

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

December 20, 2021

A meeting of the Louisville Metro Board of Zoning Adjustment was held on December 20, 2021 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

Members Present:

Lula Howard, Chair
Richard Buttorff, Vice Chair
Sharon Bond, Secretary
Brandt Ford

Members Absent:

Yani Vozos
Kimberly Leanhart

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Reverman, Planning & Design Assistant Director
Joe Haberman, Planning & Design Manager
Brian Davis, Planning & Design Manager
Jon Crumbie, Planning & Design Coordinator
Molly Clark, Planner I
Heather Pollock, Planner I
Beth Jones, Planner II
Tara Sorrels, Associate Planner
Clara Schweiger, Planning Technician
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 December 20, 2021 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

DECEMBER 6, 2021 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:05:47 On a motion by Vice Chair Buttorff, seconded by Member Bond, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the December 6, 2021 Board of Zoning Adjustment online meeting.

The vote was as follows:

Yes: Members Bond, Ford, Vice Chair Buttorff, and Chair Howard

Absent: Members Vozos, and Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0135

Request:	Variance to allow an addition to encroach into the required front/street side yard setback
Project Name:	Weyanoke Court Variance
Location:	8004 Weyanoke Court
Owner/Applicant:	Jeff Inwood
Jurisdiction:	Prospect
Council District:	16- Scott Reed
Case Manager:	Heather Pollock, Planner I

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

00:07:14 Heather Pollock presented the case and showed a Powerpoint presentation. Ms. Pollock responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Jeff Inwood, 8004 Weyanoke Court, Louisville, KY 40059
Sarah Fravert, 8006 Weyanoke Court, Louisville, KY 40059

Summary of testimony of those in favor:

00:22:27 Chair Howard swore in Mr. Inwood and Ms. Fravert at the same time. Jeff Inwood spoke in favor of the request. Mr. Inwood stated this addition is going to be a good ten feet from the street (see recording for detailed presentation).

00:26:02 Sarah Fravert spoke in favor of the request. Ms. Fravert stated she is next door to the Inwoods, and also owns the property at 8002. Ms. Fravert stated she thinks this is a logical place to put the garage, and she wouldn't be in favor of putting it on the opposite side of the house because that would destroy the little bit of green space they

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0135

have. Ms. Fravert responded to questions from the Board Members (see recording for detailed presentation).

00:30:18 Mr. Inwood stated the Code Inspector, who is not in attendance today, felt like the location was good, he just wanted it to be built in unison to the materials that are on the house originally. Mr. Inwood stated he was not going to do this cheaply. Mr. Inwood stated because of the complexity of this lot being a corner lot, his back door is considered his front door, and he doesn't know what his front door would be called, that's why this situation is a little trickier than the regular lots because he happens to be the corner lot. Mr. Inwood responded to questions from the Board Members (see recording for detailed presentation).

00:42:23 Heather Pollock responded to questions from the Board Members regarding the placement of the garage (see recording for detailed presentation).

00:44:57 Joe Reverman, Planning & Design Assistant Director, stated the Public Works sight distance is not necessarily a concern here; the Members may have a concern from their perspective, but it's not necessarily a sight distance concern (see recording for detailed presentation).

00:47:22 Heather Pollock read the section of Prospect Code regarding infill. Ms. Pollock responded to a question from Mr. Reverman regarding front yard setback (see recording for detailed presentation).

The following spoke in opposition of the request:
No one spoke.

00:52:12 Board Members' deliberation

00:59:52 On a motion by Member Ford, seconded by Member Bond, 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

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0135

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the addition will be built to match the existing structure and there are other properties in the area that have principal structures of a similar size, 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 property is dissimilar to surrounding properties because it has frontage along the entire inner curve of the cul-de-sac. This gives it stricter setback requirements as more than half of the property boundary is front/street side yard; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0135 does hereby **APPROVE** Variance from the City of Prospect Land Development Code Table 5.3.1 to allow a principal structure to encroach into the front/street side yard setback (**Front/Street Side Yard Requirement 30 ft., Request 4.7 ft., Variance 25.3 ft.**), **SUBJECT** to the following Condition of Approval.

Condition of Approval:

1. A minor subdivision plat shall be approved by Planning & Design Services and recorded with the Jefferson County Clerk's Office prior to the issuance of building permits.

