

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

MAY 18, 2015

A meeting of the Louisville Metro Board of Zoning Adjustment was held at 8:30.A.M. on Monday, May 18, 2015, 514 West Liberty Street, Old Jail Building, Old Jail Court Room, Louisville, Kentucky.

Members present:

- *David Proffitt, Chairperson
- Mike Allendorf, Vice Chairperson
- Rosalind Fishman, Secretary
- Frederick Liggin
- Dean Tharp
- Paul Bergmann

Members absent:

- Betty Jarboe

Staff members present:

- Emily Liu, Director, Planning & Design Services
- Jonathan Baker, Legal Counsel
- Steve Hendrix, Planning Supervisor
- Joe Reverman, Planning Supervisor
- Jon Crumbie, Planner II
- Chris Brown, Planner II
- Beth Stevenson, Management Assistant

*Chair Proffitt left the meeting after Case No. 15VARIANCE1014 was heard.

The following cases were heard:

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APPROVAL OF MINUTES

MAY 4, 2015 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

On a motion by Member Tharp, seconded by Member Fishman, the following resolution was adopted:

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting held on May 4, 2015.

YES: Members Allendorf, Fishman, Liggin, Proffitt, Tharp and Bergmann.

NO: No one.

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

ABSTAINING: No one.

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CHAIR PROFFITT ANNOUNCEMENT

Chair Proffitt announced that today would be Member Liggin' s last meeting. He thanked him for six years of service and indispensable insight to the issues they resolve.

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BUSINESS SESSION:

CASE NO. 13CUP1011

Request: As per condition #5 of 13CUP1011, heard by the Board on March 17, 2014) Modification of Conditional Use Permit. Last discussed on March 16, 2015.

Project Name: New Equipment Report

Location: 1200 Story Avenue

Owner: JBS USA, LLC
1200 Story Avenue
Louisville, KY 40202

Applicant: Same as Owner

Attorney: Frost Brown Todd
Glenn Price, Esq.
400 W. Market Street, Ste. 300
Louisville, KY 40202

Jurisdiction: Louisville Metro

Council District: 4—David Tandy
Case Manager: Steve Hendrix, Planning Supervisor

This case was moved to the end of the agenda to allow the applicant time to arrive. The Board allowed Mr. Salomon to speak when it was originally called.

Opposed:

Jon Salomon, Tachau Meek, 3600 National City Tower, 101 S. Fifth Street, Louisville, KY 40202. Mr. Salomon said there are still issues with odors; and that the progress is always in progress. He said the Board could possibly incorporate new conditions of approval at the next meeting on September 21, 2015.

Supporting the applicant:

Glenn Price, the applicant's attorney, explained the Matseco, Aircode™ product has been effective controlling the odor from the stock barns, but not all of it. He

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said his client has ordered more equipment to resolve this and will install once received. Mr. Price explained that the Aircode™ product is not working for the scrubber area, so they will be testing another product, Aquacode™. He asked that the Board realize, that they are actively trying to resolve this issue.

The next meeting will be held on September 21, 2015.

No vote required.

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NEW BUSINESS:

CASE NO. 15VARIANCE1014

Request: Variance to allow a proposed building to exceed the maximum setback; and three waivers.

Project Name: Springdale Automotive--Eastwood

Location: 16119 Eastwood Cut Off Road

Owner: Springdale Properties, LLC
Kurt & Karen Shelton
18919 Long Grove Way
Louisville, KY 40245

Applicant: Litchtefeld, Inc.
Paul Litchtefeld, Jr.
908 S. 8th Street
Louisville, KY 40203

Attorney: Wyatt, Tarrant & Combs
Cliff Ashburner, Esq.
500 W. Jefferson Street, Ste. 2700
Louisville, KY 40202

Jurisdiction: Louisville Metro

COUNCIL DISTRICT 19—Julie Denton

Staff Case Manager: Sherie' Long, Landscape Architect, presented by
Steve Hendrix, Planning Supervisor

(CONTINUED FROM MAY 4, 2015)

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and was available to any interested party prior to the public hearing. (The staff report is part of the

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case file maintained at the Planning and Design Services offices located at 444 S. 5th Street).

Agency Testimony:

Steve Hendrix, Planning Supervisor, presented the case for staff case manager, Sherie' Long. Mr. Hendrix said this case was continued to allow time to submit a traffic report. Mr. Hendrix presented the PowerPoint presentation to the Board. He said the applicant has eliminated some of the waiver requests.

The following spoke in favor of this request:

Cliff Ashburner.

Summary of testimony of those in favor:

Cliff Ashburner, the applicant's representative, presented a PowerPoint presentation with various photos of other businesses in the area that do not comply with the Eastwood Neighborhood Plan. He discussed the number of trips per day and said any other use would create the same amount if not more. He said they've withdrawn some of the waivers. Chair Proffitt asked if they know about how much business they'll be getting per day. Mr. Ashburner said about 15 cars per day. He said the traffic along Shelbyville Road is a pre-existing condition. Member Fishman suggested using Hardiplank at the top façade instead of vinyl for some compliance with the neighborhood plan.

The following spoke neither for nor against the request:

Jerry Miller, Kentucky House of Representatives, District 36, 17200 Ash Hill, Louisville, KY 40245.

Summary of testimony of those who spoke neither for nor against:

Jerry Miller said he is concerned with the amount of traffic and accidents in the area. He said this should be looked at thoroughly by the Kentucky Transportation Department.

