

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

November 2, 2020

A meeting of the Louisville Metro Board of Zoning Adjustment was held on November 2, 2020 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

Members Present:

Lula Howard, Chair
Richard Buttorff, Secretary
Michael Seale
Sharon Bond
Lindsey Jagoe

Members Absent:

Kimberly Leanhart, Vice Chair

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Reverman, Planning & Design Assistant Director
Brian Davis, Planning & Design Manager
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Zach Schwager, Planner I
Nia Holt, Planner I
Jon Crumbie, Planning & Design Coordinator
Laura Ferguson, Legal Counsel
Sue Reid, Management Assistant

On the recommendation of the Louisville Metro Department of Public Health & Wellness regarding congregate events and social distancing, and as permitted by Commonwealth of Kentucky Senate Bill 150, the November 2, 2020 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT MINUTES
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OCTOBER 26, 2020 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:05:43 On a motion by Member Seale, seconded by Member Bond, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the October 26, 2020 Board of Zoning Adjustment Special online meeting.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Jagoe, and Chair Howard

Absent: Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0061

Request: Variance to allow a principal structure to encroach into the rear yard setback
Project Name: Barbour Manor Drive Variance
Location: 7909 Barbour Manor Drive
Owner: Barbour Manor, LLC
Applicant: Kendall Cogan – Property Services Group, LLC
Jurisdiction: Louisville Metro
Council District: 16 – Scott Reed
Case Manager: Zach Schwager, Planner I

NOTE: Prior to the presentation of this case, Joe Haberman stated the applicant for item #10 on today’s agenda has requested to continue that case. Chair Howard requested a motion to continue that case. Please see page 23 of these minutes.

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 5th 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:

00:11:20 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Chris Crumpton, 3703 Taylorsville Rd., Louisville, KY 40220
Gordon Snyder, 3909 Benje Way, Louisville, KY 40241

Summary of testimony of those in favor:

00:16:47 Chris Crumpton spoke in favor of the request and showed a Powerpoint presentation. Mr. Crumpton responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 20-VARIANCE-0061

00:28:50 Gordon Snyder spoke in favor of the request (see recording for detailed presentation).

The following spoke neither for nor against the request:

Ken Birk, 4106 Brentler Rd., Louisville, KY 40241

Summary of testimony of those neither for nor against:

00:30:50 Ken Birk stated he had a question about trees that had fallen down and the plastic screening. Mr. Birk stated he wanted to know if those were going to be taken out (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

REBUTTAL:

00:32:39 Chris Crumpton spoke in rebuttal to respond to Mr. Birk's questions. Mr. Crumpton stated none of that has been removed yet because MSD has not signed off on the final construction, but that would happen as soon as they could possibly make that happen (see recording for detailed presentation).

00:35:20 Board Members' deliberation

00:35:40 A motion to approve was made by Member Seale to include a Condition of Approval regarding removal of trees. Chair Howard questioned the Condition, and reopened Public Hearing to allow a response from the applicant (see recording for detailed presentation).

00:37:32 Kendall Cogan (702 Briar Hill Road, Louisville, KY 40206) spoke regarding the removal of trees. Mr. Cogan stated they will do their utmost to preserve the property they way they had prior to those trees falling. In response to a question from Chair Howard regarding a Condition of Approval, Mr. Cogan stated they would not want to make any promises because any promises they may make would be subject to MSD allowing them to work in the creek and do things. Mr. Cogan stated you can't just move the trees with a modest piece of equipment (see recording for detailed presentation).

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CASE NUMBER 20-VARIANCE-0061

00:41:34 Laura Ferguson, Legal Counsel, stated if MSD approval is going to be required that makes it tricky to do a Condition of Approval (see recording for detailed presentation).

00:41:52 Member Seale stated he would like to remove the Condition of Approval (see recording for detailed presentation).

00:41:59 Board Members' deliberation

00:43:27 On a motion by Member Seale, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the proposed structure must be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed structure will be at the rear of the property on a 4.9-acre lot. The curb cut that will be used to access the lot already exists, and

WHEREAS, the Board further finds that 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, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the subject property has numerous easements and environmental constraints and this location is the most suitable location on the lot; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0061 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow a structure to encroach into the required rear yard setback (**Rear Yard Requirement 25 ft., Request 15 ft., Variance 10 ft.**).

