

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

**June 26, 2023**

A meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, June 26, 2023 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky, and also via Webex.

**Members Present:**

Sharon Borz / Chair  
Richard Buttorff, Acting Chair  
Jan Horton  
Yani Vozos

**Members Absent:**

Kim Leanhart, Secretary  
Brandy Ford  
Lula Howard

**Staff Members Present:**

Brian Davis, Assistant Director  
Chris French, Planning & Design Supervisor  
Laura Ferguson, Legal Counsel  
Mary Willis, Management Assistant  
Jeremy Chesler, Planner I  
Ethan Lett, Planner I  
Mark Pinto, Associate Planner  
Amy Brooks, Planner I  
Molly Clark, Planner II

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT  
MEETING MINUTES**

**June 26, 2023**

**June 05, 2023 Board of Zoning Adjustment Meeting Minutes**

00:04:05 On a motion by Member Vozos, seconded by Member Horton, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the June 5, 2023, Board of Zoning Adjustment meeting.

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, and Chair Bond**

**ABSTAIN: None**

**ABSENT: Member Leanhart, Howard, and Ford**

**BOARD OF ZONING ADJUSTMENT  
MEETING MINUTES**

**June 26, 2023**

**BUSINESS SESSION**

**Case No. 22-CUP-0397**

Request: Waiver of BOZA Policy 3.02.04 to allow a new application for Board action within one year of Board action on the same tract of property.

Project Name: Ridgeview Avenue Short Term Rental

Location: 2418 Ridgeview Avenue

Owner: Farooq Shaheen

Applicant: Slava Furs

Jurisdiction: Louisville Metro

Council District: 18- Marilyn Parker

Case Manager: Amy Brook, Planner I

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

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

**Agency testimony:**

00:05:15 Amy Brooks presented the case, showed a Power Point presentation, and responded to questions from the Board members (see staff report and recording for detailed presentation).

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

None

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

None

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

No one spoke.

**BOARD OF ZONING ADJUSTMENT  
MEETING MINUTES**

**June 26, 2023**

**BUSINESS SESSION**

**Case No. 22-CUP-0397**

**00:11:39 Board Members' discussion**

00:11:46 On a motion by Vice Chair Buttorff, seconded by Member Vozos, the following resolution, was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** to hear the case and file an application in less than one year.

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, and Chair Bond**

**ABSENT: Members Leanhart, Howard, and Ford**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**June 26, 2023**

**PUBLIC HEARING**

**Case No. 23-VARIANCE-0060**

Request: A variance to allow an accessory structure to encroach into the required street side yard setback. (CONTINUED TO A DATE UNCERTAIN)

Project Name: Tyler Lane Variance

Location: 2038 Tyler Lane

Owner: Tyler 2038 LLC

Applicant: Kevin Sullivan

Jurisdiction: Louisville Metro

Council District: 8- Benjamin Reno-Weber

Case Manager: Amy Brooks, Planner I

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

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

**Agency testimony:**

00:12:53 Amy Brooks requested that this case be continued to July 24<sup>th</sup>, 2023, BOZA meeting.

00:13:23 On a motion by Member Vozos, seconded by Vice Chair Buttorff, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** this case to the **July 24, 2023** Board of Zoning Adjustment meeting.

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, and Chair Bond**  
**ABSENT: Members Leanhart, Howard, and Ford**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**June 26, 2023**

**PUBLIC HEARING**

**Case No. 23-CUP-0045**

Request: Conditional Use Permit for Short Term Rental of a Dwelling Unit That is Not the Primary Residence of the Host  
Project Name: Emery Ave Short Term Rental  
Location: 5125 Emery Avenue  
Owner/Applicant: Johnathan Lun  
Jurisdiction: Louisville Metro  
Council District: 21- Betsy Ruhe  
Case Manager: Chris French, AICP, Planning Supervisor

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

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

**Agency testimony:**

00:14:02 Chris French requested that this case be continued to July 10<sup>th</sup>, 2023, BOZA meeting.

00:14:29 On a motion by Member Vozos, seconded by Vice Chair Buttorff, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** this case to the **July 10th, 2023** Board of Zoning Adjustment meeting.

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, Chair Bond**  
**ABSENT: Members Leanhart, Howard, and Ford**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**June 26, 2023**

**PUBLIC HEARING**

**Case No. 23-CUP-0059**

Request: Conditional Use Permit for Short Term Rental of a Dwelling Unit That is Not the Primary Residence of the Host  
Project Name: River Road Short Term Rental  
Location: 4515 River Road  
Owner: Gaffney Historic River, LLC  
Applicant: Galen Weiss & Ellen Archer  
Representative: Cliff Ashburner, Dinsmore & Shohl, LLP  
Jurisdiction: Louisville Metro  
Council District: 16 - Scott Reed  
Case Manager: Heather Pollock, Planner I

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

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

**Agency testimony:**

00:15:08 Heather Pollock requested that this case be continued to July 10<sup>th</sup>, 2023, BOZA meeting.

00:15:30 On a motion by Member Vozos, seconded by Vice Chair Buttorff, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** this case to the **July 10, 2023** Board of Zoning Adjustment meeting.

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, and Chair Bond**

**ABSENT: Members Leanhart, Howard, and Ford**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**June 26, 2023**

**PUBLIC HEARING**

**Case No. 23-CUP-0060**

Request: Conditional Use Permit for Short Term Rental of a Dwelling Unit That is Not the Primary Residence of the Host  
Project Name: 326 Northwestern Parkway Short Term Rental  
Location: 326 Northwestern Parkway  
Owner: Lotus Property Group LLC  
Applicant: Angela Hite  
Jurisdiction: Louisville Metro  
Council District: 5- Donna Purvis  
Case Manager: Amy Brooks, Planner I

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

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

**Agency testimony:**

00:16:05 Amy Brooks requested that this case be continued to July 24<sup>th</sup>, 2023, BOZA meeting.

00:17:33 On a motion by Member Vozos, seconded by Vice Chair Buttorff, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** this case to the **July 24th, 2023** BOZA meeting.

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, and Chair Bond**  
**ABSENT: Members Leanhart, Howard, and Ford**



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**June 26, 2023**

**PUBLIC HEARING**

**Case No. 23-CUP-0061**

Request: Conditional Use Permit for Short Term Rental of a Dwelling Unit That is Not the Primary Residence of the Host  
Project Name: 125 Northwestern Parkway Short Term Rental  
Location: 125 Northwestern Parkway  
Owner: Lotus Property Group LLC  
Applicant: Angela Hite  
Jurisdiction: Louisville Metro  
Council District: 5- Donna Purvis  
Case Manager: Amy Brooks, Planner I

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

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

**Agency testimony:**

00:18:17 Amy Brooks requested that this case be continued to July 24<sup>th</sup>, 2023, BOZA meeting.

00:18:42 On a motion by Member Vozos, seconded by Vice Chair Buttorff, the following resolution, was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** this case to the **July 24th, 2023** BOZA meeting

**The vote was as follows:**

**YES: Members Horton, Vozos, Leanhart, Howard, Ford, and Vice Chair Buttorff.**  
**ABSENT: Chair Bond.**

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**PUBLIC HEARING**

**Case No. 22-APPEAL-0014**

Request: Appeal of an administrative decision regarding nonconforming rights.  
Project Name: Atterberry Court Appeal  
Location: 4607 Atterberry Court  
Owner: Prospect Construction, LLC  
Appellant: Tom Sanders  
Representative: Bardenwerper, Talbot & Roberts, PLLC  
Jurisdiction: City of Shively  
Council District: 3 - Kumar Rashad  
Case Manager: Chris French, AICP, Planning Supervisor

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

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

**Agency testimony:**

00:19:24 Chris French requested that this case be continued to August 7<sup>th</sup>, 2023, BOZA meeting.

