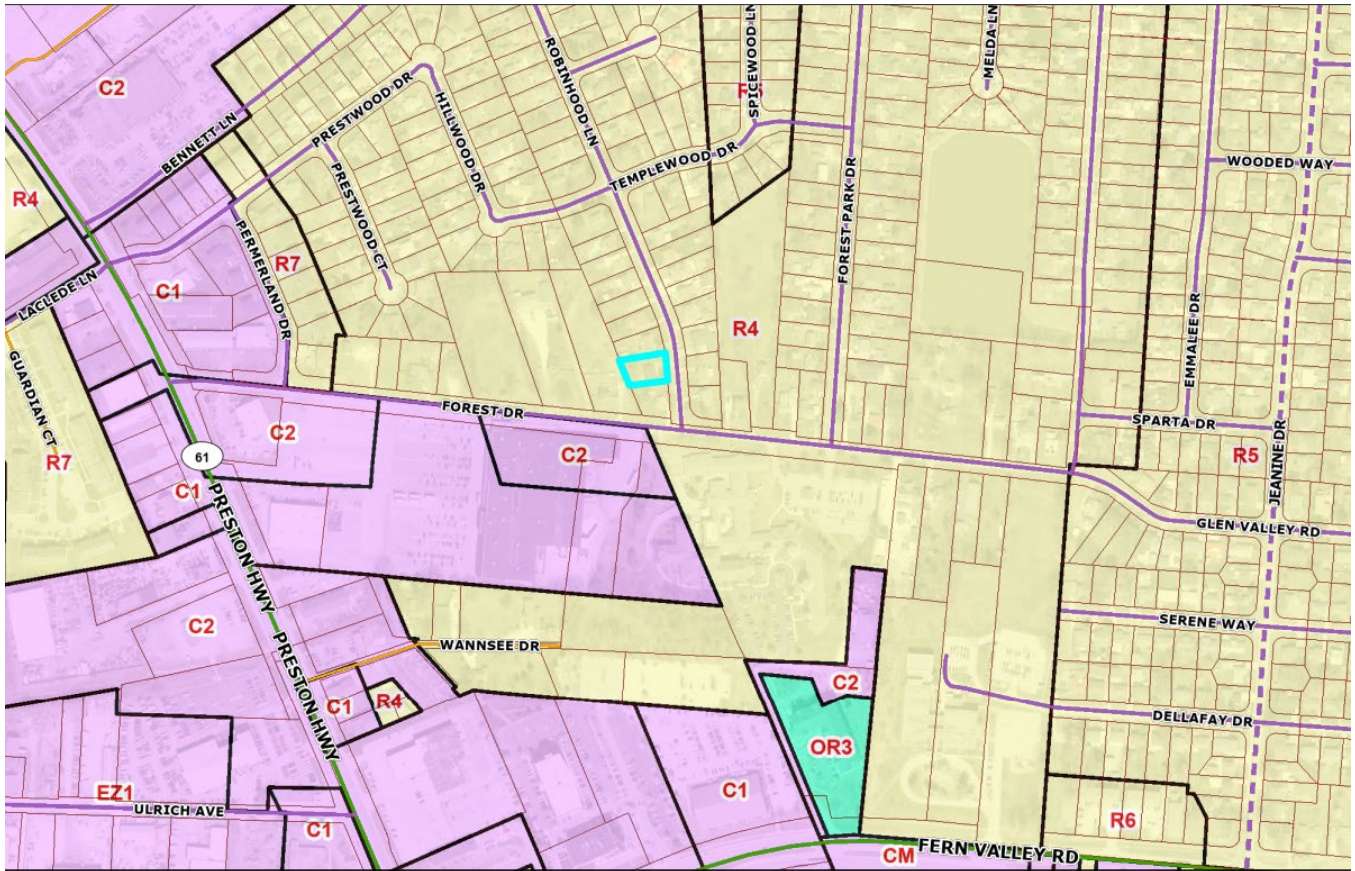
**NOTIFICATION**

Date	Purpose of Notice	Recipients
4/3/2026	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and residents Registered Neighborhood Groups in Council District 2
4/3/2026	Hearing before BOZA	Sign Posting

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval

# 1. Zoning Map



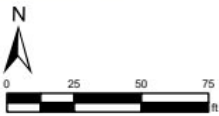
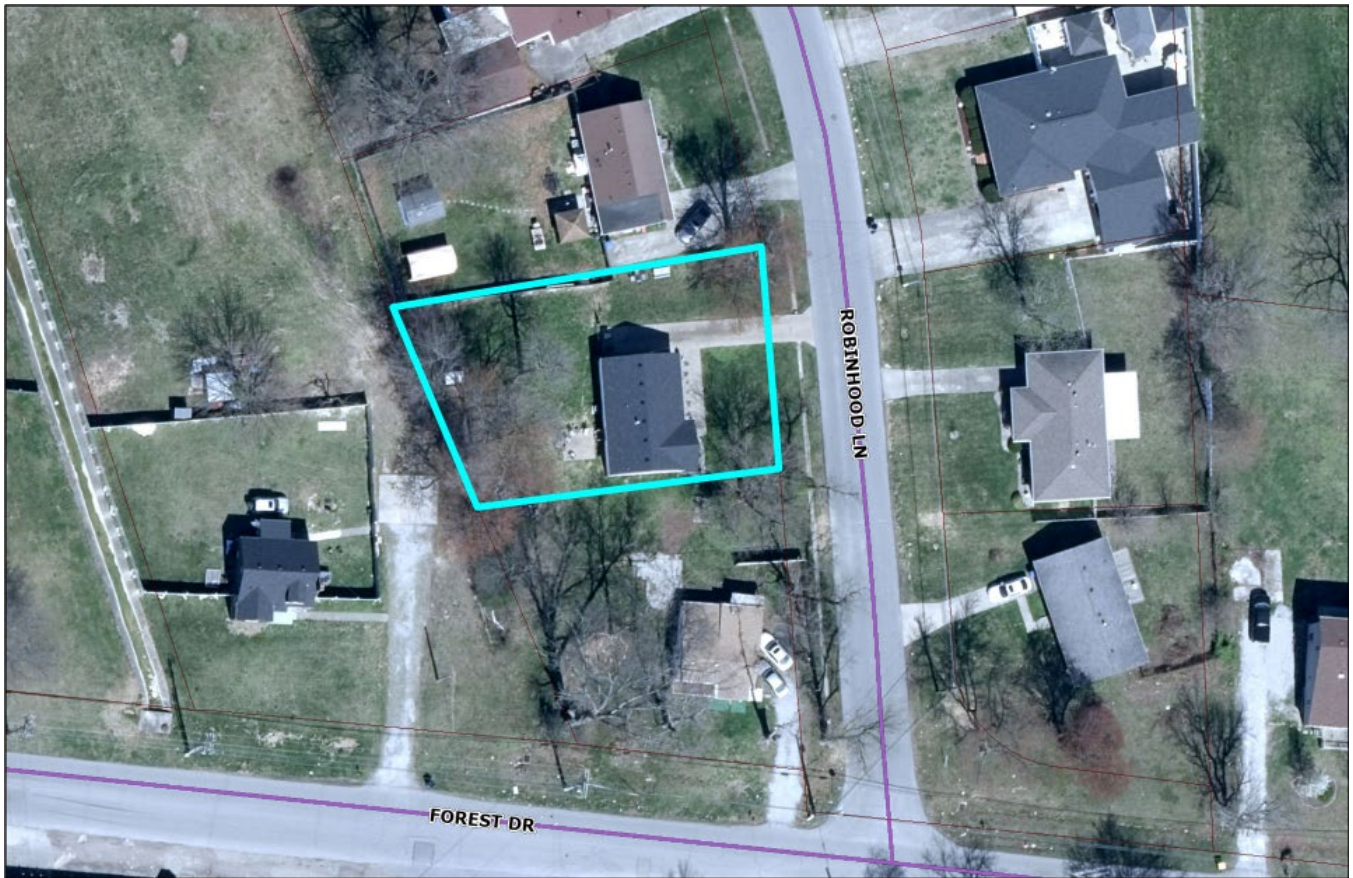
Thursday, April 9, 2026 | 8:18 AM



LOJIC © 2026

This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



Thursday, April 9, 2026 | 8:19 AM



LOJIC © 2026  
This map is not a legal document and should only be used for general reference and identification.

**3. Conditions of Approval**

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a transitional home until further review and approval by the Board.
3. The maximum number of occupants shall not exceed 6 on the entire subject site, unless prior approval is received by the Board of Zoning Adjustment
4. The applicant shall initiate the licensing process as required by LMCO Chapter 115 and submit the required application(s) with the Department of Codes and Regulations within thirty (30) days of approval from the Board of Zoning Adjustment.
5. An active license for the Transitional Home, as required by LMCO Chapter 115, shall be maintained. No transitional housing may take place unless the license is active and in the name of the current operator and property owner. If the license is not renewed and lapses for six (6) months, or in the event of a change of ownership and/or operator, a new license is not issued within six (6) months from the date of the change, the conditional use permit shall become null and void. In order to recommence any Transitional Housing use, a new conditional use permit must be granted if required.

# Group Housing Proximity Map

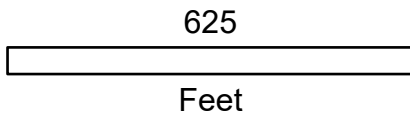


1000 ft Buffer

**Case # 26-CUP-0029**  
**6014 Robinhood Ln**  
**Map Created: 4/7/2026**

## Legend

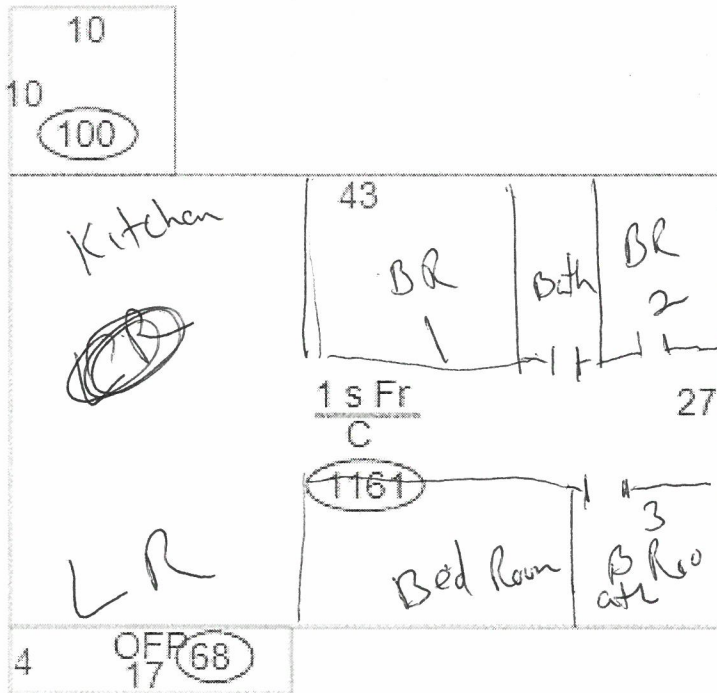
- Subject Site
- Buffer



Copyright (c) 2025, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

This map is subject to change upon the Board of Zoning Adjustment granting approvals to other Group Housing Conditional Use Permits.





RECEIVED  
 JAN 13 2025  
 PLANNING & DESIGN  
 SERVICES

**John Flynn on behalf of  
The Property Group LLC**  
Feb 23, 2026

**Dalton Loveless**  
Associate Planner  
Office of Planning  
**Louisville Metro Government**  
444 S. Fifth St. #300  
Louisville, KY 40202

**Re: Conditional Use Permit Justification Statement — 6014 Robinhood Lane, Louisville, KY**

Dear Mr. Loveless:

This letter is submitted in response to Item 2 of your correspondence requesting a **Conditional Use Permit Justification Statement** addressing compliance with the standards of review and lettered requirements set forth in Chapter 4, Part 2 of the Land Development Code. The subject property, located at **6014 Robinhood Lane**, is proposed to be used as a **transitional residence** designed to provide stable, supervised housing for individuals whose housing stability has been interrupted by life circumstances such as economic hardship, family disruption, recovery transitions, or other destabilizing events.

### **Project Overview**

The proposed use is a small-scale, residentially compatible transitional housing environment intended to operate in a manner consistent with the character, density, and design of the surrounding neighborhood. The residence will function as a structured living environment emphasizing personal responsibility, community integration, and reintegration into independent living.

### **Compliance with Conditional Use Permit Standards**

#### **1. Compatibility with Surrounding Area**

The use is residential in nature and therefore consistent with the existing neighborhood character. No exterior alterations inconsistent with nearby homes are proposed. Occupancy levels will be maintained within reasonable residential limits to ensure that the property functions visually and operationally as a single-family residence.

## **2. No Adverse Impact on Public Health, Safety, or Welfare**

The residence will be managed under clear operational guidelines, including supervision protocols, occupancy standards, and maintenance procedures. The property will meet all applicable building, fire, and safety codes. The structured nature of transitional housing promotes stability, reduces homelessness risk, and enhances community welfare by providing residents with a safe and monitored living environment.

## **3. Traffic and Parking**

Traffic generation is expected to be comparable to or less than a typical single-family dwelling. Residents generally maintain structured schedules, and no commercial activity or public visitation is anticipated. Existing driveway and street parking capacity are adequate to serve the use.

## **4. Infrastructure and Services**

The property is served by existing utilities, sanitation, emergency services, and transportation infrastructure. The proposed use does not require additional public facilities or infrastructure expansion.

## **5. Environmental and Neighborhood Impacts**

The use does not introduce noise, lighting, odor, or operational characteristics beyond those typical of residential occupancy. Landscaping and property maintenance will be upheld to neighborhood standards to ensure continued visual compatibility.

## **6. Conformance with Comprehensive Planning Principles**

Transitional housing aligns with planning goals that encourage stable housing opportunities, reduce displacement, and promote community reintegration. Such residences are widely recognized as essential components of balanced housing ecosystems because they help individuals move from instability to self-sufficiency, thereby strengthening neighborhoods overall.

### **Community Benefit Statement**

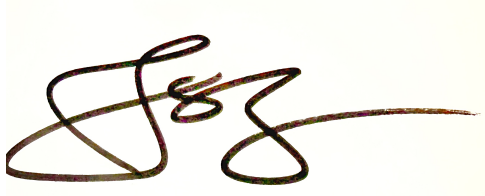
Transitional residences serve an important social function by bridging the gap between crisis housing and permanent housing. By providing structured support in a residential setting, they reduce recidivism into homelessness, decrease strain on emergency services, and foster productive, stable community members. The proposed use therefore represents not only a compatible land use but also a positive civic contribution.

## Conclusion

For the reasons outlined above, the proposed transitional residence at 6014 Robinhood Lane satisfies the applicable standards for approval of a Conditional Use Permit under Chapter 4, Part 2 of the Land Development Code. The use is residential in character, compatible with surrounding properties, and beneficial to the broader community. Accordingly, approval of the requested permit is respectfully requested.

Should you require any additional information, clarification, or supporting documentation, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'John Flynn', is written over a light yellow rectangular background.

### John Flynn

for MKM Realty  
3801 Billtown Road  
Louisville KY 40269  
(917) 501-1033  
me@johnflynn.com

## Pinto, Mark

---

**From:** gealr@iglou.com  
**Sent:** Saturday, April 18, 2026 9:30 PM  
**To:** Pinto, Mark; Haberman, Joseph  
**Subject:** 26 cup 0029 6014 Robinhood Lane  
**Attachments:** 26 CUP 0029 6014 Robinhood Lane.pptx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

Hi Mark and Joseph,

First, thank you very much for adding this to the list of conditions.

The applicant shall initiate the licensing process as required by LMCO Chapter 115 and submit the required application(s) with the Department of Codes and Regulations within thirty (30) days of approval from the Board of Zoning Adjustment.

The actual license application may not be able to get submitted within 30 days because the permitting seems to take longer than that, but at least this helps. The one I followed down the rabbit hole took 6 months to get a license which was 8 months after the applicant was cited for operating a transitional unit. The inspection was the last hurdle and the applicant did not have smoke detectors near the bedrooms, had no door closers (required) and the carbon monoxide detectors were not appropriately placed. People lived in the house for at least 8 months without these safety features. To me, smoke detectors near bedrooms is comparable to buckling up when one gets in car.

### SECOND

Attached is a power point for 25 cup 0029. If you tell me this transitional unit will not be allowing registered sex offenders to live in the transitional house, then I have no issue with the conditional use permit being granted. If they are allowing registered sex offenders to live in the house, then I think problems may exist. I don't know what the law specifically says about this issue, but I know there are laws saying how close a registered sex offender can live to a school. I just don't know all the other parameters. I saw something indicating Slaughter Elementary School is .3 miles away. I don't know if that is true or not.

I think the issue needs to be discussed, so please let me know if you receive the attached powerpoint. The only item is a copy of the sheet regarding legal issues.

Ann Ramser

# **Our House of Favor**

**House rules  
And  
Management Care plan**



# House Application

Today's Date: \_\_\_\_\_ Sobriety Date: \_\_\_\_\_ Gender \_\_\_\_\_

Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Social Security #: \_\_\_\_\_ Cell # \_\_\_\_\_

Insurance Carrier & Medicaid #: \_\_\_\_\_

Emergency Contact Name & #: \_\_\_\_\_

Previous Address: \_\_\_\_\_

Drug(s) Of Choice: \_\_\_\_\_

Last Date of Use: \_\_\_\_\_ Long Period Sober: \_\_\_\_\_

Marital Status : \_\_\_\_\_ Number of Children: \_\_\_\_\_

Highest Level of Education: \_\_\_\_\_

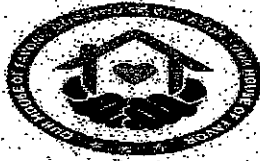
## EMPLOYMENT

Are you currently employed: \_\_\_\_\_

If Yes, Employer Name & Address: \_\_\_\_\_

Do you receive any government assistance(SSi, DISABILITY, FOOD STAMPS)?

If Yes, how much, & day of the month receives



**LEGAL INVOLVEMENT:**

List history of Felony Arrest/Charges:

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---

ANY SEXUAL OFFENSES THAT CAUSES YOU TO BE REGISTERED?: \_\_\_\_\_

Any pending charges?: Yes or No

If yes list charges: \_\_\_\_\_

Are you on PROBATION: \_\_\_\_\_ PAROLE: \_\_\_\_\_ HIP?: \_\_\_\_\_

If yes, Name and number of Officer(s): \_\_\_\_\_

---

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

How often do you report: \_\_\_\_\_ Day & time \_\_\_\_\_

**MEDICATIONS:**

Are you currently taking any prescribed Medications?: \_\_\_\_\_

If yes, list of medications \_\_\_\_\_

---

Prescribing Physician name, address, phone number:

---

---



I hereby declare that the information provided is true and correct. I also understand that any willful dishonesty may render for refusal of this application or immediate discharge from Our House of Favor.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_\_

OHF Staff Print name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_\_



## **Ethics**

All persons working in Our House of Favor (recovery residence owners, operators, staff, and volunteers) are expected to adhere to their respected certifications (i.e. Clinical counselor, peer support) code of ethics as well as the following Code of Ethics.

1. Assess each potential resident's needs, and determine whether the level of support available within the residence is appropriate. Provide assistance to the resident for referral in or outside of the residence.
2. Value diversity and non-discrimination.
3. Provide a safe, homelike environment that meets Our House of Favor Standards.
4. Maintain an alcohol- and illicit-drug-free environment.
5. Honor individuals' rights to choose their recovery paths within the parameters defined by the residence organization.
6. Protect the privacy and personal rights of each resident.
7. Provide consistent and uniformly applied rules.
8. Provide for each resident's health, safety, and welfare.
9. Address each resident fairly in all situations.
10. Encourage residents to sustain relationships with professionals, recovery support service providers, and allies.
11. Take appropriate action to stop intimidation, bullying, sexual harassment and/or otherwise threatening behavior of residents, staff, and visitors within the residence.
12. Take appropriate action to stop retribution, intimidation, or any negative consequences resulting from a grievance or complaint.
13. Provide consistent, fair practices for drug testing that promote the residents' recovery and the health and safety of the recovery environment and protect the privacy of resident information.



14. Provide an environment where each resident's recovery needs are the primary factors in all decision-making.
15. Promote the residence with marketing or advertising supported by accurate, open, and honest claims.
16. Decline taking a primary role in the recovery plans of relatives, close friends, and/or business acquaintances.
17. Sustain transparency in operational and financial decisions.
18. Maintain clear personal and professional boundaries.
19. Operate within the residence's scope of service and professional training and credentials.
20. Maintain an environment that promotes the peace and safety of the surrounding neighborhood and the community.

The Code of Ethics must be read and signed by all those associated with the operation of the recovery residence: recovery residence owners, operators, staff, and volunteers. Individuals subject to this code are obligated to report unethical practices according to the affiliate's reporting rules. In signing the following, I affirm that I have read, understand, and agree to abide by this Code of Ethics.

Resident Name (print): \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

OHF Staff: \_\_\_\_\_



### **No Substance Use & Immediate Discharge Agreement**

The Our House of Favor provides safe and sober temporary housing for individuals struggling with substance use disorders and or mental health issues.

Clients here are NOT on a Lease, and they have No rights to this property at any time.

Clients may be asked to vacate the Our House of Favor and leave the property immediately if they are involved in any of the below-listed situations:

1. Using drugs.
2. Consuming alcohol.
3. Exhibiting behavior consistent with the use of drugs or alcohol intoxication.
4. Demonstrating behavior that is not consistent with behavior modification / recovery.
5. Disrupting the therapeutic environment or creating a safety hazard: 6. failure to communicate or respond to phone calls or text messages.
7. Failure to comply with instructions from the owners or managers.
8. Failure to return to the house by curfew.
9. Failure to remain on the property when on restriction.
10. Involved in criminal activity.
11. Negative contact with police, LMDC, department of parole and probation.
12. Refusal to participate in structured programming.

I hereby declare that I agree with and completely understand the Our House of Favor Residents Rules.

Resident Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## **Enforcement of UDS, Dismissal, Grievance and Medication Policies**

As a member of Our House of Favor you have agreed to abide by the House Rules. This agreement covers drug testing, dismissal processes, and grievance policies. By signing this document, you agree that you understand possible consequences and processes for dismissal and are aware of the grievance policy as stated.

### **Drug Testing Policy**

Residents of the Our House of Favor must comply with all drug and alcohol testing requirements, including random testing and tests based on behavior. Refusal to submit to a test will result in immediate dismissal from the house. Testing may occur weekly, randomly, or after overnight passes or extended trips. Initial drug testing is required upon entry, and additional testing may be conducted if suspicion of substance use arises.

### **Dismissal Process**

Our House of Favor is an abstinence-based program, and we have a zero-tolerance policy when it comes to relapse and/or drugs and alcohol being found on property. In the occurrence of a relapse, circumstances determine how each situation is handled by staff.

When asked to leave property due to using or failing a drug screen/breathalyzer, or as a consequence for violating House Rules, staff will take the necessary measures to help the resident get to a safe place that meets their recovery needs as long as he or she is willing.

Dismissed residents may return to the residence if a bed space is available, and the resident meets the following requirements:

- Have one week of continued sobriety confirmed by your sponsor.
- Pass a urinalysis test and a breathalyzer.
- Approval of return by staff and members of the recovery residence.
- Payment of any outstanding fees and readmission fee.



**UDS and Room Search**

Our House of Favor requires a drug test randomly. Observed urine drug screens may be performed. A refusal of an observed urine drug screen or a refusal to comply with urine drug testing is an automatic discharge. If you provide urine that is not yours, it is an automatic discharge. All urine drug screens performed are sent to the lab (PATIENT CHOICE) for confirmation and paid for by your insurance. Rooms may be subject to random searches at any time

I understand Our House of Favor's Drug Testing / Room Search Policy.

Resident Signature \_\_\_\_\_ Date \_\_\_\_\_

Staff Signature \_\_\_\_\_ Date \_\_\_\_\_



### Residents Rights

- As a resident of Our House of Favor you have rights that the residence staff/mentors will safeguard during your stay. You have a right to:
- An environment that supports your recovery.
- Be free from verbal and physical abuse.
- Be treated with dignity and respect.
- Choose your own, personal recovery goals.
- Participate actively in your recovery.
- Confidential records that are accessible only to designated staff and which can be released to others only with your written permission, except as allowed by state and federal law.
- Be referred to subsequent services upon leaving or transfer from this residence if necessary.
- Retain personal property that does not jeopardize your or others' safety or health.
- Receive and send unopened mail.
- File a complaint to the owner/operator without fear of retaliation and to have the complaint addressed within a reasonable amount of time.
- Be fully informed before changes occur in these rights and responsibilities as well as to changes in policies and procedures should they occur.
- Not to be required to perform services for the residence, which are not included in the usual expectations for all residents.

I have been informed of my rights as listed above.

Print Name: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



### **Resident Confidentiality Agreement**

Our House of Favor and its staff will respect the privacy of residents. Any information concerning residents, potential residents, and visitors will be treated with the utmost respect. Staff will regularly review confidentiality requirements to comply with both KRHN/NARR standards and state and federal confidentiality laws.

All data collected on residents will be shared with governing agencies to protect individual identities. This data will only be used to improve the quality of services.

Our House of Favor will ensure the safety of resident records. Personal information will be protected by reasonable security safeguards against loss or theft, as well as unauthorized access, disclosure, copying, use or alteration.

Confidentiality on patient-identifying records may be broken without resident consent only in extenuating circumstances, such as when resident or staff safety is at risk, child or elderly abuse is suspected, or if a court order is received.

Outside of these circumstances, patient-identifying information will never be sold, lent, or given to third parties without resident consent.

Our House of Favor will obtain informed voluntary consent from residents before any information is released to agencies or family members.

Our House of Favor staff and residents also have a responsibility for keeping the confidentiality of others in the program. This includes not confirming or denying another client's participation to outside agencies or persons via telephone, in-person, on social media, or in written requests.

As a resident of Our House of Favor, you consent and agree to the terms marked above. You will be informed of any changes to this agreement at least a week before they come into effect.

Print Name: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



be able to participate in mental health services, start on medication today, or continue my current medications uninterrupted.

3. The potential risk of Telemental health services is that there could be a partial or complete failure of the equipment being used which could result in mental health staff's inability to complete the evaluation, mental health services, and/or prescription process.
4. There is no permanent video or voice recording of the Telemental health service's session.
5. All existing confidentiality protections apply.
6. All existing laws regarding Resident access to mental health information and copies of mental health records apply.
7. Dissemination of Resident identifiable images or information from the Telemental health interaction to researchers or other entities shall not occur without the consent of the Resident.

I, \_\_\_\_\_, consent to Telemental health services in circumstances in which mental health staff appropriate to my needs is not immediately available at my site. My mental health care provider has discussed with me the information provided above. I have had an opportunity to ask questions about this information, and all of my questions have been answered.

I understand the written information provided above.

Resident Print: \_\_\_\_\_

Resident Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Our House of Favor Staff print name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_\_



### Medication Agreement

Acceptable and properly prescribed medication, like MAT prescriptions are permitted on the premise of Our House of Favor. Our House of Favor is not a medical facility and in accordance with the State of Kentucky regulations will not administer any medication to residents of Our House of Favor. All residents are responsible for the proper storage and self-administration of their own medication(s).

While Residents will be responsible for self-administration they agree to the below stipulations in order to remain in compliance with Our House of Favor's medication policy. By initialing each stipulation and signing at the bottom of the agreement the resident is acknowledging that they have read and understood the medication policy and agree to comply with all the terms in order to remain as a resident of Our House of Favor:

Resident Initials: \_\_\_\_\_

- \_\_\_ All prescription medications are to be in their original containers as obtained from the pharmacy with the prescribing medical professional identified on the container
- \_\_\_ Dates of the medication are to be current and prescription is not to be expired
- \_\_\_ All medications are to be accurately and correctly listed on intake form
- \_\_\_ Medication(s) are to be taken only as prescribed
- \_\_\_ Residents are responsible for the proper storage of their medication and must demonstrate that medications are kept in an appropriately locked container stored away from any visible surfaces
- \_\_\_ Medication is to be locked away at all times excluding when it is time for self-administration, it is expected the resident immediately return medication to locked container following self-administration
- \_\_\_ Resident agrees to notify staff of any new or refill prescriptions within 48 hours in order to maintain accuracy of resident file
- \_\_\_ Medication is not to be shared or misused/abused in any way
- \_\_\_ All medications are subject to random search and the resident agrees to comply with any necessary searches (i.e. providing access to containers, etc.)

By signing below I, \_\_\_\_\_ acknowledge that I have read and agree with the aforementioned terms of the Our House of Favor medication policy. And I understand that any violation of the above terms is cause for removal from the property.

Resident Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Consent for Release of Information**

I, \_\_\_\_\_, born on \_\_\_\_\_

SSN \_\_\_\_\_, authorize Our House of Favor to disclose to

the following information (circle one): (any and all the info related to treatment) or (other) \_\_\_\_\_

The purpose of this disclosure is for (circle one): (collaboration of care) or (other) \_\_\_\_\_

This authorization expires in 1 yr or whenever Our House of Favor is no longer providing me with services.

I understand that my records are protected under the Federal regulations and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it.

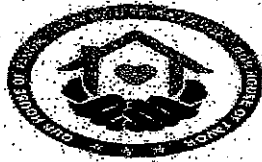
Signature of patient \_\_\_\_\_ Date \_\_\_\_\_

Signature of staff \_\_\_\_\_ Date \_\_\_\_\_

**ATTENTION RECIPIENT:**

**Notice Prohibiting Redisclosure**

This information has been disclosed to you from records protected by Federal confidentiality rules (42 C.F.R. Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R. Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of this information to criminally investigate or prosecute any alcohol or drug abuse patient.



## FINANCIAL AGREEMENT

Resident Name : \_\_\_\_\_

Admission Date: \_\_\_\_\_ SSN# \_\_\_\_\_

\_\_\_\_\_ I agree and consent to Our house of Favor billing Medicaid for my weekly programming.