The following spoke in opposition to this request:

Steve Porter, Attorney, 2406 Tucker Station Road, Louisville, KY 40299.

Deb DeLore, Chair of the Eastwood Village Council, 902 Flat Rock Road, Louisville, KY 40245.

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David Henderman, 604 Flat Rock Road, Louisville, KY 40245.

Dominga Batista, 315 Rockcrest View Court, Louisville, KY 40245.

Summary of testimony of those in opposition:

Steve Porter said he is the attorney representing the Eastwood Village Council, and said the site design, setbacks, allowing parking in the front of the business and landscaping does not comply with the Land Development Code regulations or the Eastwood Neighborhood Plan. He said it is not compatible with the area.

Deb DeLore, Chair of the Eastwood Village Council, presented a PowerPoint presentation, and said the vision statement encourages a walkable mixed-use area that ensures compatibility with new and existing structures. She said they do not want an entrance off Shelbyville Road and want it to remain a parkway with appropriate setbacks and landscaping. Ms. DeLore said they are also very concerned with the number of accidents and traffic in the area since drivers don't adhere to the speed limit.

Member Allendorf asked if anyone obtained the traffic accident study. Joe Reverman, Planning Manager, said they received a police report, but it didn't include how the accidents occurred.

David Henderman said he's lived in the area for 8 years; and said the neighborhood plan has been in effect for 10 years and is reasonable. He said the applicant hasn't done anything to comply with the neighborhood plan; and feels if the Board approves the request, will set a precedent in the area.

Dominga Batista said this part of Shelbyville Road is dangerous; and that accidents have backed it up to the Gene Snyder. She said there aren't any sidewalks in addition to a dangerous 45 degree curve in the road. Ms. Batista said she worries about the children in the area that go to the nearby parks.

Rebuttal Steve Porter:

Mr. Porter said the development is too large for the property and doesn't comply with the neighborhood plan. Member Fishman suggested again that the applicant use a more durable material other than vinyl at the top façade.

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Rebuttal Cliff Ashburner:

Mr. Ashburner said that staff makes recommendations to the Board, and that ultimately, it is the Board's decision. He said the entrances have been approved by Transportation Planning and will be reviewed by KYTC before they can receive permits. Mr. Ashburner said there are a variety of uses and building designs in the neighborhood.

Deliberation:

Some of the Board members were in support with the addition of using Hardiplank on the top façade.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the May 18, 2015 public hearing proceedings.

Variance—To allow a proposed building to exceed the maximum setback of 25 feet from Shelbyville Road:

On a motion by Member Fishman, seconded by Member Allendorf, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report, the applicant's revised justification dated 5/15/15 where the four standard of review requirements control over the additional considerations; the site plan, the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a variance from Section 5.2.6.E and Table 5.2.2 of the Land Development Code, to allow a proposed building to exceed the maximum setback of 25 feet to 148.09 feet, or a variance of 123.09 feet; and

WHEREAS, the Board finds that the requested variance will not adversely affect the public health, safety or welfare because the subject property has frontage on both Shelbyville Road and Eastwood Cutoff Road and will use both for access; and because the location of the building further than the Land Development Code expects from Shelbyville Road right-of-way, is necessary to provide access to the building for customers from the more auto-centric of the two sides of the

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property; and because the Eastwood Cutoff Road entrance will only be used for employees; and because the entrance on Shelbyville Road has been preliminarily approved by the Kentucky Transportation Cabinet; and

WHEREAS, the Board finds that the variance will not alter the essential character of the general vicinity because Eastwood is a mixed use area with retail, residential and offices along Shelbyville Road and properties that are zoned residential; and adjacent to the subject property to the west is the Eastwood Stove Company, which has parking at approximately the same distance from the road as the proposed development; and because across Shelbyville Road is the Kentuckiana Car Sales, with parking, repair area and inventory display adjacent to the roadway; and because the proposed development attempts to respect the residential character of Eastwood Cutoff Road by putting customer parking toward Shelbyville Road, but far enough away from Shelbyville Road so as to respect the rural character of Eastwood; and because the Eastwood Neighborhood Plan designates the Shelbyville Road corridor part of the "Village Center" Form District but also recognizes that "the portion of the Eastwood Village Center adjoining Shelbyville Road needed to be addressed differently than the remaining areas of the center...[The recommendation to widen Shelbyville Road to three lanes] acknowledges that the speed and volume of traffic on Shelbyville Road will be considerably higher than other roads within the center and the adjoining land uses will have a greater dependency on automotive traffic" and because the Eastwood Village Plan goes on to discuss the more human scale of Eastwood Cutoff Road; and because the applicant has agreed to use Hardiplank or other durable material on the upper façade instead of vinyl; and

WHEREAS, the Board finds that the variance will not cause a hazard or nuisance to the public because the proposed parking area contains an entrance that has been preliminarily approved by the Kentucky Transportation Cabinet and contains only eight customer parking spaces; and because locating the building further from Shelbyville Road right-of-way will not be a hazard or nuisance to the public; and

WHEREAS, the Board finds that the variance will not allow an unreasonable circumvention of the zoning regulations because the subject property is impacted by its shape, dual frontages and grade change which would be challenging for any development; and because the site is impacted by competing regulations