00:20:00 On a motion by Members Vozos, seconded by Member Horton, the following resolution, was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** this case to the **August 7<sup>th</sup>, 2023** BOZA meeting

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorf, and Chair Bond**  
**ABSENT: Members Leanhart, Howard, and Ford**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**Case No. 23-CUP-0096**

Request: CONTINUED FROM JUNE 5, 2023 BOZA MEETING -  
Conditional Use Permit for an accessory dwelling unit in R-5  
single family zoning district with an associated variance

Project Name: N. Crestmoor Accessory Dwelling Unit

Location: 100 N. Crestmoor Avenue

Owner: Lauren Riney & Michael Frank

Applicant: Michael Frank

Jurisdiction: Louisville Metro

Council District: 9 -Andrew Owen

Case Manager: Heather Pollock, Planner I

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

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

**Agency testimony:**

00:21:41 Molly Clark who stood in for Heather Pollock presented the case, showed a Power Point presentation, and responded to questions from the Board members (see staff report and recording for detailed presentation.)

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

None

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

None

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

None

**00:29:29 Board Members' deliberation.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**Case No. 23-CUP-0096**

**23-VARIANCE-0088: Variance to allow an accessory structure to encroach into the street side yard setback.**

00:34:02 On a motion by Member Vozos, seconded by Vice Chair Buttorff, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS:** The requested variance will not adversely affect the public health, safety, or welfare, because the structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested.

**WHEREAS:** The structure will not alter the essential character of the general vicinity as the existing structure is in line with other accessory and principal structures along Arterburn Ave.

**WHEREAS:** The addition will not cause a hazard or nuisance to the public as it is required to meet all applicable requirements of the building code.

**WHEREAS:** The requested variance will not allow an unreasonable circumvention of the zoning regulations as the accessory structure setback is consistent with other structures along Arterburn Ave.

**WHEREAS:** The requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone as the lot is a similar size and shape in comparison to the surrounding properties.

**WHEREAS:** The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the structure is existing and has building permits and a certificate of occupancy.

**WHEREAS:** The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the accessory structure is already built and has received a certificate of occupancy.

**RESOLVED,** the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance to allow an accessory structure to encroach into the street side

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**Case No. 23-CUP-0096**

yard setback (**Street Side Yard Setback Requirement 3ft., Request 1.3ft., Variance 1.7ft**)

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, and Chair Bond**

**ABSENT: Members Leanhart, Howard, and Ford**

**Conditional Use Permit to allow an Accessory Dwelling Unit (ADU) in the R-5 Single Family zoning district and the Traditional Neighborhood form district. (LDC 4.2.3)**

00:35:08 On a motion by Member Vozos, seconded by Vice Chair Buttorff, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS:** The proposal does not conflict with Comprehensive Plan policies

**WHEREAS:** When appropriately managed, the proposed use is compatible with surrounding development and land uses.

**WHEREAS:** The subject property is served by existing public utilities and facilities. The proposal will not create substantial additional requirements for the site.

Accessory dwelling units that do not meet the provisions of Section 4.3.27 may be allowed in the R- R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements.

- A. One ADU, either attached or detached is permitted per single family dwelling per lot.  
***The applicant has been informed of this requirement.***
- B. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater. ***The existing accessory dwelling unit is on the 2<sup>nd</sup> floor of the garage and is 752.9 sq. ft.***
- C. Location Requirements:
  - 1. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or behind the principal structure.

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**Case No. 23-CUP-0096**

2. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or behind the principal structure. ***The applicant has been informed of this requirement. The existing accessory structure in which the ADU is located does not meet the street side yard setbacks; the associated variance request is to allow the structure to be 1.3 ft. from the property line must be approved to meet this requirement.***
- A. ADU Access:
  3. For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure.
  4. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard. ***The applicant has been informed of this requirement. The pedestrian access for the ADU is off of the side street.***
- B. Maximum Height:
  5. For an attached ADU, the maximum height shall not exceed the height of the principal structure.
  6. For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with Chapter 5 of the LDC. The maximum height shall not exceed the height of the principal structure. ***The existing accessory structure is 25 ft. in height which is taller than the 1 story primary structure, relief will need to be requested.***
- C. ADUs approved under this provision shall not be used as a short term rental. ***The applicant has been informed of this requirement.***
- D. Any property that has been subject to a zoning, property maintenance, or building code violation(s) in the 12 months prior to application shall be reviewed and approved by the directors of Planning & Design Services and Codes & Regulations, or their designees. Any violations shall be resolved prior to approval. ***The applicant has been informed of this requirement.***
- E. Off-street parking shall meet the requirements of Chapter 9 of the LDC. ***The applicant has been informed of this requirement.***
- F. ADUs that include new construction that results in habitable floor area (for example, additions to principal structures or new accessory structures) shall not be allowed on any areas of lots that contain environmental constraints (LDC Section 4.6.2.A) ***The applicant has been informed of this requirement. this is an existing structure.***

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**Case No. 23-CUP-0096**

G. The owner of the property shall reside within either the principal or the accessory dwelling unit. ***The applicant has been informed of this requirement. The property owners reside in the primary residence.***

H. To avoid any confusion, since there is no language to the contrary, this section does not override any deed restriction or homeowners' association declarations restricting accessory dwelling units. ***The applicant has been informed of this requirement.***

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow an Accessory Dwelling Unit (ADU) in the R-5 Single Family zoning district and the Traditional Neighborhood form district. (LDC 4.2.3) SUBJECT to the following Conditions of Approval.

**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 an accessory apartment without further review and approval by the Board.

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, and Chair Bond**

**ABSENT: Members Leanhart, Howard, and Ford**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**June 26, 2023**

**PUBLIC HEARING**

**Case No. 23-VARIANCE-0048**

Request: A variance to allow an accessory structure to encroach into the required side yard setback.  
Project Name: Plane Tree Drive Variance  
Location: 4606 Plane Tree Dr.  
Owner: Michael Schubert  
Applicant: Michael Schubert  
Jurisdiction: Louisville Metro  
Council District: 2- Barbara Shanklin  
Case Manager: Amy Brooks, Planner I

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

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

**Agency testimony:**

00:36:56 Amy Brooks presented the case, showed a Power Point presentation, and responded to questions from the Board members (see staff report and recording for detailed presentation and discussion.)

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

Michael Shubert, 4606 Planetree Dr, Louisville, KY 40219

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

00:39:52 Michael Shubert spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation)

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

Larry Rigney, 4604 Planetree Dr, Louisville, KY 40219

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



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**PUBLIC HEARING**

**Case No. 23-VARIANCE-0048**

00:43:32 Larry Rigney spoke in opposition of the request. Rigney stated that he is requesting a survey due to the structure that was built being too close to his father's property. Rigney responded to questions from the Board Members (see recording for detailed presentation).

**Rebuttal:**

00:52:12 Michael Shubert spoke in rebuttal. Shubert stated that when the fence in the front of his property was put in, he went by the post line. Shubert also stated that the concrete padding is 17 inches from Mr. Rigney's property line. Shubert responded to questions from the Board members (see recording for detailed presentation).

**00:57:05 Board Members' deliberation.**

**Variance from the Land Development Code, section 5.4.2.C.3 to allow an accessory structure to encroach into the side yard setback.**

01:10:01 On a motion by Vice Chair Buttorff, seconded by Member Vozos, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS:** The requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested. However, staff is concerned that the variance could adversely affect the adjacent property owner because construction and maintenance of the structure may require encroachment onto the adjacent property.

**WHEREAS:** The structure will not alter the essential character of the general vicinity as it will be built with material that is in character with the surrounding residential neighborhood. Moreover, there are other detached garages in the general vicinity that appear to encroach into the side yard setbacks. These examples are located at 4610, 4612, and 4602 Plane Tree Drive. An aerial photograph of these properties is provided in the staff report under site photos.

