

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

March 6, 2017

A meeting of the Louisville Metro Board of Zoning Adjustment was held on March 6, 2017 at 8:30 a.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Mike Allendorf, Chair
Betty Jarboe, Vice Chair
Rosalind Fishman, Secretary
Paul Bergmann
Lester Turner
Lula Howard

Members Absent:

Dean Tharp

Staff Members Present:

Brian Mabry, Planning & Design Supervisor
Emily Liu, Planning & Design Director (arrived at approximately 10:20 a.m.)
Joe Haberman, Planning & Design Manager
Steve Hendrix, Planning & Design Supervisor
Mike Wilcher, Planning Supervisor
Jon Crumbie, Planning & Design Coordinator
Beth Jones, Planner II
John Carroll, Legal Counsel (left at approximately 11:45 a.m.)
Paul Whitty, Legal Counsel (arrived at approximately 10:20 a.m.)
Sue Reid, Management Assistant

The following cases were heard:

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APPROVAL OF MINUTES

**FEBRUARY 20, 2017 BOARD OF ZONING ADJUSTMENT MEETING
MINUTES**

00:02:06 On a motion by Member Fishman, seconded by Member Bergmann, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on February 20, 2017.

The vote was as follows:

Yes: Members Fishman, Turner, Bergmann, Vice Chair Jarboe, and Chair Allendorf

Abstain: Member Howard

Absent: Member Tharp

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PUBLIC HEARING

CASE NUMBER B-17987-12

Request:	Conditions of Approval report as per the BOZA minutes of October 3, 2016
Project Name:	Conditions of Approval
Location:	7331 Global Drive
Owner:	Yamamoto FB Engineering
Applicant:	Yamamoto FB Engineering
Representative:	Yamamoto FB Engineering
Jurisdiction:	Louisville Metro
Council District:	12—Rick Blackwell
Case Manager:	Steve Hendrix, Planning and Design 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 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:

00:03:10 John Carroll provided a brief summary of this case and its status. Mr. Carroll responded to questions from the Board Members (see recording for detailed presentation).

00:07:56 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see recording for detailed presentation).

00:10:10 Mike Wilcher provided an update on recent site visits and responded to questions from the Board Members (see recording for detailed presentation).

00:12:05 Steve Hendrix and Mike Wilcher responded to questions from Legal Counsel and the Board Members (see recording for detailed presentation).

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The following spoke in favor of the request:

Darryl Keels, 7331 Global Drive, Louisville, KY 40258

Summary of testimony of those in favor:

00:15:05 Darryl Keels spoke in favor of the request and showed a Powerpoint presentation. Mr. Keels responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

Myra and Tommy Hillerich, 7608 Tommie Court, Louisville, KY 40258

Summary of testimony of those in opposition:

00:25:35 Myra and Tommy Hillerich spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

00:44:27 Darryl Keels spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

01:09:18 Board Members' deliberation

01:34:27 On a motion by Vice Chair Jarboe, seconded by Member Bergmann, the following resolution was adopted:

Condition of Approval #1:

Yamamoto FB shall conduct a seismographic analysis of its site and the adjacent property at 7608 Tommie Court (the Hillerich's) to determine whether vibrations from the Yamamoto site under normal operating conditions are having an adverse impact and undertake such measures as recommended by the seismologist to mitigate such impacts to a reasonable standard. Yamamoto FB

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will provide the Louisville Metro Board of Zoning Adjustment with the results of this analysis and the recommended mitigation measures.

RESOLVED, the Louisville Metro Board of Zoning Adjustment, in Case Number B-17987-12, does hereby find that **Condition of Approval #1** has been **MET**, based on the Staff Report, testimony and evidence provided at the Public Hearing.

The vote was as follows:

Yes: Members Fishman, Turner, Bergmann, Howard, Vice Chair Jarboe, and Chair Allendorf

Absent: Member Tharp

01:36:11 On a motion by Vice Chair Jarboe, seconded by Member Howard, the following resolution was adopted:

Condition of Approval #2(a):

Codes and Regulations shall inspect the site after the seismographic analysis is complete and verify the applicant's attempts to mitigate the noise to the adjacent neighbors by opening the garage doors only as needed during the hours of 7:00 pm and 7:00 am.

RESOLVED, the Louisville Metro Board of Zoning Adjustment, in Case Number B-17987-12, does hereby find that **Condition of Approval #2(a)** be **CONTINUED** with the facts to be determined by Planning and Design Zoning Enforcement with the cooperation of Staff and Legal Counsel and report the findings to the Board of Zoning Adjustment on a two-month periodic basis for a period of six months, based on the testimony heard today.

The vote was as follows:

Yes: Members Fishman, Turner, Bergmann, Vice Chair Jarboe, and Chair Allendorf

Abstain: Member Howard

Absent: Member Tharp

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01:46:31 On a motion by Vice Chair Jarboe, seconded by Member Howard, the following resolution was adopted:

Condition of Approval #2(b):

Yamamoto is cutting the grass in accordance with code.

RESOLVED, the Louisville Metro Board of Zoning Adjustment, in Case Number B-17987-12, does hereby find that **Condition of Approval #2(b)** be **REMOVED**, based upon Code Enforcement procedures as stated in the Staff Report.