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because the required parkway buffer is 30 feet and the maximum building setback is 25 feet; and because the Village Center design recommendations in the Eastwood Neighborhood Plan recommends no parking between buildings and the right-of-way, but the plan also indicated that uses along Shelbyville Road will be auto-centric; and because there is nowhere else for parking to be located; and

WHEREAS, the Board finds that variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the site is impacted by the shape, grade change, dual frontages and existing structures; and because it is the only property not on a corner that has dual frontages in Eastwood; and

WHEREAS, the Board finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land; and to mandate that parking be located behind the proposed building would basically mandate the removal of the existing home and the creation of a commercial entrance on Eastwood Cut Off Road serving both customers and employees; and because this would prevent the applicant from enjoying the use of its preliminarily approved entrance on Shelbyville Road and would make access to the proposed commercial building more difficult for customers;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the variance to allow a proposed building to be 148.09 feet from the north property line along Shelbyville Road **ON CONDITION** that the applicant install Hardiplank or other durable material along the top façade (4, 6 or 8 inches).

YES: Members Allendorf, Fishman, Liggin, Proffitt, Tharp and Bergmann.

NO: No one.

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

ABSTAINING: No one.

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Waiver—To allow parking in front of the building:

On a motion by Member Fishman, seconded by Member Allendorf, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report, the applicant's revised justification dated 5/15/15 the site plan, the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a waiver from Section 5.5.1.A.3.a and 5.9.2.C.4 of the Land Development Code to allow parking in front of the building; and

WHEREAS, the Board finds that the requested waiver will not adversely affect adjacent property owners because the subject property is C-1 and surrounded by other C-1 properties; and because the proposed development will honor required yards and buffers, except for the yard along Shelbyville Road because cross-access is not available due to site constraints on the Eastwood Stove site and the inability to purchase property from LG&E; and because the only location for an entrance is directly on Shelbyville Road; and

WHEREAS, the Board finds that the waiver will not violate specific guidelines of the Cornerstone 2020 Comprehensive Plan because the subject property is in the Village Form District, where "a small village center with a mixture of uses such as offices, shops, restaurants, services and a diversity of housing types" is appropriate; and because the subject property is located in the established Eastwood Center and is compatible with surrounding land uses, is compact and an investment in an older neighborhood; and because the proposed development will generate a small amount of traffic compared to other C-1 uses allowed; and because the applicant will dedicate right-of-way to the state for future improvements on Shelbyville Road; and because the proposed development respects the parkway corridor along Shelbyville Road by providing landscaping and a berm adjacent to the right-of-way; and because the proposal provides underground detention in the lowest area of the subject property (the parking area); and

WHEREAS, the Board finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would prevent the development of the property for any commercial use; and because the proposed design is an attempt to balance the site constraints, the

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lack of an alternative means of access, the intent of the Eastwood Neighborhood Plan and the requirements of the Land Development Code; and

On a motion by Member Fishman, seconded by Member Fishman, seconded by Member Allendorf, the following resolution was adopted:

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the waiver to allow parking in front of the business.

YES: Members Allendorf, Fishman, Liggin, Proffitt, Tharp and Bergmann.

NO: No one.

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

ABSTAINING: No one.

Waiver—To not provide a pedestrian connection to the abutting developments or to the sidewalk along Eastwood Cut Off Road:

On a motion by Member Fishman, seconded by Member Allendorf, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report; the site plan, the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a waiver from Section 5.5.1.A.3.d of the Land Development Code to not provide a pedestrian connection to the abutting developments or to the sidewalk along Eastwood Cut Off Road; and

WHEREAS, the Board finds that the waiver will not adversely affect adjacent property owners because the rear of the building faces the rear of an adjacent residence which fronts on the Eastwood Cut Off Road that is to remain; and because the rear access is only to allow employees to bring customer cars into the upper level of the building; and because there is no customer or public access to this side of the building; in addition, the site has topography constraints which would not make it feasible; and because there are no pedestrian connections off Eastwood Cut Off Road; and

WHEREAS, the Board finds that the waiver will not violate specific guidelines of Cornerstone 2020 because the rear of the building faces the rear of an adjacent residence which fronts on the Eastwood Cut Off Road that is to remain; and

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because the rear access is only to allow employees to bring customer cars into the upper level of the building; and because there is no customer or public access to this side of the building; in addition, the site has topography constraints which would not make it feasible; and because there are no pedestrian connections off Eastwood Cut Off Road; and

WHEREAS, the Board finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because of the site constraints such as the shape of the property and the grade change would not make it feasible; and because the rear of the building faces the rear of an adjacent residence which fronts on the Eastwood Cut Off Road that is to remain; and because the rear access is only to allow employees to bring customer cars into the upper level of the building; and because there is no customer or public access to this side of the building; and

WHEREAS, the Board finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because the rear of the building faces the rear of an adjacent residence which fronts on the Eastwood Cut Off Road that is to remain; and because the rear access is only to allow employees to bring customer cars into the upper level of the building; and because there is no customer or public access to this side of the building; in addition, the site has topography constraints which would not make it feasible; and because there are no pedestrian connections off Eastwood Cut Off Road;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the waiver to not provide a pedestrian connection to the abutting developments or to the sidewalk along Eastwood Cut Off Road.

YES: Members Allendorf, Fishman, Liggin, Proffitt and Bergmann.

NO: Member Tharp.

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

ABSTAINING: No one.