The vote was as follows:

Yes: Members Bond, Ford, and Chair Howard

No: Vice Chair Buttorff

Absent: Members Vozos, and Leanhart

**BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021**

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0146

Request:	Variance to allow an addition to encroach into the required side yard setback
Project Name:	Marret Avenue Variance
Location:	416 Marret Avenue
Owner/Applicant:	Jason Weiss, First Dime Properties, LLC
Jurisdiction:	Louisville Metro
Council District:	6- David James
Case Manager:	Heather Pollock, Planner I

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

01:04:16 NOTE: Chair Howard called Item #7 on today's agenda at this time. Please see pages 17 and 18 of these minutes.

Agency testimony:

01:09:07 Heather Pollock presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Jason Weiss, 4 Lincoln Run Road, Louisville, KY 40245
Danielle Bramblett, 945 E. St. Catherine St., Louisville, KY 40204

Summary of testimony of those in favor:

01:12:00 Jason Weiss spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:17:28 Danielle Bramblett spoke in favor of the request. Ms. Bramblett stated she is a real estate agent and has shown the house next door that is currently for sale. Ms. Bramblett stated when she showed the house the work on this house had not started,

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0146

and she thinks this will definitely aid in the sale of the adjacent property in the long run (see recording for detailed presentation).

01:19:17 Mr. Weiss responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:22:18 Board Members' deliberation

01:23:08 On a motion by Member Bond, seconded by Vice Chair Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the presentation, 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; however, staff is concerned that the variance could adversely affect the adjacent property owner because construction and maintenance of the structure may require encroachment onto the adjacent property, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the addition will encroach the same distance as the existing structure, 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 is only 30 ft. in width and the addition will not encroach any further than the existing structure; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0146 does hereby **APPROVE** Variance from Land Development Code

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0146

Table 5.2.2 to allow a principal structure to encroach into the side yard setback, with **RELIEF** from Standard A based upon the testimony heard today (**Side Yard Requirement 3 ft., Request 0.75 ft., Variance 2.25 ft.**).

The vote was as follows:

Yes: Members Bond, Ford, Vice Chair Buttorff, and Chair Howard

Absent: Members Vozos, and Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0154

Request:	Variance to allow the private yard area to be less than the required 20% of the area of the lot
Project Name:	Ellison Avenue Variance
Location:	1100 Ellison Avenue
Owner/Applicant:	Alfred Pizzonia
Representative:	Lindsey Stoughton
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Heather Pollock, Planner I

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

01:25:25 Heather Pollock presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Lindsey Stoughton, 816 Franklin St., Louisville, KY 40206

Summary of testimony of those in favor:

01:28:33 Lindsey Stoughton spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

Hannah Truxell, 1112 St. Michael Place, Louisville, KY 40204

Bret Sohl, 1102 St. Michael Place, Louisville, KY 40204

Julie Sullivan, 1124 E. St. Catherine St., Louisville, KY 40204

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0154

Summary of testimony of those in opposition:

01:33:02 Hannah Truxell spoke in opposition of the request. Ms. Truxell stated they started this project without a permit, and neighbors have had to look at this property since March. Ms. Truxell stated while it was noted that this house is small, all of the homes in this area are small. Ms. Truxell stated the construction has resulted in debris and trash and rocks spilling out into the sidewalk making it impassable. Ms. Truxell stated she feels very strongly this is bad for the community and asked that the Board reject this (see recording for detailed presentation).

01:36:22 Bret Sohl spoke in opposition of the request. Mr. Sohl stated he has watched this construction and it has been very shotty. Mr. Sohl stated there is a lot of debris. Mr. Sohl stated he would not want to see a small apartment building there, he does not think the neighborhood could handle the parking situation (see recording for detailed presentation).

01:39:19 Julie Sullivan spoke in opposition of the request. Ms. Sullivan stated they had what appeared to be a picnic table supporting part of the addition and it seemed very unsafe. Ms. Sullivan stated they were using particle board and not framing the addition properly. Ms. Sullivan stated she agrees with the other neighbors regarding the shotty workmanship and not fitting in with the neighborhood (see recording for detailed presentation).