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CASE NUMBER 20-VARIANCE-0061

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Jagoe, and Chair Howard

Absent: Vice Chair Leanhart

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0107

Request: Variance to allow a principal structure to encroach into the required side yard setbacks on an infill lot
Project Name: Stein I Variance
Location: 332 Stein Court
Owner(s): Ecel Partners KY, LLC
Applicant: Greg Kelly
Jurisdiction: Louisville Metro
Council District: 6 – David James
Case Manager: Nia Holt, 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 5th 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:

00:45:10 Nia Holt presented the case and showed a Powerpoint presentation. Ms. Holt responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Greg Kelly, 326 Heritage Hill Parkway, Shepherdsville, KY 40165

Summary of testimony of those in favor:

00:49:29 Greg Kelly spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 20-VARIANCE-0107

00:52:10 Board Members' deliberation

00:52:45 On a motion by Member Bond, seconded by Member Seale, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the proposed addition must be constructed to comply with all building codes, including fire codes. Additionally, at this time the affected property is owned by the applicant, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed addition will be of similar design to other structures in the area, and

WHEREAS, the Board further finds that 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, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed second story addition will be a same distance from the side property lines as the existing structure; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0107 does hereby **APPROVE** Variance from Land Development Code Section 5.1.10.F to allow a principal structure to encroach into the required side yard setback (**East Side Yard Setback Requirement 2.25 ft., Request 1.4 ft., Variance 0.85 ft.; West Side Yard Requirement 2.25 ft., Request 1.5 ft., Variance 0.75 ft.**).

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Jagoe, and Chair Howard

Absent: Vice Chair Leanhart

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0108

Request: Variance to allow a principal structure to encroach into the required side yard setbacks on an infill lot
Project Name: Stein II Variance
Location: 334 Stein Court
Owner(s): Ecel Partners KY, LLC
Applicant: Greg Kelly
Jurisdiction: Louisville Metro
Council District: 6 – David James
Case Manager: Nia Holt, 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 5th 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:

00:54:52 Nia Holt presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Greg Kelly, 326 Heritage Hill Parkway, Shepherdsville, KY 40165

Summary of testimony of those in favor:

00:56:58 Greg Kelly spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

00:58:09 Board Members' deliberation

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CASE NUMBER 20-VARIANCE-0108

00:58:29 On a motion by Member Bond, seconded by Member Seale, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the proposed addition must be constructed to comply with all building codes, including fire codes. There is also small alley which buffers this property from adjoining properties to the East, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed addition will be of similar design to other structures in the area, and

WHEREAS, the Board further finds that 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, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed second story addition will be a same distance from the side property lines as the existing structure; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0108 does hereby **APPROVE** Variance from Land Development Code Section 5.1.10.F to allow a principal structure to encroach into the required side yard setback (**East Side Yard Requirement 2.32 ft., Request 1.4 ft., Variance 0.92 ft.; West Side Yard Requirement 2.32 ft., Request 2.1 ft., Variance 0.22 ft.**).

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Jagoe, and Chair Howard

Absent: Vice Chair Leanhart

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0116

Request: Variance to allow a fence in the front yard setback to exceed 48 inches in height
Project Name: Lake Dreamland Road Variance
Location: 4523 Lake Dreamland Road
Owner/Applicant: John Townsend
Jurisdiction: Louisville Metro
Council District: 1 – Jessica Green
Case Manager: Zach Schwager, 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 5th 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:

01:00:43 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

John Townsend, 4523 Lake Dreamland Drive, Louisville, KY 40216

Summary of testimony of those in favor:

01:06:24 John Townsend spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:14:00 Board Members' deliberation

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0116

01:15:20 On a motion by Member Seale, seconded by Member Buttorff, the following resolution, based upon the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the request exceeds the requirement and the applicant has not provided adequate justification for the variance; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** Case Number 20-VARIANCE-0116.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Jagoe, and Chair Howard