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NEW BUSINESS:

CASE NO. 15VARIANCE1014

Waiver Landscape Buffer Encroachment—To allow a retaining wall in the 5 foot eastern LBA:

On a motion by Member Fishman, seconded by Member Allendorf, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report; the site plan, the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a waiver to allow a retaining wall in the 5 foot eastern Landscape Buffer Area; and

WHEREAS, the Board finds that the requested waiver will not adversely affect adjacent property owners since the site is lower than the adjacent property; and because the northern adjacent property is vacant and heavily wooded and the structures on the other adjacent properties are located over 100 feet from the common boundary, proposed parking lot and retaining wall; plus, the proposed encroachment of the retaining wall is necessary to allow the construction of the parking lot on this sloping lot; and

WHEREAS, the Board finds that the waiver will not violate specific guidelines of Cornerstone 2020 because Guideline 3, Policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate; and because Guideline 3, Policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances; and because Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent streets should be screened or buffered; and because Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban and rural areas; and because Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses; and because the intent of landscape buffer areas are to create suitable transitions where varying forms of development adjoin, to minimize the volumes and

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velocities associated with impervious surfaces, and to filter air borne and water borne pollutants; and because the encroachment of the retaining wall will not impede the installation of the required plantings for buffering and tree canopy; plus the encroachment of the retaining wall is necessary to construct the parking lot on this sloping lot; and

WHEREAS, the Board finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the encroachment of the retaining wall is required to allow the construction of the parking lot; plus, the required tree and shrub plantings will be provided as required within the perimeter buffer;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the waiver to allow a retaining wall in the 5 foot eastern landscape buffer area.

YES: Members Allendorf, Fishman, Liggin, Proffitt and Tharp.

NO: Member Bergmann.

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

ABSTAINING: No one.

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NEW BUSINESS:

CASE NO. 15CUP1017

Request: Conditional Use Permit to allow outdoor alcohol sales and consumption.

Project Name: Middletown Commons

Location: 13301 Shelbyville Road

Owner: Middletown Investment Partners, LLC
Jeffrey Pape, Managing Member
9010 Overlook Boulevard
Brentwood, TN 37027

Applicant: Same as Owner

Attorney: Bardenwerper Talbott & Roberts, PLLC
Nick Pregliasco, Esq.
1000 N. Hurstbourne Parkway, 2nd floor
Louisville, KY 40223

Representative: Gresham Smith & Partners
Jon Henney & Amin Omidy
101 S. 5th Street, Suite 1400
Louisville, KY 40202

Jurisdiction: Middletown

COUNCIL DISTRICT 19—Julie Denton

Staff Case Manager: Christopher Brown, Planner II

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at the Planning and Design Services offices located at 444 S. 5th Street).

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Agency Testimony:

Staff case manager, Chris Brown discussed the case summary, standard of review and staff analysis from the staff report. He said the applicant is proposing to allow outdoor alcohol sales and consumption on four different patios within the Middletown Commons shopping center. He said the requirements have been met.

The following spoke in favor of this request:

Nick Pregliasco, Attorney.

Summary of testimony of those in favor:

Nick Pregliasco, the applicant's attorney, said the property was rezoned in 2010 and due to a change in the developer and layout is why the CUP is needed. He said the patios are not near any residential properties.

The following spoke neither for nor against the request:

No one.

Summary of testimony of those who spoke neither for nor against:

No one.

The following spoke in opposition to this request:

No one.

Summary of testimony of those in opposition:

No one.

Board of Zoning Adjustment Deliberation:

Member Allendorf reminded the Board to include the conditions of approval.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the May 18, 2015 public hearing proceedings.

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Conditional Use Permit to allow outdoor alcohol sales and consumption:

On a motion by Member Liggin, seconded by Member Fishman, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review, the site plan; the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a Conditional Use Permit to allow outdoor alcohol sales and consumption; and

WHEREAS, the Board finds that the proposal is consistent with the applicable policies of the Comprehensive Plan and meets all applicable guidelines; and

WHEREAS, the Board finds that the proposal is compatible with the surrounding land uses and the general character of the area because the subject site is located in a commercial area that has a mix of commercial uses and is a gateway development off the Gene Snyder Expressway; and because all the commercial uses in the area have similar scale, intensity, traffic, noise and lighting; and

WHEREAS, the Board finds that the necessary public facilities (both on and off-site) such as transportation, sanitation, water, sewer, drainage etc. are provided because the plan has been reviewed by Public Works and MSD and both have preliminarily approved the plan; also the Middletown Fire Protection District has reviewed and approved the proposal; and

WHEREAS, the Board finds that four items of the 8 listed requirements have been met (A., E., F., and G) where Items B., C., and D. do not apply;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow outdoor alcohol sales and consumption on the site **SUBJECT** to the following 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.

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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 outdoor alcohol sales and consumption without further review and approval by the Board.

YES: Members Allendorf, Fishman, Liggin, Tharp and Bergmann.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Jarboe and Proffitt.

ABSTAINING: No one.

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NEW BUSINESS:

CASE NO. 15VARIANCE1017 & 14DEVPLAN1173

Request: Category 3 Review and variances from the Land Development Code to allow a proposed structure to exceed the maximum height and encroach into the required yard.