REBUTTAL:

01:43:02 Lindsey Stoughton spoke in rebuttal. Ms. Stoughton stated this would be a single-family dwelling. Ms. Stoughton acknowledged that no work has been done for some time due to a stop work order. Ms. Stoughton stated it is a mess of a site, and they want to get it cleaned up and looking a lot nicer. Ms. Stoughton stated she is sorry that it has taken so long, that's just how this process works. Ms. Stoughton stated she completely redesigned this and got it down to a scale more similar to what is in the neighborhood. Ms. Stoughton responded to questions from the Board Members (see recording for detailed presentation).

01:49:35 Ms. Stoughton responded to a question from Julie Sullivan (see recording for detailed presentation).

01:51:53 Board Members' deliberation

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0154

01:56:50 On a motion by Member Ford, seconded by Member Bond, 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 structure must be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the proposed addition will not alter the essential character of the general vicinity as the it will be built with material that will be in character with the existing residence and surrounding residential neighborhood, 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 location of the home in relation to the rear property line in addition to the minimum dimension requirements, keep this property from having adequate space for the private yard area requirement. There is additional open space that cannot be included in the calculation. If this area could be counted toward the private yard, then a variance would not be required; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0154 does hereby **APPROVE** Variance from Land Development Code Section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of the lot (**Private Yard Area Requirement 1,045.4 sq. ft., Request 696 sq. ft., Variance 349.4 sq. ft.**).

The vote was as follows:

Yes: Members Bond, Ford, Vice Chair Buttorff, and Chair Howard

Absent: Members Vozos, and Leanhart

01:59:37 Meeting was recessed.

02:00:13 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0156

Request:	Variance to allow an addition to encroach into the required side yard setback
Project Name:	S. Clay Street Variance
Location:	1235 S. Clay Street
Owner/Applicant:	Danielle Bramblett
Jurisdiction:	Louisville Metro
Council District:	6- David James
Case Manager:	Heather Pollock, Planner I

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

02:01:12 Heather Pollock presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Danielle Bramblett, 945 E. St. Catherine St., Louisville, KY 40204

Summary of testimony of those in favor:

02:05:23 Danielle Bramblett spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

02:08:48 Ms. Pollock responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0156

02:09:29 **Board Members' deliberation**

02:10:32 On a motion by Member Bond, seconded by Member Ford, 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. Staff is concerned that the variance could adversely affect the adjacent property owner because construction and maintenance of the structure may require encroachment onto the adjacent property. The applicant has stated that they received verbal permission from the property owner to crossover, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the 2nd story addition will encroach the same distance as the existing structure, 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 is only 25 ft. in width and the addition will not encroach any further than the existing structure

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0156 does hereby **APPROVE** Variance from Land Development Code Section 5.2.2 to allow a principal structure to encroach into the side yard setback, with **RELIEF** from Standard A for the South Side Yard based upon the testimony heard today (**North Side Yard Requirement 2.5 ft., Request 1.083 ft., Variance 1.417 ft.; South Side Yard Requirement 2.5 ft., Request 2.25 ft., Variance 0.25 ft.**).

The vote was as follows:

Yes: Members Bond, Ford, Vice Chair Buttorff, and Chair Howard

Absent: Members Vozos, and Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0157

Request:	Variance to allow an addition to encroach into the required side yard setback
Project Name:	S. Bayly Avenue Variance
Location:	112 S. Bayly Avenue
Owner/Applicant:	Jason Weiss, Weiss & Smith Real Estate Group
Jurisdiction:	Louisville Metro
Council District:	9- Bill Hollander
Case Manager:	Heather Pollock, Planner I

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

02:13:00 Heather Pollock presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Jason Weiss, 4 Lincoln Run Road, Louisville, KY 40245

Summary of testimony of those in favor:

02:16:06 Jason Weiss spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke neither for nor against the request:

Mark Mick, 2720 Frankfort Ave., Louisville, KY 40206

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0157

Summary of testimony of those neither for nor against:

02:18:28 Mark Mick spoke neither for nor against the request. Mr. Mick asked if the encroachment impacts the side that faces Carmichael's Book Store. Mr. Weiss stated it was the other side. Mr. Mick asked if the existing tree would be preserved. Mr. Weiss stated he doesn't have any intent to remove any trees. Mr. Mick asked for a brief recap of the project. Mr. Weiss explained the project. Mr. Mick stated he has no objection (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