**WHEREAS:** The requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes.

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**Case No. 23-VARIANCE-0048**

**WHEREAS:** The requested variance will not allow an unreasonable circumvention of the zoning regulations as the location of the detached garage is similar to other properties located in this block.

**WHEREAS:** The requested variance does not arise from special circumstances which do generally apply to the land in the general vicinity or the same zone as the lot is similar in size and shape to the surrounding properties.

**WHEREAS:** The strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant because an accessory structure meeting the requirements is capable of being built.

**WHEREAS:** The circumstances are the result of actions taken by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.

**RESOLVED,** the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **Variance** from the Land Development Code, section 5.4.2.C.3 to allow an accessory structure to encroach into the side yard setback (Side Yard Setback Requirement 2ft., Request 1ft., Variance 1ft).

**The vote was as follows:**

**YES: Members Vozos, Vice Chair Buttorff, and Chair Bond**

**NO: Member Horton**

**ABSENT: Members Leanhart, Howard, and Ford**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**Case No. 23-VARIANCE-0051**

Request: A variance to allow a structure to encroach into the required side yard and rear yard setbacks.  
Project Name: Big Bar Variance  
Location: 1202 Bardstown Rd  
Owner: Kevin Bryan, Bigger is Better LLC  
Applicant: Nathan Grimes  
Jurisdiction: Louisville Metro  
Council District: 8- Benjamin Reno-Weber  
Case Manager: Amy Brooks, Planner I

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

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

**Agency testimony:**

01:11:10 Amy Brooks presented the case, showed a Power Point presentation, and responded to questions from the Board members (see staff report and recording for detailed presentation.)

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

Nathan Grimes, Renaissance Design Build Inc., 1012 S 4<sup>th</sup> Street, Louisville, KY 40203

David Marcum, 2703 Stonefield Lane, LaGrange, KY 40031

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

01:14:57 Nathan Grimes spoke in favor of the request (see recording for detailed presentation).

01:17:13 David Marcum spoke in favor of the request, to answer any questions that anyone may have, and responded to questions from the Board Members (see recording for detailed presentation).

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**PUBLIC HEARING**

**Case No. 23-VARIANCE-0051**

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

Herman Praszkiel (trustee), 3044 Bardstown Road Suite 295, Louisville, KY 40205

**Summary of testimony of those in neutral:**

01:19:47 Herman Praszkiel spoke in neutral of the request. Praszkiel stated he has concerns about the new variance and if it will have restrictions like the previous variance that was completed in 2018. Praszkiel responded to questions from the Board Members (see recording for detailed presentation).

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

No one spoke.

**Rebuttal:**

01:36:59 Nathan Grimes spoke in rebuttal. Grimes gave details on how he will be reconstructing the retaining wall. Grimes and Marcum responded to questions from the board members.

**01:43:41 Board members' deliberation.**

**(Variance #1) Variance from the Land Development Code section 5.2.3.D.3.d.ii to allow an addition to encroach into the rear yard setback**

**(Variance #2) Variance from Land Development Code section 5.2.3.D.3.b to allow an addition to encroach into the required side yard setback.**

01:56:13 On a motion by Member Vozos, seconded by Vice Chair Buttorf, the following resolution, was adopted:

**(Variance #1) WHEREAS:** The requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes, including fire codes, and the Land Development Code, except where relief is requested; however, staff is concerned that the variance could adversely affect the adjacent property owner because construction and future maintenance of the addition may require encroachment onto the adjacent property.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**Case No. 23-VARIANCE-0051**

**WHEREAS:** The structure will not alter the essential character of the general vicinity as it will be built with material that is in character with the surrounding residential neighborhood. The applicant has gotten approval from the Bardstown Road/Baxter Avenue Corridor Overlay District for the proposed exterior alterations. According to the permit, the proposed changes will have little to no impact on the Corridor because most of the addition will be behind the existing building.

**WHEREAS:** The requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes.

**WHEREAS:** The requested variance will not allow an unreasonable circumvention of the zoning regulations as the structure is compatible with other commercially zoned properties along the Corridor that lack alley access and whose properties have limited depth.

**WHEREAS:** The requested variance arise from special circumstances which do generally apply to the land in the generally vicinity or the same zone as the lot is not similar in size and shape to the surrounding properties. This property is shallower and lacks rear alley access.

**WHEREAS:** The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the required rear yard setback for structures on this site is 15 ft which would deprive the applicant of buildable area given the property's unusual size constraints.

**WHEREAS:** 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 not begun construction and has applied for a variance.

**(Variance #2) WHEREAS:** The requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes, including fire codes, and the Land Development Code, except where relief is requested. however, staff is concerned that the variance could adversely affect the adjacent property owner because construction and future maintenance of the addition may require encroachment onto the adjacent property.

**WHEREAS:** The encroachment into the side yard alter the essential character of the general vicinity. The applicant has gotten an overlay permit from the Bardstown Road/Baxter Avenue Corridor Overlay District for the proposed addition. According to Overlay report findings, the proposed changes will have little to no impact.

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**WHEREAS:** The requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes.

**WHEREAS:** The requested variance will not allow an unreasonable circumvention of the zoning regulations as the lot is rather narrow. Additionally, there are examples of other buildings encroaching into the side yard setback.

**WHEREAS:** The requested variance does not arise from special circumstances which do generally apply to the land in the generally vicinity or the same zone as the lot is similar in size and shape to the surrounding properties.

**WHEREAS:** The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land given the property's size constraints.

**WHEREAS:** 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 not begun construction and has applied for a variance.

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** this case to the **July 24th, 2023** BOZA meeting.

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, and Chair Bond**

**ABSENT: Members Leanhart, Howard, and Ford**

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**PUBLIC HEARING**

**Case No. 23-VARIANCE-0052**

Request: A variance to allow a structure to encroach into the required side yard and rear yard setbacks.  
Project Name: Wallace Avenue Variance  
Location: 611 Wallace Avenue  
Owner: Jessica Farquhar  
Applicant: Mark Campbell  
Jurisdiction: City of St. Matthews  
Council District: 9-Andrew Owen  
Case Manager: Amy Brooks, Planner I

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

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

**Agency testimony:**

01:57:34 Amy Brooks showed a Power Point presentation and responded to questions from the Board members (see staff report and recording for detailed presentation.)

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

Mark Campbell, 611 Wallace Ave, Louisville, KY 40207

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

02:03:17 Mark Campbell spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation)

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

None

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**PUBLIC HEARING**

**Case No. 23-VARIANCE-0052**

**(Variance #1) Variance from City of St. Matthews Development Code section 4.6.C.2.b to allow an accessory structure to encroach within the required side yard setback.**

**(Variance #2) Variance from City of St. Matthews Development Code section 4.7.C.2.d to allow an accessory structure to encroach into the required rear yard setback.**

02:06:33 On a motion by Vice Chair Buttorff, seconded by Member Horton, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**(Variance #1) WHEREAS:** The requested variance will not adversely affect the public health, safety, or welfare, because the structure must be constructed to comply with all building codes, including fire codes.

**WHEREAS:** The requested variance will not alter the essential character of the general vicinity as the proposed garage will be located in an area where minimal setbacks from the side property line are common. Please see site photos for neighborhood examples.

**WHEREAS:** The requested variance will not cause a hazard or nuisance to the public because the encroachment of the accessory structure into the side setback does not impede safe movement of vehicles or pedestrians.

**WHEREAS:** The requested variance will not allow an unreasonable circumvention of the zoning regulations since the proposed accessory structure replaces an existing garage that currently encroaches more into the side setback than the proposed accessory structure.

**WHEREAS:** The requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone as the property is similar in size and shape to other properties in the area.

**WHEREAS:** The strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant as the proposed addition to the principal structure could be modified to allow for 15 feet between the accessory structure and house. This separation would allow the proposed garage to encroach into the required side yard setback.