Project Name: Valley View Church Child Development

Location: 8911 Third Street Road

Owner: Valley View Baptist Church, Inc.
Pastor Dave Carty
8911 Third Street Road
Louisville, KY 40272

Applicant: Same as Owner

Representative: Milestone Design Group, Inc.
Mark Madison
108 Daventry Lane
Louisville, KY 40223

Jurisdiction: Louisville Metro

COUNCIL DISTRICT 25—David Yates

Staff Case Manager: Jon Crumbie, Planner II

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at the Planning and Design Services offices located at 444 S. 5th Street).

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CASE NO. 15VARIANCE1017 & 14DEVPLAN1173

Agency Testimony:

Staff Case Manager, Jon Crumbie discussed the case summary, standard of review and staff analysis from the staff report. The applicant is proposing a 49,556 square foot, 41 foot tall addition to the existing church. Mr. Crumbie said the Category 3 plan was received after the variances were requested and is why separate case numbers are used. He said the request meets the standard of review requirements and be compatible with the neighborhood.

The following spoke in favor of this request:

Mark Madison.

Mike Prindle, Berry Prindle Architects, 810 Baxter Avenue, Louisville, KY 40204.

Summary of testimony of those in favor:

Mark Madison, the applicant's representative, said one of the triangular pieces of property was going to be used for a signature entrance, but the previous developer passed away. He said the family might sell this piece or give it to the church. He said the building setbacks will adjoin one small section of the property. He said the variance for the height is needed due to the property's topography.

Mike Prindle, the applicant's architect, said the top of the parapet for the addition will match the existing buildings parapet.

The following spoke neither for nor against the request:

No one.

Summary of testimony of those who spoke neither for nor against:

No one.

The following spoke in opposition to this request:

No one.

Summary of testimony of those in opposition:

No one.

Deliberation:

Board of Zoning Adjustment deliberation.

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MAY 18, 2015

NEW BUSINESS:

CASE NO. 15VARIANCE1017 & 14DEVPLAN1173

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the May 18, 2015 public hearing proceedings.

Variance—Residential to Non-Residential Setback:

After the public hearing in open business session, on a motion by Member Bergmann, seconded by Member Fishman, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review and additional considerations, where the four standard of review requirements control over the additional considerations; the site plan; the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a variance to allow a proposed structure to encroach into the required residential to non-residential setback; and

WHEREAS, the Board finds that the requested variance will not adversely affect the public health, safety or welfare because the proposed structure will not be in the sight triangle; and

WHEREAS, the Board finds that the variance will not alter the essential character of the general vicinity because the structure will be compatible with the existing structure and allow additional improvements to be made to the site; and

WHEREAS, the Board finds that the variance will not cause a hazard or nuisance to the public because the building where proposed, will allow sidewalks to be completed and improve access along Third Street Road and Lambourne Boulevard for pedestrians; and because the existing access point will remain in the same area; and

WHEREAS, the Board finds that the variance will not allow an unreasonable circumvention of the zoning regulations because of the unusual configuration and location of the small lot to the east of the site; and

WHEREAS, the Board finds that the variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone

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because the site is located on a corner and is adjacent to an irregular shaped lot that isn't being used for anything except utilities; and

WHEREAS, the Board finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship because the church would not be able to expand services in a safe and efficient environment; and

WHEREAS, the Board finds that 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 because the variance would not be needed if not for the small triangular shaped lot to the east of the property;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the variance to allow the proposed structure to be 11.5 feet from the intersection at Lambourne Boulevard and Third Street Road.

YES: Members Allendorf, Fishman, Liggin, Tharp and Bergmann.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Jarboe and Proffitt.

ABSTAINING: No one.

Variance—Height of structure:

On a motion by Member Bergmann, seconded by Member Fishman, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review and additional considerations, where the four standard of review requirements control over the additional considerations; the site plan; the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a variance to allow the proposed structure to exceed the maximum height requirement; and

WHEREAS, the Board finds that the requested variance will not adversely affect the public health, safety or welfare because the encroachment will not be noticeable from the street due to the slope of the property; and

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WHEREAS, the Board finds that the variance will not alter the essential character of the general vicinity because the structure will be compatible with the existing structure and allow additional improvements to be made to the site; and

WHEREAS, the Board finds that the variance will not cause a hazard or nuisance to the public because the proposed placement of the structure will allow sidewalks to be completed and improve access along Third Street Road and Lambourne Boulevard for pedestrians; and

WHEREAS, the Board finds that the variance will not allow an unreasonable circumvention of the zoning regulations from which relief is sought because the existing location of the church, corner location and access point limit the expansion opportunities which would allow the church functions to remain in one structure; and

WHEREAS, the Board finds that the variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the site is located on a corner and is a fall-away lot with an 18 foot difference in elevation; and

WHEREAS, the Board finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship because the church would not be able to expand services in a safe and efficient environment; and

WHEREAS, the Board finds that 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 because the variance is needed due to the difference in elevation and existing circumstances on site;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the variance to allow the proposed structure to be 41feet in height near the corner.

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YES: Members Allendorf, Fishman, Liggin, Tharp and Bergmann.

NO: No one.

**NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Jarboe
and Proffitt.**

ABSTAINING: No one.