The vote was as follows:

Yes: Members Bergmann, Howard, Vice Chair Jarboe, and Chair Allendorf

No: Members Fishman and Turner

Absent: Member Tharp

01:48:10 On a motion by Vice Chair Jarboe, seconded by Member Howard, the following resolution was adopted:

Condition of Approval #3:

Yamamoto FB shall fix the crack(s) in the Hillerich's garage.

RESOLVED, the Louisville Metro Board of Zoning Adjustment, in Case Number B-17987-12, does hereby find that **Condition of Approval #3** be **REMOVED**, based upon testimony that the cause was not able to be determined.

The vote was as follows:

Yes: Members Turner, Bergmann, Howard, Vice Chair Jarboe, and Chair Allendorf

No: Members Fishman

Absent: Member Tharp

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01:50:35 Meeting was recessed

01:50:52 Meeting was reconvened.

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CASE NUMBER 17VARIANCE1001

Request: Reduction of street side yard setback
Project Name: 1024 Lampton Street
Location: 1024 Lampton Street
Owner: Tommy Satterfield
Applicant: Tommy Satterfield
Representative: Cardinal Surveying
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Beth Jones, AICP, Planner III

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:

01:51:09 Beth Jones presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Kathy Matheny, Cardinal Planning & Design, 9009 Preston Highway, Louisville, KY 40219

Tommy Satterfield, 1024 Hampton Street, Louisville, KY 40204

Summary of testimony of those in favor:

01:55:15 Kathy Matheny spoke in favor of the request and showed a Powerpoint presentation. Ms. Matheny responded to questions from the Board Members (see recording for detailed presentation).

01:59:07 Tommy Satterfield spoke in favor of the request (see recording for detailed presentation).

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CASE NUMBER 17VARIANCE1001

The following spoke in opposition of the request:

No one spoke.

02:02:03 Board Members' deliberation

02:02:18 On a motion by Member Fishman, seconded by Member Bergmann, the following resolution 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 of neighboring landowners. The requested variance is for a total of 1.17 feet. The addition is directly above the existing garage with the same footprint. The area has undergone a lot of remodels on houses in the past few years. Across the street, a new plat was developed and houses built in the 1990s as an urban infill project. Paristown, like Germantown, is experiencing a lot of redevelopment at this time. This type of garage with a room over top is not unusual for the area. The style fits with the long narrow lot layout of houses in the Paristown area. The existing house is on a 25 foot wide lot and is a three story dwelling. The lot is 180 feet deep. The garage sits 64 feet behind the house and is almost 32 feet long and 19.90 feet wide. If fully compliant with the required side yards, the garage would be perfectly centered and 19 feet wide allow for 3 foot side yards on each side. The attached photos show what it looks like from the adjacent right of way. The construction and set back fit in well with the existing retaining wall for the street. The structures are in character with the area and present no safety issues. For these reasons, the granting of this variance will not adversely affect the public health, safety or welfare of neighboring landowners, and

WHEREAS, the Board further finds that the variance will not alter the character of the general vicinity. The houses on these 25 foot lots are very similar in construction. Some houses in the area have rear garages of similar size and width. The 1.17 foot encroachment into the street side yard is not that visually discernable nor does it stand out in the neighborhood. Additionally there is a retaining wall along the right of way which creates a good barrier between the yard and the street, and

WHEREAS, the Board further finds that the variance will not cause a hazard or nuisance to the public. The public is not impacted by this side yard variance in the rear portion of a lot. The retaining wall separates the yard from the street

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right of way. No new hazards are presented by this 1.17 foot difference in the garage placement, and

WHEREAS, the Board further finds that the variance will not allow an unreasonable circumvention of the zoning regulations. The purpose of the setbacks is to establish consistent building placement. In this situation, the garage was placed 25 years ago. At this time, only a loft addition is being added. The encroachment is minor and not intentional, and

WHEREAS, the Board further finds that the variance request arises from special circumstances which do not generally apply to land in the general vicinity which is that this proposed variance is small in magnitude, and

WHEREAS, the Board further finds that the strict application of the provision of the regulation as to TN setbacks would require the applicant to remove either the already constructed loft addition or 1.17 feet of a garage that has existed for 25 years. All other building code requirements are being met. This is a request for Board's equitable powers to be given for a 1.17 foot mistake made during construction 25 years ago; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment, in Case Number 17VARIANCE1001, does hereby **APPROVE** Variance from Land Development Code Section 5.2.2, Table 5.2.2 to permit new second-floor construction over an existing garage to encroach into the required street side yard (**Requirement 3 ft., Request 1.83 ft., Variance 1.17 ft.**), based on the discussion, the presentation and the applicant's justification.

The vote was as follows:

Yes: Members Fishman, Turner, Bergmann, Howard, Vice Chair Jarboe, and Chair Allendorf

Absent: Member Tharp

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PUBLIC HEARING

CASE NUMBER 16CUP1086

Request:	Conditional Use Permit to permit short term rental on property in an R-5B zoning district that is not the primary residence of the owner
Project Name:	Short-Term Rental
Location:	1518 Highland Avenue
Owner:	Edwin & Angela Koressel
Applicant:	Edwin & Angela Koressel
Representative:	Edwin & Angela Koressel
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Beth Jones, AICP, 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 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:

02:05:42 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Edwin Koressel, P.O. Box 5147, Louisville, KY 40255

Summary of testimony of those in favor:

02:13:33 Edwin Koressel spoke in favor of the request and provided a letter of explanation to the Board Members. Mr. Koressel responded to questions from the Board Members (see recording for detailed presentation).