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**WHEREAS:** The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has not started construction and has applied for a variance.

**WHEREAS:** The variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public as it will be constructed to meet all building codes and there are similar setbacks in the area.

**(Variance #2) WHEREAS:** The requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all building codes, including fire codes.

**WHEREAS:** The requested variance will not alter the essential character of the general vicinity as there are seemingly other accessory structures that encroach into the rear yard setback. These other accessory structures are within the same block as Wallace Avenue as indicated in the site photos.

**WHEREAS:** The requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes.

**WHEREAS:** The requested variance will not allow an unreasonable circumvention of the zoning regulations as there is limited room between the principal structure and accessory structure to maintain the required setbacks from the rear property line.

**WHEREAS:** The requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone as the property is similar in size and shape to other properties in the area.

**WHEREAS:** The strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant as the proposed addition to the principal structure could be modified to allow for 15 feet between the accessory structure and house. This separation would allow the garage to encroach into the required yards without the need for a variance.

**WHEREAS:** 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 as the applicant has not started construction on the addition.

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**WHEREAS:** The variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public as it will be constructed to meet all building codes and there are similar setbacks in the area.

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **RECOMMEND** that the city of St. Matthews **APPROVE** the requested **Variance** from City of St. Matthews Development Code section 4.6.C.2.b to allow an accessory structure to encroach within the required side yard setback (**Requirement 6ft, Request 3ft, Variance 3ft**) and the **Variance** from City of St. Matthews Development Code section 4.7.C.2.d to allow an accessory structure to encroach into the required rear yard setback (**Requirement 25ft, Request 5ft, Variance 20ft**)

Conditions of Approval:

1. The space above the garage will not be used for any commercial use or occupied as living quarters.

**The vote was as follows:**

**YES: Members Vozos, Horton, Vice Chair Buttorff, and Chair Bond**

**ABSENT: Members Leanhart, Howard, and Ford**

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**PUBLIC HEARING**

**Case No. 23-VARIANCE-0054**

Request: A variance to allow a proposed addition to exceed the max setback on a corner lot and encroach into the rear yard setback

Project Name: Burnett Avenue Variance

Location: 511-537 Burnett Ave

Owner: Burwether, LLC

Applicant: Burwether, LLC.

Jurisdiction: Louisville Metro

Council District: 6 - Phillip Baker

Case Manager: Molly Clark, Planner II

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

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

**Agency testimony:**

02:07:52 Molly Clark showed a Power Point presentation and responded to questions from the Board members (see staff report and recording for detailed presentation).

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

Barb Hall, 459 Washburn Ln, Taylorsville, KY 40071

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

02:10:43 Barb Hall spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation)

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

No one spoke.

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**02:13:28 Board Members' deliberation**

**(Variance #1) Variance from the Land Development Code section 5.5.1.A.2 for an addition to an existing structure to be setback more than 5 feet for a corner lot.**

**(Variance #2) Variance from Land Development Code section 5.2.5.C.3.c to reduce the required 20-foot rear yard setback from 20 feet to 3 feet for an addition to an existing structure.**

02:13:48 On a motion by Member Horton, seconded by Member Vozos, the following resolution based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**(Variance #1) WHEREAS:** The requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested.

**WHEREAS:** The proposed addition will not alter the essential character of the general vicinity as there is an existing structure (the old church) close to the corner.

**WHEREAS:** The requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes.

**WHEREAS:** The requested variance will not allow an unreasonable circumvention of the zoning regulations this lot has a very acute angle at the corner that makes building at the corner difficult. There is an existing structure (the old church) that is situated near the corner of the lot.

**WHEREAS:** The requested variance does arise from special circumstances which do generally apply to the land in the generally vicinity as this lot has a very acute angle at the corner that makes building at the corner difficult. The lot is not square or rectangular in shape.

**WHEREAS:** The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the current configuration of the land and buildings only allows the applicant to build on to the old church towards the corner without a variance. The addition will be built with the existing home on the site that is on the other side of the lot.

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**WHEREAS:** 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 as the applicant has not begun construction.

**(Variance #2) WHEREAS:** The requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes, including fire codes, and the Land Development Code, except where relief is requested.

**WHEREAS:** The proposed encroachment will not alter the essential character of the general vicinity as the existing shotgun home with the proposed addition will be structurally similar with compatible building materials to the existing shotgun home next door.

**WHEREAS:** The requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes. There is sufficient space between the proposed structures and property lines to conduct maintenance without crossing over into other properties.

**WHEREAS:** The requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed accessory structure will comply with all other regulations, except where relief is requested, and there are other properties within the block that have seemingly reduced setbacks between structures.

**WHEREAS:** The requested variance does not arise from special circumstances which do not generally apply to the land in the general vicinity or the same zone as the lot is larger in size and shape in comparison to the surrounding properties.

**WHEREAS:** The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the applicant would have to tear down an existing shotgun home in order to meet the setbacks on the site.

**WHEREAS:** 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 not begun construction.

**RESOLVED,** the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **Variance** from the Land Development Code section 5.5.1.A.2 for an

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addition to an existing structure to be setback more than 5 feet for a corner lot **(Requirement 5ft from road, Request 315ft, Variance 310ft)** and the **Variance** from Land Development Code section 5.2.5.C.3.c to reduce the required 20-foot rear yard setback from 20 feet to 3 feet for an addition to an existing structure **(Requirement 20ft, Request 3ft, Variance 17ft)**

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, and Chair Bond**

**ABSENT: Member Leanhart, Howard, and Ford**

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**Case No. 23-VARIANCE-0056**

Request:	Variance to allow a principal structure to encroach into the street side yard setback.
Project Name:	Basswood Lane Variance
Location:	3606 Basswood Lane
Owner:	Courtney and Robert Hunter
Applicant:	Courtney and Robert Hunter
Representative:	Jack Stewart, AIA, Stewart Architecture, PLLC
Jurisdiction:	Louisville Metro
Council District:	16- Scott Reed
Case Manager:	Jeremy Chesler, Planner I

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

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

**Agency testimony:**

02:15:22     Jeremy Chesler presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation).

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

Courtney Hunter, 3606 Fastwood Ln, Louisville, KY 40207

Jack Stewart, 120 Kentucky Ave, Lexington, KY 40502

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

02:20:28     Courtney Hunter spoke in favor of the request and responded to questions from the Board Members ( see recording for detailed presentation).

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

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None

**02:22:04 Board Members' deliberation**

**Variance from the Land Development Code Table 5.1.12.B.2.e.i.1 to allow a structure to encroach into the required street side yard setback as established by infill regulations.**

02:22:12 On a motion by Vice Chair Buttorff, seconded by Member Vozos, the following resolution, based on evidence and testimony heard today, was adopted:

**WHEREAS:** The requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested. The proposed addition will not impact vision clearance for vehicular traffic on Basswood Lane or Club Lane.

**WHEREAS:** The proposed building addition will not alter the essential, visual character of the general vicinity as the addition and its location on the lot will be in character with the surrounding residential neighborhood. The proposal is still within the building limit line on the original record plat, therefore seems to be consistent with the original vision for the neighborhood. Several other homes in the immediate vicinity appear to not meet the required infill standards for street side yard setbacks, including 3600 Basswood Lane and 3601 Basswood Lane.

**WHEREAS:** The requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes. Vegetation currently serves as screening for the variance area and will be preserved to provide limited alteration to the view of the subject property from the street (See site photos included in staff report).

**WHEREAS:** The requested variance will not allow an unreasonable circumvention of the zoning regulations as there are other homes within the surrounding blocks that appear to fail to meet the current required infill standards for street side yard setbacks. The original building limit line for the property is only 12.5 feet compared to the build limit line of 25 feet for the two properties that now determine the required street side yard setback for this property, therefore based on where the house was constructed on the



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lot, combined with the unique shape of the lot, limit ability to adhere to current residential design standards.