\_\_\_\_\_ Our house of Favor program fees shall not exceed those extended by Medicaid (i.e. copay, deductible)

\_\_\_\_\_ I understand I am responsible for any fees incurred outside of my weekly programming

\_\_\_\_\_ I understand that I must maintain my eligibility for Medicaid in order to continue receiving services.

\_\_\_\_\_ I understand I am responsible for all my copays and deductibles (when applicable). I understand that program fees are non-refundable.

**PROMISE TO PAY ACCOUNT** For and in consideration of services to be rendered I with sincerity promise to pay Our house of Favor, all of its fees for services rendered to me from admission to discharge. I understand that the total of such charges will be billed to my insurance and are due and payable according to this FINANCIAL AGREEMENT.

In acceptance of this FINANCIAL AGREEMENT with Our house of Favor, I agree that to qualify for the Our house of Favor program I must adhere to the rules and regulations as listed above and make my scheduled payments when due. I further understand that failure to make payments when due, may result in my discharge from Our house of Favor program. Any unpaid account balances at the time of discharge are subject to collection costs and lawyer fees if and when applicable.

Resident Signature & Date: \_\_\_\_\_

Authorized Staff Signature & Date: \_\_\_\_\_

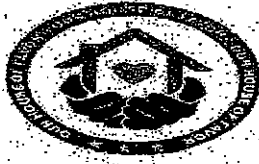


## TRANSPORTATION AGREEMENT

I, \_\_\_\_\_, understand that due to lack of my own personal transportation, I may request transportation from time to time from \_\_\_\_\_ (Community Support Associate) an employee of Our house of Favor. I hereby indemnify **Our house of Favor** and their staff from all damage or injury caused to me or others when I willingly accept transportation to or from any location or event, whether **Our house of Favor** is related or not.

Resident Signature Date: \_\_\_\_\_

Staff Signature Date: \_\_\_\_\_



**Photo and Video Release Form**

I, \_\_\_\_\_ hereby grant permission to Our House of Favor to use my likeness in photographs and/or videos taken during program event/activity. I understand that these photographs and/or videos may be used for the following purposes:

- Promotional materials
- Social media posts
- Website content
- Newsletters
- Other marketing materials

I acknowledge that I will not receive any compensation for the use of my likeness in the photographs and/or videos.

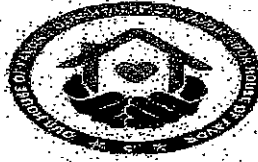
I release Our House of Favor from any and all claims, demands, or causes of action that I may have now or in the future for the use of my likeness in the photographs and/or videos.

Circle One: AGREE or DISAGREE

Participant's Name: \_\_\_\_\_

Participant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_



### **Grievance Policy**

1. All clients have the right and are encouraged to communicate his or her grievance to Our House of Favor staff members or company representatives. There will be no consequences or retaliation for the resident filing a grievance.
2. All residents have a right to file a formal written grievance. The resident may request a form from any staff member or House Manager. (Grievance Forms are in the office). The resident should fill out the form and return it to any staff member or the House Manager.
3. Written grievances shall be forwarded to Saybah Glay.
4. In the instance where the decision maker is the subject of a grievance, decision making authority shall be delegated to Saybah Glay, Owner.
5. Time frame for expedient resolution is two business days upon receipt of the complaint/grievance.
6. The resident will be sent a written notice of the grievance outcome and steps for appealing the outcome.
7. Throughout this process, the resident has the right to contact, make a complaint and/or appeal the grievance outcome to the Kentucky Recovery Housing Network by calling (502) 782-8478.

### **Medication Policy**

All prescribed and over the counter medication are given to the House Manager. Medications are locked in a cabinet. All packages are to remain sealed and the house manager opens.

Print Name: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



## Telehealth Consent

### **What are Telemental health services and when are they used?**

Telemental health services are used when mental health staff cannot be physically present with you to evaluate your mental health needs and, if appropriate, prescribe medications. Mental health staff may be present at another location and available to serve you through newly available technology. Instead of talking to someone on the phone at another location, Telemental health services use a video camera and computer to send both voice and personal images (pictures) between you and mental health staff so not only can you talk to each other, but you can also see each other. This allows mental health staff to make a better evaluation of your needs.

### **How do Telemental health services work?**

You will be in a private room either by yourself, with a friend, family member, or staff person. The room will have a computer with a video camera. The mental health staff will also be in a private room but at another location with the same type of equipment. When the session is ready to begin, clinic staff will start the computer and camera so that you and mental health staff can see each other and talk together. When the session is over, clinic staff will shut off the equipment.

### **How is it different from a regular session with mental health staff?**

Other than you and mental health staff not being in a room together, there is very little difference in the session. Mental health staff will ask and document clinical information that you share with him/her, send any prescriptions that are ordered to the pharmacy for you to pick up if medications are prescribed, document the service that is provided, and ensure that documentation is included in your clinical record for future reference.

### **What happens if I choose not to consent to Telemental health services?**

If you choose not to consent to Telemental health services, we will be unable to provide you with convenient and readily available services and your services will be rescheduled for a later date and/or a different site.

### **I understand that:**

1. I have the option to withhold consent at this time or to withdraw this consent at any time, including any time during a session, without affecting the right to future care, treatment, or risking the loss or withdrawal of the program benefits to which I would otherwise be entitled.
2. The potential benefit of Telemental health services is that I will be able to talk with mental health staff today from this local setting for an evaluation of my needs. When appropriate, I will

## **HIPAA Authorization for the Use or Disclosure of Health Information**

**This form is for use when such authorization is required and complies with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Standards.**

**I hereby authorize to release my medical records to Our House of Favor for the purpose of continuity of care and continuing treatment. I understand that this authorization to release records will remain effective until I revoke it in writing and with the understanding that the recipient shall use the information in compliance with acceptable laws.**

I consent for Our House of Favor to release my personal healthcare information (PHI) to requesting third party organizations, including, but not limited to: the social security administration (SSA) and other government entities, medical offices, mental health offices and attorneys. I understand that PHI is considered every page of my electronic health record file, including, but not limited to intake forms, progress notes, treatment plans, itemized bills, assessments, file uploads, and discharge paperwork.

**Right of Revocation:** I understand that I have the right to revoke this authorization at any time by sending written notice to Our House of Favor. I understand that a revocation is not valid to the extent that Our House of Favor has acted in reliance on such authorization. This authorization does not expire until I submit a written request. A hard or digital copy of this release shall have the same force and effect as the original.

**Informed Consent:** By signing this form, you agree to receive behavioral health services provided by Our House of Favor, and its contractors. We know that starting treatment is a big decision and you may have many questions. We will do our best to answer any questions or concerns. This form explains information about Our House of Favor policy, State and Federal Laws and your rights with regards to treatment. All Our House of Favor employees and contractors have met the highest level of education, certification and licensing requirements set forth by Kentucky state law. Counseling practices, philosophy, plan limitations and risks will be discussed with you during your intake.

**TREATMENT PROCESS AND DOCUMENTATION.** It is the healthcare professional's responsibility to keep accurate records including Evaluations, Treatment Plans and Progress Notes. By signing this document, you are consenting to the Treatment Plan that your provider creates and agree to any goals, objectives and therapy techniques that may be used in your therapy process.

**CONFIDENTIALITY AND EMERGENCY SITUATIONS:** Confidential information

discussed in session is not discussed with anyone without your written permission except for 1. Diagnosis and dates of service shared with your insurance company to process your claims 2. Information you tell Our House of Favor about physical, sexual or elder abuse; then, by Kentucky State Law, we must report this to the Kentucky Department of Children and Family Services 3. Where you sign a release of information to have specific information shared 4. If you tell Our House of Favor that you are in danger of harming yourself or others.

**Telehealth Consent:**

I agree to participate in a telemedicine evaluation and/or ongoing treatment performed by a provider who assumes sole responsibility and liability for treatment.

By signing this agreement, I authorize the electronic transmission of my medical information and/or videoconference session so that it can be viewed by a provider and other persons involved in my medical or mental health care.

**HIPAA and Privacy Policies: THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.**

This notice describes our policies related to the use and disclosure of your healthcare information. Your health information may be used for the purposes of providing treatment services, collecting payment and conducting healthcare operations are necessary activities for quality care. State and federal laws allow us to use and disclose your health information for these purposes.

**TREATMENT:** We may need to use or disclose health information about you to provide, manage or coordinate your care or related services. Which could include consultants and potential referral sources.

**HEALTHCARE OPERATIONS:** We may need to use information about you to review our treatment procedures and business activity. Information may be used for certification, compliance and Our House of Favor licensing activities. There are some instances where we may be required to use and disclose information without your consent. For example, but not limited to: Information you and/or your child or children report about physical or sexual abuse: then by Kentucky State Law, we are obligated to report this to the Department of Children and Family Services. If you provide information that informs us that you are in danger of harming yourself or others, we must report this also; Clinical records, psychotherapy notes and other disclosures require a separate signed release of information. You have a right to or will receive notification of a breach of any unsecured personal health information. You have a right to restrict any disclosure of personal health information.

**Patient Rights:** You may consent in writing to release your records to others. You

have the right to revoke this authorization, in writing, at any time. However, a revocation is not valid to the extent that we acted in reliance on such authorization. You have the right to inspect and obtain a copy of your information contained in our medical records. To request access to your billing or health information, contact the office manager. If you feel that information contained in your medical record is incorrect incomplete, you may ask us to add information to amend the record. We will make a decision on your request within 60 days. Under certain circumstances, we may deny your request to add or amend information. If we deny your request, you have a right to file a statement that you disagree. Your statement and our response will be added to your record. To request an amendment, you must contact the office manager. We will require you to submit your request in writing and to provide an explanation concerning the reason for your request. You have the right to ask for restrictions on certain uses and disclosures of your health information. This request must be in writing and submitted to our office manager. However, we are not required to agree to such a request. If you believe your privacy rights have been violated, please contact us personally, and discuss your concerns. If you are not satisfied with the outcome, you may file a written complaint with the U.S. Department of Health and Human Services. An individual will not be retaliated against for filing such a complaint.

**Acceptance of Terms: I agree to these terms and will abide by these guidelines. I have read, understood, and agree to the terms above.**

ACCEPTED AND AGREED TO:

Patient Name:

Date of birth:

Signature:

Date:

ACCEPTED ON BEHALF OF:

Our House of Favor



## House Rules

- No Use Of Alcohol Or Other Drugs
- Compliance With Random Urine Test & Room Searches
- Compliance With Established Curfews: Sun-Thur@ 11pm & Fri-Sat@ 12am
- Mandatory Participation In Self-Improving Recovery Programs
- Mandatory Participation In Iop
- Smoking Is Prohibited Inside All Living Units
- Smoking Is Only Allowed In Designated Areas
- Stealing Is Not Tolerated. This Includes Eating Food That Does Not Belong To You.  
Confirmed Accusations Will Result Termination From The Program.
- Destruction Of Property That Belongs To Our House Of Favor Will Result In Termination And All Costs Of Repair Extended To You.
- All Residents Must Be Respectful Of All Staff And Other Members Of The Community
- Verification Of Employment Is Required
- Documentation Is Required From Physicians For All Missed Groups. Groups Will Only Be Rescheduled With Documents Of A Doctor's Appointment Or Proof Of A Medical Emergency. Groups And Iop Are Only Excusable With A Doctor's Statement
- Soliciting Or Consuming Other Residents' Medication Is Prohibited And Will Result In Termination From The Program And Possible Prosecution
- Our House Of Favor Maintains A Zero Tolerance Policy For Physical Violence, Threats Of Violence, And Harm Or Profanity Towards Residents Or Staff
- Our House Of Favor Maintains A Zero Tolerance Policy For Sexual Harassment Toward Anyone Within The Community
- You Are Expected To Help To Keep The House Clean, Neat, And Safe. You Must Adhere To The List Of House Chores Posted Weekly
- Your Bedroom Is Expected To Be Kept Neat And Clean At All Times With Designated Blanket On Top And Your Living May Be Searched At Any Time.
- Residents Must Be Proactive During Daily Working Hours. No Tv Or Music Unrelated To Recovery During Program Hours On Days That We Are Not Out Of The House From 10 - 2.
- You May Be Asked To Move Out Of Your Residence At Any Time As A Result Of Violence, Unsafe Behavior, Alcohol, Or Drug Use Or The Needed Change Due To Circumstances Related To The Housing Needs Of Our Company.
- You Are Prohibited From Entering Any Other Living Unit Outside Of Your Own



Without Prior Consent From Staff Member

- No Borrowing Or Bartering Food Stamps Or Money
- You Will Attend Mandatory Bible Study Once A Week
- Weekly Church Attendance Of Your Choice Is Required
- All Court Dates And Medical Appointments Must Be Shared 72 Hours Prior To The Appointment
- There Is A \$25 Per Week Rent Due Every Week
- All Residents Will Be Responsible For Gas To Go
- To Court Date And Medical Appointments Outside Of The Louisville Area

I hereby declare that I agree with and completely understand the Our House of Favor Residents Rules.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_\_

OHF Staff print name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_\_

## RELAPSE PREVENTION PLAN

## **RELAPSE PREVENTION PLAN**

Preventing relapse requires a commitment to recovery. It also requires a plan of action. Relapse is not an event, but a process. Before the physical act of relapse, a person experiences changes in feelings, thoughts, and behaviors. Cravings also play a role in relapse. By developing and following a written plan, you can halt the relapse process.

What is your drug of choice? \_\_\_\_\_

Write down the reason(s) you have decided to stop using/drinking: \_\_\_\_\_

What are some *feelings* that might lead to relapse? (Examples: Anger, boredom, happiness, not caring about recovery.)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

For each feeling listed above, write down a healthy way of coping with that feeling:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

What are some *thoughts* that might lead to relapse? (Examples: Thinking about the good times or thinking you are cured.) Be as specific as possible.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

What are some *behaviors* that might lead to relapse? (Examples: Not attending meetings, not calling your sponsor, eating too much junk food, being in an unhealthy relationship.) Be as specific as possible.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Who are the *people* you are most likely to use with?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Write down the names of five people you can call when tempted to use:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Where are the *places* you are mostly likely to use?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

What other *situations* or *events* are triggers for you?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**Cravings:** Remember that cravings will pass. However, there are different techniques to help with intense cravings. You can talk about it with your sponsor or with a friend in recovery. Or you can distract yourself by journaling, watching a comedy, listening to loud music, running, doing a crossword puzzle, cleaning house, working on a project, etc.

Write down 10 ways to cope with cravings.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

How many 12-step meetings will you attend each week? \_\_\_\_\_

Fill in meeting names, when they meet, and the places they meet (for one week).

Meeting	Day/Time	Location

How will you get to meetings? \_\_\_\_\_  
\_\_\_\_\_

How often will you call your sponsor? \_\_\_\_\_

How often will you meet with your sponsor? \_\_\_\_\_

List five consequences of a relapse. (Examples: Failing a drug screen, calling in to work, missing an appointment, etc.)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

List five benefits of working a recovery program:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Write down five short-term goals (1-12 months) that you can only achieve through sobriety.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Write down five long-term goals (1-3 years) that you can only achieve through sobriety.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

## Relapse Chain Worksheet

**Instructions:** The last link in the relapse chain represents your use of alcohol, tobacco, or other drugs. Each preceding link represents a specific relapse warning sign. Identify as many warning signs as you can. Then state how much time elapsed between the earliest warning sign and the first time you used a substance again. Also, state how you felt about using substances again, and how your family (or other significant people in your life) felt.

The diagram consists of two vertical columns of five empty ovals each. The ovals in the right column are connected to the ovals in the left column by short horizontal lines between corresponding positions. This structure is designed for a student to write a relapse chain, starting from the final relapse on the right and moving back through the warning signs on the left.

Time elapsed from early warning signs to actual use: \_\_\_\_\_

How I felt about using again: \_\_\_\_\_

How my family or significant others felt: \_\_\_\_\_



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## Relapse Warning Signs Worksheet

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**Instructions:** In the left column, list the attitudes, thoughts, and behaviors that are warning signs of potential relapse. In the right column, write strategies for coping with each of these situations.

---

Relapse warning signs

Coping strategies

---

Dennis C. Daley, G. Alan Marlatt

Overcoming Your Alcohol or Drug Problem: Relapse Prevention: Reducing the Risk of Relapse. Copyright © 2006 by Oxford University Press

Oxford Clinical Psychology | Oxford University Press

## **PRESCREENING / ELIGIABILITY**

**Our House Of Favor Prescreen**

**ETA:**

**Name:**

**Age:**

**Dob:**

**SSN:**

**Insurance:**

**Phone:**

**Gender:**

**Co-occurring mental health:**

**Prior Treatment:**

**Recovery Residence History:**

**Substance of Abuse:**

**I.V. use:**

**Medication:**

**Recovery Time:**

**History of self harm?**

**Recent suicidal and or homicidal ideation?**

**Relationship Status?**

**Children?**

**Work experience/plan?**

**Tb?**

**Fee discussion?**

**History of violence?**

**Sex offender?**

**Was it verified through the National Sex offender Registry?**

**Warrants?**

**Legal issues?**

**Legally mandated? Legal Charge?**

**Vehicle?**

**Valid license?**

**Drug screen discussion?**

## **MEETING AND CHORES**

# OHOF Chore Assignments and Signing Sheets

Chores	Names	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
KITCHEN								
LIVINGROOM								
BATHROOM								
TRASH								

Chores	Names	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
KITCHEN								
LIVINGROOM								
BATHROOM								
TRASH								



## **DISCHARGE PLAN**

## Our House Of Favor Exit Strategy

Client: \_\_\_\_\_ Date: \_\_\_\_\_

Entry date: \_\_\_\_\_ Exit Date: \_\_\_\_\_

Participation:     None     Low     Moderate     High

**Reason For Transition:**

- |  |   |
|--|---|
| <input type="checkbox"/> Transitioned As Planned | <input type="checkbox"/> Against Staff Advice |
| <input type="checkbox"/> Rule Violations         | <input type="checkbox"/> Early Transition     |
| <input type="checkbox"/> Incarceration           | <input type="checkbox"/> Other: _____         |

**Summary Of Progress:**

---

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**Ongoing Recovery Plan:**

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**Collateral Resource Contact Information:**

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**Forwarding Address:**

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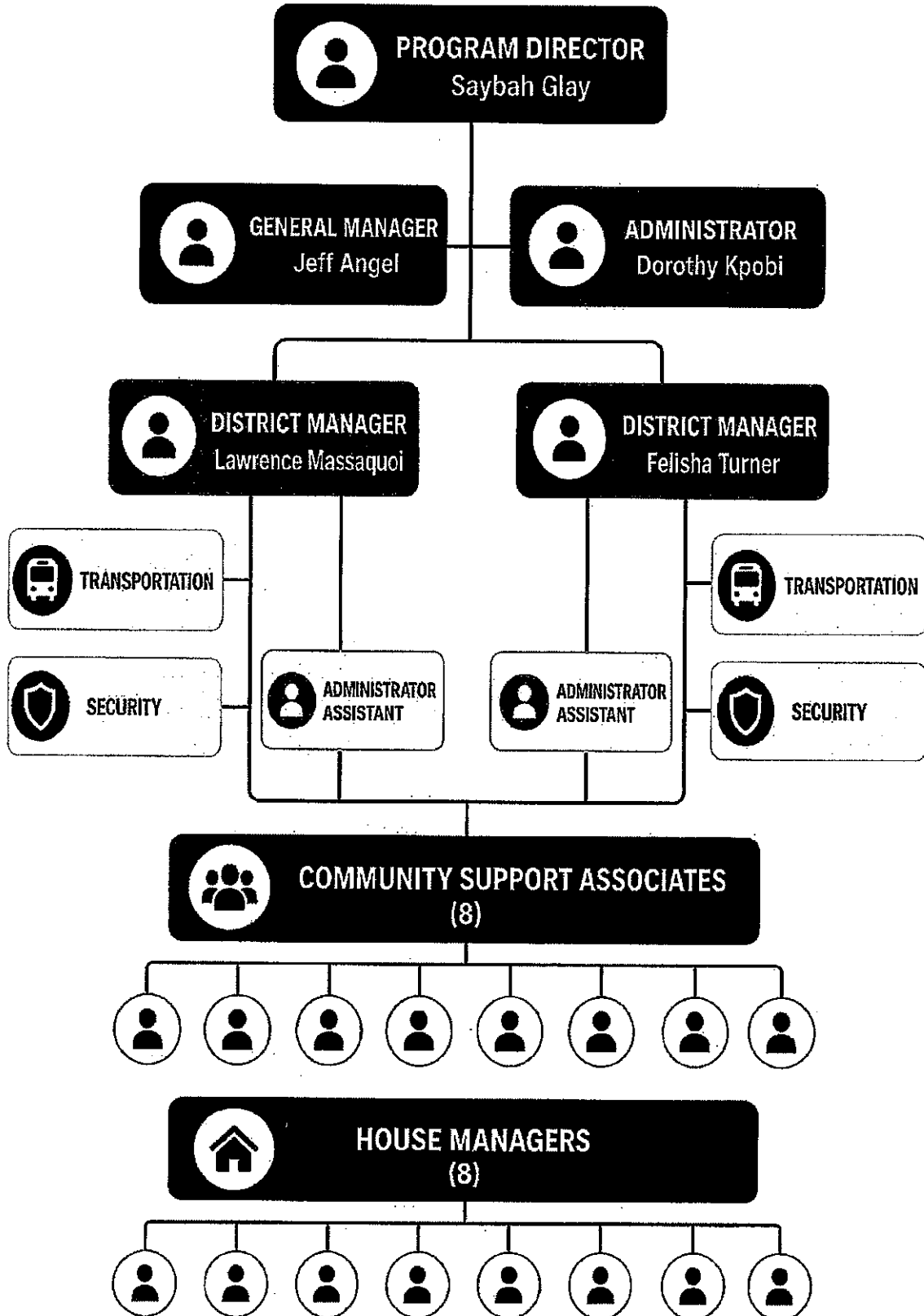
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Client Signature: \_\_\_\_\_ Date: \_\_\_\_\_

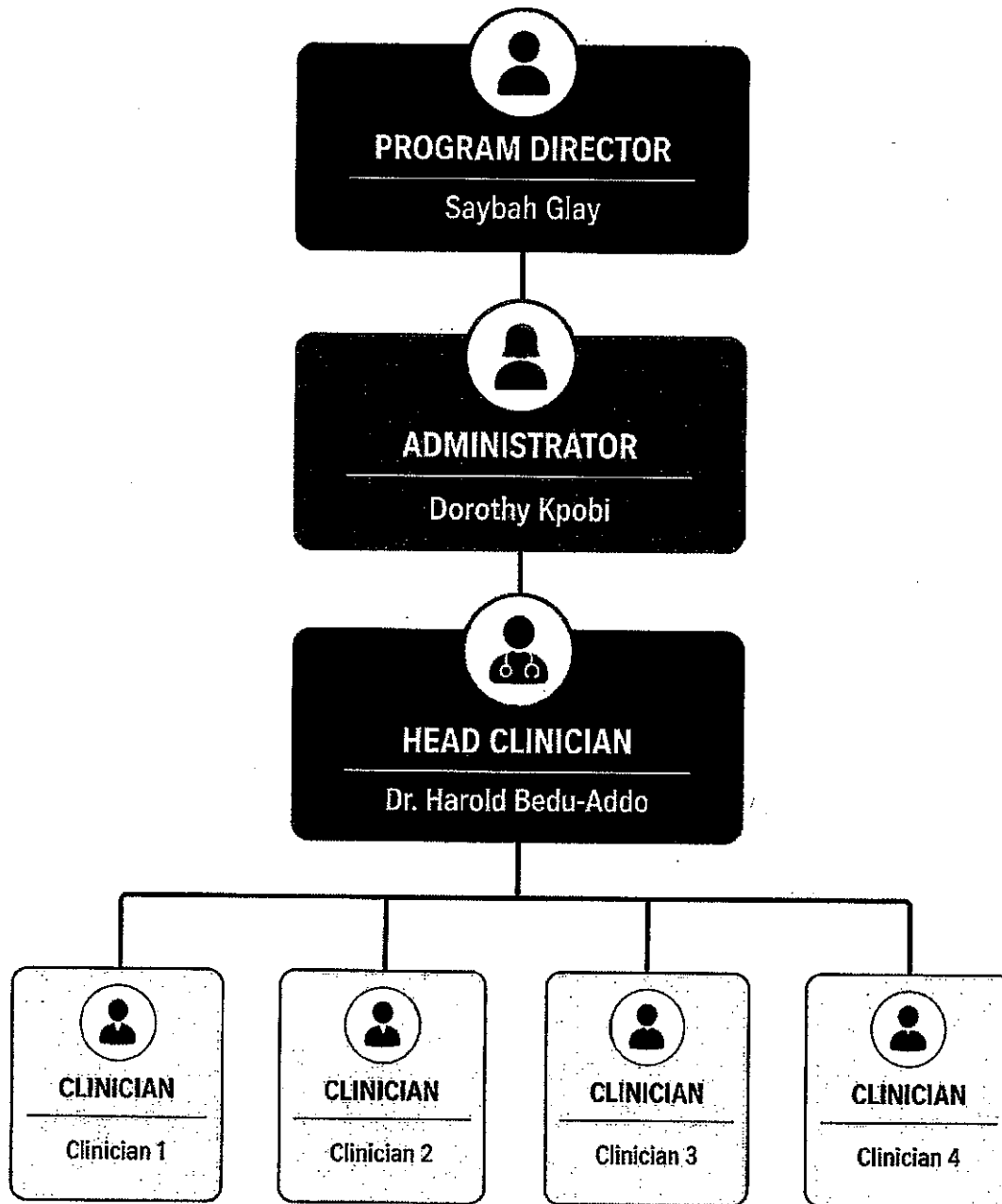
Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# **STRUCTURE OF ORGANIZATION**

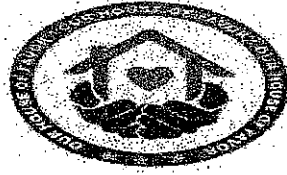
# STRUCTURE OF ORGANIZATION



# STRUCTURE OF ORGANIZATION



**General Manager  
(GM)  
Responsibilities**



**Job Title: General Manager**

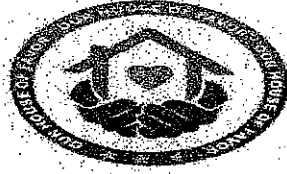
Reports to: Owner

**Summary:**

The General Manager is responsible for overseeing the day-to-day operations of the program, ensuring the delivery of high-quality services to adult clients. This role involves strategic planning, staff management, budget oversight, program development, and compliance with regulatory standards. The General Manager will work collaboratively with clinical staff, and community partners to enhance program effectiveness and client outcomes.

**Key Responsibilities:**

- **Operational Management:**
  - Oversee the daily operations of the IOP, ensuring programs run smoothly and efficiently.
  - Develop and implement operational policies and procedures to enhance service delivery.
  - Manage scheduling, staffing, and resource allocation to meet program needs.
  - Collaborate with the district manager in training new staff.
  
- **Clinical Oversight:**
  - Collaborate with clinical staff to ensure adherence to evidence-based practices and therapeutic protocols.
  - Monitor client care outcomes and implement quality improvement initiatives.
  - Ensure that all services are delivered in compliance with regulatory and accreditation standards.
  
- **Staff Management:**
  - Conduct performance evaluations and provide ongoing professional development opportunities.
  - Foster a positive and collaborative work environment that promotes staff well-being and retention.
  
- **Program Development and Evaluation:**
  - Identify opportunities for program growth and enhancement based on community needs and emerging trends in mental health and substance use.
  - Conduct regular assessments and evaluations of program effectiveness, client satisfaction, and staff performance.
  - Report program outcomes to the owner and make recommendations for improvements.



- **Community Engagement:**
  - Build and maintain relationships with community organizations, and referral sources to promote the IOP and its services.
  - Participate in community outreach and education efforts to raise awareness about mental health and substance use and available resources.
  
- **Compliance and Risk Management:**
  - Ensure compliance with all local, state, and federal regulations regarding mental health services.
  - Develop and implement risk management strategies to ensure client and staff safety.
  - Maintain accurate and confidential client records in accordance with HIPAA and other relevant regulations.
  
- **Qualifications:**
  - High School Diploma or GED.
  - Excellent leadership, communication, and interpersonal skills.
  - Commitment to promoting diversity, equity, and inclusion within the workplace and the community.

**DISTRICT MANAGER  
(DM)  
RESPONSIBILITIES**



### Responsibilities of a District Manager

**District Manager (DM):** The purpose of this position is to oversee day to day operations where there are 30 or more clients and to address issues or concerns of staff and clients. This includes:

- Going to the houses once a week to inspect paperwork as well as the cleanliness and safety of the house.
- Having a conversation with 2-3 clients on how the house is running. This should be done away from the House Manager, Community Support Associate (CSA) and any other clients. The purpose is to give the client the opportunity to speak freely without fear of judgment or retaliation. Anything said between the DM and the client should remain between them as long as it does not cause harm to other clients or to us as a business. (ex. Inappropriate sexual conduct, or threats of suicide).

Other responsibilities are as follows:

- To delegate responsibilities which involve each household.
- Meet with staff at least twice a month.
- Make sure that urinalysis is conducted twice a month.
- To keep the client base active (keep beds full). You must have the ability to make contact and build relationships to ensure clients are continually coming into the program.
- Be confident and well versed in problem resolution and critical thinking.
- Capable of assessing and reviewing notes to ensure that they are done correctly.

Routine weekly house inspection.

The DM has a responsibility to ensure everything under his/her supervision is being observed from paperwork to house management. This is a salary position and you are expected to always be on call. Please expect to work at least a minimum of 50 Hrs a week. IF you are not to commit to being on call then you should have an assistant that is aware of your situation to provide coverage for yourself and make your supervisor aware. If you have any questions or concerns about anything listed here, please feel free to call Mr. Angel. If you are not able to meet these obligations, then you could be demoted or terminated. Your signature certifies that you agree and accept these responsibilities.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**COMMUNITY SUPPORT ASSOCIATE  
(CSA)**

**RESPONSIBILITIES**

# Our House Of Favor

## *CSA RESPONSIBILITIES*

### NEW CLIENTS

1. When the client first comes through the door make sure the client turns in all medications and placed behind a locked door and a locked file cabinet. (Behind two locked doors)
2. Make sure the client washes all their clothes before taking any clothes to their room.
3. The client's property must be searched before they move their property into their room.
4. The client must have an intake completed within the first 24 hours of being in Our House of Favor.