Category 3 Review (Case No. 14DEVPLAN1173):

On a motion by Member Bergmann, seconded by Member Fishman, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review, the site plan; the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a Category 3 Review to build an addition to the existing church to be used as a child development center; and

WHEREAS, the Board finds that the conservation of natural resources on the property will be preserved because the slope of the property will be maintained; and because landscaping requirements will be met; and

WHEREAS, the Board finds that the provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community are met because sidewalks will be completed along Third Street Road and Lambourne Boulevard

WHEREAS, the Board finds that the provisions for sufficient open space (scenic and recreational) will be met because there is a playground area to the north of the addition; and because landscaping requirements will be met; and

WHEREAS, the Board finds that the provision for adequate drainage facilities on the subject site are provided because the plan has been reviewed and approved by MSD; and

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WHEREAS, the Board finds that the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area are being followed because the proposal will be an extension of the existing site and serve the surrounding community; and because landscaping requirements will be met; and

WHEREAS, the Board finds that the development plan conforms to all Land Development Code requirements and therefore, follow the guidelines of Cornerstone 2020; and because the proposed structure will have attractive facades with the appropriate fenestration and materials; and because proposed sidewalks will be located in close proximity to the proposed structure, creating a safe environment for those visiting the site; and because there will be signage and lighting that will be code compliant;

RESOLVED, that the Board does hereby **APPROVE** the Category 3 Plan to build an addition to the existing church.

YES: Members Allendorf, Fishman, Liggin, Tharp and Bergmann.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Jarboe and Proffitt.

ABSTAINING: No one.

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NEW BUSINESS:

CASE NO. 15VARIANCE1016

Request: Variances from the Land Development Code to allow a proposed addition to encroach into the required side yard and to allow a reduction in the required private yard.

Project Name: Carriage House Addition and New Parking

Location: 1048 Cherokee Road

Owner: Hiawatha Condominium
Laura McCrea
1048 Cherokee Road
Louisville, KY 40204

Applicant: Same as Owner

Representative: Charlie Williams Design, Inc.
Charlie Williams
1626 Windsor Place
Louisville, KY 40204

Jurisdiction: Louisville Metro

COUNCIL DISTRICT 8—Tom Owen

Staff Case Manager: Sherie' Long, Landscape Architect (Presented by Steve Hendrix, Planning Supervisor)

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at the Planning and Design Services offices located at 444 S. 5th Street).

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Agency Testimony:

Planning Supervisor, Steve Hendrix, discussed the case summary, standard of review and staff analysis from the staff report. He said the applicant has received a Certificate of Appropriateness from the Landmarks Commission for the carriage house. Mr. Hendrix said the request complies with the Land Development Code. The Board had questions about the new parking area.

The following spoke in favor of this request:

Charlie Williams.

Summary of testimony of those in favor:

Charlie Williams, the applicant's representative, said his client is expanding the garage area to secure parking for the tenants with the vandalism that occurs in the area. He said there will be overflow parking in the courtyard area for guests; and will be heavily landscaped. He said the owner is spending \$250,000.00.

The following spoke neither for nor against the request:

No one.

Summary of testimony of those who spoke neither for nor against:

No one.

The following spoke in opposition to this request:

No one.

Summary of testimony of those in opposition:

No one.

Deliberation:

Board of Zoning Adjustment deliberation.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the May 18, 2015 public hearing proceedings.

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NEW BUSINESS:

CASE NO. 15VARIANCE1016

Variance—To allow a proposed addition to encroach into the required southeast side yard:

After the public hearing in open business session, on a motion by Member Liggin, seconded by Member Tharp, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review and additional considerations, where the four standard of review requirements control over the additional considerations; the site plan; the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a variance from Chapter 5, Section 5.4.1E.6, of the Land Development Code to allow a proposed addition to encroach into the required southeast side yard; and

WHEREAS, the Board finds that the requested variance will not adversely affect the public health, safety or welfare because the addition is proposed between the existing carriage house and the condominium building, internal to the development; and because access to the new addition will be limited to residents of the property and their guests; and

WHEREAS, the Board finds that the variance will not alter the essential character of the general vicinity because the new addition has been reviewed and approved by the Cherokee Triangle Architectural Review Committee; and because the existing carriage houses will be renovated to improve the condition of both buildings; and

WHEREAS, the Board finds that the variance will not cause a hazard or nuisance to the public because the new addition is located farther from the property line than the existing carriage house façade; and

WHEREAS, the Board finds that the variance will not allow an unreasonable circumvention of the zoning regulations since the existing carriage house façade is closer to the property line and the new addition; and

WHEREAS, the Board finds that the variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the existing carriage house was not built wide enough to accommodate automobiles; and because the addition will allow the existing building to be utilized for parking; and

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WHEREAS, the Board finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship since the addition is to increase the width to allow the building to be used by the residences for off-street parking; and

WHEREAS, the Board finds that 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 since the applicant is requesting a variance prior to construction;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the variance to allow a proposed addition to be 0.17 feet from the south side property line.

YES: Members Allendorf, Fishman, Liggin, Tharp and Bergmann.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Jarboe and Proffitt.

ABSTAINING: No one.