**WHEREAS:** The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the shape of the lot containing an acute interior corner is a significant factor that has led to the special circumstances requiring a variance request.

**WHEREAS:** The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the house already does not comply with current regulations due to significantly varied building limit lines on the original subdivision plat being 12.5 feet for subject property compared to 25 feet for the two nearest lots on the same block face. Additionally, the acute angle and unique shape of this corner lot leads to a misalignment of the front property lines that makes conforming to infill standards particularly difficult.

**WHEREAS:** 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 as the applicant has not yet started construction and has applied for a variance.

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **Variance** from the Land Development Code Table 5.1.12.B.2.e.i.1 to allow a structure to encroach into the required street side yard setback as established by infill regulations. **(Requirement 37ft-40ft, Request 13ft, Variance 24ft)**

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, and Chair Bond**  
**ABSENT: Members Leanhart, Howard, and Ford**

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**PUBLIC HEARING**

**Case No. 23-VARIACNE-0059**

Request: A variance to allow a structure to encroach into the required side yard setback.  
Project Name: South Shelby Street Variance  
Location: 1039 S. Shelby St  
Owner: Salena Hernandez  
Applicant: Brian Holder, Holder Realty LLC  
Jurisdiction: Louisville Metro  
Council District: 6- Phillip Baker  
Case Manager: Amy Brooks, Planner I

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

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

**Agency testimony:**

02:23:23 Amy Brooks presented the case on behalf of Molly Clark, showed a Power Point presentation, and responded to questions from the Board members (see staff report and recording for detailed presentation.)

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

Brian Holder, 4609 Waldon Dr, Louisville, KY 40299

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

02:26:31 Brian Holder spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

No one spoke.

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**PUBLIC HEARING**

**Case No. 23-VARIACNE-0059**

**02:27:21 Board Members' deliberation.**

**Variance from the Land Development Code Table 5.2.2 to allow a primary structure to encroach into the side yard setback.**

02:27:33 On a motion by Member Vozos, seconded by Member Horton, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS:** The requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested.

**WHEREAS:** The structure will not alter the essential character of the general vicinity. There are other structures on S. Shelby St that seemingly that encroach into the side yard setback. Examples include the principal structures on the two properties adjacent to the subject site.

**WHEREAS:** The requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes.

**WHEREAS:** The requested variance will not allow an unreasonable circumvention of the zoning regulations as the location of the proposed structure is comparable to others in the neighborhood. The block has compacted lots where encroachment into the required side yard setbacks is commonplace.

**WHEREAS:** The requested variance does not arise from special circumstances which do generally apply to the land in the generally vicinity or the same zone as the lot is similar in size and shape to the surrounding properties.

**WHEREAS:** The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the existing house is on the property line.

**WHEREAS:** The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has completed construction.

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**Case No. 23-VARIACNE-0059**

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **Variance** from the Land Development Code Table 5.2.2 to allow a primary structure to encroach into the side yard setback. (**Requirement 5ft, Request 0ft, Variance 0ft**)

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, and Chair Bond**

**ABSENT: Members Leanhart, Howard, and Ford**

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**Case No. 23-VARIACNE-0078**

Request: Variances for Maximum Building Height, Setbacks, and a Waiver from Residential Site Design Standards  
Project Name: Monarch Station  
Location: 1413 Bland St  
Owner: Volunteers of America Mid-States  
Applicant: Jake Belwood, Gresham Smith  
Jurisdiction: Louisville Metro  
Council District: 6 - Philip Baker  
Case Manager: Ethan Lett, Planner I

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

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

**Agency testimony:**

02:29:13 Ethan Lett presented the case and showed a Power Point presentation. Lett responded to questions from the Board Members (see staff report and recording for detailed presentation).

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

Jon Baker, Wyatt, Tarrant, & Combs, 400 W Market St. Suite 2000, Louisville, KY 40202

Jeremy Dyer, 807 Farmingham Road, Louisville, KY 40243

Patrick Henry, 111 W Main St., Louisville, KY 40202

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

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**Case No. 23-VARIACNE-0078**

02:33:31 Jon Baker stated he wanted Jeremy Dyer to speak about the case first and then come back to finish the presentation.

02:35:11 Jeremy Dyer spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:44:47 Jon Baker continued his presentation and responded to questions from the Board Members (see recording for detailed presentation).

02:53:25 Patrick Henry spoke in favor of the request and continued the presentation for Jon Baker. Henry also responded to questions from the Board Members (see recording for detailed presentation)

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

Melana Hot, 1314 S. Shelby St., Louisville, KY 40217

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

02:58:23 Melana Hot spoke in opposition to the request. Hot stated she lives across from the proposed site and was never informed of a Neighbor meeting. Hot mentioned their have been issues with patrons from the Volunteers of American and is concerned about the homelessness getting worse.

**Rebuttal:**

03:10:17 Jon Baker mentioned the property in question can be use for low income housing or rising market housing due to it being in the Traditional Neighborhood. Baker stated there was a notification requirement but not a meeting requirement.

**03:13:03 Board Members' deliberation**

**Variance from the Land Development Code Section 5.7.1.B.1 to allow the building to exceed the Transition Zone maximum building height.**

**Variance from the Land Development Code Section 5.1.12.A.2.a. to allow the building to encroach into the infill front yard setback.**

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**PUBLIC HEARING**

**Case No. 23-VARIACNE-0078**

**Variance from the Land Development Code Section 5.2.2 to allow the building to encroach into the rear yard setback.**

03:17:54 On a motion by Member Horton, seconded by Vice Chair Buttorff, the following resolution, based on Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**(Variance #1) WHEREAS:** The requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested.

**WHEREAS:** The requested variance will not alter the essential character of the general vicinity because the surrounding neighborhood is comprised of structures of varying heights and hills which alter the elevation and view of different structures. Examples of structures with comparable heights include the Waste Reduction Center at 1415 Bland Street and the VOA Recovery building at 1436 S Shelby Street.

**WHEREAS:** The requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes.

**WHEREAS:** The requested variance will not allow an unreasonable circumvention of the zoning regulations since the proposed request seems compatible with the established pattern of development within the surrounding neighborhood.

**WHEREAS:** The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

**WHEREAS:** The strict application of the provisions of the regulation would create an unnecessary hardship because the applicant would have to reduce the number of units they are proposing. Affordable housing developments require a certain number of units to be economically feasible, so strict application of the provisions would reduce the viability of this project and eliminate much needed affordable housing units.

**WHEREAS:** 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 has not begun construction on the proposed development.

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**Case No. 23-VARIACNE-0078**

**(Variance #2) WHEREAS:** The requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested.

**WHEREAS:** The requested variance will not alter the essential character of the general vicinity because there are other principal structures along Bland Street that also encroach into the front yard setback. The subject site is located in a traditional form district where buildings are built to the street.

**WHEREAS:** The requested variance will not cause a hazard or nuisance to the public because the addition to the primary structure must be constructed to comply with all building codes.

**WHEREAS:** The requested variance will not allow an unreasonable circumvention of the zoning regulations since one of the lots used to establish the infill dimensions contains a principal structure that partially encroaches upon the front property line. The façade of the subject building does not wholly encroach into the required setback, only the northern part of the façade nearest to the vacant lots would encroach into the setback.

**WHEREAS:** The requested variance does arise from special circumstances which do generally apply to land in the general vicinity or the same zone as any property developed on this block face would be subject to infill requirements. 4 of the lots nearest to the subject site are vacant, so the next closest lot containing a principal structure used to establish the setback range is a corner lot structure at 1401 Bland Street which partially encroaches upon the front property line.

**WHEREAS:** The strict application of the provisions of the regulation would create an unnecessary hardship because the lot is an irregular shape, so the building was specifically designed to both fit on the lot and achieve the desired density of affordable housing units.