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02:21:53 Beth Jones responded to a question from Paul Whitty, Legal Counsel (see recording for detailed presentation).

02:22:52 Joe Haberman responded to further comments by Mr. Whitty (see recording for detailed presentation).

02:24:00 Mr. Koressel spoke in favor of the request and responded to further questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

Greg Fleck, 1515 Highland Avenue, Louisville, KY 40204

Summary of testimony of those in opposition:

02:26:19 Greg Fleck spoke in opposition of the request. Mr. Fleck presented to the Board Members signatures of neighbors who are in opposition. Mr. Fleck responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

02:45:35 Edwin Koressel spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

02:55:45 Board Members' deliberation

03:12:47 On a motion by Vice Chair Jarboe, seconded by Member Howard, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with Comprehensive Plan policies for the Traditional Neighborhood form district, and

WHEREAS, the Board further finds that the proposal uses existing structures, with no additional construction planned. The surrounding properties are in residential uses ranging from single-family to condominiums and rentals, and

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WHEREAS, the Board further finds that the subject property is located in a developed area where public facilities are readily available. There were no agency comments indicating that existing public facilities are inadequate to serve a short-term rental, and

WHEREAS, the Board further finds that:

A short term rental of dwelling unit that is not 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 a 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.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **There are three one-bedroom dwelling units on the site. The applicant is entitled to six persons per dwelling unit, for a total of 18 on the site.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted. **The dwelling unit at 1518 Highland Avenue is a single-family residence. The dwelling unit at 1518R Highland Avenue is a duplex.**
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and 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. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **While the subject property does not have a front driveway or rear parking area, the applicant states that on-street parking is ample.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the

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approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment, in Case Number 16CUP1086, does hereby **APPROVE** Conditional Use Permit to permit short term rental on property in an R-5B zoning district that is not the primary residence of the owner, based upon the presentation, the Staff Report, the testimony heard today, and **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

The vote was as follows:

Yes: Members Fishman, Turner, Howard, Vice Chair Jarboe, and Chair Allendorf

No: Member Bergmann

Absent: Member Tharp

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CASE NUMBER 16CUP1087

Request:	Conditional Use Permit to permit short term rental on property in an R-6 zoning district that is not the primary residence of the owner
Project Name:	Short-Term Rental
Location:	16CUP1087
Owner:	Marjie Ryan
Applicant:	Marjie Ryan
Representative:	Marjie Ryan
Jurisdiction:	Louisville Metro
Council District:	21 – Dan Johnson
Case Manager:	Beth Jones, AICP, 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 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:

03:15:22 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Marjie Ryan, 1229 Schiller Avenue, Louisville, KY 40204

Summary of testimony of those in favor:

03:21:32 Marjie Ryan spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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The following spoke in opposition of the request:

No one spoke.

03:25:06 Board Members' deliberation

03:26:42 On a motion by Vice Chair Jarboe, seconded by Member Turner, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with the applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that the proposal is compatible with its surroundings because the requested CUP would use the existing structure with no additional development proposed, and

WHEREAS, the Board further finds that the subject property is located in a developed area where public facilities are readily available. No agency comments indicated that existing public facilities are inadequate to serve a short-term rental, and

WHEREAS, the Board further finds that:

A short term rental of dwelling unit that is not 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 a 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.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **The dwelling unit has one bedroom and so is limited to six persons.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.

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- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and 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. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **The dwelling unit is not readily accessible from its single on-street parking space on Lexington Road. The property owner has installed a parking area at the rear of the property which can accommodate two vehicles.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment, in Case Number 16CUP1087, does hereby **APPROVE** Conditional Use Permit to allow short term rental on property in an R-6 zoning district that is not the primary residence of the owner, based on the Staff Report, testimony heard today and **SUBJECT** to the following Condition of Approval:

Condition of Approval:

- 1. The short term rental and its host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

The vote was as follows:

Yes: Members Fishman, Turner, Bergmann, Howard, Vice Chair Jarboe, and Chair Allendorf

Absent: Member Tharp

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PUBLIC HEARING

CASE NUMBER 16CUP1040

Request:	Modification of an approved Conditional Use Permit to allow an expansion of a mini warehouse development in a C-2 zoning district
Project Name:	None
Location:	8202 National Turnpike
Owner:	Valley Station Towne Center, LLC
Applicant:	Valley Station Towne Center, LLC
Representative:	Derek Triplett
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Welch
Case Manager:	Jon E. Crumbie, Planning and 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:

03:28:36 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Michael Tigue, P.O. Box 729, Lagrange, KY 40031

Summary of testimony of those in favor:

03:36:19 Michael Tigue spoke in favor of the request and showed a Powerpoint presentation. Mr. Tigue responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 16CUP1040

The following spoke in opposition of the request:

No one spoke.