Absent: Vice Chair Leanhart

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0117

Request: Variance to allow principal structures to encroach into the required front yard setback on an infill lot
Project Name: Ash Street Variance
Location: 1016 Ash Street
Owner(s): Eric and Danielle Scholtens
Applicant: Danielle Scholtens
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Nia Holt, 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 5th 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:

01:18:50 Nia Holt stated she has heard from an adjoining property owner that they did not receive proper notice in time so this case should be continued. Ms. Holt stated the adjoining property owner had seen the posted sign and called her (see staff report and recording for detailed presentation).

01:21:07 On a motion by Member Seale, seconded by Member Buttorff, the following resolution, based upon the testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 20-VARIANCE-0117 to the November 16, 2020 Board of Zoning Adjustment meeting.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Jagoe, and Chair Howard
Absent: Vice Chair Leanhart

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CASE NUMBER 20-VARIANCE-0119

Request: Variance to allow a principal structure to encroach into the required side yard setbacks on an infill lot
Project Name: Julia Ave Variance
Location: 1131 Julia Avenue
Owner(s): Gay Shrewsbury
Applicant: Robert Daniels
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
Case Manager: Nia Holt, 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 5th 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:

01:22:31 Nia Holt presented the case and showed a Powerpoint presentation. Ms. Holt responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Robert Daniels, 1430 Hepburn Ave., Louisville, KY 40202

Summary of testimony of those in favor:

01:25:54 Robert Daniels spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 20-VARIANCE-0119

01:28:53 Board Members' deliberation

01:29:30 On a motion by Member Buttorff, seconded by Member Seale, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the proposed addition must be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed addition will be of similar design to other structures in the area, and

WHEREAS, the Board further finds that 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, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed addition will be a same distance from the side property lines as the existing structure; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0119 does hereby **APPROVE** Variance from Land Development Code Section 5.1.10.F to allow a principal structure to encroach into the required side yard setback (**North Side Yard Requirement 4 ft., Request 2.6 ft., Variance 1.4 ft.**).

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Jagoe, and Chair Howard

Absent: Vice Chair Leanhart

01:30:35 Chris French advised the Board Members that this is Nia Holt's last BOZA meeting, as she is leaving Planning & Design Services. The Board Members wished Ms. Holt well.

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CASE NUMBER 20-CUP-0100

Request: Conditional Use Permit to allow a community service facility in an M-2 zoning district
Project Name: OVEC – 7304 Dixie Highway
Location: 7304 Dixie Highway
Owner: William & Sarah Eriksen
Applicant: Jason Adkins – Ohio Valley Educational Cooperative
Jurisdiction: Louisville Metro
Council District: 12 – Rick Blackwell
Case Manager: Zach Schwager, 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 5th 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:

01:33:12 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Derek Triplett, 503 Washburn Ave., Louisville, KY 40222
Jason Adkins, 100 Alpine Dr., Shelbyville, KY 40065

Summary of testimony of those in favor:

01:37:30 Derek Triplett spoke in favor of the request and showed a Powerpoint presentation. Mr. Triplett responded to questions from the Board Members (see recording for detailed presentation).

01:44:49 Jason Adkins responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 20-CUP-0100

01:46:48 Derek Triplett responded to a question from Member Bond regarding lighting (see recording for detailed presentation).

01:47:24 Mr. Adkins responded to questions from the Board Members (see recording for detailed presentation).

01:47:48 Zach Schwager and Chris French responded to questions from the Board Members regarding the playground area (see recording for detailed presentation).