### INTAKE

1. Create a file with the client's name on the tab of the folder.
2. Make a copy of the client's insurance card and identification card. If the client does not have a copy of their identification card then take a picture of the client and print it.
3. Fill out the personal information form and send it to HR.
4. The release of information form in the packet is to be used for their emergency contact and must be filled out. (Their contact can not be anyone in the program.) If the client is on Probation then we have to have a Release of Information in order for us to give the client services.
5. Read all the forms to the clients and make sure they fully understand. This process should not be rushed and is important.
6. Top 3 Forms on each client's file should be,
  - A. Copy of identification card and insurance card.
  - B. Release of Information form (make sure at the top of the form to label the R.O.I. emergency contact.)
  - C. Personal Information Form
7. Administer a drug screen for the client then complete a drug screen form and place the form in their file. Whenever a client's test has positive results then we administer another drug screen. If the client still is testing positive, then the client must have to complete a detox in order to be accepted in Our House of Favor. (We will allow Marijuana but must be monitored.)

8. Then after the intake is complete the front page with all the clients info should be sent to Ms. Saybah, Jeff, Lawrence, Felisha, Ms. Dorothy, and Ms. Gifty and this should be C.C in all together.

### **EXIT STRATEGY**

1. As soon as you know the client is leaving the program, the client must turn in all bedding and any other Our House of Favor. property. (Sheets, Pillows, Covers ect...)
2. Fill out an exit strategy form with the client and place it in the client's folder.
3. Do not put the folder back in the file cabinet, instead place the folder in the designated area for past clients and bring to the office the following day to be properly stored for confidentiality and audit purposes.
4. When the client is by the door, give the client their medication and explain they can not enter the sober living house after their medication is given back to them.
5. Make sure the client's bedding is washed and their room is ready for a new client to move in.
6. Then Email the exit strategy to Ms. Saybah, Jeff, Lawrence, Ms. Dorothy, and Ms. Gifty and all should be C.C. together.

### **One on One's**

1. Work on building a relationship with your client. Get to know your client. Our House of Favor Management closely monitors and makes sure all notes are accurate and being completed daily. If CSA's do not do a one on one with a client not only are you doing a disservice to the client but you are fraudulently billing under your name and could lose your credentials for this as well as give Our House of Favor a bad reputation.
2. How did you assist your client today?
  - A. Assist them in primary doctor appointments ,dental appointments, vision appointments.
  - B. Do they need a cell phone? It's detrimental if they have a cell phone, especially if we have a group via Telehealth.
  - C. Do they need bus passes? (LRCC and Federated Transportation) This will assist the client with transportation.
  - D. Another source of transportation is Medicab, have them call 72 hours prior to their appointments.
  - E. Is the client on maintenance medication? New lease has their own shuttle and will provide rides back and forth to their appointments.
  - F. Make sure to check their daily goal and weekly goal and see if you can be of any

assistance.

G. Have we signed them up for section 8? Have we signed them up for Housing Urban Development? The list will be long, so let's suggest they sign up early. H. The clients are now free from 11-2, Goodwill has great resources and will assist in most areas. Suggest the client making it to the office on Broadway and sign up for some programs.

I. Remember it's our responsibility to pass the message, do frequent status checks if the client has a sponsor, home group, doing any service work. Share your experience, strength and hope to encourage and give them a hope shot to prove the life you live is attainable.

J. This is a great time to check and see if your client is attending their 5 Mandatory meetings a week.

K. Do they struggle with time management? Help them create an agenda. Do they struggle with their food stamps not lasting? Help them shop and show them how to create meals to last. Do they struggle with finances? Work with them on a budget. Explain the difference between wants and needs.

L. Does your client have a resume? Help them create a resume for jobs.

3. These clients are your responsibility. It's our job as CSA's to provide the information and then it's their choice if they choose to apply it.

### Weekly Check List

1. Conduct a thorough room search of the client's room. **Check EVERYTHING.** This is not a room check to make sure the room is clean. This means checking every single thing in the room.
2. Random Drug screens will be assigned to the houses by management in the group chat. If for some reason we do not have forms, we still screen the clients and take pictures to fill out forms when you have some. Then file their drug screen form in their folder.
3. Make sure your filing cabinet has every form needed to complete your job successfully. Make sure all intakes are completed correctly and updated. We have scenarios when clients enter the program and do not have an Identification card or insurance card but obtain them later. Please make sure you make a copy of those and keep files updated.
4. Make sure all your discharge summaries are completed for the clients that have left.

### Incident Reports

1. Let the rules govern the house.
2. Anytime a client has to go to the hospital or an emergency situation, we must document that and file in their folder.
3. We must make sure to file incident reports for relapse and detox situations.
4. Explain to the client he/she will be on two weeks property restrictions when returning from

detox.

5. If the detox beds are full and the client has to wait on a bed to open then he/she is on property restriction and not to leave the house.

6. If the incident report is part of our zero tolerance policies then report to management immediately.

### **Daily Duties**

1. Check the rooms and chores. Make sure every client signed the chore sheet. 2.

Administer medications.

2. Make sure every client is out of the house at the designated times.

3. Make it to work on time.

4. It is also your job to help keep the beds full. While at meetings or anytime possible please give them Jeff, Lawrence, and the Our House of Favor Office number for a pre-screen to be completed.

**HOUSE MANAGER  
(HM)  
RESPONSIBILITIES**

# Our House Of Favor

## *House Manager RESPONSIBILITIES*

### NEW CLIENTS

1. When the client first comes through the door make sure the client turns in all medications and placed behind a locked door and a locked file cabinet. (Behind two locked doors)
2. Make sure the client washes all their clothes before taking any clothes to their room.
3. The client's property must be searched before they move their property into their room.
4. The client must have an intake completed within the first 24 hours of being in Our

House Of Favor,

### INTAKE

1. Create a file with the client's name on the tab of the folder.
2. Make a copy of the client's insurance card and identification card. If the client does not have a copy of their identification card then take a picture of the client and print it.
3. Fill out the personal information form (Front Sheet) and send it to HR.
4. The release of information form in the packet is to be used for their emergency contact and must be filled out. (Their contact can not be anyone in the program.) If the client is on probation the client has to have an R.O.I to provide services to the client.
5. Read all the forms to the clients and make sure they fully understand. This process should not be rushed and is important.
6. Top 3 Forms on each client's file should be,
  - A. Copy of identification card and insurance card.
  - B. Release of Information form (make sure at the top of the form to label the R.O.I. emergency contact.)
  - C. Personal Information Form (Front Sheet)
7. Administer a drug screen for the client then complete a drug screen form and place the form in their file. Whenever a client's test has positive results then we administer another drug

screen. If the client still is testing positive, then the client must have to complete a detox in order to be accepted in Our House Of Favor. ( We will allow Marijuana but it must be monitored)

8. After the intake is completed it should then be sent in to the following and CC together Saybah Glay, Jeff Angel, Lawrence Massaquoi, Felisha Turner, Gifty Nepay, Ms. Dorothy. If you don't have the emails, please acquire them.

### **EXIT STRATEGY**

1. As soon as you know the client is leaving the program, the client must turn in all bedding and any other property. (Sheets, Pillows, Covers ect...)

2. Fill out an exit strategy form with the client and place it in the client's folder. 3.

Do not put the folder back in the file cabinet, instead place the folder in the designated area for past clients and bring it to the office the following day.

4. When the client is by the door, give the client their medication and explain they can not enter the sober living house after their medication is given back to them

5. Make sure the client's bedding is washed and their room is ready for a new client to move in.

6. Email the exit strategy to the following people. Saybah Glay, Jeff Angel, Lawrence Massaquoi, Felisha Turner, Gifty Nepay, Ms. Dorothy. If you don't have the emails, please acquire them. And should be CC together.

### **Weekly Check List**

1. Conduct a thorough room search of the client's room. **Check EVERYTHING.** This is not a room check to make sure the room is clean. This means checking every single thing in the room.

2. Random Drug screens will be assigned to the houses by management in the group chat. If for some reason we do not have forms, we still screen the clients and take pictures to fill out forms when you have some. Then file their drug screen form in their folder.

3. Make sure your filing cabinet has every form needed to complete your job successfully. Make sure all intakes are completed correctly and updated. We have scenarios when clients enter the program and do not have an Identification card or insurance card but obtain them later. Please make sure you make a copy of those and keep files updated.

4. Make Sure a client roster of your location to the following 6 management and administration on Monday's and Friday's. Saybah Glay, Jeff Angel, Lawrence Massaquoi, Felisha Turner, Gifty Nepay, Ms. Dorothy. If you don't have the emails, please acquire them.

### **Incident Reports**

1. Let the rules govern the house.

2. Anytime a client has to go to the hospital or an emergency situation, we must document that and file in their folder.

3. We must make sure to file incident reports for relapse and detox situations.
4. Explain to the client he/she will be on two weeks property restrictions when returning from detox.
5. If the detox beds are full and the client has to wait on a bed to open then he/she is on property restriction and not to leave the house.
6. If the incident report is part of our zero tolerance policies then report to management immediately.

### **Daily Duties**

1. Check the rooms and chores. Make sure every client signed the chore sheet.
2. Administer medications.
3. Make it to work on time.
- 4.. Make it to work on time.
5. It is also your job to help keep the beds full. While at meetings or anytime possible please give them Lawrence, Jeff, and Felisha's contact information.



# Louisville Metro Government

## Text File

File Number: 26-VARIANCE-0041

---

**Agenda Date:** 5/4/2026

**Version:** 1

**Status:** Public Hearing

**In Control:** Board of Zoning Adjustment

**File Type:** Planning Case

## JUSTIFICATION

## OFFICE OF PLANNING

To justify approval of any variance, the Board or Commission considers the following criteria.

Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes**, **No**, or **N/A** will **NOT** be accepted.

1. Explain how the variance will not adversely affect the public health, safety, or welfare.

No impact to Traffic & Pedestrians. Several ft from street.

2. Explain how the variance will not alter the essential character of the general vicinity.

No uncommon to build to property line in this area

3. Explain how the variance will not cause a hazard or a nuisance to the public.

on private property no safety concerns.  
Does not impede vision or Traffic

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Does not intrude on neighbors property. Property lacks alley access so structure is understandable provided in PVA

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

this is a corner lot so my structure should be in line with neighboring lot

6. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The narrowing ~~of~~ width of property makes conforming to infill standards difficult

7. Are the circumstances the result of actions of the applicant taken after the adoption of the regulation from which relief is sought?

Driveway is already constructed. I stopped work on structure when I determined I needed permit

# Board of Zoning Adjustment

## Staff Report

May 4, 2026



<b>Case No:</b>	26-VARIANCE-0041
<b>Project Name:</b>	Claremont Avenue Variance
<b>Location:</b>	101 Claremont Avenue
<b>Applicant:</b>	Paul & Emilie Pfeiffer
<b>Representative:</b>	Paul Pfeiffer
<b>Jurisdiction:</b>	Louisville Metro Government
<b>Council District:</b>	9 – Andrew Owen
<b>Case Manager:</b>	Zach Schwager, Planner I

**REQUEST**

- **Variance** from Land Development Code (LDC) Table 5.1.12.A.2.e to allow a structure to encroach into the required infill street side yard setback and section 5.4.1.D to reduce the private yard area.

Location	Requirement	Request	Variance
Street Side Yard	11 ft.	0 ft.	11 ft.
Private Yard Area	500 sq. ft.	0 sq. ft.	500 sq. ft.

**CASE SUMMARY**

The site is approximately 0.2 acres and is in the R-5 Single-Family Residential zoning district and Traditional Neighborhood form district. It is located on the eastern corner of Claremont Avenue and Arterburn Avenue. The applicant is proposing to construct a carport that would encroach into the required street side yard setback and reduce the private yard area.

**STAFF FINDING**

The requested variance is adequately justified for approval based on the analysis contained in the standard of review.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE**

1. The requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety, or welfare, because the proposed structure would not impact vision clearance or any other public health or safety issue.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity as there are a variety of accessory structures in the area that encroach into setbacks.

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

STAFF: The requested variance does not arise from circumstances which do generally apply to land in the general vicinity, or in the same zone as the subject property is similar to the neighboring properties.

4. The strict application of the provision 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 strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land because the structure is proposed to be placed on a street that serves as an alley.

5. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as work has begun on the proposed alterations for which the variance is being requested.

**REQUIRED ACTION**

- **APPROVE** or **DENY** the **Variance** from Land Development Code (LDC) Table 5.2.2 to allow a structure to encroach into the required street side yard setback and section 5.4.1.D to reduce the private yard area.

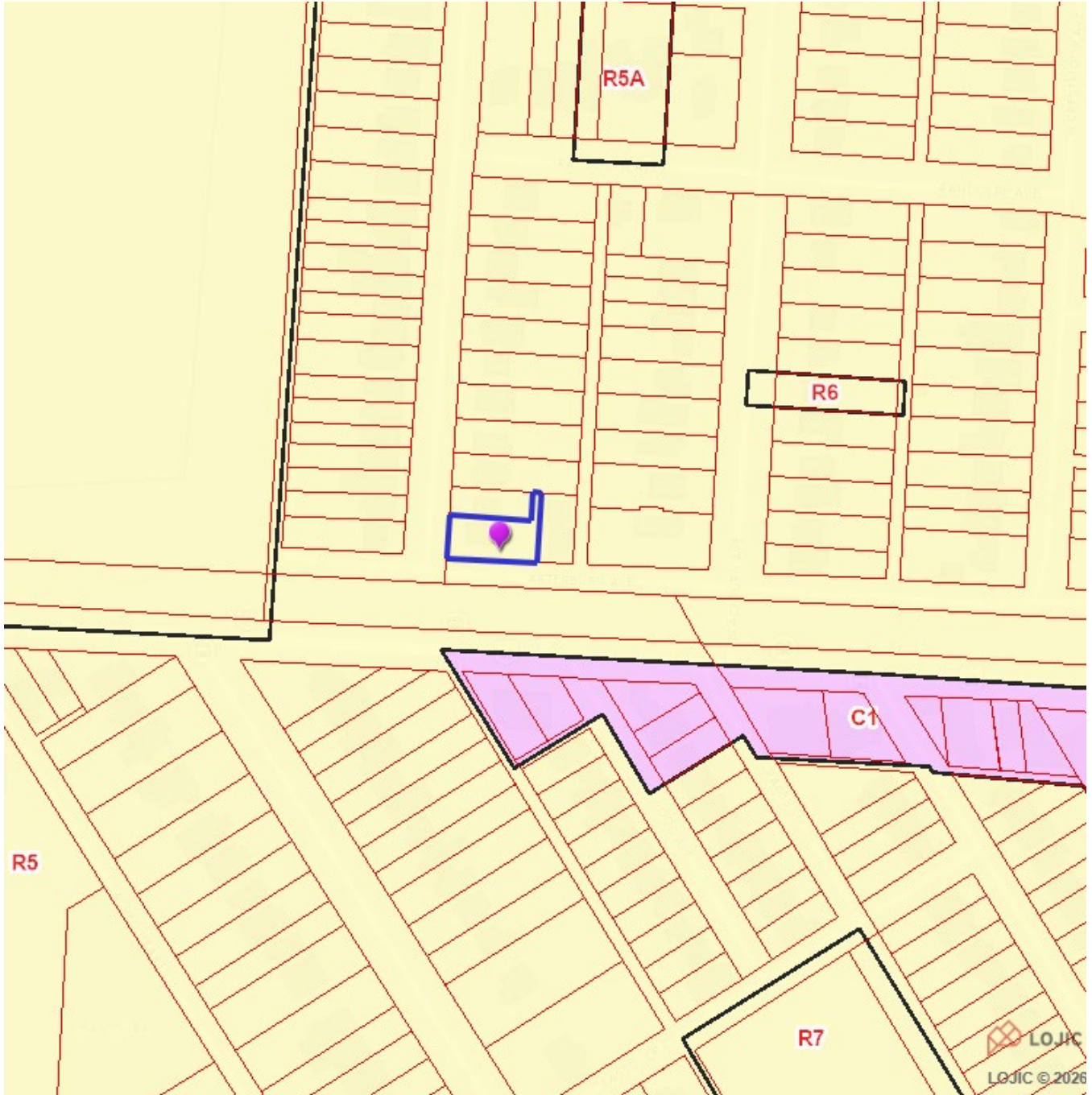
**NOTIFICATION**

Date	Purpose of Notice	Recipients
4/17/2026	Hearing before Board of Zoning Adjustment	1 <sup>st</sup> tier adjoining property owners and current residents
4/16/2026		Registered Neighborhood Groups in Council District 9

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph





**RECEIVED**

MAR 20 2026

OFFICE OF PLANNING

26-VARIANCE#

Date: Wed, Mar 18, 2026, 4:36 PM

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**CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.**

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Mr. Arnett,

Yes I started on my project on March 7th. I realized I forgot to apply for a building permit on March 8th. I stopped work immediately, that day, which was Sunday, March 8th. I applied for a permit on Monday morning, March 9th. I have not proceeded with the project, to date, as I am waiting for my permit approval. I will be home all day tomorrow March 19. Please contact me when you get here.

Thanks,

Paul Pfeiffer

101 Claremont Ave.

Lou. Ky. 40206

502-773-1727

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2 Emails

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MAR 20 2026  
OFFICE OF PLANNING

March Addresses



Gray

50' 220'

59.5'

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MAR 20 2026  
PLANNING & L  
SERVICES



new driveway

20'

22'

20'

ARTERBURN AVE

30ft

26-VARIANCE-034



# Louisville Metro Government

## Text File

File Number: 26-CUP-0052

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**Agenda Date:** 5/4/2026

**Version:** 1

**Status:** Public Hearing

**In Control:** Board of Zoning Adjustment

**File Type:** Planning Case

# Board of Zoning Adjustment

## Staff Report

May 4, 2026



<b>Case No:</b>	26-CUP-0052
<b>Project Name:</b>	Veterinary Specialist Partners
<b>Location:</b>	925 Ulrich Avenue
<b>Applicant:</b>	Traud Properties LLC
<b>Representative:</b>	Scott Rizzo
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	21 – Betsy Ruhe
<b>Case Manager:</b>	Jude Mattingly, Planner II

### REQUEST(S)

- **Conditional Use Permit** for a Crematory in EZ-1 zoning (LDC 4.2.59)

### CASE SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) to allow for a Crematory in EZ-1 zoning. There is no new construction associated with this request and as a result the proposed use will take place in an existing 5,067 SF structure. Located roughly 0.60 miles E of the Fern Valley Rd exit off of Interstate 65, the subject site is adjacent to additional EZ-1 zoning and land uses along each property line. The proposed Crematory will specialize in pet cremations with animals being securely transported to the site for the service. The applicant has indicated that the public will not be visiting the site.

There are no variances or waivers associated with this proposal. There is adequate parking for the proposed use.

### STAFF FINDING

The request meets the criteria for the CUP and is in compliance with the standard of review and as such is adequately justified for approval based on staff's analysis.

### TECHNICAL REVIEW

- Land Development Code (2025); Comprehensive Plan 2040

#### ***- 4.2.59 Crematories Conditional Use Permit***

Crematories may be allowed in any non-residential district, or as an accessory use to a cemetery within a residential district upon the granting of a Conditional Use Permit and compliance with the conditional use permit requirements.

- Transportation Planning/Public Works and MSD have preliminarily approved the proposal.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT**

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

**STAFF:** The proposal does not conflict with Comprehensive Plan policies.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

**STAFF:** The proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and appearance.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

**STAFF:** Necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation adequate to serve the proposed use are available.

4. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

**4.2.59 Crematories**

Crematories may be allowed in any non-residential district, or as an accessory use to a cemetery within a residential district upon the granting of a Conditional Use Permit and compliance with the listed standards.

- A. The site shall be reviewed by the Air Pollution Control Board (APCD), and a permit shall be obtained in conformance with APCD requirements
- B. The crematory operation shall be a minimum of 200 feet from property containing a residential use, or greater distance as required by the board

**STAFF:** The Crematory operation is roughly 450’ away from the nearest residential use. The request is in compliance with the standard of review and is adequately justified for approval based on staff’s analysis. APCD may review further during any construction review requirements and may require a permit.

**REQUIRED ACTION:**

- **APPROVE** or **DENY** the **Conditional Use Permit** to allow for a Crematory in EZ-1 zoning (LDC 4.2.59)

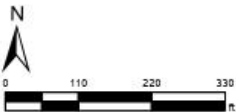
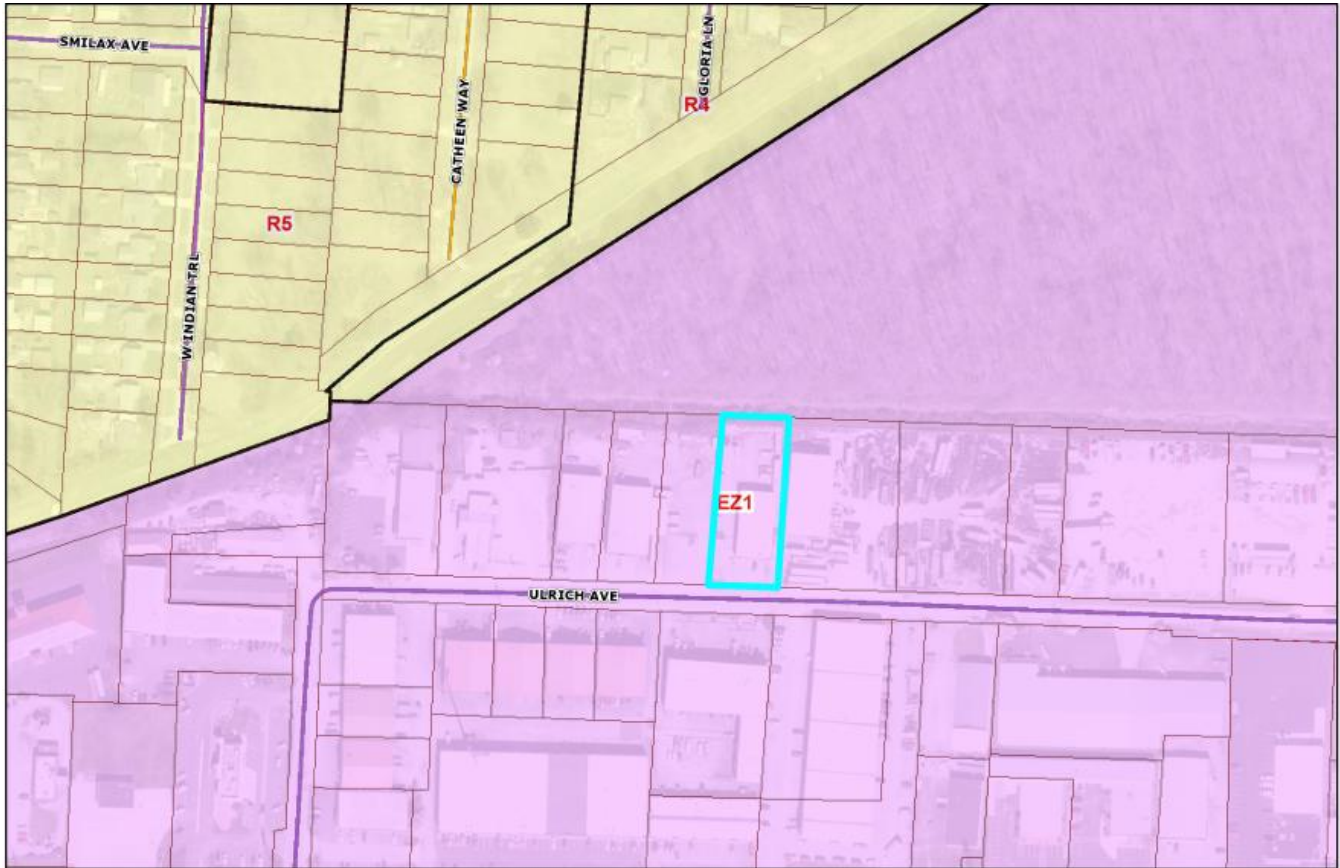
**NOTIFICATION**

Date	Purpose of Notice	Recipients
04/17/2026 04/20/2026	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners, current residents and registered Neighborhood Groups in Council District 21
04/20/2026	Hearing before BOZA	Sign Posting on property

**ATTACHMENTS**

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Conditions of Approval

1. **Zoning Map**



**Zoning Map**

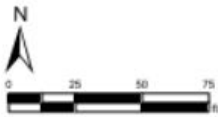
Monday, April 27, 2026 | 10:55 AM



LOJIC © 2026

This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



**Aerial Photograph**

Monday, April 27, 2026 | 10:57 AM



LOJIC © 2026

This map is not a legal document and should only be used for general reference and identification.

3. Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a Crematory until further review and approval by the Board.

**LAND DESIGN & DEVELOPMENT, INC.**  
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE  
503 Washburn Avenue, Suite 101  
Louisville, Kentucky 40222  
(502) 426-9374

**Letter of Explanation  
Conditional Use Permit  
Veterinary Specialist Partners  
925 Ulrich Ave  
Louisville, KY  
(03/23/26)**

The Applicant is requesting a conditional use permit from section 4.2.59 of the Louisville Metro Land Development Code to convert an existing building into a pet crematory. The current proposal is for two crematory units with the possibility of expansion up to six units at some point in the future. The 5,067 SF main structure on this site is where all activities will occur. The lean-to structure and storage containers will remain on the site and only be used for miscellaneous storage if needed. The 10 existing parking spaces will remain and will satisfy the minimal parking demands of the employees and patrons of the business. The property is currently zoned EZ-1, located in the Suburban Workplace Form District and is within Louisville Metro. There are no waivers or variances requested. No physical changes are proposed to the layout of the site.

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PLANNING**

26-cep-008 226

## Neighborhood Meeting Summary Veterinary Specialist Partners – 925 Ulrich Ave 3/3/26

The neighborhood meeting began at 6:00 pm and the location was at the subject site, located at 925 Ulrich Avenue, Louisville, KY.

Members of the development team in attendance included:

Mike Hill-Land Design and Development, Inc.  
Scott Rizzo-Veterinary Specialist Partners  
Drew Hill-Matthews Environmental Solutions  
Krista Yockey-Cornerstone Group

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PLANNING

Three individuals, who were nearby business owners, attended the meeting.

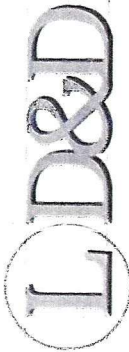
A summary of the project and the Conditional Use Permit review process were outlined for the attendees.

Questions related to the following were asked:

- Will there be any changes to the property?
  - The existing building will be renovated and reused for this new business. No additional buildings or building additions are proposed. The existing parking lot will remain and be resurfaced where necessary. The accessory structures at the rear of the site will remain as is and will be used for miscellaneous storage if needed.
- Will there be smoke or odor associated with the crematory activity?
  - It was explained that the high-quality crematory and ventilation system will not produce any detectable smoke or odors. The level of heat produced during the process will eliminate any odors. There will be exhaust stacks protruding above the roof about 3' feet in height. The stacks will be 21" in diameter. Only vapors will be seen exiting the building via the stacks, no visible smoke. The business will obtain all required federal, state and local permits and licenses applicable for crematory activities.
- How many crematory units will there be?
  - Initially there will be two crematory units installed in the building, each having its own stack through the roof. Eventually, the operation could expand to include up to six total crematory units.
- How many cremations are anticipated per day?
  - The facility, with two crematory units, could handle up to approximately 14 cremations per day.
- Will the service be loud?
  - The sound created during the creation process would be no louder than the sound an exterior HVAC unit would make.
- How many employees will the business have.
  - There will be three employees at the site.
- How will the animals arrive at the site? Will the public come to the site?
  - Animals will be picked up at various local animal hospitals and veterinary clinics and delivered directly to this site and directly into the building via an overhead door at the rear of the building. The public will not come to this building.

The meeting ended at approximately 6:30 PM.