03:44:42 Board Members' deliberation

03:45:32 On a motion by Member Fishman, seconded by Member Bergmann, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that:

Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements. **The applicant is requesting relief from Item B.**

- A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.
- B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area. The proposed mini- warehouse will be located 14 feet at its closest point from the south property line.**
- C. No outside storage shall be allowed on the property.
- D. No storage of toxic or hazardous materials shall be allowed on the property.
- E. There shall be no retail or wholesale sales or distributing activities on site.
- F. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in G below).
- G. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located; now, therefore be it

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CASE NUMBER 16CUP1040

RESOLVED, the Louisville Metro Board of Zoning Adjustment, in Case Number 16CUP1040, does hereby **APPROVE** Modified Conditional Use Permit to allow additional mini-warehouse units in a C-2 zoning district, based on the Standard of Review and Staff Analysis for Conditional Use Permits with the relief noted for Item #B which states “**the proposed mini-warehouse will be located 14 feet at its closest point from the south property line**”, the presentation, the discussion and **SUBJECT** to the existing Conditions of Approval:

Existing Conditions of Approval (16CUP1009)

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on site without the prior review and approval by the Board.
2. The site shall be landscaped in accordance with the requirements of Chapter 10 of the Land Development Code.
3. Loading doors and vehicle maneuvering area shall be located away from the exterior of the property.
4. No storage of toxic or hazardous materials shall be allowed on the property.
5. There shall be no retail or wholesale sales or distributing activities on site.
6. No outdoor storage shall be allowed on the property.
7. Only one free standing sign shall be allowed. Such sign may be illuminated but shall be non-flashing and stationary in all components. Such sign shall not exceed 20 feet in height nor exceed a total of 64 square feet in area per side.
8. The Conditional Use Permit shall be “exercised” as described in KRS 100.237 within one year 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 mini-warehouse without further review and approval by the Board.

The vote was as follows:

Yes: Members Fishman, Turner, Howard, Bergmann, Vice Chair Jarboe and Chair Allendorf

Absent: Member Tharp

03:47:14 Meeting was recessed.

03:47:38 Meeting was reconvened.

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PUBLIC HEARING

CASE NUMBER 17APPEAL1000

Request: Appeal of a Zoning Violation Notice issued by
Planning and Design Services
Project Name: 4201 Taylorsville Lake Road Appeal
Location: 4201 Taylorsville Lake Road
Owner: Long Run Creek Properties
Applicant: Long Run Creek Properties
Representative: Bardenwerper Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
Case Manager: Brian Mabry, AICP, Planning and Design Supervisor

NOTE: Member Fishman left at approximately 4:00 p.m.

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:

03:48:58 Brian Mabry presented the case and showed a Powerpoint presentation. Mr. Mabry stated a Zoning Violation Notice had been issued for the property by a Code Enforcement Officer based upon complaints that logs were being trucked off the property onto Taylorsville Lake Road. Mr. Mabry stated that the appeal letter asserts that the Violation Notice is invalid because the property owner was not clearing trees for development purposes; instead, the appellant claims the tree clearing was agricultural. Mr. Mabry reviewed definitions from the Land Development Code regarding “Agricultural Use” and “Development”, as well as a list of regulated activities in the Floyd’s Fork DRO. Mr. Mabry reviewed previous cases on the site. Mr. Mabry reminded the Board that the focus here isn’t on the design of any current or previously proposed development of the property; it’s whether the trees were cut or not. Mr. Mabry responded to questions from the Board Members (see staff report and recording for detailed presentation).

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CASE NUMBER 17APPEAL1000

The following spoke in opposition of the appeal:

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

Harrell Hurst, 16200 Taylorsville Road, Fisherville, KY 40023

Jeff Frank, 16509 Bradbe Rd., Fisherville, KY 40023

Kathleen Harter, 4421 Routt Road, Louisville, KY 40299

Bert Stocker, 16313 Crooked Lane, Fisherville, KY 40023

Sheila Mead, 19001 Hunt Country Lane, Fisherville, KY 40023

Carol Hurst, 16200 Taylorsville Road, Fisherville, KY 40023

Summary of testimony of those in opposition:

04:02:53 Steve Porter spoke in opposition of the appeal. Mr. Porter stated he represents the Fisherville Area Neighborhood Association. Mr. Porter read from the definition of Agricultural Use from KRS 100.1112A which stated in part “a tract of at least 5 acres for the production of agricultural or horticultural crops, including timber....but not including residential building development for sale or lease to the public”. Mr. Porter stated the agricultural use does not apply if this property is for development for residential use. Mr. Porter stated there’s no question in this case because there was a pre-application in the office of Planning and Design Services for a residential development on the property. Mr. Porter stated the Attorney General in a 2005 Open Records case very clearly said that a pre-application is an integral and essential part of a rezoning application for a residential development. Legal Counsel Paul Whitty asked Mr. Porter if that was an OAG opinion. Mr. Porter stated it was an ORD (Open Records Decision) opinion. Mr. Porter stated this land has no history of agricultural use as timber. Mr. Porter stated because it’s in the DRO the cutting would be okay if it had gotten permission from the Planning Commission. Mr. Porter stated he wanted to emphasize the importance of the DRO. Mr. Porter responded to questions from the Board Members (see recording for detailed presentation).