02:21:02 Board Members' deliberation

02:21:48 On a motion by Vice Chair Buttorff, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, the owner's justification statement, 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; however, staff is concerned that the variance could adversely affect the adjacent property owner because construction and maintenance of the addition may require encroachment onto the adjacent property, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the 2nd story addition will encroach the same distance as the existing structure, 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 is only 25 ft. in width and the addition will not encroach any further than the existing structure, and

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0157

WHEREAS, the Board further finds that the owner's justification statements adequately justify this request; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0157 does hereby **APPROVE** Variance from the Land Development Code Table 5.2.2 to allow a principal structure to encroach into the side yard setback, with **RELIEF** from Standard A because it is an existing condition and the applicant has communicated with the neighbor **(Side Yard Requirement 2.5 ft., Request 1 ft., Variance 1.5 ft.)**.

The vote was as follows:

Yes: Members Bond, Ford, Vice Chair Buttorff, and Chair Howard

Absent: Members Vozos, and Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0158

Request:	Variance to exceed permitted area and height for freestanding signs
Project Name:	Cedar Creek Crossing
Location:	7714 Bardstown Road
Owner/Applicant:	Hogan Real Estate
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
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.

01:04:17 **NOTE:** This case was called out of order, prior to Item #3 on today's agenda.

Agency testimony:

01:04:18 Beth Jones stated the applicant is requesting to continue this case to the next available meeting date (see recording for detailed presentation).

01:07:27 On a motion by Vice Chair Buttorff, seconded by Member Bond, the following resolution, based upon the testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 21-VARIANCE-0158 to the January 10, 2022 Board of Zoning Adjustment meeting.

**BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021**

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0158

The vote was as follows:

Yes: Members Bond, Ford, Vice Chair Buttorff, and Chair Howard

Absent: Members Vozos, and Leanhart

The meeting continued with Item #3 on today's agenda. Please see page 6 of these minutes.

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0161

Request:	A Variance For a Rear Yard Setback and a Waiver For The Rear Landscape Buffer Area
Project Name:	1279 &1283 Bardstown Road Variance and Waiver
Location:	1279 &1283 Bardstown Road
Owner:	Kashmira Singh
Applicant:	Mohammad Nouri – Concepts, PLLC.
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers Armstrong
Case Manager:	Molly Clark, 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:

02:24:41 Molly Clark presented the case and showed a Powerpoint presentation. Ms. Clark responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Mohammad Nouri, 1119 Rostrevor Cr., Louisville, KY 40205

Summary of testimony of those in favor:

02:32:29 Mohammad Nouri 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.

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0161

02:35:51 **Board Members' deliberation**

02:36:15 On a motion by Member Ford, seconded by Vice Chair Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Variance from Land Development Code section 5.2.3.D.3.d.i to allow a dumpster to encroach 10 ft. into the required 15 ft. rear yard setback:

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 site currently does not have any buffering between this site and the adjacent residential in the rear, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity since it currently does not have any buffering. The applicant is improving the site by putting a 5 ft. buffer instead as well as the parking will be under the 2nd floor, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the site currently has pavement where the LBA would be. The applicant is still providing a 5 ft. LBA between the proposed parking and the alley, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since this site is located in the traditional neighborhood and there are lot size constraints; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0161 does hereby **APPROVE** Variance from Land Development Code Section 5.2.3.D.3.d.i to allow a dumpster to encroach 10 ft. into the required 15 ft. rear yard setback (**Rear Yard Requirement 15 ft., Request 5 ft., Variance 10 ft.**).

The vote was as follows:

Yes: Members Bond, Ford, Vice Chair Buttorff, and Chair Howard
Absent: Members Vozos, and Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0161

02:39:56 On a motion by Member Ford, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Waiver from Land Development Code Table 10.2.3 to provide a 5 ft. Landscape Buffer instead of the required 15 ft. rear Landscape Buffer along the alley and to not provide all the required plantings:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners since the site has always had pavement in the landscape buffer area. The applicant is still improving the site by providing small 5 ft. wide ILA's with plantings to buffer some of the rear parking from adjacent residential, and

WHEREAS, the Board further finds that Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes, and

WHEREAS, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the lot is small and already has

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0161

a second existing restaurant. The applicant has very little room to provide a 15 ft. buffer, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land since this is located in a traditional neighborhood where lot patterns are small and property owners don't have a lot of land to develop; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0161 (21-WAIVER-0143) does hereby **APPROVE** Waiver from Land Development Code Table 10.2.3 to provide a 5 ft. Landscape Buffer instead of the required 15 ft. rear Landscape Buffer along the alley and to not provide all the required plantings.