01:50:49 Chair Howard asked Mr. Triplett and Mr. Adkins if they were agreeable to an additional Condition of Approval to provide a revised plan to show the playground area. Mr. Triplett stated they were (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:51:45 Board Members' deliberation

01:52:23 On a motion by Member Seale, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with the Comprehensive Plan in that it is a reuse of an existing structure and does not create significant additional burdens on public infrastructure, and

WHEREAS, the Board further finds that the proposal includes an addition to the existing structure, which is consistent with the existing structure and the general character of the area, and

WHEREAS, the Board further finds that Public facilities are adequate to serve the site, and

WHEREAS, the Board further finds that:

Community Service Facility may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, UN, R-5A, R- 5B, R-6, R-7, R-8A, M-1, M-2, M-3, W-1, W-2, W-3, TNZD (Neighborhood

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CASE NUMBER 20-CUP-0100

General) districts upon the granting of a conditional use permit and compliance with the listed requirements.

A. General Standards – All Zoning Districts

1. Parking spaces shall be determined by the board of zoning based on the number of employees and the potential number of visitors to the site as described by the applicant in a parking study of similar uses. **Transportation Planning has reviewed the plan and determined a parking study is not required and the existing parking is adequate to serve the proposed use.**
2. Signage for community service facility shall be in accordance with chapter 8 of the LDC for nonresidential uses. **General note #3 on the site plan states there shall be no commercial signs in the right-of-way. Any proposed signage will be in accordance with chapter 8 of the LDC.**
3. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained. **The proposed plan meets all applicable LDC requirements. Case 16VARIANCE1093 permits the existing pavement to encroach into the 100 ft. streambank buffer area.**
4. Conversion of Existing Structures: A report from the applicable fire official shall be provided to the Board outlining the necessary steps for compliance with fire code safety standards prior to establishing occupancy of the structure for the proposed use. **The applicant has not gone through the change of occupancy process. They are aware of the need for the change of occupancy and any other building permits needed for interior work;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0100 does hereby **APPROVE** Conditional Use Permit for a Community Service Facility (LDC 4.2.54), **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 by and approval of the Board.

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2. The Conditional Use Permit shall be exercised as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used as a community service facility without further review by and approval of the Board.
3. Prior to lawful commencement of the community service facility use the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies.
4. The applicant shall modify the plan to show the playground area.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Jagoe, and Chair Howard

Absent: Vice Chair Leanhart

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CASE NUMBER 20-CUP-0106

Request: Conditional Use Permit to allow a private institutional use
Project Name: Kentucky Country Day School additions
Location: 4100 Springdale Road
Owner/Applicant: Kentucky Country Day School
Jurisdiction: Louisville Metro
Council District: 16 – Scott Reed
Case Manager: Jon E. Crumbie, Planning & Design Coordinator

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 5th 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:

01:55:12 Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Missy Legel, 3404 Stony Springs Circle, Louisville, KY 40220

Summary of testimony of those in favor:

01:58:43 Missy Legel spoke in favor of the request and showed a Powerpoint presentation. Ms. Legel responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

02:05:56 Board Members' deliberation

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CASE NUMBER 20-CUP-0106

02:07:44 On a motion by Member Bond, seconded by Member Seale, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal meets all applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that the proposed improvements are compatible with surrounding development and land uses, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed the proposal and has comments, and

WHEREAS, the Board further finds that:

Private institutional uses, except for such uses specifically regulated elsewhere in this LDC, may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line and all off-street parking shall be at least 30 feet from any property line. **All structures and off-street parking are at least 30 from any property line.**
- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated. **The applicant states that no new traffic will be generated.**
- C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use. **The plan has been reviewed and approved by Public Works/Transportation Planning.**
- D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99). **All activities will be in compliance with the Metro Noise Ordinance.**

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CASE NUMBER 20-CUP-0106

- E. The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties.
The Board must determine whether there is a need to set hours of operation for the use; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0106 does hereby **APPROVE** Conditional Use Permit to allow a private institutional use, with **RELIEF** from Standard 4E to include no additional language regarding hours of operation as the hours of operation are the standard hours for a school, and **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 a private institutional use until further review and approval by the Board.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Jagoe, and Chair Howard
Absent: Vice Chair Leanhart

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CASE NUMBER 20-APPEAL-0006

Request: Appeal of an administrative decision concerning the use of the property as a duplex
Project Name: Southcrest Drive Appeal
Location: 4634 Southcrest Drive
Owner/Applicant: Aja Sherman
Jurisdiction: Louisville Metro
Council District: 21 – Nicole George
Case Manager: Jon E. Crumbie, Planning & Design Coordinator

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 5th 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.