04:15:19 Chair Allendorf stated he was going to allow Mr. Bardenwerper the opportunity to speak at this time in case he has any questions of Mr. Porter since Mr. Porter has to leave (see recording for detailed presentation).

CROSS-EXAMINATION:

04:15:34 Mr. Bardenwerper stated he wished Mr. Porter had the OAG opinion cited. Mr. Bardenwerper stated he is familiar with the OAG opinion but it

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had to do with the Open Records Law, that's the only thing that it testified to. Mr. Bardenwerper stated he doesn't know, if you don't have it here, that it's fair to cite it for a purpose for which the opinion was not written. Mr. Bardenwerper stated it didn't have anything to do with agriculture (see recording for detailed presentation).

04:16:27 Mr. Porter stated it had to do with development. Mr. Porter stated previously the regulations in the Land Development Code said that a pre-application was confidential and you couldn't get access to it until it was a formal application, in our two-step application process. Mr. Porter stated the Attorney General very clearly said that a part of this whole process of getting a zoning change, which is what the application that had been previously submitted by these applicants was for a zoning change, that the whole process of applying for a zoning change begins with the pre-application, so from there forward it's all open. Mr. Porter stated no, it wasn't about agriculture, but it was about development, it was about residential development, it was about a zoning change very similar to this case (see recording for detailed presentation).

04:17:23 Mr. Bardenwerper stated the opinion did not define development, all the opinion did was determine what was subject to an Open Records Request in terms of what is filed with the Planning Commission (see recording for detailed presentation).

04:17:38 Mr. Porter stated he agrees with that.

Continuation of testimony of those in opposition of the appeal:

04:18:37 Harrell Hurst spoke in opposition of the appeal and showed a Powerpoint presentation. Mr. Hurst stated he does not believe this tree cutting was agricultural. Mr. Hurst referred to an example of forestry. Mr. Hurst stated he believes the intent of the logging was a first step in development of a major subdivision on the property and this was attested by the pre-application and letter of intent from Mr. Bardenwerper dated January 29, 2016 that he received as an adjacent property owner. Mr. Hurst stated the tree cutting in January and February, 2016 was extensive and it involved nearly 50 acres. Mr. Hurst stated the tree cutting was done without due regard to the Floyds Fork DRO, RR zoning, good forestry practice or even property boundaries. Mr. Hurst stated the cutting extended beyond the property owned by the developers onto the Kaiser property. Mr. Hurst referred to an aerial photograph that he had taken. Mr. Hurst responded to questions from the Board Members (see recording for detailed presentation).

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04:28:00 Jeff Frank spoke in opposition of the appeal. Mr. Frank stated he is a degreed geologist, so he knows dirt and surveys. Mr. Frank stated he is intimately familiar with the process to get forestry involved in terms of consultation on logging. Mr. Frank stated he wants to give a sense of scale and scope of this activity on the ground. Mr. Frank stated for the DRO, the regulated size of the tract is 5,000 square feet, that's about a ninth of an acre. Mr. Frank stated this property is described by the applicant's own consultant's report as 51 acres logged; that is 444 times bigger than the minimum 5,000 square foot standard. Mr. Frank stated this is not a small scale operation. Mr. Frank showed results of a survey of trees remaining in the logged areas. Mr. Frank responded to questions from the Board Members (see recording for detailed presentation).

CROSS-EXAMINATION:

04:38:39 Bill Bardenwerper stated Mr. Frank had brought his name up in the context of the timber removal and logging. Mr. Bardenwerper asked Mr. Frank if he had one scintilla of evidence that he gave one bit of advice to these clients with respect to cutting any timber on this property (see recording for detailed presentation).

04:39:04 Mr. Frank stated other than the notice of the intent to log you sent out to the neighbors and said this would be a clear cut or removal of diseased or damaged trees (see recording for detailed presentation).

04:39:11 Mr. Bardenwerper asked Mr. Frank if he could tell him where he said that there was going to be any clear cutting of this property (see recording for detailed presentation).

04:39:23 Mr. Frank said "I'm just saying if anybody knew about the logging regulations in the DRO it ought to be you".

04:39:29 Mr. Bardenwerper said "you said that if anybody ought to know about logging operations; have I been involved in any logging operations that you are familiar with? Do you know of anything that I've been involved in the logging of this property?" Mr. Bardenwerper asked was the letter not a notice of pre-application filing and that was the limit of that letter (see recording for detailed presentation).

04:39:50 Mr. Frank stated his understanding was that it was a notice of the intent to remove some diseased ash trees (see recording for detailed presentation).

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04:39:56 Mr. Bardenwerper stated there was a notice of a pre-application filing, and there was a letter explaining that there would be some diseased ash trees removed. Mr. Bardenwerper asked if Mr. Frank had any reason to believe that he was giving any legal advice with respect to logging (see recording for detailed presentation).

04:40:09 Mr. Frank stated he is not privy to any discussion he had with his client (see recording for detailed presentation).

04:40:26 Mr. Bardenwerper asked Mr. Frank how he came onto the property and where he actually surveyed (see recording for detailed presentation).