The vote was as follows:

Yes: Members Bond, Ford, Vice Chair Buttorff, and Chair Howard

Absent: Members Vozos, and Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-NONCONFORM-0047

Request:	Change in Nonconforming use from a bookbindery to a business office
Project Name:	918 S 6th Street Change in Nonconformance
Location:	918 S 6th Street
Owner:	AWTD, LLC
Applicant:	Catherine Greene
Representative:	Kerby Standifer
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Christopher French, Planning & 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:

02:42:20 Chris French presented the case and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Catherine Greene, 3950 Westport Road, Louisville, KY 40207

Summary of testimony of those in favor:

02:45:25 Catherine Greene 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.

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-NONCONFORM-0047

02:49:12 **Board Members' deliberation**

02:50:06 On a motion by Member Bond, seconded by Vice Chair 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 new nonconforming use is in the same or more restrictive classification of the first nonconforming use, and

WHEREAS, the Board further finds that the new nonconforming use is no more odious or offensive to surrounding properties than the first nonconforming use; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-NONCONFORM-0047 does hereby **APPROVE** Change in Nonconforming Use from a bookbindery to a business office.

The vote was as follows:

Yes: Members Bond, Ford, Vice Chair Buttorff, and Chair Howard

Absent: Members Vozos, and Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0135

Request:	Conditional Use Permit to allow a short term rental that is not the primary residence of the host
Project Name:	Bashford Manor Short Term Rental
Location:	2041 Bashford Manor Lane
Owner/Applicant:	Lisel Pupo & Pavel Perez
Jurisdiction:	Louisville Metro
Council District:	10 - Pat Mulvilhill
Case Manager:	Heather Pollock, Planner I

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

02:52:11 Heather Pollock presented the case and showed a Powerpoint presentation. Ms. Pollock responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Pavel Perez Carreno, 6906 Homestead Dr., Louisville, KY 40214

Summary of testimony of those in favor:

02:57:15 Pavel Perez Carreno 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.

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0135

03:03:45 Board Members' deliberation

03:04:29 On a motion by Vice Chair Buttorff, seconded by Member Ford, 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 does not conflict with Comprehensive Plan policies, and

WHEREAS, the Board further finds that when appropriately managed, the proposed use is 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. The proposal will not create substantial additional requirements for the site, and

WHEREAS, the Board further finds that:

4.2.63 Short Term Rental Term Rental of a dwelling unit that is not the primary residence of the host or the Short Term Rental of a condominium unit that is the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term Rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental. **The applicant has been informed of this requirement.**
- B. The dwelling unit shall be limited to a single short term rental contract at a time. **The applicant has been informed of this requirement.**
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that the residence has 2 bedrooms that will allow a maximum number of 6 guests.**

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0135

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there are no properties with an approved conditional use permit allowing short term rentals that is not the primary residence of the host.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The applicant has been informed of this requirement.**
- F. Food and alcoholic beverages shall not be served by the host to any guest. **The applicant has been informed of this requirement.**
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts. **The applicant has been informed of this requirement.**
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **Off-street parking – 4 Share access with neighbor to the west.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. **The applicant has been informed of this requirement.**

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0135

- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief. **The applicant has been informed of this requirement.**
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void. **The applicant has been informed of this requirement.**
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code. **The applicant has been informed of this requirement;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0135 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-5 Zoning District and Neighborhood Form District, **SUBJECT** to the following Condition of Approval.

Condition of Approval:

1. The conditional use permit for this short term rental approval shall allow up to 2 bedrooms. A modification of the conditional use permit shall be required to allow additional bedrooms.

**BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021**

PUBLIC HEARING

CASE NUMBER 21-CUP-0135

The vote was as follows:

Yes: Members Bond, Ford, Vice Chair Buttorff, and Chair Howard

Absent: Members Vozos, and Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0132

Request:	Conditional Use Permit to allow outdoor alcohol sales and consumption
Project Name:	La Loma Restaurant
Location:	7319 Preston Highway
Owner/Applicant:	La Loma Restaurant, Inc.
Jurisdiction:	Louisville Metro
Council District:	13 - Mark Fox
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:

03:06:15 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:

Karl Lentz, 12800 Townepark Way, Suite 201, Louisville, KY 40243

Summary of testimony of those in favor:

03:10:06 Karl Lentz 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.