**WHEREAS:** 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 has not begun construction on the proposed development.

**(Variance #3) WHEREAS:** The requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all



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applicable building codes and the Land Development Code, except where relief is requested.

**WHEREAS:** The requested variance will not alter the essential character of the general vicinity. The subject site abuts an alleyway which serves adjacent properties fronting S Shelby Street. The structures on these properties are also built to the rear property lines along the alleyway.

**WHEREAS:** The requested variance will not cause a hazard or nuisance to the public because the addition to the primary structure must be constructed to comply with all building codes.

**WHEREAS:** The requested variance will not allow an unreasonable circumvention of the zoning regulations. The encroachment will match the character of the established pattern of rear yard setbacks for properties abutting the alleyway.

**WHEREAS:** The requested variance does arise from special circumstances which do generally apply to land in the general vicinity or the same zone because the lot is an irregular shape, so the building was specifically designed to both fit on the lot and achieve the desired density of affordable housing units.

**WHEREAS:** The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the design of the building was footprint was tailored to account for the irregular shape of the lot while accommodating the desired density. Strict application of the regulations would require the applicants to reduce the number of affordable housing units they are able to provide which contradicts the goals and objectives of Plan 2040.

**WHEREAS:** 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 has not begun construction on the proposed development.

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **Variance #1** from the Land Development Code Section 5.7.1.B.1 to allow the building to exceed the Transition Zone maximum building height (**Requirement 45ft, Request 65ft, Variance 20ft**), **Variance #2** from the Land Development Code Section 5.1.12.A.2.a. to allow the building to encroach into the infill front yard setback (**Requirement 3ft, Request 1ft, Variance 2ft**), and **Variance #3** from the Land Development Code Section 5.2.2 to allow the building to encroach into the rear yard setback (**Requirement 15ft, Request 5ft, Variance 10ft**)

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**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff and Chair Bond**

**ABSENT: Members Leanhart, Howard, Ford**

**Waiver from the Land Development Code Section 5.4.1. to allow the development to not conform to the Traditional Residential Site Design standards.**

03:19:57 On a motion by Member Vozos, seconded by Vice Chair Buttorff, the following resolution, based on Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS:** Abutting the subject site are vacant or nonresidential properties which display a variety of site design characteristics that do not conform with their respective form districts. Therefore, nonadherence to the residential site design standards would not adversely affect adjacent property owners.

**WHEREAS:** The waiver will not violate specific guidelines of Plan 2040 because the comprehensive plan encourages reinvestment and development in mixed use areas with established amenities, and flexible site design is encouraged with respect to the pattern of development in a given area.

**WHEREAS:** 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. Affordable housing developments require a certain number of units to be an economically viable project. Strict application of the site design standards would require the applicant to reduce the number of units they are able to provide on this lot and consequently render the development infeasible. Not only does this create an unnecessary hardship on the applicant, but it also eliminates the net beneficial effect of providing a considerable number of much needed affordable housing units.

**RESOLVED,** the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Waiver from the Land Development Code Section 5.4.1. to allow the development to not conform to the Traditional Residential Site Design standards.

**The vote was as follows:**

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**YES: Members Horton, Vozos, Vice Chair Buttorff and Chair Bond**  
**ABSENT: Members Leanhart, Howard, Ford**

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**Case No. 23-NONCONFORM-0010**

Request: Nonconforming Rights for heavy truck repair.  
Project Name: Nonconforming rights  
Location: 10510 National Turnpike  
Owner: James Gerkins  
Applicant: James Gerkins  
Jurisdiction: Louisville Metro  
Council District: Dan Seum Jr. - District 13  
Presenter: Christopher French, AICP, Planning Supervisor  
Case Manager: Mark Pinto, Associate Planner

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

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

**Agency testimony:**

03:52:31 Chris French presented the case on behalf of Mark Pinto and showed a Power Point presentation. French responded to questions from the Board Members. (see staff report and recording for detailed presentation).

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

James Gerkins, 10510 National Turnpike, Fairdale, KY 40118

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

03:30:50 James Gerkins spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation)

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

**None**

**03:34:47 Board Members' deliberation**

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03:44:14 On a motion by Vice Chair Buttorff, seconded by Member Horton, the following resolution, based on Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** the request to determine whether a property has nonconforming rights for heavy truck repair (welding, garage work, repairs of trucks and equipment).

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, and Chair Bond**

**ABSENT: Members Leanhart, Howard, Ford**

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**Case No. 23-CUP-0234**

Request: Conditional Use Permit for Boarding House (LDC 4.2.11)  
with relief from item 'A'  
Project Name: 1814 Date Street  
Location: 1814 Date Street  
Owner: Hoang Nguyen  
Representative: Wyatt, Tarrant, & Combs, LLP - Jon Baker  
Jurisdiction: Louisville Metro  
Council District: 4 - Jecorey Arthur  
Case Manager: Joel Dock, AICP, Planning Supervisor

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

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

**Agency testimony:**

03:45:45 Joel Dock presented the case and presented a PowerPoint presentation. Dock responded to questions from the Board Members (see staff report and recording for detailed presentation).

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

Jon Baker, Wyatt, Tarrant & Combs, 400 W Market St. Suite 2000, Louisville, KY 40202

Michael Abraham, 1812 Date Street, Louisville, KY 40210

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

03:53:55 Jon Baker spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

04:05:51 Michael Abraham spoke in favor of the request.

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

No one spoke.

**04:11:32 Board Members' deliberation**

**Conditional Use Permit for Boarding House (LDC 4.2.11) with relief from item 'A'**

04:12:07 On a motion by Vice Chair Buttorff, seconded by Member Vozos, the following resolution, based on Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS:** The proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040 as no exterior changes are proposed which create non-conformance with the Land Development Code or inconsistency with the general character of the area. Further, boarding houses provide a means of housing encouraged by the land use and development policies of Plan 2040, specifically Goal 1, Policies 1, 3, 6; Goal 2, Policies 2 and 7; & Goal 3, Policy 4.

**WHEREAS:** 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. No exterior changes are proposed which create non-conformance with the Land Development Code or inconsistency with the general character of the area.

**WHEREAS:** All 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 or will be provided.

Boarding Houses may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, R-8A, TNZD (Neighborhood Center), and TNZD (Neighborhood Transition-Center) districts upon the granting of a Conditional Use Permit and compliance with the following requirements. This section does not apply to any Residential Lodging House that may be permitted with special standards pursuant to Section 4.3.24 of this Land Development Code.

- A. A Boarding House in a single-family residential zoning district (R-R, R-E, R-1, R-2, R-3, R-4, R-5, or U-N) shall have a maximum of four (4) Boarders. A Boarding House in a multi-family residential zoning district (R-5A, R-5B, R-6, R-7, or R-8A) or TNZD (Neighborhood Center/Neighborhood Transition-Center

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only) shall have a maximum of eight (8) Boarders. In a Boarding House that is owner-occupied, the owner and members of his or her Family shall not be considered Boarders.

- B. A Boarding House additionally classified as a Boarding Home by Kentucky Revised Statutes and/or Kentucky Administrative Regulations shall comply with the standards for the operation of a Boarding Home, including but not limited to those provided in 902 KAR 20:350 and KRS Chapter 216B.
- C. Each Boarder shall have his or her own bedroom. Any such bedroom shall meet the current dimensional requirements and occupancy limitations set forth in LMCO Section 156.103.
- D. A Boarding House is for non-transient occupancy. The minimum intended stay for any Boarder shall be at least 30 consecutive days.
- E. A Boarding House may have a Boarder who manages the property and/or supervises the other Boarders on behalf of the property owner and/or operator. There shall not be any non-resident employee that works within the dwelling, with exception for employees that report to the property temporarily to address management or emergency issues.
- F. A Boarding House is a residential use. Nonresidential uses and services, including those that may be accessory, shall not be carried out within the dwelling unless otherwise permitted and approved as a separate use.
- G. There shall not be any outdoor signage which identified the Boarding House use.
- H. A Boarding House shall be in a location with reasonable access to public transportation.
- I. The required parking for the use is set forth in Chapter 9 of this Land Development Code. The BOZA may require additional parking if warranted.
- J. When reviewing a conditional use permit application for a Commercial Boarding House, the BOZA shall, to the best of its abilities, find that the establishment of the use will not result in harm to health, safety, or general welfare of the



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surrounding neighborhood. The property on which a Commercial Boarding House 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.