04:40:34 Mr. Frank stated they had permission from the Kaiser's to access their property.

04:40:39 Mr. Bardenwerper said "so what you're talking about is not this property, you're talking about the Kaiser property".

04:40:42 Mr. Frank stated they surveyed the Kaiser property and then was able to walk adjacent to the property line. Mr. Frank said "allow me to show you, a picture's worth a thousand words". Mr. Frank referred to photos from his Powerpoint presentation (see recording for detailed presentation).

04:40:52 Mr. Bardenwerper said, "you were talking about a survey you did; you did no survey of this property, of the subject property".

04:41:00 Mr. Frank said "no, other than visual from the roadway to estimate trees".

04:41:04 Mr. Bardenwerper said "but there was no survey done of this property, we're talking about another person's property". Mr. Bardenwerper said Mr. Frank did not do a survey on the property that is the subject of this Violation Notice. He asked Mr. Frank if to the best of his knowledge he was on the Kaiser property. Mr. Frank said that's correct (see recording for detailed presentation).

Continuation of testimony of those in opposition of the appeal:

04:42:03 Kathleen Harter stated she agrees with the citation that was done and she opposes the appeal (see recording for detailed presentation).

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04:42:56 Bert Stocker stated he is opposed to the appeal and he approves the citation (see recording for detailed presentation).

04:43:37 Sheila Mead stated she opposes the appeal (see recording for detailed presentation).

04:44:15 Carol Hurst asked that the Board accept the Zoning Violation that was issued by the Code Enforcement Officer and to uphold the Staff opinion from Planning and Design that upholds the citation, and to deny the appeal and enforce the Land Development Code (see recording for detailed presentation).

The following spoke in favor of the appeal:

Bill Bardenwerper, 1000 N. Hurstbourne Pkwy., 2nd Floor, Louisville, KY 40223
Martin Hoehler, 5900 Creighton Hill Road, Louisville, KY 40207
Brad Rives, 3911 Wilderness Trail, Louisville, KY 40299
David Mindel, 5151 Jefferson Blvd., Louisville, KY 40219

Summary of testimony of those in favor of the appeal:

04:45:50 Bill Bardenwerper spoke in favor of the appeal and showed a Powerpoint presentation. Mr. Bardenwerper stated what he's going to be talking mostly about is the agricultural exemption, and what he means by that is that there is an agricultural Supremacy Clause and it is part of State law and it trumps all local regulation. Mr. Bardenwerper stated we also have a local regulation, our Land Development Code, which recognizes the State Supremacy Clause and includes within our local regulations the exemption for agriculture. Mr. Bardenwerper stated no development has occurred and this was not in preparation of development. Mr. Bardenwerper stated this is simply a case of the right hand not knowing what the left hand is doing. Mr. Bardenwerper stated this wasn't a mistake that relates to anything that affects the public in terms of state law, state regulation; it's a mistake that was made as only affects potentially this particular property owner's own property. Mr. Bardenwerper stated with him today is Brad Rives and Marty Hoehler. Mr. Bardenwerper stated Mr. Hoehler knows this land intimately and has been involved with it for over a decade because he at one time had a contract to purchase the property. Mr. Bardenwerper stated also with him today is David Mindel. Mr. Bardenwerper stated he and David Mindel have worked with this property owner, the prior property owner, looking at ways to potentially develop the property, but no development applications beyond a mere notice of pre-application filing ever took place. Mr. Bardenwerper stated a pre-application is an opening of the door to

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begin a conversation; it entitles you to nothing. Mr. Bardenwerper stated the point of the OAG opinion which Steve cited was that Steve was trying to get access to all records that are filed with the Planning Commission for any purpose whatsoever. Mr. Bardenwerper stated the Planning Staff actually took the position with the Attorney General that the pre-application is technical in nature in order to help an applicant determine which items will be necessary to obtain in order to file a formal application. Mr. Bardenwerper stated the Planning Commission Staff itself maintained the position that preliminary applications or pre-apps are nothing more than what we know them to be which is an opening of the conversation. Mr. Bardenwerper stated pre-applications are filed all the time that begin and end with that. Mr. Bardenwerper stated sometimes they file pre-applications that never even have a pre-application conference or a neighborhood meeting. Mr. Bardenwerper stated in this case, a couple of different times a pre-application was filed but no official application has ever been filed on this property, and the reason that it was ultimately withdrawn was because of the regulation we have that if you don't file an application within 90 days of a pre-app you've got to start over with a new pre-app. Mr. Bardenwerper stated a pre-app doesn't guarantee you anything except that within 90 days if you file an official application you don't have to have another pre-app. Mr. Bardenwerper stated this property has been a farm from the beginning of time until present; it has never been anything other than that. Mr. Bardenwerper stated it has the agricultural exemption and Mr. Hoehler will present testimony about how this exemption is obtained, what the requirements of law are for that and how it is a serious matter that is monitored very closely by government authorities so that people are not claiming agricultural exemptions and then utilizing the property for development purposes. Mr. Bardenwerper stated that Brad is going to explain the step-by-step process that he went through to gain a contract with a timber marketing representative and then with a logger and how regulated that activity is. Mr. Bardenwerper stated they will also explain what is meant by development activity and why the agricultural harvesting of trees on this property was absolutely not for development purposes. Mr. Bardenwerper referred to a Powerpoint presentation. Mr. Bardenwerper stated each of these parcels has a PVA lot and block number on them and each of the PVA listings for this property and every parcel of property has an agricultural exemption. Mr. Bardenwerper stated when the present owners purchased this property he believes in 2015 they had to reapply for the ag exemption because it doesn't follow the ownership. Mr. Bardenwerper reviewed the Agriculture Supremacy Clause. Mr. Bardenwerper responded to questions from the Board Members (see recording for detailed presentation).