NOTE: At the beginning of today's agenda, Joe Haberman stated the applicant for this item on today's agenda has requested to continue the case. Chair Howard requested a motion to continue this case.

02:10:26 Chair Howard announced this case and stated that earlier in the meeting the Board continued this case to December 7, 2020 at the request of the applicant, so this case will not be heard at this time (see recording for detailed presentation).

Agency testimony:

00:07:08 Jon Crumbie stated the applicant has requested a continuance until December 7, 2020 in order to provide additional information (see recording for detailed presentation).

00:08:17 Laura Ferguson, Legal Counsel, advised the Board Members they did not need to hear public comments today. However, anyone who cannot make the December 7th meeting are welcome to submit comments in writing that would be part of the record and the appellant can respond at that time (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
November 2, 2020

PUBLIC HEARING

CASE NUMBER 20-APPEAL-0006

00:09:07 On a motion by Member Jagoe, seconded by Member Seale, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 20-APPEAL-0006 to the December 7, 2020 Board of Zoning Adjustment meeting.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Jagoe, and Chair Howard

Absent: Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
November 2, 2020

PUBLIC HEARING

CASE NUMBER 20-APPEAL-0007

Request: Appeal of an administrative decision concerning the parking of trucks on the property
Project Name: Buena Vista Court Appeal
Location: 7614 Buena Vista Court
Owner(s): Robert Humpich
Applicant: Ronda Durbin
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood
Case Manager: Jon E. Crumbie, Planning & Design Coordinator

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 5th 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:

02:12:55 Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in opposition of the appeal:

No one spoke.

The following spoke neither for nor against the appeal:

No one spoke.

The following spoke in favor of the appeal:

Ronda Durbin, 7614 Buena Vista Court, Louisville, KY 40219
Mike Phillips, 7602 Buena Vista Court, Louisville, KY 40219

BOARD OF ZONING ADJUSTMENT MINUTES
November 2, 2020

PUBLIC HEARING

CASE NUMBER 20-APPEAL-0007

Summary of testimony of those in favor:

02:17:58 Ronda Durbin spoke in favor of the appeal. Ms. Durbin stated there is a requirement that says that the trucking company existed on this property since 1943 and they believe that requirement should not be in place in this instance because the property was not built until 1959. Ms. Durbin provided a history of the property and responded to questions from the Board Members (see recording for detailed presentation).

02:45:17 Mike Phillips spoke in favor of the appeal (see recording for detailed presentation).

02:46:44 Jon Crumbie read into the record a letter in support from Lisa Humpich, 118 E. Sonata Circle, Panama City, FL 23413 (see recording for detailed presentation).

REBUTTAL:

02:48:49 Jon Crumbie spoke in rebuttal and deferred to Legal Counsel regarding the 1943 date. Mr. Crumbie stated they looked for a nonconforming rights case in 2016 and staff was not able to find anything about how it was resolved so they think it never went before BOZA (see recording for detailed presentation).

02:49:43 Laura Ferguson, Legal Counsel, stated the 1943 date is set by law. Ms. Ferguson asked Mr. Crumbie if staff had looked for related cases in 2016 or 2006. Mr. Crumbie responded they had checked for related cases in 2006. Ms. Ferguson responded to questions from the Board Members (see recording for detailed presentation).

02:52:58 Board Members' deliberation

03:07:45 On a motion by Member Jagoe, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the trucking company did NOT exist on the property in 1943, and

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 20-APPEAL-0007

WHEREAS, the Board further finds that the use of the property did NOT continue to the present day; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-APPEAL-0007 does hereby **AFFIRM** Staff's decision and **DENY** the Appeal.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Jagoe, and Chair Howard

Absent: Vice Chair Leanhart

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November 2, 2020

03:09:26 Prior to adjournment, Joe Haberman provided a brief update on the Boarding House discussions (see recording for detailed presentation).

The meeting adjourned at approximately 4:20 p.m.

Chair

Secretary