26-CP-0052



LAND DESIGN & DEVELOPMENT, INC.  
 ENGINEERING • LAND SURVEYING • LANDSCAPE ARCHITECTURE  
 503 WASHINGTON AVENUE • SUITE 101 • LOUISVILLE, KENTUCKY 40222  
 PHONE: 502.426.9314 • FAX: 502.426.9315

# NEIGHBORHOOD MEETING SIGN-IN SHEET

Project No: 2G007 ULRICH AVE  
 Date: 3/3/26

NAME	ADDRESS	EMAIL
Lisa Clark	<del>917</del> 7419 Dorsey Ct. 40014 Crestwood	schank867@gmail.com
Michael Clark	"	MichaelClark1899@gmail.com
Sarah Mann	917 Ulrich Ave, 40219	Sarah@fdpierce.com
Krista Yockey	300 Missouri Ave #102 Jeffersville, W	Kirsta@Streakstate.com

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26-649-608

TRAUD, PROPERTIES LLC  
PO BOX 91007  
LOUISVILLE, KY, 40291-0007

DOT, EVE HOLDINGS LLC  
7419 DORSEY CT  
CRESTWOOD, KY, 40014-9766

ULRICH, CENTER LLC  
3201 FERN VALLEY RD STE 212  
LOUISVILLE, KY, 40213-3569

OBRYAN, LIVING TRUST THE  
7500 COUNTRY SQUIRE LN  
LOUISVILLE, KY, 40291-3569

ASHBY, ROLAND  
3514 ROCK ROSE LN  
LA GRANGE, KY, 40031-9640

STORM, WATER BANK LLC  
4910 BROWNSBORO RD STE 100  
LOUISVILLE, KY, 40222-6474

ASHBY, ROLAND  
3514 ROCK ROSE LN  
LA GRANGE, KY, 40031-9640

L, SMITH COMPANY LLC  
3201 FERN VALLEY RD STE 212  
LOUISVILLE, KY, 40213-3569

3103, FERN VALLEY ROAD LLC  
1041 ALTA VISTA RD  
LOUISVILLE, KY, 40205-1727

GOMEZ, ROSALINO ESTERFINO PER  
GOMEZ CIDIA YANETH VICEN  
6120 GLORIA LN  
LOUISVILLE, KY, 40213-3234

LOUISVILLE, JEFFERSON COUNTY METRO  
527 W JEFFERSON ST FL 4  
LOUISVILLE, KY, 40202-2814

MSD,  
700 W LIBERTY ST  
LOUISVILLE, KY, 40203-1911

SHANKS, ALBERT A JR & MARY K  
6117 GLORIA LN  
LOUISVILLE, KY, 40213-3233

LOUISVILLE METRO OFFICE OF PLANNING  
ATTN: JUDE MATTINGLY  
444 S. 5<sup>TH</sup> STREET, 3<sup>RD</sup> FLOOR  
LOUISVILLE, KY 40202

COUNCILMEMBER BETSY RUHE  
METRO COUNCIL DISTRICT 21  
601 W. JEFFERSON ST  
LOUISVILLE, KY 40202

LISA & MICHAEL CLARK  
7419 DORSEY CT  
CRESTWOOD, KY 40014

SARAH MANN  
917 ULRICH AVE  
LOUISVILLE, KY 40219

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MAR 23 2026

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PLANNING

26-UP-0082



# Louisville Metro Government

## Text File

File Number: 26-CUP-0050

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**Agenda Date:** 5/4/2026

**Version:** 1

**Status:** Public Hearing

**In Control:** Board of Zoning Adjustment

**File Type:** Planning Case

# Bathrooms



RECEIVED March 25, 2026

Planning and Design



26-CUPPA-0018

231

# Bedroom 1



RECEIVED March 25, 2026

Planning and Design

26-CUPPA-0018

232

## Bedroom 2



RECEIVED March 25, 2026

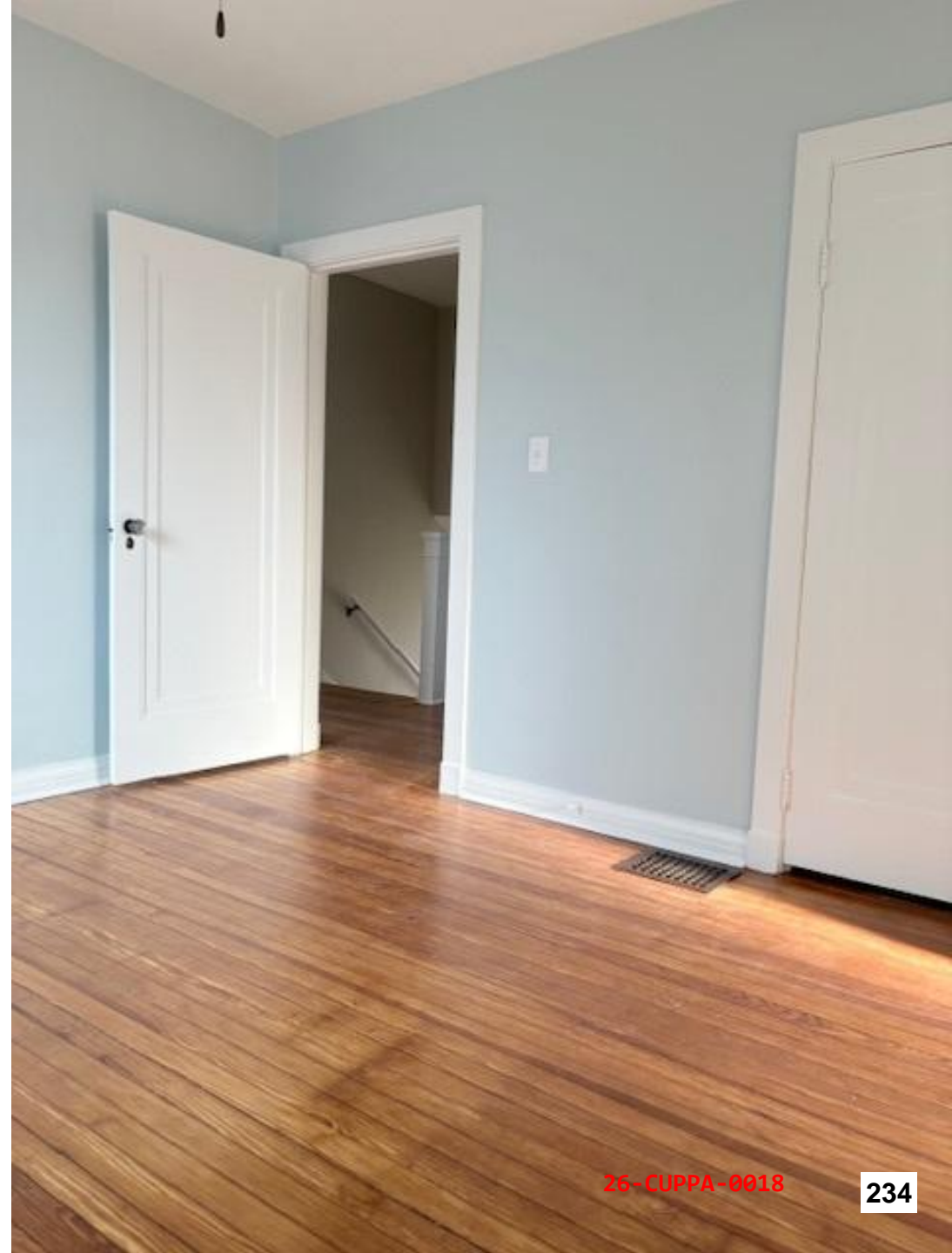
Planning and Design

26-CUPPA-0018

233



Bedroom 3



RECEIVED March 25, 2026

Planning and Design

25-CUPPA-0018

234

## **DETAILED SUMMARY SHEET**

The applicant is seeking a Conditional Use Permit (“CUP”) to allow a short-term rental (“STR”) that is not owner occupied. The existing single-family home has two-stories and 1,505 square feet, with 3 bedrooms and 2 bathrooms, located close to Southern Parkway. The applicant will not be making any external alterations other than replacing some decking and wood siding, fresh paint and new landscaping. The interior will involve an updated kitchen and bathrooms, refinished hardwood floors and new paint/fixtures. There is ample parking on the site. The rear of the site is within 600 ft of another short-term rental, but not the entire property.

A CUP pre-application was filed for review with the Office of Planning that was assigned case number **26-CUPPA-0018** and case manager **Tyler Pobiedzinski**.

The property is located at the southeast quadrant of S. 6<sup>th</sup> Street and Hill Top Court as shown on the attached “LOJIC” Site Location” attachment.

The present zoning is R-5 and the present form district is Traditional Neighborhood with no proposed changes thereto.

## **CONTACT INFORMATION SHEET**

### **1. PRIMARY CONTACT**

*Bardenwerper, Talbott & Roberts, PLLC  
1000 N. Hurstbourne Pkwy., Suite 200  
Louisville, KY 40223  
Nicholas R. Pregliasco – (502) 777-8831  
[nrp@bardlaw.net](mailto:nrp@bardlaw.net)*

### **2. APPLICANT**

*Jason Nelson  
[deeking55@hotmail.com](mailto:deeking55@hotmail.com)*

### **3. CASE MANAGER OR SUPERVISOR**

*Tyler Pobiedzinski, Planner I  
Office of Planning  
444 South Fifth Street, Suite 300  
Louisville, KY 40202  
(502) 574-5177  
[Tyler.Pobiedzinski@louisvilleky.gov](mailto:Tyler.Pobiedzinski@louisvilleky.gov)*

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## **OFFICE OF PLANNING ONLINE CUSTOMER SERVICE PORTAL INFORMATION SHEET**

To view details of the zone change online, use the link at:

<https://aca-louisville.accela.com/LJCMG/Welcome.aspx?TabName=Home&TabList=Home>

Click on the “Search” tab  
Then “Planning Applications”  
Enter case number in “Record Number” box  
Click on “Record Info” tab

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SUITE 200 • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • WWW.BARDLAW.NET

Nicholas R. Pregliasco  
Mobile: 502.777.8831  
Email: NRP@BARDLAW.NET

February 2, 2026

Case Manager  
Louisville Metro Office of Planning  
444 S. 5<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Louisville, KY 40202

Re: Conditional Use Permit Pre-App application for a Short-Term Rental

Dear Case Manager:

We are herewith filing a CUP pre-app application to allow a short-term rental, that is not owner-occupied, on property zoned R-5 and located at 4513 South 6<sup>th</sup> Street.

The existing home is a two-story, 1,505 square feet home with 3 bedrooms and 2 bathrooms close to Southern Parkway. The applicant will not be making any external alterations other than replacing some decking and wood siding, fresh paint and new landscaping. The interior will involve an updated kitchen and bathrooms, refinishing the hardwood floors and new paint/fixtures. The applicant's intent is to be welcoming to families/couples that need a place to stay while respecting the beauty of the area.

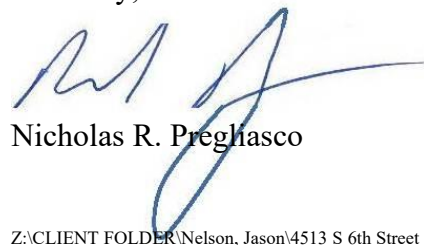
There is ample parking on the site and the rear of the property is within 600 ft of another short-term rental, but not the full property. The applicant will be requesting relief from the 600 foot rule based upon the enumerated exception for partial overlap.

We are in the process of scheduling the neighborhood meeting. Once we have finalized details, we will notify you of same.

We look forward to answering any questions you may have regarding this development.

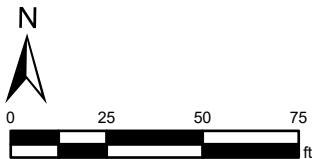
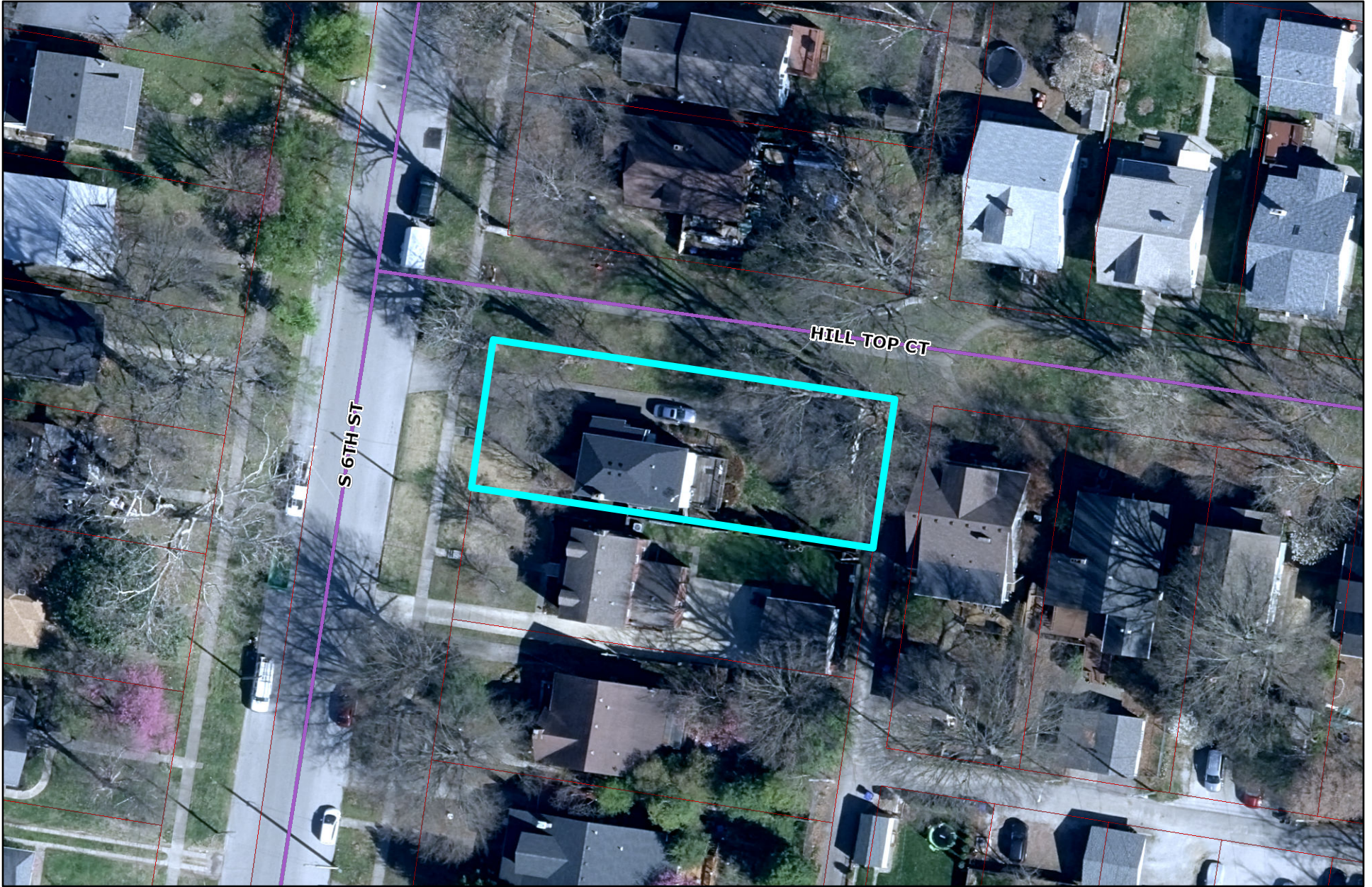
Many thanks.

Sincerely,



Nicholas R. Pregliasco

Z:\CLIENT FOLDER\Nelson, Jason\4513 S 6th Street CUP\Application\Pre-app letter of explanation.doc



# 4513 S 6th St

Monday, February 9, 2026 | 2:42 PM



LOJIC © 2026

This map is not a legal document and should only be used for general reference and identification.

**Board of Zoning Adjustment**  
**Staff Report**  
May 4, 2026



<b>Case No:</b>	26-CUP-0050
<b>Project Name:</b>	Short Term Rental
<b>Location:</b>	4513 S 6th St
<b>Applicant:</b>	Jason Nelson
<b>Representative:</b>	Bardenwerper Talbott & Roberts, PLLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	21 – Betsy Ruhe
<b>Case Manager:</b>	Tyler Pobiedzinski, Planner I

**REQUEST**

- **Conditional Use Permit** to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63).

**CASE SUMMARY**

The applicant is seeking approval to operate a short-term rental within a dwelling unit that is not the owner’s primary residence. The subject property is zoned R-5 Single-Family Residential and is located within the Traditional Neighborhood Form District. The property is situated in the Beechmont neighborhood, near the intersection of South 6th Street and Katheen Avenue.

The site is currently developed with a single-family residential structure and a detached garage. According to the applicant, the dwelling contains three (3) bedrooms, supporting a maximum occupancy of eight (8) guests. Off-street parking is available on-site. At the time of this report, there is one (1) short-term rental within 600 feet of the subject property that has been approved through a Conditional Use Permit.

**STAFF FINDING**

The proposed short-term rental requires relief from Section 4.2.63(D) of the Land Development Code, as there is currently one (1) other short-term rental with an approved Conditional Use Permit located within 600 feet of the subject property. Based on staff’s analysis under the applicable standards of review, the request for relief, and therefore the Conditional Use Permit, is not sufficiently justified to support approval.

As part of this request for relief, the applicant must demonstrate that the proposed short-term rental will not result in an overconcentration of such uses within the immediate vicinity and/or will not adversely affect the availability of affordable housing stock in the surrounding neighborhood.

**INTERESTED PARTY COMMENTS**

Staff has received seven (7) interested party comments submitted via email, which have been provided to the Board Members.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT**

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal is not consistent with the policies of the Comprehensive Plan. Housing Goal 3 emphasizes the importance of ensuring long-term affordability and maintaining livable housing options within established neighborhoods, including the preservation and improvement of existing housing stock. Additionally, Housing Goal 3, Policy 2 discourages the displacement of residents from their communities.

The 600-foot separation requirement is intended to support these housing objectives by preventing an overconcentration of short-term rentals within a given area. Granting relief from this requirement would be inconsistent with the stated goals and policies of the Comprehensive Plan and could undermine efforts to preserve neighborhood stability and housing affordability.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with surrounding land uses and the general character of the area, including considerations such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and overall appearance. As no exterior modifications to the property are proposed, the existing compatibility with the neighborhood will be maintained.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: Adequate on-site and off-site public facilities, including transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation, are available to support the proposed use.

4. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

**4.2.63** Short Term Rental of a dwelling unit that is not the primary residence of the owner or the short term rental of a condominium unit that is the primary residence of the owner in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district; Short Term Rental of a dwelling unit that is not the primary residence of the owner or a condominium unit that is the primary residence of the owner that is in a OR, OR-1, or OR-2 district and a TN form district; and Short Term Rental of any dwelling unit in a TNZD district:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 30 consecutive days, or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the registered property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. If the aforementioned occupancy allows for more than 12 individuals, there shall be a maximum of 12 persons over the age of 16. The Board may further restrict the number of individuals. Relief to this

provision may be provided by the Board on a case-by-case basis if the applicant can demonstrate that a greater occupancy will be in compliance with life safety and occupancy standards and the short term rental is of a sufficient distance to not adversely impact neighboring property.

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to nearest property line) to any property (i) on which another approved short term rental that required a conditional use permit is situated or (ii) located in an OR, OR-1 or OR-2 district and a TN form district which has an active registration and has maintained an active registration prior to the effective date of this provision and it has not been conclusively proven to the Board that the holder of the registration is the owner of the property, and the property is the owner's primary residence. Relief to this provision may be provided by the Board on case-by-case basis for the following reasons; however relief may be denied upon consideration of other factors and the burden is on the applicant to demonstrate that the subject short term rental would not contribute to an overconcentration of short term rentals in the immediate area and/or adversely affect the affordable housing stock in the immediate area.

(1) Reasons for Potential Relief:

(a) The Property is adjacent to nonresidential zoning districts that allow short term rentals by right

(b) There is a significant environmental feature or primary collector or higher classification road that separates the proposed short term rental from other short term rentals within the buffer area

(c) A short term rental property within the buffer area is located on the perimeter of the buffer area, with part of the property being located outside of the buffer area

(d) A neighborhood plan encourages and supports short term rentals in the subject area

In applications where the entire area encapsulated by the 600 foot buffer is residentially zoned (including TNZD areas mapped Neighborhood General), under no circumstance shall the Board provide relief to this provision in cases in which two or more short term rentals with conditional use permits are already in existence within 600 feet.

(2) The following exceptions to this separation requirement apply:

(a) The separation requirement shall not apply to a property on which the conditional use permit is conditioned that the owner acts as host and maintains their primary residency within another dwelling unit in the same building or on the same parcel of land.

(b) The separation requirement shall not apply between two or more short term rentals on a single property being reviewed under the same conditional use permit application. However, if the property is subdivided after the conditional use permit is granted, a new conditional use permit shall be required in order for any new lot(s) to have a short term rental, with the separation requirements applying to that subsequent application.

(c) The separation requirement shall not apply to a property in the TNZD district on which the conditional use permit is conditioned that the host shall maintain their primary residency within the dwelling unit.

- E. The building in which dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit in a multi-family building, the condominium unit must be the primary residence of the owner. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. This evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board wherein all condominium owners were notified that short term rental of the subject condominium would be discussed and a majority of the board members voted in favor of permitting /allowing the short term rental of the subject condominium. In addition to notification required by Chapter 1 1 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity.
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the registration pursuant to section 4.3.23. When the Planning Director revokes an approved registration, staff shall schedule a public hearing for the Board to consider revoking the associated conditional use permit. The Board may also revoke the conditional use permit for other reasons pursuant to section 11.5A.6.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void. In order to commence short term rentals, a new conditional use permit must be granted if required by this Land Development Code
- L. An active registration of the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for thirty (30) days, or in the event of a changer of ownership and/or host, a new registration is not issued within thirty (30) days from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code and such conditional permit must satisfy the applicable requirements for a conditional use permit in effect at the time the new application for a conditional use permit is filed.

STAFF: The request does not comply with Section 4.2.63(D) of the Land Development Code and requires relief, as there is one (1) short-term rental with an approved Conditional Use Permit located within 600 feet of the subject property. Given the number of short-term rentals in the

surrounding area, approval of the requested relief would contribute to an overconcentration of such uses.

**REQUIRED ACTIONS**

- **APPROVE** or **DENY** the **CONDITIONAL USE PERMIT** to allow a short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63)

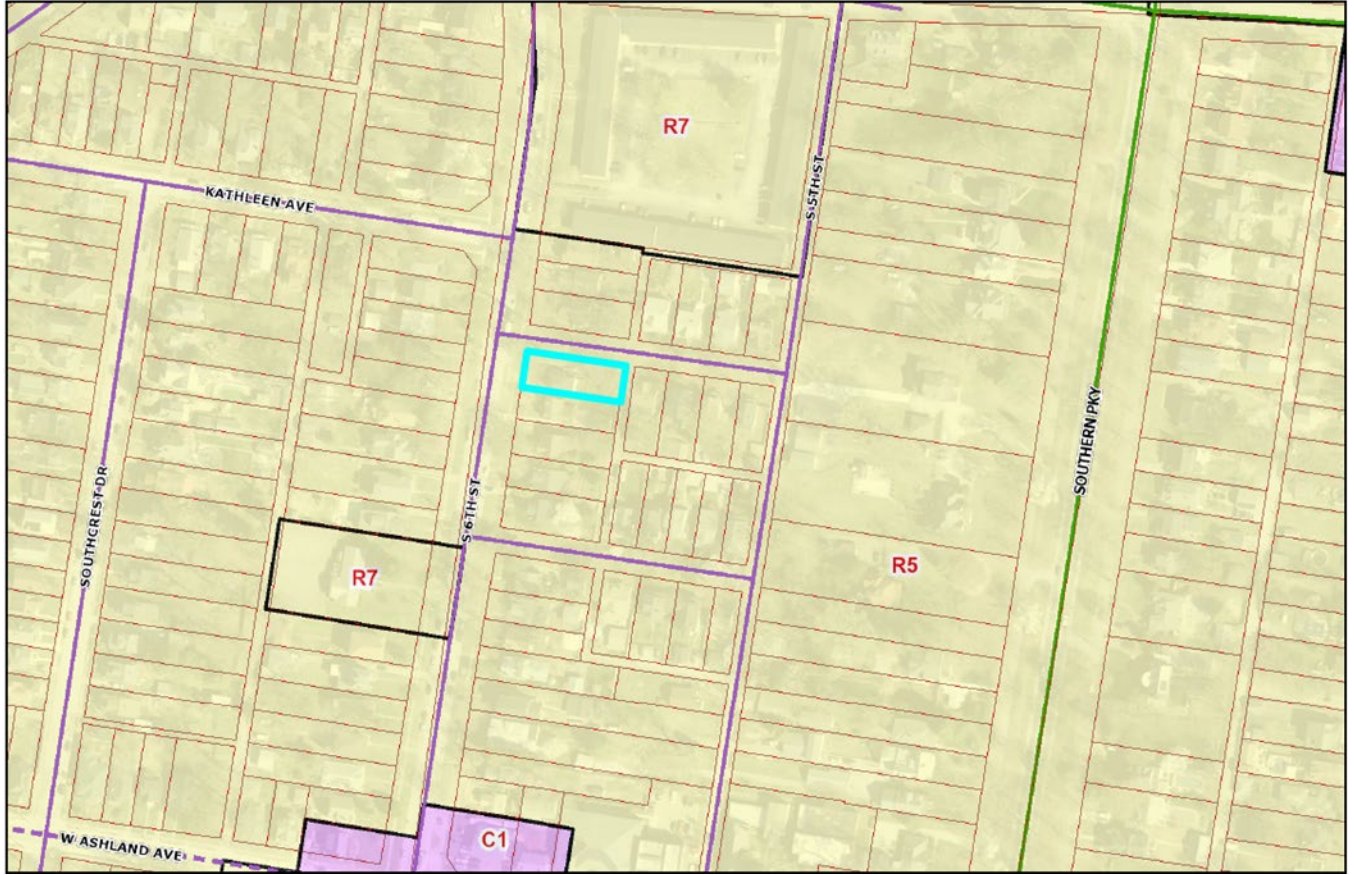
**NOTIFICATION**

Date	Purpose of Notice	Recipients
4/20/26	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining properties Registered Neighborhood Groups in Council District 21
4/20/26	Hearing before BOZA	Sign Posting

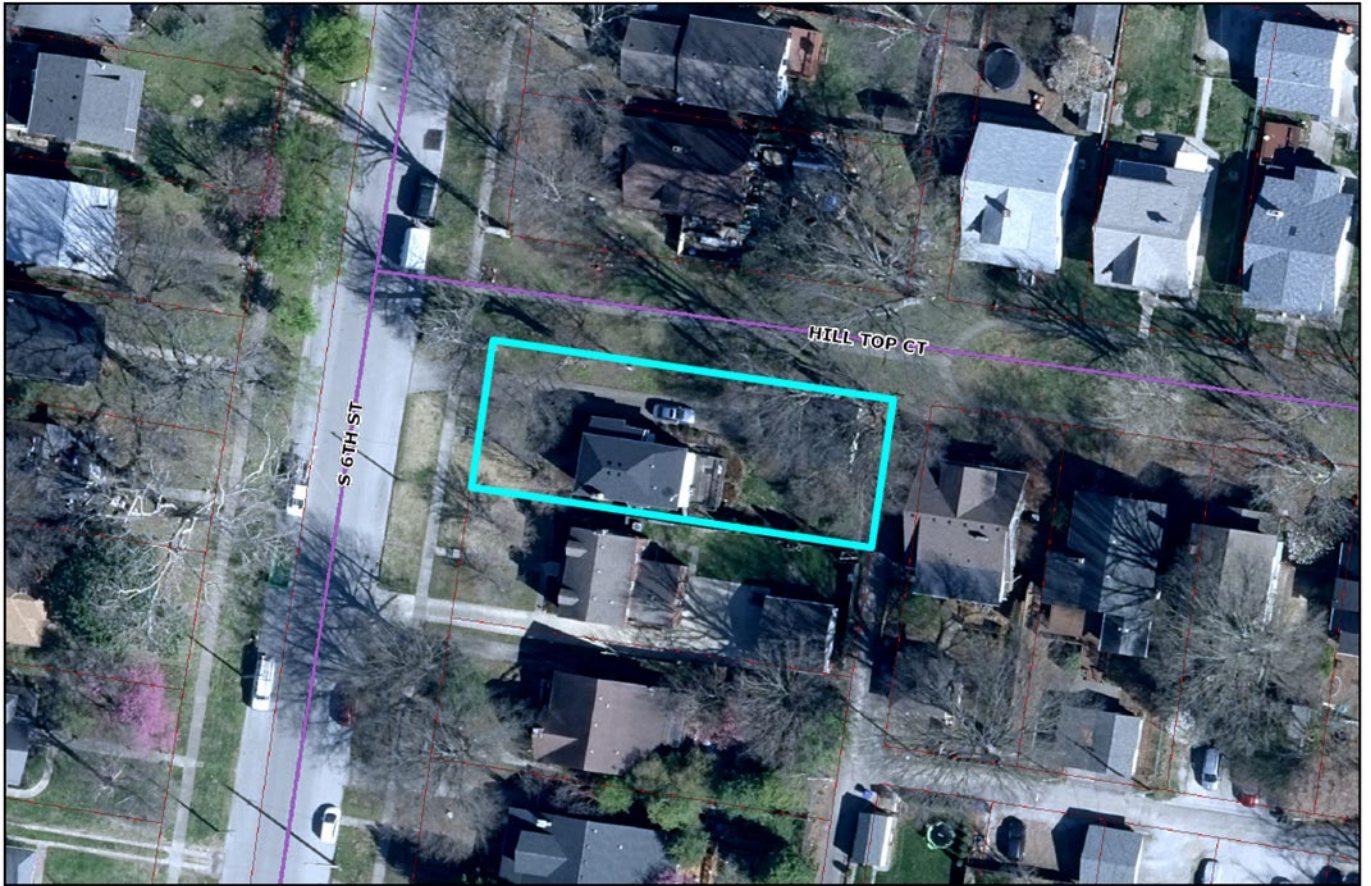
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Proximity Map
4. Proposed Conditions of Approval

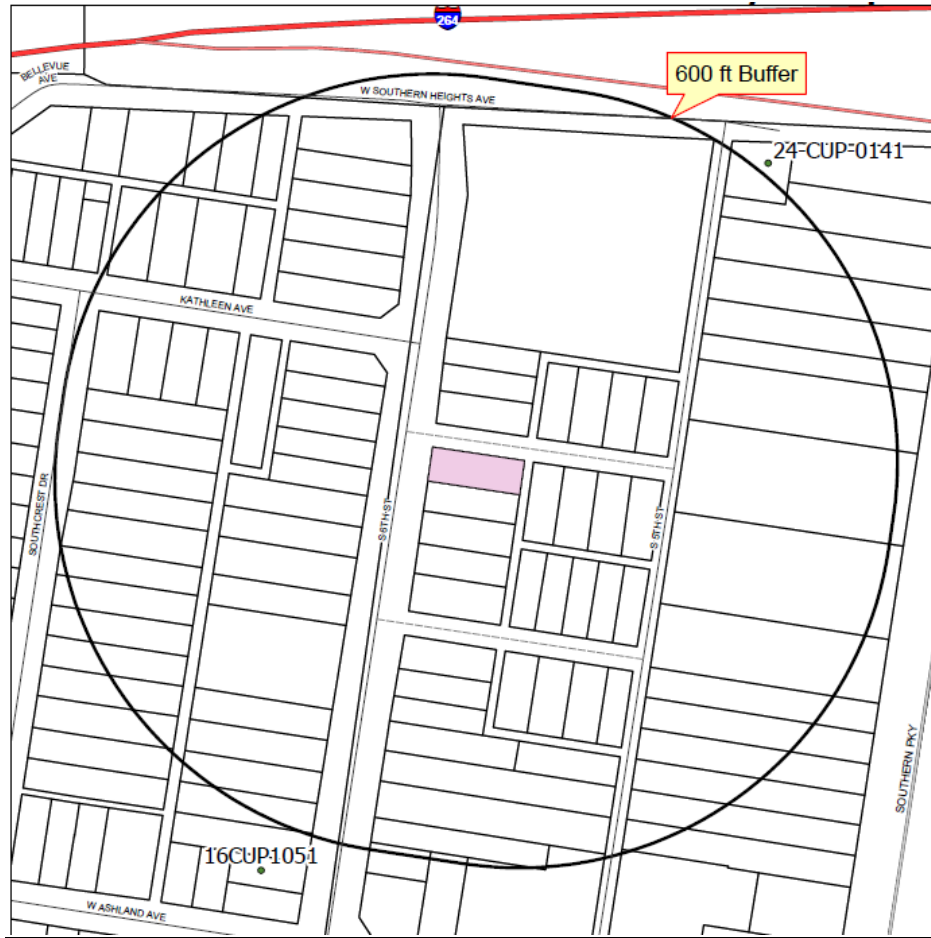
1. Zoning Map



2. Aerial Photograph



**3. Proximity Map**



**4. Proposed Conditions of Approval**

1. The conditional use permit for this short term rental approval shall allow up to three (3) bedrooms (with a maximum of eight (8) guests at any one time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.
2. Prior to commencement of any short term rental on the subject property, the owner shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void

**From:** [Kevin Kouba](#)  
**To:** [Pobiedzinski, Tyler](#); [Ruhe, Betsy](#)  
**Subject:** 4513 S 6th St, 26-CUPPA-0018  
**Date:** Monday, March 16, 2026 1:20:39 PM

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Good morning,

I am writing to request that the application before BOZA for a CUP for this address be DENIED.