05:00:14 Martin Hoehler spoke in favor of the appeal. Mr. Hoehler referred to an example of a property with a development plan that had maintained the

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PVA agricultural exemption. Mr. Bardenwerper stated this was a development plan that was approved and Mr. Hoehler obtained or maintained the agricultural exemption even after it was rezoned and a development plan was approved; Mr. Hoehler said yes. Mr. Bardenwerper stated when the ownership changed the new owner would have lost the ag exemption if it did not reapply and if it did not maintain a crop. Mr. Hoehler said that's right. Mr. Hoehler reviewed other properties that have development plans as well as agricultural exemption. Mr. Hoehler responded to questions from the Board Members (see recording for detailed presentation).

05:11:11 Mr. Bardenwerper and Mr. Hoehler continued in response to Vice Chair Jarboe's question regarding requirements of proof for agricultural exemption. Mr. Hoehler responded to further questions from the Board Members (see recording for detailed presentation).

05:14:15 Mr. Bardenwerper stated the ag exemption is done parcel by parcel. Mr. Bardenwerper and Mr. Hoehler responded to questions from the Board Members (see recording for detailed presentation).

05:20:09 Brad Rives spoke in favor of the appeal. Mr. Rives reviewed an agreement with a consulting forester to inventory the property to determine the quantity of timber that's there and how you might be able to market it. Mr. Rives reviewed a Timber Purchase Contract dated January 12, 2016. Mr. Rives stated the state was on site regularly to review this operation and to make sure there was compliance; a ranger by the name of Sara Huffman was assigned here from the Forestry Department. Mr. Rives stated they did get a separate consulting forester to go through this same cruising methodology to determine what was left after the harvest. Mr. Rives stated there's still a substantial amount left, this wasn't just going in and flattening everything, this was a selected timber harvest. Mr. Rives stated this was not clear cutting, this was a contract to cut 14 inch and above and that's exactly what they went about. Mr. Rives responded to questions from the Board Members (see recording for detailed presentation).

05:30:22 Mr. Bardenwerper stated after Brad went through the process of initially determining whether there was a marketable timber crop, and that was the Marketing Agreement, then they got somebody who actually decided to purchase the timber crop. He then took the marketable timber off the property. It wasn't anything close to clear cutting because he was only interested in the large crop. Mr. Bardenwerper stated Brad was particularly interested in the ash because they were dying, and if he didn't get the ash out soon he'd have to pay to take the ash out instead of having somebody to pay him to take the ash out (see recording for detailed presentation).

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05:31:25 Mr. Rives stated that was certainly part of it; it was a third of the total, and it was a crop that was dying (see recording for detailed presentation).

05:31:29 Mr. Bardenwerper stated the volume of ash was significant on this property. Mr. Bardenwerper stated after all that was initiated they stopped the timber removal for reasons he will explain, because he intervened with David Mindel and asked them to stop. Mr. Bardenwerper stated there was never an order to stop removing timber, there was a request on his part (see recording for detailed presentation).

05:32:58 Mr. Rives responded to a question from Member Fishman regarding how many trees were there before the cut. Mr. Rives reviewed regulations about harvesting timber. Mr. Rives stated they acknowledged that MSD did cite them on February 8th for mud on Taylorsville Lake Road. Mr. Rives stated they immediately had the situation remedied, and they received clearance on February 10th (see recording for detailed presentation).

05:37:45 Mr. Bardenwerper stated development of this farm has been contemplated but no development has ever occurred. Mr. Bardenwerper reviewed the definition of Development from the Land Development Code. Mr. Bardenwerper stated the tree cutting that was done was for purposes of solely harvesting a timber crop and getting paid money for selling that crop. Mr. Bardenwerper stated we can't even have any regulations locally unless they respect agriculture, but we do have this provision in the Floyds Ford regulation that agriculture is exempted just as it is everywhere in Jefferson County. Mr. Bardenwerper stated separate and apart from the exemption of agriculture, any clearing that occurs, any tree cutting that would constitute clearing of forested areas over 5,000 square feet for development purposes would be a regulated activity. Mr. Bardenwerper stated first it has to not be agriculture, not a harvested timber crop, but even then to be regulated it would have to be 5,000 square feet for development purposes. Mr. Bardenwerper responded to questions from the Board Members (see recording for detailed presentation).

05:42:54 David Mindel spoke in favor of the appeal. Mr. Mindel stated once it was found out that there had been some harvesting going on they told them to stop, but they wanted also, just in case that rule did apply, to know how many trees per acre are still existing. Mr. Mindel stated that's why Thomas Forestry was hired; the report was given to them on March 23, 2016. Mr. Mindel responded to questions from the Board Members (see recording for detailed presentation).