Variance—To allow a reduction in the required 30% private yard area:

On a motion by Member Liggin, seconded by Member Tharp, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review and additional considerations, where the four standard of review requirements control over the additional considerations; the site plan; the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a variance from Chapter 5, Section 5.4.1D.3 of the Land Development Code to allow a reduction in the required 30% private yard; and

WHEREAS, the Board finds that the requested variance will not adversely affect the public health, safety or welfare because the private yard is internal to the development; and because access to the private yard will be limited to the residents and their guests; and

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WHEREAS, the Board finds that the variance will not alter the essential character of the general vicinity because the proposed parking area and renovation of the carriage house has been approved by the Cherokee Triangle Preservation District; and because the renovations will be an improvement to the area; and

WHEREAS, the Board finds that the variance will not cause a hazard or nuisance to the public because the private yard is internal to the development and access is limited to the residents and their guests; and because the use of pervious pavers will improve drainage in the area; and

WHEREAS, the Board finds that the variance will not allow an unreasonable circumvention of the zoning regulations since the intent is to provide off-street parking while still providing some green space; and

WHEREAS, the Board finds that the variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because there are existing carriage houses at the rear of the lot and the only location for additional off-street parking is within the area between the carriage house and the condominium building; and in order to create additional off-street parking at the rear of the building the private yard area is impacted greatly; and because some green space is being provided around the perimeter parking area; and

WHEREAS, the Board finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship because proposed off-street parking would not be able to be built or be secure for residents and their guests; and

WHEREAS, the Board finds that 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 because the applicant is requesting a variance prior to construction;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the variance to the private yard area to 1,875 square feet.

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YES: Members Allendorf, Fishman, Liggin, Tharp and Bergmann.

NO: No one.

**NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Jarboe
and Proffitt.**

ABSTAINING: No one.

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MAY 18, 2015

NEW BUSINESS:

CASE NO. 15VARIANCE1022

Request: Variances from the Land Development Code to allow a proposed garage to encroach into the required south side yard and to allow a reduction in the required 30% private yard area.

Project Name: New Garage

Location: 1466 South Third Street

Owners: Mary Martin & Stan Murrell
1466 South Third Street
Louisville, KY 40208

Applicants: Same as Owners

Representative: DelPrince Designs, LLC
Anne DelPrince
640 Country Club Road
Louisville, KY 40206

Jurisdiction: Louisville Metro

COUNCIL DISTRICT 6—David James

Staff Case Manager: Sherie' Long, Landscape Architect, presented by Steve Hendrix, Planning Supervisor.

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at the Planning and Design Services offices located at 444 S. 5th Street).

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Agency Testimony:

Steve Hendrix, Planning Supervisor discussed the case summary, standard of review and staff analysis from the staff report. The applicant is proposing a new, one story garage at the rear of the property. The applicant has received a certificate of appropriateness from the Landmarks Commission; and complies with the Land Development Code requirements.

The following spoke in favor of this request:

Anne DelPrince.

Summary of testimony of those in favor:

Anne DelPrince, the applicant's representative, said the garage will be one foot from the south property line with 5 feet on the north side. She said the fence will align with the fence. Lighting will also be provided and on a timer.

The following spoke neither for nor against the request:

No one.

Summary of testimony of those who spoke neither for nor against:

No one.

The following spoke in opposition to this request:

No one.

Summary of testimony of those in opposition:

No one.

Deliberation:

Board of Zoning Adjustment deliberation.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the May 18, 2015 public hearing proceedings.

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NEW BUSINESS:

CASE NO. 15VARIANCE1022

Variance—To allow a proposed new garage to encroach into the required 2 foot south side yard:

After the public hearing in open business session, on a motion by Member Fishman, seconded by Member Bergmann, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review and additional considerations, where the four standard of review requirements control over the additional considerations; the site plan; the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a variance from Chapter 5, Section 5.4.1E.6 of the Land Development Code to allow a proposed garage to encroach into the required south side yard; and

WHEREAS, the Board finds that the requested variance will not adversely affect the public health, safety or welfare because the garage is located at the rear of the property and accessed from the exiting alley; and because the new garage is not blocking or impeding traffic flow, plus, the location of the garage is similar to other garages in the vicinity; and

WHEREAS, the Board finds that the variance will not alter the essential character of the general vicinity because the new garage will be located where other and similar garages are located in the area, at the rear of the property and accessed from the existing alley; and because the new garage construction materials have been reviewed and approved by the Historic Preservation Commission; and the location of the garage preserves the existing private yard area; and

WHEREAS, the Board finds that the variance will not cause a hazard or nuisance to the public because the new garage will not obstruct view of traffic in the alley; and because the new garage will be similar to other garages in the neighborhood; and

WHEREAS, the Board finds that the variance will not allow an unreasonable circumvention of the zoning regulations since other garages in the area are located in the rear of the properties; and

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WHEREAS, the Board finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship because the design and location would be different from what exists in the neighborhood; and

WHEREAS, the Board finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought because the applicant is requesting the variance prior to construction;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the variance to allow a proposed new garage to be 16 inches from the south property line.

YES: Members Allendorf, Fishman, Liggin, Tharp and Bergmann.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Jarboe and Proffitt.

ABSTAINING: No one.