This property sits in an unusual setting, abutting a lovely walking court called Top Hill, which our home at 4504 directly faces. The eight homes on that court do not sit on or face any street, instead sharing a small park-like area between them. As such, owners there have been provided a safe and secure sanctuary for a large number of children who can be allowed to play in their front yards with minimal supervision. By adding the opportunity for hundreds of strangers to serially occupy this home on a short-term basis, children will be endangered. Parents will be caused unnecessary harm from worrying and will eventually decide to move. Such panic will cause the neighborhood harm by lowering property values.

Parking for up to eight more cars for 4513 will likely be an issue as well. The property located directly across the street (4506) houses an Oxford House, which has up to 10 residents who are in completing the rehab process. Their numerous cars, plus the cars of their visitors, combined with the usual number of vehicles owned by current residents, will place hardship on us all.

From public records, I see that the owners, Jason and Hope Nelson, may not be the best owners to trust to follow the laws and requirements for operating a short-term property. They own at least five other properties, none of which appear to have the Metro licenses or inspections required on file to be rented in any way. I doubt they are currently empty.

I appreciate the work they have done on the home. I'm sure they'll be able to get a good price for it either as a long-term rental or for sale.

This home needs to remain single-family to protect the fabric and safety of this exceptional block. Please vote no. Thank you for your work.

Peace,

Kevin D Kouba  
Richard W Tabb  
4504 S 6th Street

cc: Betsy Ruhe

**From:** [Katie Read](#)  
**To:** [Ruhe, Betsy](#)  
**Cc:** [Pobiedzinski, Tyler](#); [Mattingly, Jude](#)  
**Subject:** 4513 S 6th Street  
**Date:** Thursday, February 26, 2026 1:00:59 PM

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Hi Betsy!

We received a letter dated February 25, 2026 informing us that the property located at 4513 S. 6th Street has submitted a pre-application to operate as a non-owner-occupied short term rental. This property shares a property line with our home, and we are greatly concerned about this becoming a short term rental.

We are against the motion to convert this single family home into a non-owner-occupied STR for the following reasons:

1. The property located at 4513 S. 6th street is a bookend of Hill Top Court, one of two of Beechmont's pedestrian courts. As you know, these pedestrian courts are private, tight-knit communities where our children are frequently playing outside, neighbors are walking their dogs, and are gathering to connect and visit with one another. A short term rental so close to Hill Top Court, Maple Court, and our neighbors on 6th Street is a violation of the community we've built and the closeness we've developed as neighbors.
2. We have many elderly neighbors on the courts and on 6th Street who have lived in their homes for decades. They deserve the peace and quiet they've enjoyed for many years, without the disruption of noisy and unwanted strangers coming in and out of a full-time, non-owner-occupied short-term rental.
3. This home was listed for 15 days before it was under contract with the buyer. This was not ample time to allow a family to purchase the home. The former owner lived there for decades and passed away from a terminal illness. His children were forced to sell the home in a timely manner. As neighbors and friends, we understand what his children had to do in order to settle his estate, however we deserve neighbors who we know and are invested in our community. We do not deserve a revolving door of strangers around our children, our elderly neighbors and our friends. We highly support the repairs and renovations happening on this property, and think that it is best suited as a single family home for a permanent resident, and support the owners in listing the property for sale after renovations are complete.

We will be present at the meeting on Wednesday, March 11, 2026 to further voice our concerns, and ask for your support in opposing this property as a short term rental.

Thank you,

Katie Read & Alec Robertson  
2 Hill Top Court



**From:** [erin\\_b](#)  
**To:** [Ruhe, Betsy](#); [Mattingly, Jude](#); [Pobiedzinski, Tyler](#); [Rezai, Ashkan](#)  
**Subject:** CUP - 4513 S 6th St  
**Date:** Friday, February 27, 2026 7:46:34 PM

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27 February, 2026

To Whom It May Concern,

I am writing to oppose the approval of the Conditional Use Permit for a non-owner-occupied short term rental (STR) at 4513 S 6th Street, 40214 in Beechmont, KY. This property is located diagonally from our home and we are greatly concerned about potential changes it could bring to our neighborhood.

I have lived in this neighborhood for over 25 years; we spent six years in our first home one block away and have owned our current home since 2008. Part of the charm of this private pocket of Beechmont is our long-term community. Houses rarely come available and residents tend to stay. We have a lovely mix of elders and families, people whose names we know. The walking courts at Hill Top and Maple are used by the neighborhood families and children and residents walking their pets. Because we do not have a street out front, our children are free to run and play. This is not the place for a revolving door of strangers.

While it's lovely that the attorneys representing the new home owners mention they are remodeling the kitchen, that fact is irrelevant. I have never judged our neighbors by the age of their cabinetry. The fact that this is a large home at 3 bedrooms with a basement means the operators of this STR could conceivably sleep 10 or more guests if they choose to put multiple beds in the rooms and/or utilize sleeper sofas and futons. Events at Churchill Downs like Derby and the conventions and music festivals at the Expo Center are naturally a draw for larger groups. All short-term rental owners certainly hope that their tenants will abide by the rules, but that is not always the reality. Potential issues include increased noise, parties, overcrowding, and general safety. If the STR is occupied then there are strangers around our children and pets, yet if it remains unrented there is a vacant house at the end of our street. The people who live in this area deserve the peace and sense of community we have cultivated for years.

The Beechmont neighborhood is very convenient to travelers to our city - walking distance to the track and stadiums, minutes from the airport, and a short drive to downtown attractions and facilities. To my knowledge there are at least four short-term rentals in the

4500 block corridor of Southern Parkway, including those that are owner-occupied. If a potential guest desires to solely stay in this particular block, they have plenty of options already. Leave Beechmont homes to Beechmont residents.

I will be in attendance at the meeting on March 11. 2026 to hear the owners' proposal and voice our concerns.

Sincerely,

Erin Bowers  
1 Hill Top Court

**From:** [Charlene Moser](#)  
**To:** [Pobiedzinski, Tyler](#)  
**Subject:** Fw: CASE NUMBER 26-CUPPA-0018  
**Date:** Sunday, March 22, 2026 1:43:27 PM

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**Subject:** CASE NUMBER 26-CUPPA-0018

Dear Tyler,

I write to express my concern over the petition for Conditional User Permit for 4513 S 6th St.

We do not need more off site owners letting strangers to the neighborhood use their property. The liability for us who actually live in the area increases with these property uses. The safety of our neighborhood is in jeopardy when homes are used this way.

Respectfully,

Charlene Moser

3 Hill Top Ct.

40214

**From:** [Patricia Abt](#)  
**To:** [Pobiedzinski, Tyler](#)  
**Subject:** I attended the informational meeting  
**Date:** Wednesday, March 11, 2026 7:54:43 PM

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I just wanted to go on record and say that I am vehemently opposed to 4513 S. 6th St. in Louisville, KY 40214 being approved for a conditional use permit for a short-term rental. Two of my many grandchildren live on Hilltop Court and back up directly to that house. I do not wish to see a revolving door type of situation with who is staying at that property. If the individual applying for the conditional use permit and the short term rental that is not owner occupied, wishes to rent the home to a family and have the same family be there regularly, I would support that initiative. But I do not wish to have a short term rental property so close to the walking court(Hilltop Court).

Thank you  
Patricia M Abt  
4509 S 6th St  
Louisville, KY 40214

Cell: 502-541-1877

Sent from my phone

**From:** [bowers75@twc.com](mailto:bowers75@twc.com)  
**To:** [Ruhe, Betsy](#); [Mattingly, Jude](#); [Pobiedzinski, Tyler](#)  
**Subject:** Proposed Conditional Use Permit to Allow Short-Term Rental - 4513 S. 6th Street  
**Date:** Thursday, March 19, 2026 5:48:32 PM

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Dear Betsy Ruhe, Jude Mattingly, and Tyler Pobiendzinski:

My name is Michael Bowers and I have lived on 1 Hill Top Ct since August of 2008.

Putting a Short Term Rental property into 4513 South 6<sup>th</sup> St would be detrimental to the fabric of the community we are worked to create here.

For some background about me, I moved to Louisville from Kansas City, Kansas in 2000 to play football and attend the University of Louisville. In 2001, I had an opportunity to rent 1 Hill Top Ct while I was attending school. While attending school, I fell in love with the city and my future wife, so and decided to live here. I had a great feeling about this area and thought one day, this would be a great place to raise kids. After originally moving out in 2002 to 4636 South 6<sup>th</sup> Street, close to the library on Woodlawn Avenue. I have lived in this neighborhood for 25 years. When the previous owner of 1 Hill Top Ct, Judy Sepulveda, decided to sell the house, my wife and I saw it as a great opportunity to buy a house to raise a family and we bought the house in August of 2008. I have lived in this Beechmont neighborhood for 25 years.

The community around the court has become close. There haven't been many times that people have moved off the court. In fact, when most people move into the court don't move out. I know Judy, Charlene, Jerry, and Lonnie have lived here longer than I can remember. We have had some houses come available over the years. Our new neighbors have brought their children and My wife and I also have two wonderful children that all play on the court and attend school together. I personally mow the whole middle of the court with my son to help everyone out. We all help each other out when we need something. When Keith Meiklereid lived in 4513 South 6<sup>th</sup> St, he was our friend and we considered him and the property as part of our Hill Top Court Community. I would help Keith work on his yard if he needed it done and would run into him at Kroger at Central where he worked. His passing wasn't a shock, but he was a great person and will be missed.

We were excited to find out who our new neighbors were going to be when the house was

purchased and our kids were excited to see they would have new friends. It was with great sadness that the first time we heard from or about our new neighbor was when we received notice in the mail that the new owner was attempting to turn the property into a short term rental. From the time that letter was opened, the anticipation of who our new neighbor would be has turned to skepticism and fear.

All it takes is a google search and you can read numerous stories of how bad these situations can be for a neighborhood. Loud parties, obnoxious renters, trash, traffic issues, and more serious crimes like shootings, fights, and drug use. There were experiences on the other end of the spectrum, but those were far less commonly reported and the owners had the blessing of the neighborhood, with good interaction and engagement from the owners.

The new owner does not live on the property and has not engaged with our community. He had the opportunity to meet and engage with the people of our community, introduce himself, and answer questions at the meeting at the Beechmont Community Center. Instead, he chose to sit in the back, did not speak or introduce himself, and let his attorney give the presentation. Far as I know, he didn't say a word to anyone. I believe this would have been a great opportunity to give his perspective about why we should have this type of business in our small community, address our concerns, and give is approach to how he will deal with unruly situations at the rental. He chose not to.

Finally, I would like to point out that the city ordinance voted by our City Counsel passed on a 23-1 vote not to allow Short Term Rentals within 600ft of one another, from property line to property line. This property is within the 600ft of another short term rental that was approved recently. We did not object to this house being a short term rental because it is at the end of the alley, doesn't have any neighbors next to the house, and sits on the back side of the apartment complex.

The attorney representing the owner tried to insinuate at the meeting that from house to house is farther, that it's only a little bit of the property inside the 600ft, and 600ft was an arbitrary number pulled out of the air. Based off the maps provided at the meeting, it was pretty clear that half the property and part of the house was inside the 600ft. He tried explaining that the 600ft was just a random number pulled out of the thin air, by city planners and attorneys like himself, and gave the impression that this was part of his reasoning for asking an exemption.

I do not believe an exemption should be made for this Short Term Rental property. The city passed these ordinances to protect neighborhoods like ours, for which we are

grateful. Also, the lack of communication from the owner is a major cause of concern. Other concerns were listed above.

I feel the city should reject this exemption.

With respect,

Michael Bowers

**From:** [Ruhe, Betsy](#)  
**To:** [Pobiedzinski, Tyler](#)  
**Cc:** [Casey, Rachel](#)  
**Subject:** RE: Proposed Conditional Use Permit to Allow Short-Term Rental - 4513 S. 6th Street  
**Date:** Monday, March 23, 2026 10:55:05 AM  
**Attachments:** [image001.png](#)

---

I would like to register my objection to the request.

I am seeing the number of short term rentals jump in this neighborhood and believe we need to keep these properties available as long term family homes.

## **Betsy Ruhe**

District 21 Councilwoman

City Hall | 601 W. Jefferson St. | 3<sup>rd</sup> Floor

Office: (502) 574-1121

---

**From:** Pobiedzinski, Tyler <Tyler.Pobiedzinski@louisvilleky.gov>  
**Sent:** Monday, March 23, 2026 8:56 AM  
**To:** Ruhe, Betsy <Betsy.Ruhe@louisvilleky.gov>  
**Cc:** Casey, Rachel <Rachel.Casey@louisvilleky.gov>  
**Subject:** RE: Proposed Conditional Use Permit to Allow Short-Term Rental - 4513 S. 6th Street

Good morning,

Thank you for your patience. I was out of the office on Friday and am now able to review your email.

The property located at 4513 6th Street is requesting relief from Item D of LDC 4.2.63, which establishes spacing requirements for short-term rentals. Specifically, this provision requires that a short-term rental not be located within 600 feet (measured from nearest property line to nearest property line) of another short-term rental requiring a Conditional Use Permit.

The Land Development Code does allow the Board of Zoning Adjustment to grant relief from this requirement on a case-by-case basis. However, the burden rests with the applicant to demonstrate that the proposed short-term rental will not result in an overconcentration of such uses in the immediate area or adversely impact the availability of affordable housing.

The Code outlines several circumstances under which relief may be considered:

- A. The property is adjacent to nonresidential zoning districts where short-term rentals are permitted by right
- B. A significant environmental feature or a roadway classified as a primary collector or

- higher separates the subject property from nearby short-term rentals
- C. A short-term rental within the buffer area is located on the perimeter, with a portion of that property extending outside the 600-foot buffer
  - D. A neighborhood plan explicitly supports or encourages short-term rentals in the area

Based on discussions with the applicant, they believe their request aligns with relief (c), as a portion of a nearby short-term rental property extends beyond the 600-foot buffer. While this may support a request for relief, it is important to note that satisfying one of the listed criteria alone is not sufficient.

The applicant must also provide evidence demonstrating that the proposed use will not contribute to an overconcentration of short-term rentals or negatively affect the surrounding housing stock. Both findings must be adequately addressed for the Board of Zoning Adjustment to consider approval of the Conditional Use Permit.

Please let me know if you have any additional questions.

Thank you,

Tyler Pobiedzinski  
Planner I  
O: 502-574-5177  
Office of Planning  
Louisville Metro Government  
444 S. Fifth St. #300, Louisville, KY 40202

---

**From:** Ruhe, Betsy <[Betsy.Ruhe@louisvilleky.gov](mailto:Betsy.Ruhe@louisvilleky.gov)>  
**Sent:** Thursday, March 19, 2026 6:14 PM  
**To:** Pobiedzinski, Tyler <[Tyler.Pobiedzinski@louisvilleky.gov](mailto:Tyler.Pobiedzinski@louisvilleky.gov)>  
**Subject:** Fw: Proposed Conditional Use Permit to Allow Short-Term Rental - 4513 S. 6th Street

Good evening, Tyler.  
Is he correct about this property asking for an exemption?

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**From:** [bowers75@twc.com](mailto:bowers75@twc.com) <[bowers75@twc.com](mailto:bowers75@twc.com)>  
**Sent:** Thursday, March 19, 2026 5:46:18 PM  
**To:** Ruhe, Betsy <[Betsy.Ruhe@louisvilleky.gov](mailto:Betsy.Ruhe@louisvilleky.gov)>; Mattingly, Jude <[Jude.Mattingly@louisvilleky.gov](mailto:Jude.Mattingly@louisvilleky.gov)>;  
Pobiedzinski, Tyler <[Tyler.Pobiedzinski@louisvilleky.gov](mailto:Tyler.Pobiedzinski@louisvilleky.gov)>  
**Subject:** Proposed Conditional Use Permit to Allow Short-Term Rental - 4513 S. 6th Street

**CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.**

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Dear Betsy Ruhe, Jude Mattingly, and Tyler Pobiendzinski:

My name is Michael Bowers and I have lived on 1 Hill Top Ct since August of 2008.

Putting a Short Term Rental property into 4513 South 6<sup>th</sup> St would be detrimental to the fabric of the community we are worked to create here.

For some background about me, I moved to Louisville from Kansas City, Kansas in 2000 to play football and attend the University of Louisville. In 2001, I had an opportunity to rent 1 Hill Top Ct while I was attending school. While attending school, I fell in love with the city and my future wife, so and decided to live here. I had a great feeling about this area and thought one day, this would be a great place to raise kids. After originally moving out in 2002 to 4636 South 6<sup>th</sup> Street, close to the library on Woodlawn Avenue. I have lived in this neighborhood for 25 years. When the previous owner of 1 Hill Top Ct, Judy Sepulveda, decided to sell the house, my wife and I saw it as a great opportunity to buy a house to raise a family and we bought the house in August of 2008. I have lived in this Beechmont neighborhood for 25 years.

The community around the court has become close. There haven't been many times that people have moved off the court. In fact, when most people move into the court don't move out. I know Judy, Charlene, Jerry, and Lonnie have lived here longer than I can remember. We have had some houses come available over the years. Our new neighbors have brought their children and My wife and I also have two wonderful children that all play on the court and attend school together. I personally mow the whole middle of the court with my son to help everyone out. We all help each other out when we need something. When Keith Meiklereid lived in 4513 South 6<sup>th</sup> St, he was our friend and we considered him and the property as part of our Hill Top Court Community. I would help Keith work on his yard if he needed it done and would run into him at Kroger at Central where he worked. His passing wasn't a shock, but he was a great person and will be missed.

We were excited to find out who our new neighbors were going to be when the house was purchased and our kids were excited to see they would have new friends. It was with great sadness that the first time we heard from or about our new neighbor was when we received notice in the mail that the new owner was attempting to turn the property into a

short term rental. From the time that letter was opened, the anticipation of who our new neighbor would be has turned to skepticism and fear.

All it takes is a google search and you can read numerous stories of how bad these situations can be for a neighborhood. Loud parties, obnoxious renters, trash, traffic issues, and more serious crimes like shootings, fights, and drug use. There were experiences on the other end of the spectrum, but those were far less commonly reported and the owners had the blessing of the neighborhood, with good interaction and engagement from the owners.

The new owner does not live on the property and has not engaged with our community. He had the opportunity to meet and engage with the people of our community, introduce himself, and answer questions at the meeting at the Beechmont Community Center. Instead, he chose to sit in the back, did not speak or introduce himself, and let his attorney give the presentation. Far as I know, he didn't say a word to anyone. I believe this would have been a great opportunity to give his perspective about why we should have this type of business in our small community, address our concerns, and give is approach to how he will deal with unruly situations at the rental. He chose not to.

Finally, I would like to point out that the city ordinance voted by our City Counsel passed on a 23-1 vote not to allow Short Term Rentals within 600ft of one another, from property line to property line. This property is within the 600ft of another short term rental that was approved recently. We did not object to this house being a short term rental because it is at the end of the alley, doesn't have any neighbors next to the house, and sits on the back side of the apartment complex.

The attorney representing the owner tried to insinuate at the meeting that from house to house is farther, that it's only a little bit of the property inside the 600ft, and 600ft was an arbitrary number pulled out of the air. Based off the maps provided at the meeting, it was pretty clear that half the property and part of the house was inside the 600ft. He tried explaining that the 600ft was just a random number pulled out of the thin air, by city planners and attorneys like himself, and gave the impression that this was part of his reasoning for asking an exemption.

I do not believe an exemption should be made for this Short Term Rental property. The city passed these ordinances to protect neighborhoods like ours, for which we are grateful. Also, the lack of communication from the owner is a major cause of concern. Other concerns were listed above.

I feel the city should reject this exemption.

With respect,

Michael Bowers

## Neighborhood Meeting Summary

A neighborhood meeting was held on Wednesday, March 11, 2026 beginning at 6:00 p.m. at the Beechmont Community Center located at 205 W. Wellington Avenue, Louisville, Kentucky 40214. Those in attendance included the applicant's representatives, Nick Pregliasco, attorney with Bardenwerper, Talbott & Roberts, and the applicant Jason Nelson.

Mr. Pregliasco started off the meeting with a presentation describing the short-term rental conditional use permit request. He provided the contact information for the case manager Tyler Pobiedzinski and explained how to contact him in case they have any issues or concerns or would like a status update. Mr. Pregliasco then explained the CUP process from the pre-application, to neighborhood meeting, the official filing and the ultimate hearing in front of the Board of Zoning Adjustment. He explained the difference in a long term rental and a short term rental and the need for a CUP. He then showed a LOJIC image of the property and its relation to Southern Parkway and the adjacent Hill Top Court. He showed an aerial image as well for context. Next, he showed the 600-foot map and how the building to building measurement was more than 600 feet, but using the map a portion of the property was within 600 feet. He also explained the requested relief and the stated conditions in the CUP regulations that would permit the relief and how this request falls within one of the stated potential exceptions, being part of the property is within the 600-foot distance map and part is not within the 600-foot map.

He then opened up the floor to questions from those in attendance. A neighbor asked about the recent removal of the trees from the property. Mr. Pregliasco explained that the trees were dead, and the applicant had received a notice from Louisville Metro that the dead trees had to be removed or face a fine. The applicant paid thousands of dollars to have them removed.

Neighbors voiced concerns over the requested relief from the 600-foot rule. Mr. Pregliasco explained that from building to building the existing short-term rental and the proposed short-term rental are more than 600 feet from each other. However, due to the means of measurement for the mapping, the applicant will request relief from the requirement being one of the stated situations where relief can be granted and the basis therefore. Mr. Pregliasco explained the history of the short-term rental CUP from the original adoption, the amendment to add the 600-foot rule, and the recent amendment to the regulation.

Neighbors voiced concerns over having a short-term rental adjacent to a walking court like this property is located. Mr. Pregliasco explained that staying in unique areas with walking

courts is one of the attractive items for a short-term rental in the location. The neighbor behind the property had concerns living in close proximity to a potential short-term rental.

Neighbors had concerns about the property not being taken care of if approved. Mr. Pregliasco explained that with long term rentals, the landlord often fixes up the property and then rents it out for a year or so and doesn't do work on the property unless needed. In a short-term rental situation, because the owner is always trying to lease the property, it must be kept in great shape to rent and to get good reviews. As a result, short-term rentals tend to be taken care of better than long term rentals.

The meeting ended with Mr. Pregliasco explaining that the presentation would be sent to those in attendance which occurred the following day.

# Developer's Neighborhood Meeting

*Meeting Date and Time* March 11, 2026 @ 6:00 pm      *Developer's Name* Jason Nelson

*Location of Meeting* Beechmont Community Center, 205 W. Wellington Avenue, Louisville, Kentucky 40214

*Description of Proposal* Conditional User Permit to allow a short-term rental

*Subject Site Location* 4513 S 6<sup>th</sup> Street, Louisville, KY

## NEIGHBORS IN ATTENDANCE

**NAME**
**ADDRESS**
**ZIP CODE**
**EMAIL ADDRESS**

*PLEASE PRINT CLEARLY*

✓ Lonnie Joseph	115 W. Garrett Street	40214	lonniej1965@att.net
✓ Rhoda Dragoon	4515 So 6 <sup>th</sup> St	40214	dragoor@bellsouth.net
✓ Patt. Abt	4509 So 6 <sup>th</sup> St.	40214	pattione@yahoo.com



# Louisville Metro Government

## Text File

File Number: 26-CUP-0069

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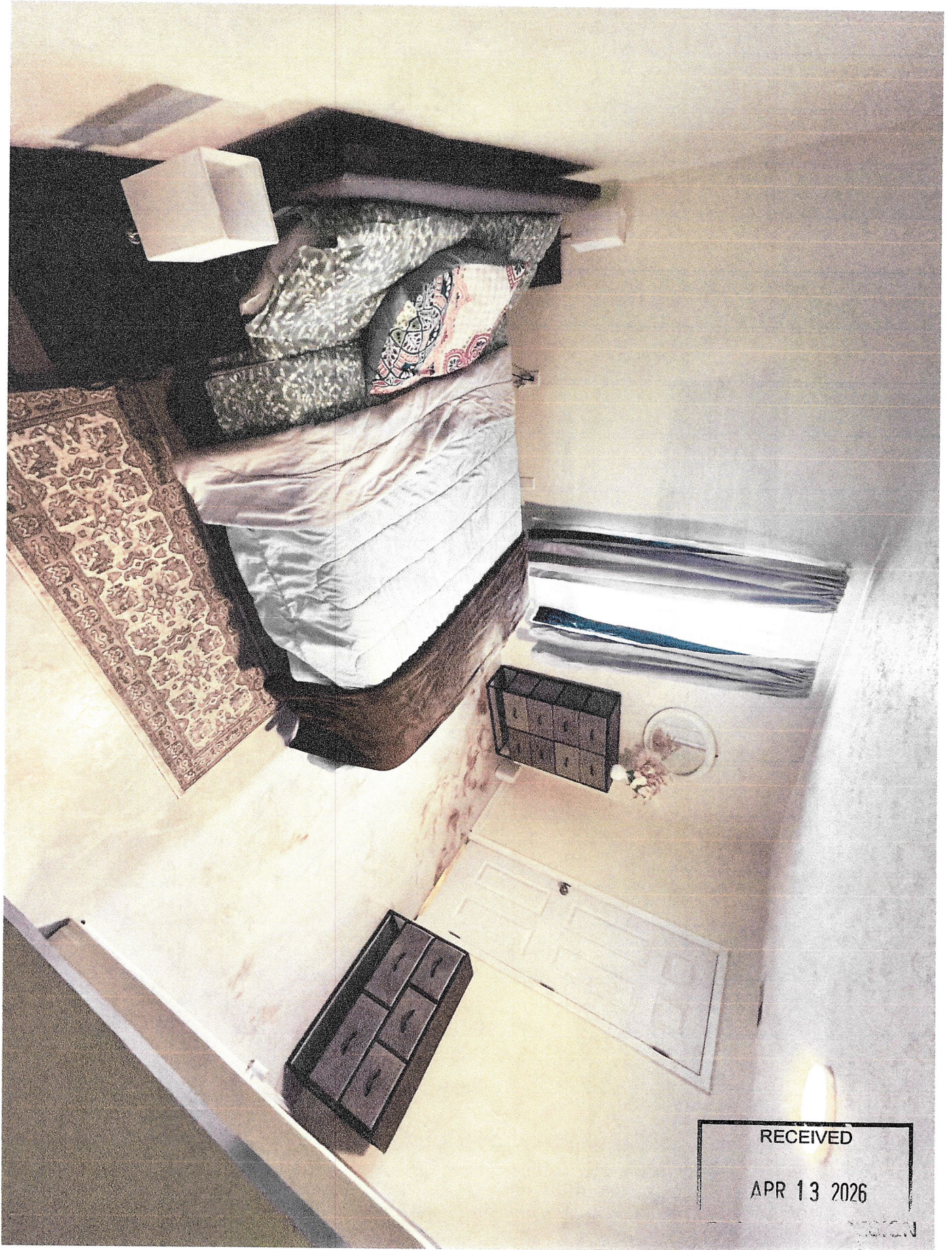
**Agenda Date:** 5/4/2026

**Version:** 1

**Status:** Public Hearing

**In Control:** Board of Zoning Adjustment

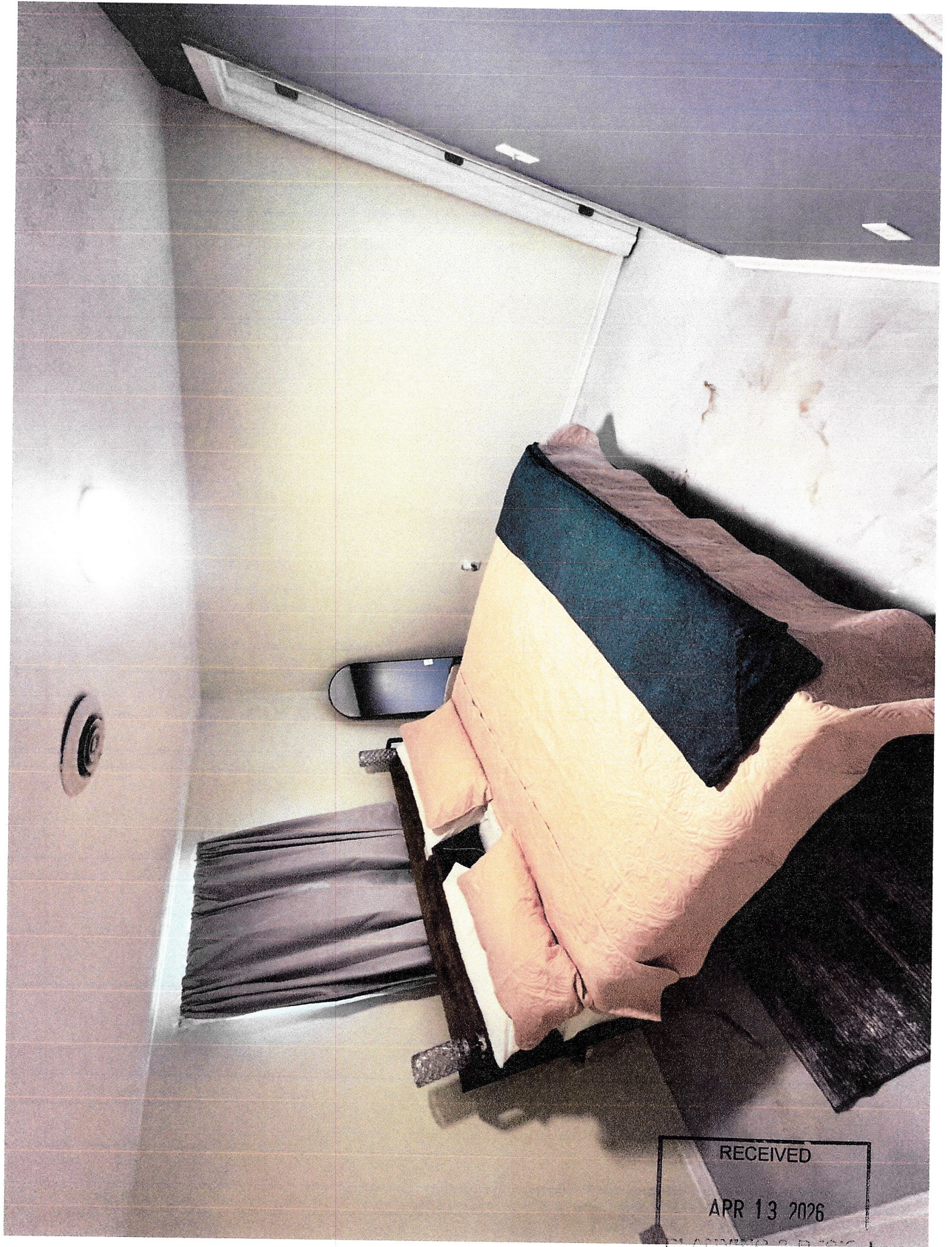
**File Type:** Planning Case



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26-CUP-OC 265





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SERVICES

96-CUP-006<sup>267</sup>

# Board of Zoning Adjustment

## Staff Report

May 4, 2026



<b>Case No:</b>	26-CUP-0069
<b>Project Name:</b>	Cartledge Court Short Term Rental
<b>Location:</b>	5529 Cartledge Court
<b>Applicant:</b>	Angelica & Juan Rodriguez
<b>Representative:</b>	Angelica Roriguez
<b>Jurisdiction:</b>	Louisville Metro Government
<b>Council District:</b>	25 – Khalil Batshon
<b>Case Manager:</b>	Zach Schwager, Planner I

### REQUEST

- **Conditional Use Permit** to allow short term rental of a dwelling unit that is not the primary residence of the owner (Land Development Code 4.2.63)

### CASE SUMMARY

The applicant has requested a Conditional Use Permit (CUP) for a short term rental that is not the primary residence of the property owner in the R-4 Residential Single Family zoning district and the Neighborhood form district. The property is located on the north side of Cartledge Court west of 3<sup>rd</sup> Street Road. The site is developed with a single-family residential structure on approximately 0.3 acres, with three (3) bedrooms, allowing a maximum of eight (8) total guests. There is off-street parking for four (4) vehicles. There are no short term rentals approved via conditional use permit within 600' of the subject site at the time of this report.