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05:45:15 Mr. Bardenwerper responded to questions from the Board Members. Mr. Bardenwerper stated if this development is ever pursued it didn't make any sense to cut the trees that were cut except for agricultural purposes (see recording for detailed presentation).

05:47:00 Mr. Hoehler stated his role then was he had a contract to purchase this property and he engaged Randall Arendt. Mr. Hoehler referred to a Powerpoint presentation and reviewed the master plan that was used for a pre-application (see recording for detailed presentation).

05:53:00 Mr. Bardenwerper stated he and David were working with Mr. Hoehler at the time on this concept. Mr. Bardenwerper stated they started on this in 2005 and continued until the recession really wrecked the opportunity to long term do any kind of development over at this property. Mr. Bardenwerper stated in 2015 is when the present property owner came into this. Mr. Bardenwerper stated they started talking with these guys about the idea of doing on this property what Marty had previously thought about doing on this property but had never gotten past neighborhood meetings. Mr. Bardenwerper stated they've been open to the idea, so much so that they allowed David to go ahead and file a pre-application plan and allow Mr. Bardenwerper to send a letter notifying of the pre-application filing. Mr. Bardenwerper stated they never followed up with a neighborhood meeting. Mr. Bardenwerper stated they may, they may not. Mr. Bardenwerper stated the day after the pre-application was filed was the day that the timber contract was entered into. Mr. Bardenwerper stated the only development that was ever remotely contemplated on this property was this plan and if a tree was cut in any area other than these areas here it was not in conformance with the plan that they were contemplating. Mr. Bardenwerper stated the trees that were cut were not cut for development purposes they were cut for harvesting purposes because that's the only thing that ever went on. Mr. Bardenwerper responded to questions from the Board Members. Mr. Bardenwerper presented a summary of their case, and responded to further questions from the Board Members (see recording for detailed presentation).

06:32:36 Meeting was recessed.

06:32:46 Meeting was reconvened

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REBUTTAL:

06:33:07 Brian Mabry spoke in rebuttal. Mr. Mabry reviewed the required actions of BOZA. Mr. Mabry stated they believe the pre-application does indicate an intent to develop. Mr. Mabry stated the LDC does take intent into consideration. Mr. Mabry stated he would remind the Board Members to please focus on the facts of the cutting and whether it was in violation or not more so than on how the development may have been to the extent that you can separate those two out; it's about the cutting and whether or not the violation was appropriately issued or not. Mr. Mabry responded to questions from the Board Members (see recording for detailed presentation).

06:39:17 Board Members' deliberation

06:53:50 On a motion by Vice Chair Jarboe, seconded by Member Howard, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the Zoning Violation Notice was properly issued on December 30, 2016, as case 16PM32085 because logging activity was reported as taking place on the subject property in February 2016 and Planning and Design Services Staff observed significant tree removal while conducting a site visit to the property on February 23, 2016; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment, in Case Number 17APPEAL1000, Appeal of a Zoning Violation Notice issued by Planning and Design Services concerning clearing of forested area greater than 5,000 square feet for development purposes in violation of Section 3.1.B.2 of the Land Development Code, does hereby find that the Zoning Violation Notice of December 30, 2016 was **PROPER**.

The vote was as follows:

Yes: Members Turner, Howard, Bergmann, and Vice Chair Jarboe

Abstain: Chair Allendorf

Absent: Members Tharp and Fishman

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06:55:39 On a motion by Vice Chair Jarboe, seconded by Member Howard, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds from the file of this case, the staff report, the PowerPoint presentations; the evidence, testimony and discussion at the public hearing that this is an Appeal of a Zoning Violation Notice issued by Planning and Design Services concerning clearing of forested area greater than 5,000 square feet for development purposes in violation of Section 3.1.B.2 of the Land Development Code, and

WHEREAS, the Board further finds that the submittal of the pre-application plans for a rezoning on January 11, 2016, signifies intent to develop the subject property and a pre-application submittal is the first step in a chain of approvals that has to take place before a development is finalized and ready to be occupied, and

WHEREAS, the Board further finds that the clearing of more than 5,000 square feet of forested area for development purposes is prohibited in Land Development Code (LDC) Section 3.1.B.2 without first having Planning Commission approval, and

WHEREAS, the Board further finds that the language in the LDC contemplates intent to develop by using the term “purposes;” therefore, from the time that the property owner submitted the pre-application plan on January 11, 2016, until the owner withdrew the pre-application on December 30, 2016, that there was intent to develop the property; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment, in Case Number 17APPEAL1000, Appeal of a Zoning Violation Notice issued by Planning and Design Services concerning clearing of forested area greater than 5,000 square feet for development purposes in violation of Section 3.1.B.2 of the Land Development Code, does hereby **DENY** the Appeal, based upon the Staff Report, with the exception that the term “clearing of forested area” is in conflict to some degree, the testimony of the appellant and the discussion of the Board.

The vote was as follows:

Yes: Members Turner, Howard, Bergmann, and Vice Chair Jarboe

No: Chair Allendorf

Absent: Members Tharp and Fishman

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ADJOURNMENT

The meeting adjourned at approximately 4:51 p.m.

Chair

Secretary