Variance—To allow a reduction in the required 30% private yard area:

On a motion by Member Fishman, seconded by Member Bergmann, the following resolution was adopted:

WHEREAS, the Board finds from the file of this case, the staff report including the standard of review and additional considerations, where the four standard of review requirements control over the additional considerations; the site plan; the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a variance from Chapter 5, Section 5.4.1D.3 of the Land Development Code to allow a reduction in the required 30% private yard area; and

WHEREAS, the Board finds that the requested variance will not adversely affect the public health, safety or welfare because the existing private yard will be increased from the current square footage by an additional 120 square feet; and

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WHEREAS, the Board finds that the variance will not alter the general character of the vicinity because the existing private yard will be maintained; also because the total area of the private yard will be increased with the construction of the new garage; and

WHEREAS, the Board finds that the variance will not cause a hazard or nuisance to the public because the existing private yard will be maintained; and because the garage will increase the current private yard area an additional 120 square feet; and

WHEREAS, the Board finds that the variance will not allow an unreasonable circumvention of the zoning regulations because there is still a reasonable private yard area to separate the house from the new garage; and

WHEREAS, the Board finds that the variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the existing yard area currently does not meet the required private yard regulation; and because with the construction will increase the current private yard area which is an improvement to the existing condition; and

WHEREAS, the Board finds that 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, because the applicant is requesting a variance prior to construction;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the variance to allow the private yard area to be 1,603 square feet.

YES: Members Allendorf, Fishman, Liggin, Tharp and Bergmann.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Jarboe and Proffitt.

ABSTAINING: No one.

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NEW BUSINESS:

CASE NO. 15VARIANCE1023

Request: Variances from the Land Development Code to allow reductions in the required setbacks for proposed signage.

Project Name: Kentucky One Health

Location: 3920 Dutchmans Lane

Owner: Kentucky One Health
Elizabeth Sword
1st Joseph Road
Lexington, KY 40504

Applicant: Same as Owner

Representative: Signarama Louisville East
Lloyd Graves
9824 Bluegrass Parkway
Louisville, KY 40299

Jurisdiction: City of St. Matthews

COUNCIL DISTRICT 26—Brent Ackerson

Staff Case Manager: Sherie' Long, Landscape Architect, presented by Steve Hendrix, Planning Supervisor

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at the Planning and Design Services offices located at 444 S. 5th Street).

Agency Testimony:

Steve Hendrix, Planning Supervisor, discussed the case summary, standard of review and staff analysis from the staff report. He said the applicant will be

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converting the existing sign to show Kentucky One Health, instead of Jewish Hospital Medical Center East on all four sides. He said St. Matthews has approved the request on condition the applicant is granted the variances.

The following spoke in favor of this request:

Lloyd Graves, Signarama Louisville East.

Summary of testimony of those in favor:

Lloyd Graves, the applicant's representative, said it has taken a long time to get the approval from St. Matthews. He said the off-premise sign is owned by Kentucky One Health and requests approval.

The following spoke neither for nor against the request:

No one.

Summary of testimony of those who spoke neither for nor against:

No one.

The following spoke in opposition to this request:

No one.

Summary of testimony of those in opposition:

No one.

Deliberation:

Board of Zoning Adjustment deliberation.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the May 18, 2015 public hearing proceedings.

Four Variances—To allow reductions in the required setbacks for proposed signage:

After the public hearing in open business session, on a motion by Member Liggin, seconded by Member Fishman, the following resolution was adopted:

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WHEREAS, the Board finds from the file of this case, the staff report including the standard of review and additional considerations, where the four standard of review requirements control over the additional considerations; the site plan; the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that the applicant is requesting a variance from the Development Code, Article 11.3.2.b, to allow a sign to be located 15 feet from the front property line and 9.5 feet from the street side property line; a variance from the Land Development Code, Article 11.E.2.f, to allow the sign to be located 55 feet from the Dutchmans Lane street centerline; a variance from the Development Code, Article 11.E.2.g, to allow the sign to be located approximately 100 feet from the nearest edge of the residential property to the north; and a variance from the Development Code, Article 11.E.2.g to allow the sign to be located approximately 200 feet from the nearest edge of the residential property to the west; and

WHEREAS, the Board finds that the requested variances will not adversely affect the public health, safety or welfare because the sign is existing; and because the only alteration will be to replace the sign faces on all four sides; and because the existing sign does not interfere or impede traffic flow at the intersection; and

WHEREAS, the Board finds that the variances will not alter the essential character of the general vicinity because the sign is existing and only being refaced; and

WHEREAS, the Board finds that the variances will not cause a hazard or nuisance to the public because the sign is existing and only being refaced; and because the location of the sign does not interfere or impede traffic flow; and

WHEREAS, the Board finds that the variances will not allow an unreasonable circumvention of the zoning regulations because the sign is existing and still being used; and because the location of the sign is an existing condition; and

WHEREAS, the Board finds that the variances arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the sign is existing and only being refaced; and

WHEREAS, the Board finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the owner would be required to relocate the sign on the property; and because this

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new sign would be required to conform to both the size and setback regulations;
and

WHEREAS, the Board finds that 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 because the sign is existing; and the new owner of the business will only be re-facing the four sides of the sign;

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the variances.

The variances allow:

1. The sign will be 15 feet from the front property line along Dutchmans Lane; and 9.5 feet from the street side property line along Breckinridge Lane.
2. The sign will be 55 feet from the intersecting street centerline along Dutchmans Lane.
3. The sign will be approximately 100 feet from the nearest edge of the residential zone to the north.
4. The sign will be approximately 200 feet from the nearest edge of a residential zone to the west.

YES: Members Allendorf, Fishman, Liggin, Tharp and Bergmann.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Jarboe and Proffitt.

ABSTAINING: No one.

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

MAY 18, 2015

The meeting adjourned at 12:33 p.m.



CHAIRPERSON



SECRETARY