### STAFF FINDING

The proposal is adequately justified for approval based on staff's analysis contained in the standard of review and meets all standards of the conditional use permit for short term rentals.

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal conforms with the applicable policies of the Comprehensive Plan.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and appearance since no changes to the exterior of the property are being proposed which reduce compatibility with the area.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: Necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation adequate to serve the proposed use are available.

4. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

A short term rental of dwelling unit that is not the primary residence of the owner or the short term rental of a condominium unit that is the primary residence of the owner in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district; Short Term Rental of a dwelling unit that is not the primary residence of the owner or a condominium unit that is the primary residence of the owner that is in a OR, OR-1, or OR-2 district and a TN form district; and Short Term Rental of any dwelling unit in a TNZD district. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements;

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 30 consecutive days, or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the registered property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. If the aforementioned occupancy allows for more than 12 individuals, that shall be a maximum of 12 persons over the age of 16. The Board may further restrict the number of individuals. Relief to this provision may be provided by the Board on a case-by-case basis if the applicant can demonstrate that a greater occupancy will be in compliance with life safety and occupancy standards and the short term rental is of a sufficient distance to not adversely impact a neighboring property.
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property (i) on which another approved short term rental that required a conditional use permit is situated or (ii) located in an OR, OR-1, or OR-2 district and a TN form district which has an active registration and has maintained an active registration prior to the effective date of this provision and it has not been conclusively proven to the Board that the holder of the registration is the owner of the property, and the property is the owner's primary residence. Relief to this provision may be provided by the Board on a case-by-case basis for the following reasons; however relief may be denied upon consideration of the other factors and the burden is on the applicant to demonstrate that the subject short term rental would not contribute to an overconcentration of short term rentals in the immediate area and/or adversely affect the affordable housing stock in the immediate area.

(1) Reasons for Potential Relief:

- (a) The Property is adjacent to nonresidential zoning districts that allow short term rentals by right

(b) There is a significant environmental feature or primary collector or higher classification road that separates the proposed short term rental from other short term rentals within the buffer area

(c) A short term rental property within the buffer area is located on the perimeter of the buffer area, with part of the property being located outside of the buffer area

(d) A neighborhood plan encourages and supports short term rentals in the subject area

In applications where the entire area encapsulated by the 600 foot buffer is residentially zoned (including TNZD areas mapped Neighborhood General), under no circumstance shall the Board provide relief to this provision in cases in which two or more short term rentals with conditional use permits are already in existence within 600 feet.

(2) The following exceptions to this separation requirement apply:

(a) The separation requirement shall not apply to a property on which the conditional use permit is conditioned that the owner acts as host and maintains their primary residency within another dwelling unit in the same building or on the same parcel of land.

(b) The separation requirement shall not apply between two or more short term rentals on a single property being reviewed under the same conditional use permit application. However, if the property is subdivided after the conditional use permit is granted, a new conditional use permit shall be required in order for any new lot(s) to have a short term rental, with the separation requirements applying to that subsequent application.

(c) The separation requirement shall not apply to a property in the TNZD district on which the conditional use permit is conditioned that the host shall maintain their primary residency within the dwelling unit.

- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit in a multi-family building, the condominium unit must be the primary residence of the owner. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity.

- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the registration pursuant to section 4.3.23. When the Planning Director revokes an approved registration, staff shall schedule a public hearing for the Board to consider revoking the associated conditional use permit. The Board may also revoke the conditional use permit for other reasons pursuant to section 11.5A.6.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void. In order to commence short term rentals, a new conditional use permit must be granted if required by this Land Development Code.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for thirty (30) days, or in the event of a change of ownership and/or host, a new registration is not issued within thirty (30) days from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code, and such conditional permit must satisfy the applicable requirements for a conditional use permit in effect at the time the new application for a conditional use permit is filed.

STAFF: The applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit.

**REQUIRED ACTION:**

- **APPROVE** or **DENY** the **Conditional Use Permit** to allow short term rental of a dwelling unit that is not the primary residence of the owner (Land Development Code 4.2.63).

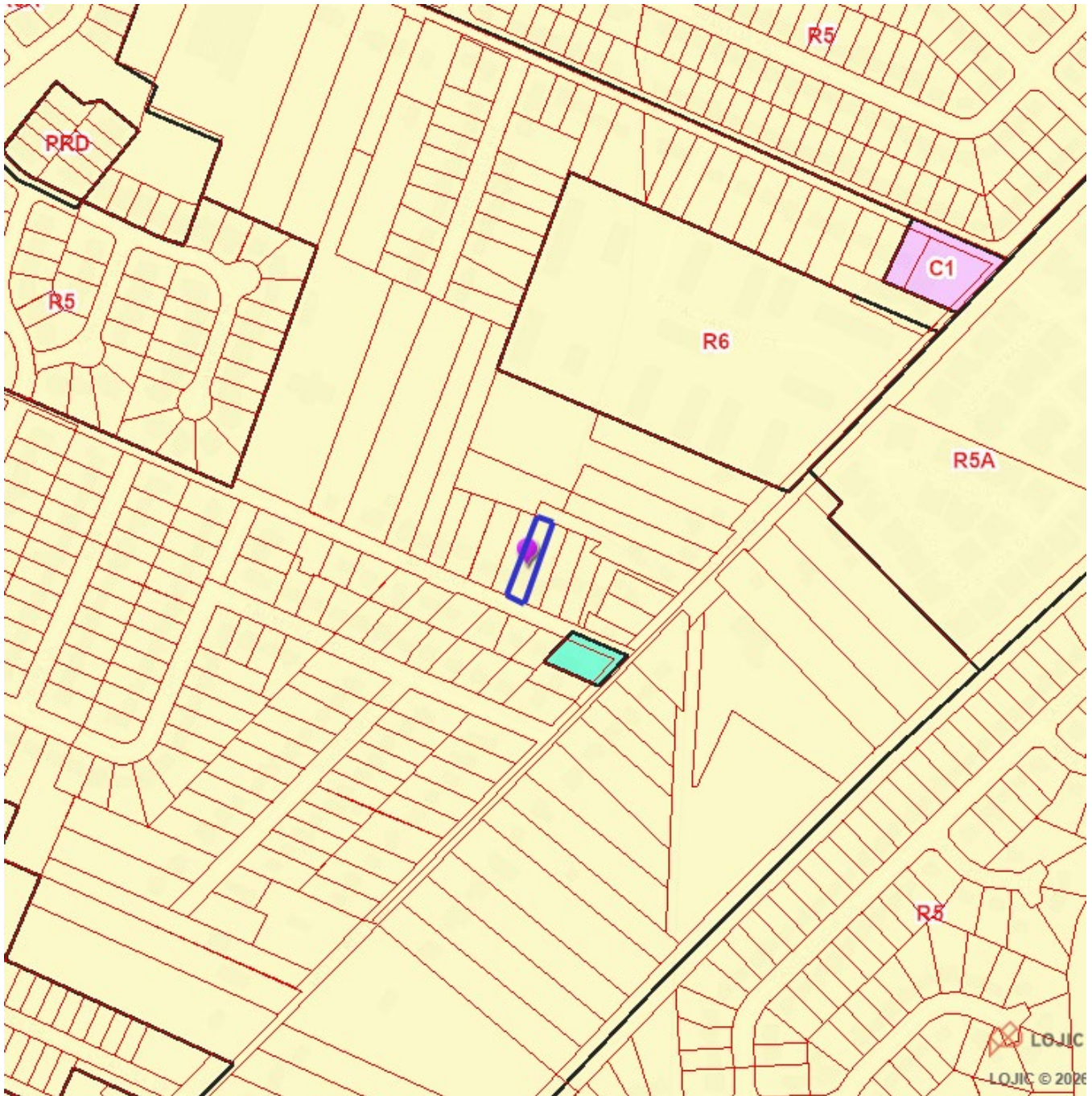
**NOTIFICATION**

Date	Purpose of Notice	Recipients
4/17/2026	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and residents
4/17/2026		Registered Neighborhood Groups in Council District 25
4/20/2026	Hearing before BOZA	Sign Posting

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Proposed Conditions of Approval

1. Zoning Map



2. Aerial Photograph



**3. Proposed Conditions of Approval**

1. The conditional use permit for this short term rental approval shall allow up to three (3) bedrooms with a maximum of eight (8) guests at any one time. Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms/guests.
  
2. Prior to the commencement of any short term rental on the subject property, the owner shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

**Justification Statement for Conditional Use Permit**  
**Property Address: 5529 Cartledge Ct, Louisville, Kentucky**

This justification statement is submitted in support of a Conditional Use Permit (CUP) application for a non-owner-occupied short-term rental at 5529 Cartledge Ct. The proposed use complies with the standards of review and applicable lettered requirements set forth in Chapter 4, Part 2 of the Land Development Code.

The subject property is an existing single-family residence located within a residential zoning district. The proposed short-term rental use is consistent with the overall intent of the zoning regulations, as it maintains the residential character of the property while allowing for limited transient lodging.

The proposed use is compatible with the surrounding neighborhood. The property will continue to appear and function as a single-family home, with no proposed structural changes, additions, or exterior alterations. The operation of the short-term rental will be managed to ensure that it blends seamlessly with the existing residential environment.

The use will not adversely impact adjoining properties. The applicant will implement responsible management practices, including occupancy limits, quiet hours, and clear house rules to minimize noise and disturbances. Off-street parking will be provided on-site to prevent congestion on public streets. Guests will be informed of all local ordinances and expectations to ensure respectful behavior within the neighborhood.

The proposed development will not place an undue burden on public facilities, utilities, or infrastructure. The property is currently served by existing public services, and the short-term rental use is not anticipated to generate impacts beyond those of a typical single-family residence.

The proposal complies with all applicable requirements and lettered conditions outlined in Chapter 4, Part 2 of the Land Development Code. The applicant will obtain all necessary permits and registrations, maintain required insurance, and ensure ongoing compliance with local regulations governing short-term rentals.

In addition, a local contact or property manager will be available to promptly address any concerns that may arise, ensuring continued compatibility with the surrounding neighborhood.

In conclusion, the proposed short-term rental at 5529 Cartledge Ct meets the standards of review for a Conditional Use Permit. The use is compatible with the area, will not negatively impact neighboring properties, and will operate in a manner that protects the public health, safety, and welfare. Therefore, approval of this request is respectfully requested.



Letter of Explanation- Proposed Development

March 20, 2026

This letter is submitted in support of an application for a Conditional Use Permit for a short-term rental property not occupied by the owner, located at 5529 Cartledge Ct,

The proposed use is to operate the existing single-family home as a short-term rental for temporary lodging, with rental periods of less than 29 consecutive days. The property will not serve as the owner's primary residence. The home has three (3) bedrooms and will be maintained in its current condition, as no structural modifications, expansions, or alterations to the site are proposed.

The owner, Angelica Torres, is committed to ensuring that the property is managed and operated

The property will comply with all applicable Louisville Metro ordinances and requirements, including licensing, zoning regulations, safety standards, occupancy limits, parking requirements, and noise regulations. Parking will be provided at the existing entrance. A local contact person will be available at all times to respond promptly.

This application is submitted to allow reasonable use of the property, while maintaining compatibility with the surrounding residential neighborhood.



26-CUP-2769



# NOTICE OF CONDITIONAL USE PERMIT APPLICATION FILED WITH OFFICE OF PLANNING

A Conditional Use Permit application for Short-Term Rental was filed with the Louisville Metro Office of Planning on January 31 2026.

ADDRESS: 5529 Cartledge Ct Louisville Ky 40214  
CASE #: 26-CUPPA-0014  
CASE MANAGER: Zach Schwager  
EMAIL: [Zach.Schwager@louisvilleky.gov](mailto:Zach.Schwager@louisvilleky.gov)  
PHONE: (502)574-8938

To view documents related to this proposal, please visit <https://aca-prod.accela.com/LJCMG/Cap/CapHome.aspx?module=Planning&TabName=Planning> and search by CASE # or ADDRESS.

This application requires a neighborhood meeting, which will be held at the following date, time and location. You are invited to attend.

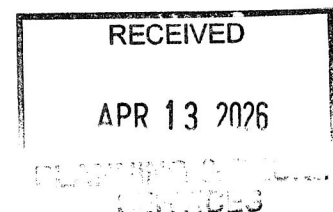
DATE: March 16, 2026  
TIME: 6:00 PM  
LOCATION: 5529 Cartledge Ct Louisville KY 40214

Angelica T. Rodriguez  
502 510 5521  
[Geli80@icloud.com](mailto:Geli80@icloud.com)

If this application requires a public meeting, another notice will be sent notifying you of the date, time and location of the meeting.

If you have questions about this proposal, or would like to view the case file, please contact Louisville Metro Office of Planning at:

Metro Development Center  
444 S. 5<sup>th</sup> St., Suite 300  
Louisville, KY 40202  
(502) 574-6230



26-CUP-006'278

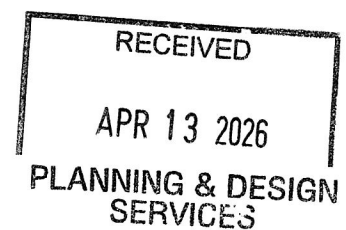
## Neighborhood Meeting Script – May 16th

Around 6:10 PM on May 16th, David stopped by the house during the neighborhood meeting. We welcomed him in and gave him a tour of the property, showing him the main living areas and guest accommodations.

During the visit, David commented that the house looked nice and mentioned that he thought it was great that we are planning to operate it as an Airbnb.

After David left, we sat in the living room with the door open and remained available for any other neighbors who might arrive. We stayed until 8:00 PM; however, no one else showed up.

The interaction was brief, friendly, and positive.



26-CUP-0069

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT  
April 20, 2026**

A regular meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, April 20, 2026, at the Old Jail Building, located at 514 West Liberty Street, Louisville, KY 40202.

**Board Members Present:**

Sharon Bond, Chair  
Marilyn Lewis, Vice Chair  
Brandt Ford  
Jan Horton  
Miguel Rodriguez  
Yani Vozos (arrived at 1:07 p.m.)

**Staff Members Present:**

Brian Davis, Planning Director  
Laura Ferguson, Assistant County Attorney  
Joseph Haberman, Planning Manager  
Rachel Casey, Planning Supervisor  
Amy Brooks, Planning Supervisor  
Mark Pinto, Planner II  
Zach Schwager, Planner I  
Catherine Gomez, Planner I  
Sydney Fawcett, Planner I  
Abby Bills, Planner I  
Mollie Share, Planner I  
Drake Watson, Planner I  
Hannah Schreck, Associate Planner  
Haritha Gurivindapalli, Management Assistant

The following matters were considered:

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
April 20, 2026**

**APPROVAL OF MINUTES**

**MARCH 30, 2026, BOARD OF ZONING ADJUSTMENT MEETING MINUTES**

00:04:00 On a motion by Member Lewis, seconded by Member Horton, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the March 30, 2026, Board of Zoning Adjustment meeting.

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, and Bond**

**ABSTAINED: Member Rodriguez**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
April 20, 2026**

**BUSINESS SESSION**

**CASE NO. 26-VARIANCE-0027**

Request: Variance to allow a principal structure to encroach into the required infill street side yard setback

Project Name: Hanover Road Variance

Location: 3500 Hanover Road

Applicant: James & Tammy Johnson

Representative: James Johnson

Jurisdiction: Louisville Metro

Council District: District 9

Case Manager: Zach Schwager, Planner I

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Deliberation:**

00:04:30 Board deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code (LDC) Section 5.1.12.B.2.e.i.1 to allow the principal structure to encroach into the required infill street side yard setback. Infill street side Yard (Requirement 30', Request 27', Variance 3')**

00:05:15 On a motion by Member Ford, seconded by Member Horton, the following resolution, based on the staff report, staff analysis, and the evidence, was adopted:

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not adversely affect the public health, safety, or welfare, because the request to encroach into the required setback does not impede the safe movement of vehicles or pedestrians along any right-of-way. Additionally, the structure will be required to comply with all applicable building code regulations, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not alter the essential character of the general vicinity as residential properties in the general vicinity maintain similar street side yard setbacks, and

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
April 20, 2026**

**BUSINESS SESSION**

**CASE NO. 26-VARIANCE-0027**

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone as the subject property is similar in size and width to most of the properties on the block face, and

**WHEREAS**, the Board of Zoning Adjustment does find the strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land as the width of the lot and position of the existing home limits where the applicant can construct the addition, and

**WHEREAS**, the Board of Zoning Adjustment does find the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as work has not begun on the proposed structure for which the variance is being requested, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC) Section 5.1.12.B.2.e.i.1 to allow the principal structure to encroach into the required infill street side yard setback. **(26-VARIANCE-0027) Infill Street side Yard (Requirement 30', Request 27', Variance 3')**.

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, Rodriguez, and Bond**

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**April 20, 2026**

**BUSINESS SESSION**

**CASE NO. 26-VARIANCE-0040**

Request: Variance to encroach into the required side yard setback  
 Project Name: Moulder Residence Addition  
 Location: 617 Wataga Dr  
 Applicant: Alison and Nathan Moulder  
 Representative: Charles Williams  
 Jurisdiction: Louisville Metro  
 Council District: District 9  
 Case Manager: Catherine Gomez, Planner I

A notice was posted on the property, and 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 Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Deliberation:**

00:06:30 Board deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code (LDC) Table 5.3.1 to allow the principal structure to encroach into the required side yard setback.**

**Side Yard Set Back (Requirement 5', Request 3.53', Variance 1.47')**

00:06:45 On a motion by Member Rodriguez, seconded by Member Lewis, the following resolution, based on the staff report, staff analysis, and the evidence, was adopted:

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not adversely affect the public health, safety, or welfare, or cause a hazard or nuisance to the public because the proposed addition must be constructed to comply with all building codes and the Land Development Code except for the requested relief. All adjacent property owners provided an affidavit indicating consent to the requested variance, and

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**April 20, 2026**

**BUSINESS SESSION**

**CASE NO. 26-VARIANCE-0040**

**WHEREAS**, the Board of Zoning Adjustment does find requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as the proposed addition will follow the Neighborhood Form District site design standards. Additionally, multiple homes in the general vicinity have attached garages similar to the garage being proposed by the applicant, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity as the subject property is similar in size and shape to other properties in the area, and

**WHEREAS**, the Board of Zoning Adjustment does find the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as adherence to the setback standards would not permit the applicant to build the proposed addition in the same manner as nearby properties, and

**WHEREAS**, the Board of Zoning Adjustment does find the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, as the applicant has requested the Variance before obtaining building permits, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC) Table 5.3.1 to allow the principal structure to encroach into the required side yard setback. **(26-VARIANCE-0040) Side Yard Setback (Requirement 5', Request 3.53', Variance 1.47')**

**The vote was as follows:**

**YES: Members Vozos, Ford, Horton, Lewis, and Rodriguez**

**ABSTAINED: Member Bond**

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**April 20, 2026**

**PUBLIC HEARING**

**CASE NO. 21-CUP-0139**

Request: Conditional Use Permit to allow a transitional home (LDC 4.2.55)  
Project Name: Transitional Housing  
Location: 432 S. 16th Street  
Applicant: Flip the Script Recovery  
Representative: Flip the Script Recovery  
Jurisdiction: Louisville Metro  
Council District: District 4  
Case Manager: Amy Brooks, Planning Supervisor

A notice was posted on the property, and 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 Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

00:07:40 Amy Brooks provided an overview of the request and presented a PowerPoint Presentation. Brooks responded to questions from Board Members. (See recording for details)

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

Star Allen, 6803 Triangle Drive, Louisville, KY 40214

Duane Nathaniel, 1115 Christian Road, Louisville, KY 40214

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

00:17:10 Star Allen explained that they previously believed the conditional use permit already obtained was sufficient. Allen noted that they were later informed by Metro staff that a shelter license was also required. Allen emphasized that the oversight was unintentional and due to inconsistent past enforcement of licensing requirements. Allen confirmed they have not begun the licensing process for the subject property and cannot do so until board approval is granted. Allen responded to questions from Commissioners (see recording for details).

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

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**PUBLIC HEARING**

**CASE NO. 21-CUP-0139**

00:21:50 Duane Nathaniel stated that he has lived in the home for many years and has been in recovery for 21 years. Nathaniel stated that their transitional house has operated responsibly for five years and that they believed they were fully compliant because they never received notices about needing additional permits after their 2021 approval. Nathaniel explained that zoning rules changed shortly afterward, but they were unaware despite frequent contact with Metro staff. Nathaniel emphasized their positive community presence and good neighbor relationships. Nathaniel acknowledged they are still operating on subject property and confirmed he now understands they must obtain all required permits before continuing operations. Nathaniel responded to questions from Commissioners (see recording for details).

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

Ann Ramser, P. O. Box: 14243, Louisville, KY 40214

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

00:27:00 Ann Ramser spoke in opposition to the request and presented a PowerPoint Presentation. Ramser noted that Enforcement records show only two relevant zoning cases (2021 and 2026), and no interior inspections have occurred. In 2021, a complaint was filed but no Notice of Violation was issued. In February 2026, a complaint led to a Notice of Violation for operating without a permit. The operator did not stop operating afterward. A letter from the operator claimed they understood the licensing process but also asked for guidance, which Ramser argued undermines their credibility. Ramser emphasized the home has operated about five years without compliance and believes they have already had more than enough time to meet requirements. Ramser responded to questions from Commissioners (see recording for details).

**Rebuttal:**

00:41:00 Duane Nathaniel explained that they never received notices and genuinely believed the home was fully approved after the 2021 hearing. Nathaniel stated that any mistakes came from misunderstanding the process, not bad faith, and emphasized their long-standing commitment to the neighborhood and to operating a safe, well-run recovery home. Nathaniel described significant improvements made to the home such as bathrooms, fire extinguishers, proper occupancy setup and said the house meets safety and zoning standards. Nathaniel stated that they would never knowingly put residents at risk or ignore requirements and would have acted immediately if they had received

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**MINUTES**

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**CASE NO. 21-CUP-0139**

notices. Nathaniel expressed pride in the home, their recovery work, and their commitment to operating ethically. Nathaniel responded to questions from Commissioners (see recording for details).

**Deliberation:**

00:45:20 Board deliberation

**An audio/visual recording of the Board of Zoning Adjustment meeting related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Board review and approval to exercise a Conditional Use Permit for a transitional home in the R-6 multi-family zoning district in accordance with condition of approval #2.**

01:01:55 On a motion by Member Vozos, seconded by Member Rodriguez, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the request to extend the date to exercise the Conditional Use Permit for a transitional home in the R-6 multi-family zoning district subject to the following amended conditions of approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within six months of April 20, 2026. If the Conditional Use Permit is not so exercised, the site shall not be used for a transitional home until further review and approval by the Board.
3. Prior to lawful commencement of the transitional home use the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies.

**BOARD OF ZONING ADJUSTMENT**

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**PUBLIC HEARING**

**CASE NO. 21-CUP-0139**

4. Maximum full time occupancy shall be limited to eight persons, or the maximum allowed by the property maintenance code.

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, Rodriguez, and Bond**

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**April 20, 2026**

**PUBLIC HEARING**

**CASE NO. 25-VARIANCE-0067**

Request: Variance to allow a building to be constructed more than 5ft away from the right-of-way on a corner lot.  
Project Name: Empire Tires and Auto Service  
Location: 6702 Southside Drive  
Applicant: LITT Properties LLC  
Representative: John Frances  
Jurisdiction: Louisville Metro  
Council District: District 21  
Case Manager: Catherine Gomez, Planner I

A notice was posted on the property, and 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 Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

01:03:30 Catherine Gomez provided an overview of the request and presented a PowerPoint Presentation. Gomez responded to questions from Board Members. (See recording for details)

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

John Francis, 6702 Southside Dr, Louisville, KY 40214

**Summary of testimony of those spoke in favor of the request:**

01:06:20 John Francis representing Dalton Brown Restoration and Construction, explained that the company is seeking a permit to rebuild a structure that burned down a few years ago. Francis stated that they have already cleared the debris and want to store supplies, not tires in a new warehouse. The goal is to improve the property's appearance and create space for customers to wait comfortably. DBRC took over the project in March to handle the permitting properly. Francis responded to questions from Board Members. (See recording for details)

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

**BOARD OF ZONING ADJUSTMENT**

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**PUBLIC HEARING**

**CASE NO. 25-VARIANCE-0067**

Ann Ramser, P. O. Box: 14243, Louisville, KY 40214

Roddy McDowell, 111 Seneca Trail, Louisville, KY 40214

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

01:08:10 Ann Ramser spoke in opposition to the request and presented a PowerPoint Presentation. Ramser stated that the fire happened this February, not years ago, and that tires were only moved into the right-of-way afterward. Ramser argued that the submitted site plans contain errors, showing buildings that no longer exist and omitting an existing shed. Ramser also noted confusing filings, lack of clear communication, and no visible building designs. Ramser expressed concern about inaccurate information and uncertainty about what is planned for her neighborhood. Ramser responded to questions from Commissioners (see recording for details).

01:17:40 Roddy McDowell spoke in opposition to the request and stated that the tires shown in the photos are all used tires. McDowell stated that the business consistently piles used tires up to the top of the metal fence, stores more between the shed and the main building, and never disposes of them as required. McDowell described the accumulation as a hazard, attracting animals and creating a rodent problem. McDowell responded to questions from Commissioners (see recording for details).