- K. A Boarding House shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.
  
- L. For a complete application submittal for a Boarding House 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. Site plan and floor plans of any building subject to the use (showing the location and dimensions of all bedrooms);
  - 3. A written statement, plans, and/or permits indicating how any building subject to the application meets or will be adapted to meet all applicable building codes for the use if approved;
  - 4. The maximum number of Boarders; and
  - 5. Rules of conduct and management plan.

In the event a conditional use permit for a Boarding House 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.

- M. The operator(s) of a Boarding House shall maintain a registry of Boarders, which shall document the terms of stay of each Boarder. This registry shall be made available for inspection by a Zoning or Code Enforcement Officer in order to determine the total number of Boarders residing in the Boarding House at a given time and whether or not a term of stay is transient or not. However, under these provisions, the operator is not required to collect and/or maintain records that may be used for discriminatory purposes under the Fair Housing Acts, including but not limited to records relating to the race, religion, gender, national origin, family status and/or disability of any resident.
  
- N. A Boarding House shall not operate until it has been issued a license

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pursuant to LMCO Chapter 115 and, if required, a registration or license from the Commonwealth of Kentucky pursuant to KRS Chapter 216B.

- O. Unlawful operation of a Boarding House without the required conditional use permit and/or license may constitute grounds for denial of an after-the-fact conditional use permit application for the Boarding House by the BOZA.
  
- P. If a Boarding House 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 code. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
  
- Q. An active license of the Boarding House, as required by LMCO Chapter 115, shall be maintained. No boarding 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 Boarding House use, a new conditional use permit must be granted if required.

**WHEREAS:** The applicant has demonstrated or will be required to provide compliance with each of the lettered standards above, except where relief is requested for items 'A'. Relief from item 'A' to allow a maximum of 6 occupants in the R-5, single-family residential zoning district is appropriate as 6 bedrooms are available for the residents; three located on each floor of the 2-story structure. The structure is currently configured as a stacked duplex (1 dwelling on each floor). The applicant proposes to reconfigure the structure into a single residential unit to be used as a boarding home.

**RESOLVED,** the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **Conditional Use Permit** for Boarding House (LDC 4.2.11) with relief from item 'A' **SUBJECT** to the following Conditions of Approval:

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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 boarding house until further review and approval by the Board.
3. The maximum number of boarders shall not exceed 6, unless prior approval is received by the Board of Zoning Adjustment.
4. An active license for the Boarding House, as required by LMCO Chapter 115, shall be maintained.
5. The structure containing the boarding home shall be reconfigured into a single residential unit with one primary entrance provided to the public street. All applicable permits must be requested and approved prior to construction activities.

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, Chair Bond**

**ABSENT: Members Leanhart, Howard, and Ford**

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**Case No. 22-MCUP-0009**

Request: Modified Conditional Use Permit for Camping Areas and  
Recreational Vehicle Parks  
Project Name: Progress Park  
Location: 4501 Progress Blvd  
Owner: Progress Park, LLC  
Applicant: Mike Pifer  
Jurisdiction: Louisville Metro  
Council District: 2- Barbara Shanklin  
Case Manager: Ethan Lett

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

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

**Agency testimony:**

04:13:51 Ethan Lett presented the case and a Power Point presentation (see staff report and recording for detailed presentation).

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

Mike Hill, Land Design & Development, 503 Washburn Ave, Louisville, KY 40222

Mike Pifer, 2840 Klondike Ln, Louisville, KY 40218

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

04:16:24 Mike Hill spoke in favor of the request and responded to questions from the Board Members.

04:21:46 Mike Pifer spoke in favor of the request and responded to questions from the Board Members.

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

No one spoke.

**04:28:32     Board Members' deliberation**

**Modified Conditional Use Permit for Camping Areas and Recreational Vehicle Parks (LDC 4.2.12)**

04:28:42     On a motion by Vice Chair Buttorff, seconded by Member Horton, the following resolution, based on Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS:** The proposed additions are consistent with the comprehensive plan. The unique site design is compatible with existing development, and the site's layout, setbacks, and screening ensure that the development will have a low impact on adjoining properties.

**WHEREAS:** The proposal is compatible with surrounding land uses and the general character of the area. Due to the size and location of the parcel, as well as the uniqueness of the proposed use, there would not appear to be a comparable development within the form district worthy of comparison. The layout on site is consistent with the intentions of the project.

**WHEREAS:** Necessary public facilities are available or being provided as demonstrated on the development plan. Transportation Planning and MSD have reviewed the proposal.

Camping Areas and Recreational Vehicle Parks, Public and Private, may be allowed in any district upon the granting of a Conditional Use Permit, on a property with a minimum of ten acres, and in compliance with the following requirements:

- A. Buffer Strips – An open space buffer strip shall be maintained along all property lines in which campfires, or any other camping appurtenances shall not be located. The open space buffer strip shall be a minimum of 10 feet along any side or rear property line and a minimum of 30 feet along any front or street side property line.

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- B. Signs – Except in districts where signs are allowed, there shall be no more than one non- illuminated sign not to exceed 30 square feet in area, with a maximum height of 10 feet, located at the major entrances.
- C. Traffic Impacts – Facilities shall be located and designed so that no entrance or exit shall require movement of traffic to or from the camping area or park through a recorded single-family subdivision.
- D. Limits on Periods of Use – No property, camp, or individual camp site shall be sold or leased for a longer period than one month, that does not conform to the minimum lot area established for the district in which it is located or to a minimum lot area of 6,000 square feet for a district having no minimum lot area.
- E. Trash and Garbage Collection – The RV Park or Camping Area Management shall be responsible for internal trash and garbage collection. Central trash collection points shall be completely screened from view from outside the park.
- F. Health and Safety – Parking pads for recreational vehicles and individual camp sites shall not be exposed to conditions that create hazards to the property or the health or safety of the occupants.

No portion of the park or camping area subject to flooding or subsidence shall be used for any purpose which would expose persons or property to hazards.

- G. Vehicular Use Areas – Vehicular use areas shall be paved and shall be clearly marked as to internal circulation and direction of travel. Pavement widths for travel lanes shall be as follows:
  - 1. One-way Travel Lave – 18 feet
  - 2. Two-way Travel Lane – 24 feet
  - 3. Cul-de-sac Diameter – 80 feet

**WHEREAS:** The requested additions are in compliance with each of these guidelines. No open fires will occur near property lines. Access is limited to two points along a primary collector roadway. No long-term rentals will be allowed with the exception of the resident grounds manager. Trash collection has been designated on the district development plan. No hazards appear to be present by the RV parking areas. Vehicular travel lanes conform to minimum standards.

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** this requested Modified Conditional Use Permit for Camping Areas and

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Recreational Vehicle Parks (LDC 4.2.12) **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.
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 camping area and recreational vehicle park until further review and approval by the Board.

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, Chair Bond**

**ABSENT: Members Leanhart, Howard, and Ford**

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**Case No. 23-CUP-0039**

Request:	Conditional Use Permit for Short Term Rental of a Dwelling Unit that is Not the Primary Residence of the Host
Project Name:	Sunbury Lane Short Term Rental
Location:	7901 Sunbury Lane
Owner:	Sunny Family Revocable Trust
Applicant:	Barrett Goff
Jurisdiction:	Louisville Metro
Council District:	11- Kevin Kramer
Case Manager:	Heather Pollock, Planner I

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

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

**Agency testimony:**

04:30:03 Molly Clark who stood in for Heather Pollock presented the case, showed a Power Point presentation, and responded to questions from the Board members (see staff report and recording for detailed presentation.)

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

Barrett Goff, 7901 Sunbury Ln, Louisville, KY 40220

Raphael Callafo, 10404 Lark Park Dr., Louisville, KY 40299

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

04:32:05 Barrett Goff spoke in favor of the request and responded to questions from the Board Members.

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



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Ann Ramser, 307 E Kenwood Dr., Louisville, KY 40214

**Summary of testimony of those in neutral:**

04:41:47 Ann Ramser spoke in neutral to the request. Ramser is concerned about who owns the property and why there is a trust connected to the location.

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

No one spoke.

**Rebuttal:**

04:43:49 Barrett Goff spoke in rebuttal. Goff stated the trust is common in protecting assets. Goff confirmed he was the owner of the trust in question.

**04:44:30 Board Members' deliberation**

04:45:06 Raphael Callafo spoke in support of the request after the deliberation started due to no speaker form.

**Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in the R-4 single family zoning district and Neighborhood form district.**

04:46:24 On a motion by Member Vozos, seconded by Member Horton, the following resolution, based on Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS:** The proposal does not conflict with Comprehensive Plan policies.

**WHEREAS:** When appropriately managed, the proposed use is compatible with surrounding development and land uses.

**WHEREAS:** The subject property is served by existing public utilities and facilities. The proposal will not create substantial additional requirements for the site.

**4.2.63 Short Term Rental Term Rental of a dwelling unit that is not the primary residence of the host or the Short Term Rental of a condominium unit that is the primary residence of the host 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**

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or R-8A district and Short Term Rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. 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 30 consecutive days, or more is not considered a short term rental. ***The applicant has been informed of this requirement.***
  
- B. The dwelling unit shall be limited to a single short term rental contract at a time. ***The applicant has been informed of this requirement.***
  
- 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 licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals.

***The subject property is smaller than two acres. The applicant states that the residence has 4 bedrooms that will allow a maximum number of 10 guests.***

- 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 on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. ***As of the date of this report, within 600' of the subject property, there are no properties with an approved conditional use permit allowing short term rentals that is not the primary residence of the host.***
  
- 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, the condominium unit must be the primary residence of the host. 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

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provision shall not be waived or adjusted. ***The applicant has been informed of this requirement. PVA lists the structure as a single family dwelling unit.***

F. Food and alcoholic beverages shall not be served by the host to any guest. ***The applicant has been informed of this requirement.***

G Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.  
***The applicant has been informed of this requirement.***

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. ***The property has a driveway that can accommodate the maximum of 5 off street parking spaces permitted per the LDC and an attached garage. Additionally, on-street parking is available in the area.***

I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. ***The applicant has been informed of this requirement.***

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 approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. 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. ***The applicant has been informed of this requirement.***

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. ***The applicant has been informed of this requirement***

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

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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 six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months 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. ***The applicant has been informed of this requirement.***

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in the R-4 single family zoning district and Neighborhood form district **SUBJECT** to the following Conditions of Approval:

1) The conditional use permit for this short term rental approval shall allow up to 4 bedrooms (with a maximum of 10 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.

**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, and Chair Bond**

**ABSENT: Members Leanhart, Howard, Ford**

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**Case No. 23-CUP-0110**

Request: Conditional Use Permit for Short Term Rental of a Dwelling Unit that is Not the Primary Residence of the Host  
Project Name: Strathmoor Boulevard Short Term Rental  
Location: 2201 Strathmoor Boulevard  
Owner/Applicant: Karla Kinderman Ceccoli  
Jurisdiction: Louisville Metro  
Council District: 8 – Ben Reno-Weber  
Case Manager: Heather Pollock, Planner I

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

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

**Agency testimony:**

04:48:47 Molly Clark who stood in for Heather Pollock presented the case, showed a Power Point presentation, and responded to questions from the Board members (see staff report and recording for detailed presentation.)

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

Karla Kinderman, 2201 Strathmoor Blvd, Louisville, KY 40205

John Kinderman, 2208 Lowell Ave, Louisville, KY 40205

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

04:51:42 Karla Kinderman spoke in favor of the request and responded to questions from the Board Members.

04:54:30 John Kinderman spoke in favor of the request and responded to questions from the Board Members.

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**The following spoke in opposition to the request:**  
No one spoke.

**04:58:18 Board Members' deliberation**

**Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in the R-5 single family zoning district and Neighborhood form district.**

04:58:24 On a motion by Vice Chair Buttorff, seconded by Member Vozos, the following resolution, based on Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS:** The proposal does not conflict with Comprehensive Plan policies.

**WHEREAS:** When appropriately managed, the proposed use is compatible with surrounding development and land uses.

**WHEREAS:** The subject property is served by existing public utilities and facilities. The proposal will not create substantial additional requirements for the site.

**4.2.63** Short Term Rental Term Rental of a dwelling unit that is not the primary residence of the host or the Short Term Rental of a condominium unit that is the primary residence of the host 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 and Short Term Rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. 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 30 consecutive days, or more is not considered a short term rental. ***The applicant has been informed of this requirement.***
- B. The dwelling unit shall be limited to a single short term rental contract at a time. ***The applicant has been informed of this requirement.***
- 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 licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals.

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***The subject property is smaller than two acres. The applicant states that the residence has 4 bedrooms that will allow a maximum number of 10 guests.***

- 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 on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. ***This property was approved for a conditional use permit to operate short-term rentals in 2020 with the standard that states "if the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months 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." The applicant failed to renew their annual short-term rental within the required six months; hence, staff determined that a new annual short term rental registration could not be issued until a new CUP was granted. However, the 2020 CUP (20-CUP-0118) is still existing and not yet revoked by the Board of Zoning Adjustment, and as such, makes this property not subjected to any 600 foot proximity requirements.***
- 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, the condominium unit must be the primary residence of the host. 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. ***The applicant has been informed of this requirement. PVA lists the structure as a single family dwelling.***
- F. Food and alcoholic beverages shall not be served by the host to any guest. ***The applicant has been informed of this requirement.***

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G Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.

***The applicant has been informed of this requirement.***

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. ***The property has a driveway with a parking pad off Lowell Ave when can accommodate the maximum of 5 off street parking spaces permitted per the LDC. Additionally, on-street parking is available in the area.***

I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. ***The applicant has been informed of this requirement.***

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 approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. 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. ***The applicant has been informed of this requirement.***

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. ***The applicant has been informed of this requirement***

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 six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months 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



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must be granted if required by this Land Development Code. ***The applicant has been informed of this requirement.***

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in the R-5 single family zoning district and Neighborhood form district SUBJECT to the following Condition of Approval:

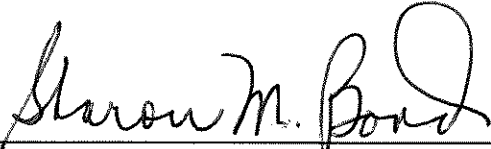
**The vote was as follows:**

**YES: Members Horton, Vozos, Vice Chair Buttorff, and Chair Bond**

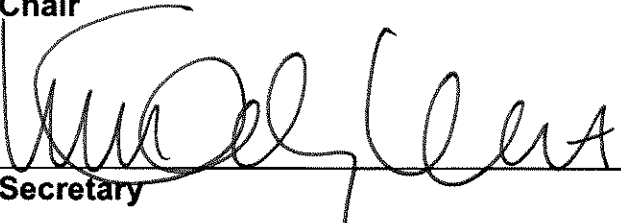
**ABSENT: Members Leanhart, Howard, and Ford**

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The meeting adjourned at approximately 6:04 p.m.

 7/10/23

**Chair**

 7/10/2023

**Secretary**