**Rebuttal:**

01:20:40 John Francis stated that his company got involved to help the shop operate correctly and improve how tires and materials are stored. Francis explained that most tires are used but repairable and that the new building and shed are intended to move items indoors so fewer tires sit outside. Francis added that they have been working to reduce the number of outdoor tires and plan to store more of them properly once the new space is available. Francis responded to questions from Board Members. (See recording for details)

**Deliberation:**

01:24:25 Board deliberation

**An audio/visual recording of the Board of Zoning Adjustment meeting related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**BOARD OF ZONING ADJUSTMENT**

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**PUBLIC HEARING**

**CASE NO. 25-VARIANCE-0067**

**Variance from Land Development Code (LDC) Section 5.5.1.B to allow a building to be constructed more than 5ft away from the right-of-way along both streets on a corner lot.**

**Front Yard setback (Requirement 0-5', Request 145', Variance 140')**

01:26:40 On a motion by Member Rodriguez, seconded by Member Ford, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not adversely affect the public health, safety, or welfare, or cause a hazard or nuisance to the public because the proposed storage space must be constructed to comply with all building codes and the Land Development Code except for the requested relief. Currently, the auto shop is storing tires outdoors and within the right-of-way, which does adversely affect public health and safety, and creates both a hazard and nuisance for the public. The purpose of the requested addition is to store the tires inside the structure, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as the auto shop is alongside commercial development along Southside Drive with similar deep setbacks, and vicinity, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance does arise from circumstances which do not generally apply to land in the general vicinity as the subject property is an odd triangle shape which would make it difficult to construct a safe building that meets the setback requirements, and

**WHEREAS**, the Board of Zoning Adjustment does find the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as adherence to the setback standards would not permit the applicant to build the storage space for the tires that are creating a nuisance and health hazard for the public, and

**WHEREAS**, the Board of Zoning Adjustment does find the strict application of the circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, as the applicant has requested the Variance after constructing a non-compliant building on the site. This Variance request is

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**CASE NO. 25-VARIANCE-0067**

for a new building that will replace the existing non-compliant structure, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC) Section 5.5.1.B to allow a building to be constructed more than 5ft away from the right-of-way along both streets on a corner lot. (**25-VARIANCE-0067**) Front Yard setback (**Requirement 0-5', Request 145', Variance 140'**).

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, Rodriguez, and Bond**

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

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**PUBLIC HEARING**

**CASE NO. 25-VARIANCE-0073/26-VARIANCE-0035**

Request: Variances from Land Development Code (LDC) Table 5.3.1 and Section 5.1.12.B.2.a to exceed the maximum permitted building height and to encroach into the infill front yard setback

Project Name: VanHoose Home

Location: 7118 Beach land Beach Road

Applicant: Robert VanHoose

Representative: Robert VanHoose

Jurisdiction: Louisville Metro

Council District: District 16

Case Manager: Sydney Fawcett, Planner I

A notice was posted on the property, and 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 Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

01:35:00 Sydney Fawcett provided an overview of the request and presented a PowerPoint presentation. Fawcett responded to questions from Board Members. (See recording for details)

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

Robert Michael VanHoose, 7118 Beachland Beach Road, Prospect, KY 40059

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

01:39:40 Robert Michael VanHoose testified that he owns both his current home and the property where he wants to build a new house. VanHoose emphasized that all nearby neighbors support the project, and delays over several years especially from MSD requirements have made the process difficult. The road shown on the plans is a private road shared by residents. VanHoose explained that the increased house height is due to MSD requiring the structure to be raised an additional 4.5 feet for elevation, not because of interior ceiling height. VanHoose emphasized that he simply wants to build the house

**BOARD OF ZONING ADJUSTMENT**

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**CASE NO. 25-VARIANCE-0073/26-VARIANCE-0035**

and move forward after years of obstacles. VanHoose responded to questions from Board Members. (See recording for details)

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

**None**

**Deliberation:**

01:43:00 Board deliberation

**An audio/visual recording of the Board of Zoning Adjustment meeting related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variations:**

01:43:30 On a motion by Member Vozos, seconded by Member Horton, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

**1. Variance from Land Development Code (LDC) Table 5.3.1 to exceed the maximum permitted building height. (25-VARIANCE-0073)**

**Building Height (Requirement 35', Request 37', Variance 2')**

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public since the proposed structure is contained within the subject property and does not impede the safe movement of vehicles or pedestrians along the public rights of way, and

**WHEREAS**, the Board of Zoning Adjustment does find that the requested variance will not alter the essential character of the general vicinity and will allow an unreasonable circumvention of the requirements of the zoning regulations because the existing residential structures along Beachland Beach Road vary in building height, and

**WHEREAS**, the Board of Zoning Adjustment does find that the requested variance does not arise from special circumstances which do not generally apply to the land in the general vicinity, or in the same zone. However, due to the location of the property, the applicant is proposing to construct an 18-foot foundation to mitigate potential flooding

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**CASE NO. 25-VARIANCE-0073/26-VARIANCE-0035**

impacts causing the total proposed building height to exceed the maximum permitted in the Neighborhood Form District, and

**WHEREAS**, the Board of Zoning Adjustment does find that strict application of the provisions of the regulation would impose an unnecessary hardship on the applicant as the property is limited in how it can be developed with the Ohio River being adjacent to the subject site and being entirely located in the floodplain, and

**WHEREAS**, the Board of Zoning Adjustment finds 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. The applicant has requested the variance and construction has not yet begun, now, therefore be it.

**2. Variance from Land Development Code (LDC) Section 5.1.12.B.2.a to allow a principal structure to encroach into the required infill front yard setback. (26-VARIANCE-0035)**

**Infill Front Yard setback (Requirement 20-40', Request 6.4', Variance 13.6')**

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public since the proposed structure is contained within the subject property and does not impede the safe movement of vehicles or pedestrians along the public rights of way. The proposed structure will not encroach into any neighboring properties and will be required to comply with all applicable building code regulations, and

**WHEREAS**, the Board of Zoning Adjustment does find that the requested variance will not alter the essential character of the general vicinity as the residential properties along Beachland Beach Road have varying front yard setbacks, and

**WHEREAS**, the Board of Zoning Adjustment does find that the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone as the subject property is similar in size and depth to most of the properties on the block face, and

**WHEREAS**, the Board of Zoning Adjustment does find that strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land as the proposed structure would typically comply with the required infill front yard setback. However, due to the size of the proposed stairs, they are integral to the structure which

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would be consider as part of the principal structure. Therefore, the variance is required, and

**WHEREAS**, the Board of Zoning Adjustment finds 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. The applicant has requested the variance and construction has not yet begun, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance **(1)** from Land Development Code (LDC) Table 5.3.1 to exceed the maximum permitted building height. **(25-VARIANCE-0073)** Building Height **(Requirement 35', Request 37', Variance 2')** and Variance **(2)** from Land Development Code (LDC) Section 5.1.12.B.2.a to allow a principal structure to encroach into the required infill front yard setback. **(26-VARIANCE-0035)** Infill Front Yard setback **(Requirement 20-40', Request 6.4', Variance 13.6')**.

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, Rodriguez, and Bond**

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**April 20, 2026**

**PUBLIC HEARING**

**CASE NO. 26-VARIANCE-0004**

Request: Variance from Land Development Code (LDC) section 4.4.3.A.1.a.i to allow a fence to exceed the maximum permitted height in the front yard setback.  
Project Name: 227 E Ormsby Ave Front Yard Fence  
Location: 227 E Ormsby Ave  
Applicant: Laura Lane  
Representative: Laura Lane  
Jurisdiction: Louisville Metro  
Council District: District 6  
Case Manager: Drake Watson, Planner I

A notice was posted on the property, and 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 Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

01:45:00 Drake Watson provided an overview of the request and presented a PowerPoint presentation. Watson responded to questions from Board Members. (See recording for details)

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

**None**

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

Helga Ulrich, 112 E Ormsby Ave, Louisville, KY 40203

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

01:48:20 Helga Ulrich raised concerns about running an unlicensed short-term rental, installing a non-compliant fence, and advertising an unsafe third-floor rental unit. Ulrich argued the owner consistently seeks approval only after breaking codes and urged the board not to allow the fence to remain. Ulrich responded to questions from Board Members. (See recording for details)

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**CASE NO. 26-VARIANCE-0004**

**Deliberation:**

01:51:50 Board deliberation

**An audio/visual recording of the Board of Zoning Adjustment meeting related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a fence to exceed the maximum permitted height in the required front yard setbacks. (26-VARIANCE-0004)**

**Front Yard Setback (Requirement 42", Request 64", Variance 22")**

01:55:45 On a motion by Member Lewis, seconded by Member Horton, the following resolution, based on the evidence and testimony heard today, was adopted:

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** the case to May 4, 2026, Board of Zoning Adjustment public hearing.

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, Rodriguez, and Bond**

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**April 20, 2026**

**PUBLIC HEARING**

**CASE NO. 26-VARIANCE-0021**

Request: Variance from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a fence to exceed 42 inches in height in the street side yard setback

Project Name: V&N Imperial Properties

Location: 2801 Montgomery St

Applicant: V&N Imperial Properties

Representative: Vildan Ahmic

Jurisdiction: Louisville Metro

Council District: District 5

Case Manager: Mollie Share, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

01:57:10 Mollie Share provided an overview of the request and presented a PowerPoint presentation. Share responded to questions from Board Members. (See recording for details)

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

Vildan Ahmic, 2801 Montgomery Street, Louisville, KY 40212

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

02:02:45 Vildan Ahmic explained that the property was fully renovated, and a modern wooden fence was installed. Ahmic stated that the fence only appears too tall from the street because of the retaining wall and steep grade, but its actual height is under six feet. Ahmic stated that the fence improves privacy and safety for tenants and was set back to allow for new landscaping. All landscaping and property improvements have already been completed. Ahmic responded to questions from Board Members. (See recording for details)

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**CASE NO. 26-VARIANCE-0021**

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

**None**

**Deliberation:**

02:08:20 Board deliberation

**An audio/visual recording of the Board of Zoning Adjustment meeting related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a fence to exceed 42 inches in height in the front and street side yard setback. (26-VARIANCE-0021)**

**Street Side Yard (Requirement 42", Request 96", Variance 54")**

**Front Yard (Requirement 42", Request 63", Variance 21")**

02:08:50 On a motion by Member Rodriguez, seconded by Member Lewis, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not adversely affect public health, safety, or welfare, because the requested fence height and type will not impede the safe movement of vehicles or pedestrians along any right-of-way. It will be installed in accordance with applicable building codes, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not alter the essential character of the general vicinity as there are several fences in the surrounding neighborhood that are similar in height, design, and placement in a front and street side yard setback, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance does arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone as the subject property is a corner lot. Because this is a corner lot, the applicant has increased exposure on two sides, which creates a privacy and safety issues that other lots in the area are not subjected to, and

**WHEREAS**, the Board of Zoning Adjustment does find that the strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land

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because the requested fence height and type will not impede the safe movement of vehicles or pedestrians along any right-of-way and matches the existing character of the neighborhood, and

**WHEREAS**, the Board of Zoning Adjustment does find that the circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as work has begun on the fence construction for which the variance is being requested, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a fence to exceed 42 inches in height in the front and street side yard setback. **(26-VARIANCE-0021) Street Side Yard (Requirement 42", Request 96", Variance 54")** and Front Yard **(Requirement 42", Request 63", Variance 21")**.

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, Rodriguez, and Bond**

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**CASE NO. 26-VARIANCE-0022**

Request: Variance to encroach into the required front yard setback  
Project Name: Hawk Realty Warehouse  
Location: 11517 Blankenbaker Access Drive  
Applicant: Hawk Realty LLC  
Representative: Deco Architects  
Jurisdiction: Louisville Metro  
Council District: District 11  
Case Manager: Catherine Gomez, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

02:09:30 Catherine Gomez provided an overview of the request and presented a PowerPoint presentation. Gomez responded to questions from Board Members. (See recording for details)

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

Justin D Glasscock, Deco Architects, 127 Old Monticello Street, Somerset, KY 42603

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

02:12:00 Justin Glasscock testified that the project aims to build a warehouse for Hawk Realty and moved the building upslope to cut costs, lowering the budget from \$5.6 million to \$3.6 million. Glasscock explained that an early survey of the Blankenbaker Access Drive project led them to mistakenly believe a triangular portion of land would revert to the owner. Because it did not, the building now encroaches by over five feet, requiring a variance. Glasscock confirmed the area in question is a steep slope, and the project will require fill material to create a level grade for the warehouse. Glasscock responded to questions from Board Members. (See recording for details)

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**CASE NO. 26-VARIANCE-0022**

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

**None**

**Deliberation:**

02:15:45      Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code (LDC) Section 5.3.4.D.3.a to allow the principal structure to encroach into the required front yard setback. Front Yard setback (Requirement 25', Request 5', Variance 20')**

02:16:10      On a motion by Member Ford, seconded by Member Horton, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not adversely affect the public health, safety, or welfare, or cause a hazard or nuisance to the public because the proposed structure must be constructed to comply with all building codes and the Land Development Code except for the requested relief. The front of the property has a significant amount of right-of-way that creates a buffer between the front of the building and the edge of the road, so even if the building is encroaching into the setback, the right-of-way provides the intended setback for the building, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as there are other buildings in the area are just as close to the property line as the one being proposed. The industrial development on this site matches the development in the general vicinity and complies with the site design standards of the Suburban Workplace form district, and

**WHEREAS**, the Board of Zoning Adjustment does find the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity as the subject property is similar in size and shape to other properties in the area, and

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**WHEREAS**, the Board of Zoning Adjustment does find that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as adherence to the setback standards would not permit the applicant to build the proposed warehouse. Since the building is large enough to cover most of the parcel, then the building cannot be setback due to site constraints. Additionally, there is enough right-of-way in front of the building to create the intended buffer from the street, and

**WHEREAS**, the Board of Zoning Adjustment does find that the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, as the applicant has requested the Variance before obtaining building permits, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC) Section 5.3.4.D.3.a to allow the principal structure to encroach into the required front yard setback. **(26-VARIANCE-0022) Front Yard setback (Requirement 25', Request 5', Variance 20')**.

**The vote was as follows:**

**YES: Members Lewis, Ford, Horton, Vozos, Rodriguez, and Bond**

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**PUBLIC HEARING**

**CASE NO. 26-VARIANCE-0036**

Request: Variance from St. Matthews Development Code Section 4.7.C.2.b to allow a proposed carport to encroach in the side yard setback.

Project Name: St Matthews Carport Variance

Location: 3607 Hughes Rd

Applicant: Sue Gerstle

Representative: Austin Brooks

Jurisdiction: St. Matthews

Council District: District 9

Case Manager: Abby Bills, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

02:17:00 Abby Bills provided an overview of the request and presented a PowerPoint presentation. Bills responded to questions from Board Members. (See recording for details)

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

Austin Brooks, 5801 Lovers Lane, Louisville, KY 40299

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

02:20:30 Austin Brooks, the contractor, explained that they plan to build a simple carport over the existing driveway and need a 3-foot variance. Brooks responded to questions from Board Members. (See recording for details)

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

**None**

**Deliberation:**

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**CASE NO. 26-VARIANCE-0036**

02:22:50      Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from St. Matthews Development Code Section 4.7.C.2.b to allow a proposed carport to encroach in the side yard setback.**  
**Side Yard setback (Requirement 5', Request 2', Variance 3')**

02:23:00      On a motion by Member Horton, seconded by Member Ford, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public. The proposed carport is not located close to public road and will not impede pedestrian or vehicular traffic. Additionally, there is an existing fence screening the proposed carport from the closest adjacent property, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not alter the essential character of the general vicinity as there are multiple properties along Hughes Rd with carports and attached garages extending into side yard setbacks, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone, as side yard setback regulations are the same for all properties zoned R-5 in the surrounding area. The subject site has the same lot shape and size as the majority of properties in the vicinity, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land as it would limit where the applicant can construct the proposed carport. The applicant is proposing to construct the carport to be in line with the existing driveway and side entrance to the residence. There would be no other reasonable placement of the carport on the property, and

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**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as work has not begun on the proposed structure for which the variance is being requested, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from St. Matthews Development Code Section 4.7.C.2.b to allow a proposed carport to encroach in the side yard setback. (**26-VARIANCE-0036**) Side Yard setback (**Requirement 5', Request 2', Variance 3'**).

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**CASE NO. 26-VARIANCE-0038**

Request: Variance from Land Development Code (LDC) Table 5.2.2 to allow a principal structure to encroach into the front yard setback

Project Name: The Nine Louisville

Location: 1900 S Floyd St

Applicant: Vesper Louisville Nine, LLC

Representative: Dinsmore & Shohl LLP

Jurisdiction: Louisville Metro

Council District: 6 – JP Lyninger

Case Manager: Mollie Share, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

02:24:00 Mollie Share provided an overview of the request and presented a PowerPoint presentation. Share responded to questions from Board Members. (See recording for details)

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

Emily Wade, 101 S 5<sup>th</sup> Street, Suite 101, Louisville, KY 40202

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

02:26:40 Emily Wade provided an overview of the request and presented a PowerPoint presentation. Wade responded to questions from Board Members. (See recording for details)

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

**None**

**Deliberation:**

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**PUBLIC HEARING**

**CASE NO. 26-VARIANCE-0038**

02:29:00 Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code (LDC) Table 5.2.2 to allow a principal structure to encroach into the front yard setback. (26-VARIANCE-0038)**

**Front Yard setback (Requirement 10', Request 5.3', Variance 4.7')**

02:29:30 On a motion by Member Lewis, seconded by Member Ford, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public because the building has been in operation and no new construction or encroachment is proposed. The applicant decided the variance was necessary during the due diligence process and filed the variance after acquiring the property and a professional survey, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not alter the essential character of the general vicinity, as the building is existing and meshes with the character of the surrounding area, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone, as the site is a corner lot. This is also unique to the vicinity as it is an after-the-fact variance on an existing building because of survey findings, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provision of the regulation would create an unnecessary hardship, as the structure has already been built and operational for some time now. A variance would prevent the need for extreme hardship and unnecessary measures, including relocating renters, demolition, and reconstruction to maintain reasonable use of the land, and

**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as work has been completed on the structure for which the variance

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is being requested. The applicant is seeking a variance upon discovery of the additional setback encroachment, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC) Table 5.2.2 to allow a principal structure to encroach into the front yard setback. **(26-VARIANCE-0038)** Front Yard setback **(Requirement 10', Request 5.3', Variance 4.7')**

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**CASE NO. 26-VARIANCE-0039**

Request: Variance from Land Development Code Table 8.3.2 to permit a freestanding sign that exceeds the maximum allowable sign area and height.

Project Name: Speedway Freestanding Sign

Location: 5601 Bardstown Rd

Applicant: Smart LED Signs

Representative: Smart LED Signs

Jurisdiction: Louisville Metro

Council District: District 22

Case Manager: Abby Bills, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

02:30:20 Abby Bills provided an overview of the request and presented a PowerPoint presentation. Bills responded to questions from Board Members. (See recording for details)

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

Paul Nee, 11524 Bristol Harbor Avenue, Louisville, KY 40245

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

02:33:20 Paul Nee stated that the proposed sign exceeds the allowed height and area for a collector road (Hudson Lane) approximately 25% too large and 30% too tall but matches Speedway's signage used elsewhere. Nee stated that a smaller, lower sign would reduce visibility for drivers coming from Hudson Lane, negatively affecting traffic and sales, and could increase the risk of vandalism. Nee mentioned that there is no existing sign at the location, and the site has been cleared for new construction. Nee responded to questions from Board Members. (See recording for details)

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

**None**

**Deliberation:**

02:42:10      Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code Table 8.3.2 to permit a freestanding sign that exceeds the maximum allowable sign area and height.**

02:43:10      On a motion by Member Ford, seconded by Member Horton, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds that the variance will not adversely affect public health, safety, or welfare or cause a hazard or nuisance to the public. The sign would, however, alter the essential character of the vicinity and would allow an unreasonable circumvention of the zoning regulations. There are other gas stations in the vicinity located on corner lots and situated on collector level roads off Bardstown Rd. All other gas stations in the vicinity maintain compliance with the sign regulations, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance does not arise from special circumstances unique to the subject property. The lot configuration, corner location, and collector level frontage are conditions common to other properties within the same zoning district and corridor. As such, the circumstances cited by the applicant are generally applicable to similarly situated properties and do not justify deviation from the established standards, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the regulation would not create an unnecessary hardship, as the property can continue to operate as a gas station with a freestanding sign that complies with the permitted height and square footage limitations. Limiting the proposed sign along Hudson Ln to the maximum area and height allowed under the Land Development Code does not deprive

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the applicant of reasonable use of the land, but rather ensures consistency with corridor standards and equitable application of the regulations, and

**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations as the sign has yet to be installed, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the requested Variance from Land Development Code Table 8.3.2 to permit a freestanding sign that exceeds the maximum allowable sign area and height.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**PUBLIC HEARING**

**CASE NO. 25-CAT3-0014**

Request: Category 3 Development Plan for a 127-unit senior living facility with associated variance and waivers  
Project Name: LDG First Link  
Location: 431 E. Liberty Street  
Applicant: Louisville Metro Housing Authority  
Representative: Dinsmore & Shohl LLP  
Jurisdiction: Louisville Metro  
Council District: District 4  
Case Manager: Sydney Fawcett, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

02:44:30 Sydney Fawcett provided an overview of the request and presented a PowerPoint presentation. Fawcett responded to questions from Board Members. (See recording for details)

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

Cliff Ashburner, 101 S 5<sup>th</sup> Street, Louisville, KY 40202

Cameron Acheson, 213 25<sup>th</sup> Street North, Suite E, Birmingham AL 35203

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

02:48:40 Cliff Ashburner provided an overview of the request and presented a PowerPoint presentation. Ashburner outlined the current development plan, elevations, access, parking, and landscaping. Ashburner responded to questions from Board Members. (See recording for details)

02:56:00 Cameron Acheson spoke in support of the request. Acheson responded to questions from Board Members. (See recording for details)

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**PUBLIC HEARING**

**CASE NO. 25-CAT3-0014**

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

**None**

**Deliberation:**

02:58:40      Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variance from Land Development Code (LDC) Section 5.2.1.C.3 to allow the proposed building to exceed the 15' maximum setback with at least 60% of the street wall maintained. (25-VARIANCE-0125)**

02:59:00      On a motion by Member Vozos, seconded by Member Ford, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety, or welfare, or cause a hazard or nuisance to the public as the proposed structure will maintain a greater street wall than the existing structure on-site. Nearly 45% of the street wall along E. Liberty Street is being maintained, which does not qualify the development for the maximum 15-foot setback. However, the development is providing an outdoor open space in place of where the street wall would be provided, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as the surrounding developments in the area do not maintain a street wall along at least 60% of their lot frontage while exceeding the 15-foot maximum setback, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity or in the same zone as the requirement applies to all developments within the Downtown form district, and

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**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as it would require the applicant to redesign the proposed building which may eliminate the provided open space and off-street parking, and

**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought as the applicant has requested the variance prior to beginning construction, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC) Section 5.2.1.C.3 to allow the proposed building to exceed the 15' maximum setback with at least 60% of the street wall maintained. **(25-VARIANCE-0125)**.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

**Waivers:**

02:59:50 On a motion by Member Vozos, seconded by Member Ford, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**1. Waiver from Land Development Code (LDC) Section 5.2.1.C.2 to allow the proposed building to not maintain a 3-story street wall for the length of the lot frontage and for the façade to recede more than 18" from the street wall. (25-WAIVER-0171)**

**WHEREAS**, the Board of Zoning Adjustment finds that the waiver will not adversely affect the adjacent property owners as the proposed development will be maintaining 45% of the street wall along E. Liberty Street which is roughly 10% greater than the existing structure, and

**WHEREAS**, the Board of Zoning Adjustment finds that the Community Form Goal 1 Policy 3.1.1 characterizes the Downtown form district as a blend of office, commercial, civic, medical, high-density residential, and cultural land uses. Buildings are generally the greatest in volume and height in the metropolitan area, and there is public open space

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including plazas and squares. The Downtown form should give identity to the whole community and should provide for a mixture of high density and intensity uses. Community Form Goal 1 Policy 4 seeks to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1 Policy 5 allows a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to provide an appropriate transition between the areas. Examples 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. The size and scale of the proposal is compatible with nearby developments in the general vicinity. The location of the proposed parking, open space, and landscaping will provide a transition from the subject site to the existing multi-family developments along E. Liberty Street, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. To maintain a street wall for the length of the lot frontage would limit how the site could be developed. The proposed open space would be required to be provided in the rear of the site with limited mitigation from I-65 which is directly north of the subject property. Additionally, the applicant would be required to move or eliminate the proposed off-street parking, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the proposed building would need to be significantly redesigned to maintain a street wall along the lot frontage on E. Liberty Street which could potentially eliminate the opportunity for outdoor open space for residents on-site, now, therefore be it.

**2. Waiver from Land Development Code (LDC) Section 5.5.1.B.1.a.ii to allow the parking to not be located behind the principal structure. (25-WAIVER-0172)**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not adversely affect the adjacent property owners as surrounding developments do not provide parking behind the principal structures. Several of the existing developments in the general vicinity provide parking in front of the principal structures, and

**WHEREAS**, the Board of Zoning Adjustment finds that the Plan 2040 Community Form Goal 1 Policy 4 seeks to ensure new development and redevelopment are compatible

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with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Community Form Goal 1 Policy 12 suggests ensuring that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. The placement of parking lots behind or beside the building rather than facing the street is encouraged. The use of alleys for access to parking lots is also encouraged, especially in the Downtown form district. The applicant will be providing buffering features such as a 3-foot wall and landscaping to buffer the proposed parking lot from the street and sidewalk. While a 20-foot cross access easement will be granted for the western portion of the site, it will strictly be used for trash and emergency services for the development, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant is limited to where off-street parking can be provided. To provide open space internal to the proposed structure, the applicant is restricted to provide parking on the eastern portion of the site, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. There are no minimum parking requirements within the Downtown form district. However, since the proposal is for multi-family residential, the applicant is providing off-street parking to serve the development, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Waiver **(1)** from Land Development Code (LDC) Section 5.2.1.C.2 to allow the proposed building to not maintain a 3-story street wall for the length of the lot frontage and for the façade to recede more than 18” from the street wall. **(25-WAIVER-0171)** and Waiver **(2)** from Land Development Code (LDC) Section 5.5.1.B.1.a.ii to allow the parking to not be located behind the principal structure. **(25-WAIVER-0172)**.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**Category 3 Development Plan**

03:00:25 On a motion by Member Vozos, seconded by Member Ford, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Category 3 Development Plan.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**CASE NO. 26-CUP-0029**

Request: Conditional Use Permit to allow a transitional home in the R-4 Residential Single-Family Zoning District (LDC 4.2.55)  
Project Name: Transitional Home  
Location: 6014 Robinhood Ln  
Applicant: John Flynn  
Representative: John Flynn  
Jurisdiction: Louisville Metro  
Council District: District 2  
Case Manager: Mark Pinto, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

03:01:20 Mark Pinto provided an overview of the request and presented a PowerPoint presentation. Pinto responded to questions from Board Members. (See recording for details)

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

John Flynn, 11802 Britney Avenue, Louisville, KY 40243

Saybach Glay, 135 Shadow Rock Ct, Louisville, KY 40165

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

03:04:50 John Flynn, the CFO for the property owner, explains that a Christian ministry leasing the home has been providing transitional housing for people recovering from substance abuse, but they operated without the required conditional use permit and were fined. Flynn stated that they intend to comply fully going forward. Flynn noted that the ministry felt compelled to help people who would otherwise be homeless, which contributed to them operating prematurely. Flynn responded to questions from Board Members. (See recording for details)

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

Ann Ramser, P. O. Box: 14243, Louisville, KY 40214

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

03:08:30 Ann Ramser spoke in opposition to the request and presented a PowerPoint Presentation. Ramser presents a detailed timeline of enforcement actions against the property, including multiple notices of violation, property-maintenance issues, shelter-related violations, final orders, and unpaid fines. Ramser highlighted problems such as improper use of the property and even basic maintenance concerns, like a refrigerator left in the driveway. Ramser raised concern about the facility's intake policies, pointing out that registered sex offenders may be prohibited from living so close to an Elementary School located about 0.3 miles away. Ramser responded to questions from Commissioners (see recording for details).

**Rebuttal:**

03:13:00 John Flynn clarified that the facility does not accept individuals with sexual-offense histories and that all prospective residents are vetted through background checks by the ministry operating the home. Flynn acknowledged past violations and fines, expressing regret and attributing some issues to the ministry's focus on helping people before fully understanding compliance requirements. Flynn stated that future operations including any additional homes will follow all permitting rules before anyone occupies the property, and he personally commits to hiring someone to manage procedural compliance. Flynn responded to questions from Board Members. (See recording for details)

**Deliberation:**

03:14:35 Committee deliberation

03:19:00 Chair Bond reopened the public hearing to receive testimony from the operator of the transitional home.

03:19:40 Saybach Glay stated that the transitional home houses about six men and does not accept sex offenders. Glay acknowledged that she has been operating the home for nearly two years without the necessary zoning-related license but says she believed

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she was already in the process of compliance. Glay described the home's structure, noting staff are present from 6 p.m. to midnight, residents attend programming at a certified facility during the day, curfews are enforced, vehicles are monitored, and random drug testing is conducted. Glay noted that this is her first transitional home, and she is unaware of license needed for house operation. Glay responded to questions from Board Members. (See recording for details)

**Deliberation:**

03:27:40 Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Conditional Use Permit to allow a transitional home in the R-4 Single-Family Residential zoning district with relief from lettered standard 'F' (LDC 4.2.55).**

03:41:50 On a motion by Member Lewis, seconded by Member Horton, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** the case to the May 4, 2026, Board of Zoning Adjustment public hearing to allow the applicant to provide additional information regarding the operation of the transitional home, including on-site and off-site activities, the management plan, the organizational structure, and details regarding the population served.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**CASE NO. 26-CUP-0043**

Request: Conditional Use Permit to allow the short-term rental of a dwelling unit that is the primary residence of the owner in the TNZD (LDC 4.2.63).  
Project Name: Short Term Rental  
Location: 511 Bertrand St  
Applicant: Dennis Lally  
Representative: Dennis Lally  
Jurisdiction: Louisville Metro  
Council District: District 6  
Case Manager: Abby Bills, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

03:44:00 Abby Bills provided an overview of the request and presented a PowerPoint presentation. Bills responded to questions from Board Members. (See recording for details)

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

Dennis Lally, 514 W St. Catherine Street, Louisville, KY 40203

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

03:46:40 Dennis Lally testified that he is a long-time Louisville resident and the owner of the property in question, having restored the house twice and repurchased it last year after previously owning it in the 1990s. Lally explained that he lives in the main building as his primary residence and built a carriage house on the property, which he intends to rent for additional income. Lally responded to questions from Board Members. (See recording for details)

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

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Helga Ulrich, 112 E Ormsby Ave, Louisville, KY 40203

Ann Ramser, P. O. Box: 14243, Louisville, KY 40214

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

03:48:30 Helga Ulrich raised concerns about the number of dwelling units on the property and the increase in short-term rental in the area. Ulrich argued that the carriage house functions as an ADU, which she believes should support long-term housing rather than short-term rentals, and notes that the block already contains several short-term rentals, some of which lack proper licensing. Ulrich responded to questions from Board Members. (See recording for details)

03:52:20 Ann Ramser spoke in opposition to the request and presented a PowerPoint Presentation. Ramser questioned whether the applicant truly lives at the property, citing PVA records showing multiple properties owned by Mr. Lally with mailing addresses that don't match his claimed primary residence. Ramser noted that one address appears to be a single-family home and sees no evidence of multiple units. Ramser responded to questions from Commissioners (see recording for details).

**Rebuttal:**

03:56:30 Dennis Lally stated that he lives in the recently restored house listed on their driver's license. Their other house hasn't sold yet and is currently rented. Lally emphasized they oppose Airbnb-type rentals and support owner-occupied housing. Lally stated that the property has three units in the main house plus a carriage house (four total), and he lives in one of the main-house units. Lally responded to questions from Board Members. (See recording for details)

**Deliberation:**

03:57:30 Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

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**Conditional Use Permit to allow the short-term rental of a dwelling unit that is the primary residence of the owner in the TNZD (LDC 4.2.63)**

03:58:00 On a motion by Member Ford, seconded by Member Rodriguez, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

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

**WHEREAS**, the Board of Zoning Adjustment finds that the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and appearance since no changes to the exterior of the property are being proposed which reduce compatibility with the area, and

**WHEREAS**, the Board of Zoning Adjustment finds that the necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation adequate to serve the proposed use are available, and

**WHEREAS**, the Board of Zoning Adjustment finds that the applicant has demonstrated, or will be required to demonstrate, compliance with each of the lettered standards for a conditional use permit. The proposed short-term rental includes two (2) bedrooms, allowing a maximum occupancy of six (6) guests. There are currently six (6) approved conditional use permits for short-term rentals within 600 feet of the subject site. However, the applicant has indicated that their primary residence is located on the property. In accordance with the Land Development Code, the separation requirement does not apply when the owner acts as host and maintains their primary residency within another dwelling unit on the same parcel of land, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow the short-term rental of a dwelling unit that is the primary residence of the owner in the TNZD (LDC 4.2.63) **SUBJECT** to the following Conditions of Approval:

1. The conditional use permit for this short-term rental approval shall allow up to two (2) bedrooms with a maximum of six (6) guests at any one time. Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code

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of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms/guests.

2. Prior to the commencement of any short-term rental on the subject property, the owner shall register the short-term rental pursuant to the Louisville Metro Code of Ordinances. If the short-term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
3. The owner shall act as host and maintain their primary residency within a dwelling unit in the same building or on the same parcel of land.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**CASE NO. 26-CAT3-0001**

Request: Category 3 Development Plan for Mid-City Mall redevelopment with associated waivers and variances  
Project Name: Mid-City Market  
Location: 1250 Bardstown Road, 1620 Beechwood Ave  
Applicant: Branch Acquisition Co LLC  
Representative: Dinsmore & Shohl LLP  
Jurisdiction: Louisville Metro  
Council District: District 8  
Case Manager: Mark Pinto, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the public hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained at the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

04:09:30 Mark Pinto provided an overview of the request and presented a PowerPoint presentation. Pinto responded to questions from Board Members. (See recording for details)

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

Ben Botkins, 1299 Willow Avenue, Louisville, KY 40204

Cliff Ashburner, 101 S 5<sup>th</sup> Street, Louisville, KY 40202

Jesse Shannon, 3340 Peachtree Road NE, Ste 2775, Atlanta, GA 30326

Brian Caudill, 1416 Willow Avenue, Louisville, KY 40204

Rob Willy, 1230 Everett Avenue, Louisville, KY 40204

Nick Morris, 1013 Everett Avenue, Louisville, KY 40204

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#### Summary of testimony of those in favor:

04:25:20 Ben Botkins who owns the adjacent Bellwether Hotel, supports the proposed development. Botkins stated that after six years of trying to attract quality redevelopment to the area without success, they believe this project is the best opportunity to revitalize the corridor. Botkins highlighted benefits like added sidewalks and improved walkability, note their long involvement with Bardstown Road, and urge the board to approve the project, saying the neighborhood needs it. Botkins responded to questions from Board Members. (See recording for details)

04:29:00 Cliff Ashburner introduced the project team members present, including representatives from Branch, the site design firm, and the building architects. Ashburner responded to questions from Board Members. (See recording for details)

04:30:40 Jesse Shannon, president of Branch Properties, gives a brief background on his company's long experience developing shopping centers. Shannon explained that planning for this redevelopment began a year ago and has involved six months of meetings with city staff, neighborhood groups, and other stakeholders. The plan has gone through several revisions to balance community input, site constraints, and tenant needs. Shannon stated that the result is the best feasible version of the project. Shannon responded to questions from Board Members. (See recording for details)

04:35:00 Cliff Ashburner provided an overview of the request and presented a PowerPoint presentation. Ashburner outlined the current development plan, elevations, access, pedestrian access, parking, and landscaping. Ashburner stated that the Mid City Market redevelopment shifts buildings toward the street, moves most parking inside the site, and adds far more landscaping and pedestrian paths. The team held 34 meetings with neighborhood groups, businesses, and the library to shape the plan. Bardstown and Baxter frontages gain new sidewalks, buffers, and improved entrances, while Rosewood Park and Beachwood Park are preserved and enhanced. A new 12,000-sq-ft library is included, with red brick and design changes based on community feedback. Ashburner responded to questions from Board Members. (See recording for details)

04:56:00 Nick Morris representing the Highlands Commerce Guild, voiced support for the Mid-City Market project on behalf of local small businesses. Morris emphasized that the Highlands thrives when new investment respects neighborhood character and strengthens walkability, foot traffic, and economic vitality. Morris encouraged a tenant mix that includes local businesses, asked for ongoing communication with the developer, and

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stressed the need for a thoughtful construction and traffic plan to minimize disruption. Morris responded to questions from Board Members. (See recording for details)

04:58:10 Rob Willy a long-time Highland's resident speaking for the Cherokee Triangle Association, expressed strong support for the Mid-City Market proposal. Willy stated that the association met twice with the developers and believes the project will improve walkability, add green space, bring a needed grocery anchor, and provide a new home for the neighborhood library. Willy urged the city and developer to finalize the library agreement and praised recent design revisions, especially along Baxter Avenue. The association formally voted to support the project and emphasized that it should move forward without delay. Willy responded to questions from Board Members. (See recording for details)

05:01:10 Brian Caudill president of the Friends of Beachwood Park and a longtime resident of both the Triangle and Beachwood Avenue, expressed full support for the Mid-City Market plan. Caudill explained that the park is leased from Mid-City Mall and has long been maintained by volunteers, and he had been concerned about its future under new ownership. Caudill stated that the developer will fully incorporate the park into the redevelopment and hopes the nearby library will use it for programming. The Friends of Beachwood Park formally endorse the project and look forward to its completion. Caudill responded to questions from Board Members. (See recording for details)

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

Patricia Clare, 1129 Hilliard Avenue, Louisville, KY 40204

Manuel Carralero, 1313 Mossrose Avenue, Louisville, KY 40204

Charles Swanson, 1621 Rosewood Avenue, Louisville, KY 40204

Sarah Sturgeon Almy, 1611 Rosewood Avenue, Louisville, KY 40204

Karolle Swanson, 1621 Rosewood Avenue, Louisville, KY 40204

Jack Trawick, 1129 Hillard Avenue, Louisville, KY 40204

Todd Martin, 1717 Rosewood Avenue, Louisville, KY 40204

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

05:04:00 Patricia Clare argued that Baxter is a major frontage not the “rear” of the project and deserves a stronger, more pedestrian-friendly design. She believes the proposed deep setback and building placement miss an opportunity to create an active streetscape and do not align with the development code or Plan 2040. Clare was concerned that the current plan’s treatment of Baxter Avenue is inappropriate and does not meet the standards for this corridor. Clare responded to questions from Board Members. (See recording for details)

05:07:25 Manuel Carralero emphasized that past agreements protected the alleys as residential and warned that converting sections to two-way traffic could make nearby garages unusable due to increased vehicle flow. Carralero argued that proposed 3-ft ornamental buffers are inadequate and should match the existing 6-ft screening along the property line. Carralero raised concern about a dumpster placed directly below his balcony and asked that it be relocated. Carralero responded to questions from Board Members. (See recording for details)

05:10:00 Charles Swanson stated that he supports development in general but opposes the plan’s treatment of the alleys. Swanson argued that the alleys are public neighborhood space and converting them into two-way traffic would endanger residents backing out of garages. Swanson raised concerns about residential screening, buffering and neighborhood alleys. Swanson responded to questions from Board Members. (See recording for details)

05:14:10 Sarah Sturgeon Almy supports development but opposes using the long-established residential alleys for access. Almy noted BOZA already denied alley use and that past agreements required substantial screening, which they want restored with a 6-foot fence. Almy stated that nearby residents were barely consulted, unlike other neighborhoods farther away. Almy raised concerns about the alleys, planned driveways, and screening. Almy responded to questions from Board Members. (See recording for details)

05:17:45 Karolle Swanson spoke in opposition and raised concern about the alleys (See recording for details)

05:21:15 Jack Trawick raised concerns about traditional visual character, alternative transportation, connections to nearby residential areas, and compatibility with adjacent neighborhoods. Trawick responded to questions from Board Members. (See recording for details)

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05:26:10 Todd Martin raised concerns about converting the alley from one-way to two-way traffic. Martin also concerned about increased speeding, safety issues, and difficulty accessing garages. Martin asked who would maintain the expanded alley if part is on private property and part on city right-of-way. Martin also questioned why no traffic impact study is required, given the change in traffic flow, and asks whether speed humps, lighting controls, and shielding have been considered to protect nearby homes. Martin responded to questions from Board Members. (See recording for details)

**Rebuttal:**

05:29:20 Cliff Ashburner explained that the design aims to address major community priorities such as keeping the library, maintaining a grocery store, and improving walkability. Ashburner argued that alternative building layouts, like reorienting structures along Baxter Avenue were explored but created other problems or costs. Ashburner emphasized that the plan adds significant new sidewalks and ADA-compliant pedestrian routes, improving walkability compared to the current asphalt lot. Ashburner stated that Rosewood alley remains one-way at its entrance, becoming a shared alley/access lane only deeper into the site. Beachwood alley circulation stays limited, as it is today. Ashburner stated that the developer believes the need for heavy screening is reduced because the new design replaces a large parking lot with a building and landscaping. Ashburner mentioned that for one specific property, the developer is willing to install a new 6-foot solid screen and additional landscaping. Ashburner responded to questions from Board Members. (See recording for details)

**Deliberation:**

05:37:30 Committee deliberation

**An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Variances:**

05:40:30 On a motion by Member Rodriguez, seconded by Member Lewis, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

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**1. Variance from Land Development Code (LDC) 5.1.12.A.2.a to allow the proposed building at 1620 Beechwood Avenue to exceed the maximum infill front yard setback of 29 ft. by 20 ft (26-VARIANCE-0020).**

**Variance #1- Front Yard (Beechwood Ave) (Requirement 29', Request 49', Variance 20')**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public. The proposed office/library building shall be required to meet all applicable building and fire code regulations. The building is meeting required setbacks from adjacent lower intensity, residential uses along Beechwood Avenue. The existing zoning district does not permit potentially hazardous, or nuisance uses such as heavy industrial land uses that could negatively impact adjacent residences. The proposed parking is located between the proposed building and an alley, which is the desired off-street parking location within the Traditional form districts. The required 5 ft. landscape buffer area (LBA) is being provided to screen the proposed parking from adjacent residential uses. Transportation and Public Works have reviewed the proposal and given preliminary approval, including the proposed parking adjacent to the alley, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The infill front yard setback range is determined by adjacent residential uses along Beechwood Avenue. An open green space area is located where the proposed building would be located if the infill setback was maintained. The area is proposed to be a park with open green space, which is in keeping with the existing character of Beechwood Avenue. The location of parking is common in Traditional form districts and backout parking off the alley is encouraged, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone since the properties along Beechwood Avenue are residential uses with traditional residential form lot sizes, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulations would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant. The size of the park area could be reduced or eliminated to allow the proposed building to meet the infill front yard setback and pull the parking out of the required rear yard setback. However, this could reduce

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compatibility with adjacent residential uses along Beechwood Avenue by removing or reducing the open green space that has historically existed, and

**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has not begun construction on the structure for which the variances are being requested, now, therefore be it.

**2. Variance from LDC Table 5.2.2 to allow parking for the proposed building at 1620 Beechwood Avenue to encroach into the required 5 ft. rear yard setback (26-VARIANCE-0045).**

**Variance #2 - Rear Yard (Beechwood Ave) (Requirement 5', Request 0', Variance 5')**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public. The proposed office/library building shall be required to meet all applicable building and fire code regulations. The building is meeting required setbacks from adjacent lower intensity, residential uses along Beechwood Avenue. The existing zoning district does not permit potentially hazardous, or nuisance uses such as heavy industrial land uses that could negatively impact adjacent residences. The proposed parking is located between the proposed building and an alley, which is the desired off-street parking location within the Traditional form districts. The required 5 ft. landscape buffer area (LBA) is being provided to screen the proposed parking from adjacent residential uses. Transportation and Public Works have reviewed the proposal and given preliminary approval, including the proposed parking adjacent to the alley, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The infill front yard setback range is determined by adjacent residential uses along Beechwood Avenue. An open green space area is located where the proposed building would be located if the infill setback was maintained. The area is proposed to be a park with open green space, which is in keeping with the existing character of Beechwood Avenue. The location of parking is common in Traditional form districts and backout parking off the alley is encouraged, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance arise from circumstances which do not generally apply to land in the general vicinity, or in the same

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zone since the properties along Beechwood Avenue are residential uses with traditional residential form lot sizes, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulations would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant. The size of the park area could be reduced or eliminated to allow the proposed building to meet the infill front yard setback and pull the parking out of the required rear yard setback. However, this could reduce compatibility with adjacent residential uses along Beechwood Avenue by removing or reducing the open green space that has historically existed, and

**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has not begun construction on the structure for which the variances are being requested, now, therefore be it.

**3. Variance from LDC 5.1.12.A.2.a to allow the proposed grocery store building at 1250 Bardstown Road to exceed the maximum infill front yard setback of 5 ft. by 143 ft. along Baxter Avenue (26-VARIANCE-0019).**

**Variance #3 - Front Yard (Baxter Ave) (Requirement 5', Request 142', Variance 137')**

**WHEREAS**, the Board of Zoning Adjustment finds that the variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public. The proposed grocery store building shall be required to meet all applicable building and fire code regulations. The building is meeting required setbacks from adjacent lower intensity, residential uses along Baxter Avenue. The existing zoning district does not permit potentially hazardous, or nuisance uses such as heavy industrial land uses that could adversely affect adjacent properties, and

**WHEREAS**, the Board of Zoning Adjustment finds that the variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The required front yard setback is determined by the two nearest lots with principal structures, which are two residential lots along Baxter Avenue that front Beechwood and Rosewood Avenue. The subject site is currently developed with a parking lot at this location and the existing building is setback approximately 350 ft. from the property line adjacent to Baxter Avenue. The proposal brings the building closer to Baxter Avenue with improved landscaping and screening, and

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**WHEREAS**, the Board of Zoning Adjustment finds that the variance does not arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone since there are adjacent properties within the Traditional Marketplace form district with similar required setbacks from roadways, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulations would create an unnecessary hardship on the applicant since the rear of the grocery store would be required to be located within 5 ft. of the property line. Vehicular access and deliveries would need to be reconfigured which could adversely impact the proposed park area and maneuvering areas that are located between the proposed grocery store and Baxter Avenue, and

**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has not begun construction on the structure for which the variance is being requested, now, therefore be it.

**4. Variance from LDC 5.1.12.A.2.a to allow the proposed retail buildings at 1250 Bardstown Road to exceed the maximum infill front yard setback of 35 ft. by 221 ft along Bardstown Road (26-VARIANCE-0019).**

**Variance #4 - Front Yard (Bardstown Rd) (Requirement 35', Request 221', Variance 256')**

**WHEREAS**, the Board of Zoning Adjustment finds that the variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public. The proposed retail buildings shall be required to meet all applicable building and fire code regulations. The buildings are meeting required setbacks from adjacent lower intensity, residential uses. The existing zoning district does not permit potentially hazardous, or nuisance uses such as heavy industrial land uses that could adversely affect adjacent properties, and

**WHEREAS**, the Board of Zoning Adjustment finds that the variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations. There are two existing buildings on the subject site that are proposed to remain and are in front of the proposed retail buildings. The new proposed retail buildings are located closer to Bardstown Road than the existing mall building, and

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**WHEREAS**, the Board of Zoning Adjustment finds that the requested variance arises from circumstances which do not generally apply to land in the general vicinity, or the same zone. The subject site is developed with existing buildings that are located within the required setback that are proposed to remain on the site, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulations would create an unnecessary hardship on the applicant since the existing coffee shop and restaurant would be required to be demolished. The proposed retail buildings would need to be constructed where the existing coffee shop and restaurant are currently located, and

**WHEREAS**, the Board of Zoning Adjustment finds that the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has not begun construction on the structures for which the variance is being requested, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance **(1)** from Land Development Code (LDC) 5.1.12.A.2.a to allow the proposed building at 1620 Beechwood Avenue to exceed the maximum infill front yard setback of 29 ft. by 20 ft **(26-VARIANCE-0020)**. Variance #1- Front Yard (Beechwood Ave) **(Requirement 29', Request 49', Variance 20')** , Variance **(2)** from LDC Table 5.2.2 to allow parking for the proposed building at 1620 Beechwood Avenue to encroach into the required 5 ft. rear yard setback **(26-VARIANCE-0045)**. Variance #2 - Rear Yard (Beechwood Ave) **(Requirement 5', Request 0', Variance 5')** , Variance **(3)** from LDC 5.1.12.A.2.a to allow the proposed grocery store building at 1250 Bardstown Road to exceed the maximum infill front yard setback of 5 ft. by 143 ft. along Baxter Avenue **(26-VARIANCE-0019)**. Variance #3 - Front Yard (Baxter Ave) **(Requirement 5', Request 142', Variance 137')** and Variance **(4)** from LDC 5.1.12.A.2.a to allow the proposed retail buildings at 1250 Bardstown Road to exceed the maximum infill front yard setback of 35 ft. by 221 ft along Bardstown Road **(26-VARIANCE-0019)**. Variance #4 - Front Yard (Bardstown Rd) **(Requirement 35', Request 221', Variance 256')**

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**Waivers:**

05:45:25 On a motion by Member Ford, seconded by Member Rodriguez, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**1. Waiver of LDC 10.2.10 to omit the required 10 ft. vehicular use area landscape buffer (VUA LBA) along the property line adjacent to Bardstown Road in front of the existing restaurant (26-WAIVER-0018).**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waivers will not adversely affect adjacent property owners since the waiver is to accommodate existing site conditions for the vehicular use area between the existing restaurant and Bardstown Road. There are street trees between the parking lot and Bardstown Road that adequately screen the area from the roadway, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waivers will not violate specific guidelines of Plan 2040. Community Form Goal 1, Policy 4 calls to ensure that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. The existing street trees are to remain, and no new construction is proposed in this area of the site, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waivers of the regulation is the minimum necessary to afford relief to the applicant since the restaurant and vehicular use area are an existing site condition, and

**WHEREAS**, the Board of Zoning Adjustment finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant. The vehicular use area would need to be reconfigured which could adversely affect vehicular and pedestrian circulation for the existing restaurant. No new construction is proposed in this area of the subject site where the waiver is being requested, now, therefore be it.

**2. Waiver of LDC 5.5.1.A.3.a to allow parking in front of the proposed retail buildings facing Bardstown Road and proposed grocery store building along Baxter Avenue (26-WAIVER-0019).**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not adversely affect adjacent property owners since the location of the parking shall not

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interrupt or impede vehicular and pedestrian travel along adjacent roadways. The parking areas are contained within the subject site and do not constitute access through areas or properties of significantly lower intensity, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waivers will not violate specific guidelines of Plan 2040. Mobility Goal 2, Policy 4 states to avoid access to development through areas of significantly lower intensity or density development. The proposed parking areas in front of the buildings are accessed through Baxter Avenue and Bardstown Road, which are arterial roadways that serve a mix of residential and commercial uses in the area.

Community Form Goal 2, Policy 1 calls to locate activity centers in appropriate areas in all Form Districts. The design of activity centers should be compatible with the desired form, adjacent uses, and existing and planned infrastructure. While off-street parking in front of buildings is generally discouraged in Traditional form districts, adequate screening and the design of the proposal helps mitigate any potential negative impacts. The off-street parking areas in front of the proposed retail buildings facing Bardstown Road are located behind the existing coffee shop and restaurant, thereby reducing the visual impact along Bardstown Road. The off-street parking area located in front of the building along Baxter Avenue will be screened with a brick wall, colonnade structure with aluminum railing and other architectural features that provide visual interest. New street trees shall also be planted in the right-of-way along the Baxter Avenue frontage, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the off-street parking areas could be redesigned or removed from the proposed locations to comply with the regulations. However, there are several hundred parking spaces in front of the existing Mid City Mall building with minimal to no screening. The proposal includes additional landscaping and screening along the Baxter Avenue structure to reduce the visual impact of the proposed off-street parking area, and

**WHEREAS**, the Board of Zoning Adjustment finds that 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. The applicant is proposing a colonnade structure consisting of brick, aluminum railing, and other architectural features along the Baxter Avenue frontage to provide visual interest and enhanced screening. Also, a 10 ft. landscape buffer area is proposed between the parking spaces and colonnade wall, now, therefore be it.

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**3. Waiver of LDC 5.5.1.A.4.b to allow loading docks on a primary façade of the proposed grocery store building along Baxter Avenue (26-WAIVER-0019)**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not adversely affect adjacent property owners since the location of the loading docks shall not interrupt or impede vehicular and pedestrian travel along adjacent roadways or through adjacent properties. The parking areas are contained within the subject site and do not constitute access through areas or properties of significantly lower intensity, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waivers will not violate specific guidelines of Plan 2040. Mobility Goal 2, Policy 4 states to avoid access to development through areas of significantly lower intensity or density development. The proposed loading docks on the rear façade are accessed through Baxter Avenue and Bardstown Road, which are arterial roadways that serve a mix of residential and commercial uses in the area.

Community Form Goal 2, Policy 11 calls to ensure appropriate placement, design, and scale of centers in all form districts to ensure compatibility with nearby residences. The loading docks on the rear façade facing Baxter Avenue should have a minimum visual impact on Baxter Avenue and nearby residences. A screen wall attached to the rear of the building is proposed to obstruct the view of the loading docks. Landscape buffering and screening is proposed to mitigate the visual impact of the loading docks along Baxter Avenue, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the proposed buildings could be redesigned for the loading docks to be positioned internally to avoid the waiver request. However, the subject site is a dual frontage lot with respect to Bardstown Road and Baxter Avenue, making the rear and front facades of the grocery store building primary facades. Grocery store buildings commonly have loading areas in rear to minimize impacts of delivery vehicle circulation on the site, and

**WHEREAS**, the Board of Zoning Adjustment finds that 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. The applicant is proposing a colonnade structure consisting of brick, aluminum railing, and other architectural features along the Baxter Avenue frontage to provide visual interest and enhanced screening. Also, a 10 ft. landscape buffer area is proposed between the parking spaces and colonnade wall.

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Lastly, the loading docks are shown to be screened with a masonry wall attached to the rear of the building that will be painted with a mural, now, therefore be it.

**4. Waiver of LDC 5.5.1.A.1.b to not provide a customer entrance facing Baxter Avenue (26-WAIVER-0045).**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not adversely affect adjacent property owners since the configuration and placement of building entrances should only affect the subject site and not adjacent properties. Adjacent residential properties may utilize vehicular and pedestrian routes to access the main entrance on the front façade of the grocery store building, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waivers will not violate specific guidelines of Plan 2040. Mobility Goal 3, Policy 3 states developments should be evaluated for their ability to promote public transit and pedestrian use. Higher density developments should reduce the need for multiple automobile trips as a means for providing alternative transportation choices. There is an established transportation network that encourages walking, biking, and public transit in the area. The development is proposing a sidewalk network that provides access from Baxter Avenue and Bardstown Road into the subject site and to various building entrances for the retail and grocery store buildings, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the grocery store building could be reconfigured to include an entrance on the rear façade facing Baxter Avenue. However, the subject site is a dual frontage lot with respect to Bardstown Road and Baxter Avenue, requiring customer entrances facing both the primary and secondary street. Properties with double frontages not located on a corner are not common in the area, as properties generally front on one street and require only one entrance. Grocery store buildings commonly have loading areas in the rear to minimize impacts of delivery vehicle circulation on the site, and

**WHEREAS**, the Board of Zoning Adjustment finds that 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. The applicant is proposing a colonnade structure consisting of brick, aluminum railing, and other architectural features along the Baxter Avenue frontage to provide visual interest and enhanced screening. Also, a 10 ft. landscape buffer area is proposed between the parking spaces and colonnade wall. Lastly, internal sidewalk connections are proposed to provide pedestrian access

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throughout the site to all the retail buildings along the sides and front of the property, and to the main entrance of the grocery store, now, therefore be it.

**5. Waiver of LDC 5.7.1.B.3.b to not require the side facades of the proposed grocery store and retail buildings to meet the transition standard for primary facades (26-WAIVER-0046).**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not adversely affect adjacent property owners since the proposed buildings are meeting all required setbacks from adjacent residential properties and the alleys. The buildings will be required to meet all applicable building and fire code regulations, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not violate specific guidelines of Plan 2040. Community Form Goal 2, Policy 1 states design of activity centers should be compatible with the desired form and adjacent uses. The proposed buildings contain additional architectural features along all the building facades, including the side facades that require the waiver, over the facades of the existing building. Like the front and rear facades, the side facades contain variation in materials, awnings, parapet walls, and variation in roofline to provide visual interest. Lastly, new development on the site is meeting the requirements of LDC Chapter 10 for landscaping and screening, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The primary facades of the proposed buildings contain architectural features such as cornices, decorative tiebacks, glass, awnings, and variation in materials. The side facades of the buildings within the transition zone also contain cornices and variation in materials. Generally, it is uncommon for side facades of buildings to be constructed with the same level of architectural detail on the primary facades with respect to doors, windows, and access, and

**WHEREAS**, the Board of Zoning Adjustment finds that 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. The applicant is proposing a colonnade structure consisting of brick, aluminum railing, and other architectural features along the Baxter Avenue frontage to provide visual interest and enhanced screening. Also, a 10 ft. landscape buffer area is proposed between the parking spaces and colonnade wall. Lastly, there are park areas proposed as the amenity spaces to provide a transition

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between existing residential properties and to provide a sense of place, now, therefore be it.

**6. Waiver of LDC 5.6.1.C.1 to provide less than 50 percent clear glazing along the façade of the proposed grocery store building facing Baxter Avenue and interior to the site (26-WAIVER-0019).**

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not adversely affect adjacent property owners since the proposed building is meeting all required setbacks from adjacent residential properties and the alleys. The building will be required to meet all applicable building and fire code regulations, and

**WHEREAS**, the Board of Zoning Adjustment finds that the requested waiver will not violate specific guidelines of Plan 2040. Community Form Goal 2, Policy 1 states design of activity centers should be compatible with the desired form and adjacent uses. The proposed building contains more architectural features along all the building facades than the existing building currently provides, thereby increasing compatibility with the Traditional form district and adjacent properties. The subject buildings have variation in materials consisting of cornice molding, glass, brick, paneling, and other architectural features that provide visual interest from the roadway, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The primary facades of the proposed buildings contain architectural features such as cornice, decorative tiebacks, glass, awnings, and variation in materials. The requested waiver is common for grocery store buildings throughout Louisville Metro, and

**WHEREAS**, the Board of Zoning Adjustment finds that 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. The applicant is proposing a colonnade structure consisting of brick, aluminum railing, and other architectural features along the Baxter Avenue frontage to provide visual interest and enhanced screening. Also, a 10 ft. landscape buffer area is proposed between the parking spaces and colonnade wall. Lastly, there are park areas proposed as the amenity spaces to provide a transition between existing residential properties and to provide a sense of place, now, therefore be it.

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**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Waiver **(1)** of LDC 10.2.10 to omit the required 10 ft. vehicular use area landscape buffer (VUA LBA) along the property line adjacent to Bardstown Road in front of the existing restaurant **(26-WAIVER-0018)**, Waiver **(2)** of LDC 5.5.1.A.3.a to allow parking in front of the proposed retail buildings facing Bardstown Road and proposed grocery store building along Baxter Avenue **(26-WAIVER-0019)**, Waiver **(3)** of LDC 5.5.1.A.4.b to allow loading docks on a primary façade of the proposed grocery store building along Baxter Avenue **(26-WAIVER-0019)**, Waiver **(4)** of LDC 5.5.1.A.1.b to not provide a customer entrance facing Baxter Avenue **(26-WAIVER-0045)**, Waiver **(5)** of LDC 5.7.1.B.3.b to not require the side facades of the proposed grocery store and retail buildings to meet the transition standard for primary facades **(26-WAIVER-0046)** and Waiver **(6)** of LDC 5.6.1.C.1 to provide less than 50 percent clear glazing along the façade of the proposed grocery store building facing Baxter Avenue and interior to the site **(26-WAIVER-0019)**.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

**Category 3 Development Plan**

05:46:50 On a motion by Member Lewis, seconded by Member Ford, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Category 3 Development Plan.

**The vote was as follows:**

**YES: Members Lewis, Vozos, Rodriguez, Ford, Horton, and Bond**

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**ADJOURNMENT**

The meeting adjourned at approximately 7:05 p.m.

DocuSigned by:

*Sharon Bond*

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**Chair**

Signed by:

*Brian Davis*

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**Planning Director**