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0132

03:16:25 Board Members' deliberation

03:20:30 On a motion by Member Bond, seconded by Vice Chair 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 meets all applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that when appropriately managed, the proposed use is 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

WHEREAS, the Board further finds that:

4.2.41 Outdoor Alcohol Sales and Consumption/Indoor Entertainment Activity for a Restaurant in the C- 1 Zoning District Outdoor alcohol sales and consumption and/or indoor live entertainment for a restaurant may be permitted in the C1 zoning district upon the granting of conditional use permit and compliance with the listed requirements

- A. All outdoor areas for the sale and consumption of alcohol must have designated boundaries. **The proposed outdoor area has designated boundaries.**
- B. Outdoor dining areas within the public right-of-way must receive approval from the agency responsible for transportation engineering and shall be designed in accordance with agency standards. **The outdoor dining area is not located within the public right-of-way.**
- C. Outdoor dining areas adjacent to the public right-of-way shall contain a physical barrier that is at least three feet in height. The barrier should be designed to permit existing legal access from building to the adjacent public right-of-way. **The outdoor dining area is not located adjacent to the public right-of-way.**
- D. Outdoor dining areas that include the sale and consumption of alcohol within 50 feet of a residentially zoned or used property shall provide a six foot continuous screen as part of the designated boundary for the areas of the outdoor area within 50 feet of

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0132

residentially used or zoned property. The continuous screen shall be in conformance with the Chapter 10, Part 4 (Implementation Standards). **The outdoor dining area is not located within 50 feet of residentially zoned or used property.**

- E. This conditional use permit shall be limited to restaurant uses in the C-1 that hold the following types of ABC licenses:
1. Restaurant liquor and wine license by the drink for 100 plus seats
 2. Restaurant wine license by the drink for restaurants with seating for 100 and receives at least 70 percent gross receipts from food sales **The appropriate ABC license will be obtained.**
- F. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 1 A.M. **The use of the outdoor dining area for the sale and consumption of alcohol will cease by 1:00 A.M.**
- G. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99). **All activities will be compliant with the Metro Noise Ordinance.**
- H. The Board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific restaurant; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0132 does hereby **APPROVE** Conditional Use Permit to allow outdoor alcohol sales and consumption, with no additional requirements for Item H, 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 outdoor alcohol sales and consumption until further review and approval by the Board.

**BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021**

PUBLIC HEARING

CASE NUMBER 21-CUP-0132

The vote was as follows:

Yes: Members Bond, Ford, Vice Chair Buttorff, and Chair Howard

Absent: Members Vozos, and Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0177

Request:	Conditional Use Permit to allow a private institutional use (construction of a pole barn)
Project Name:	First Baptist Church of Fairdale Pole Barn
Location:	413 Fairdale Road
Owner/Applicant:	First Baptist Church of Fairdale, Inc.
Jurisdiction:	Louisville Metro
Council District:	13 - Mark Fox
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:

03:24:27 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:

Kent Gootee, 5151 Jefferson Blvd., Louisville, KY 40219
Ryan Feist, 5151 Jefferson Blvd., Louisville, KY 40219

Summary of testimony of those in favor:

03:28:20 Chair Howard swore in Mr. Gootee and Mr. Feist at the same time. Kent Gootee and Ryan Feist 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.

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0177

03:35:43 Board Members' deliberation

03:37:22 On a motion by Member Ford, seconded by Vice Chair 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 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 and approved the proposal, 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. **The site is adjacent to existing commercial uses and commercial zoning along the western property line and the existing/proposed structures are more than 30 feet from the residential uses and residential zoning along the east property line.**
- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated. **A traffic study was not required by Transportation Planning.**
- 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

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0177

and trip generation characteristics of the proposed use. Off-street parking is not associated with this proposal. **The existing off-street parking is located in a driveway and to the side and rear of the existing sanctuary. No new parking areas will be added.**

- D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99). **The proposal will comply with the Metro Noise Ordinance.**
- 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. **Hours of operation has not been provided by the applicant, but the pole barn will be used for food distribution on Wednesday night;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0177 does hereby **APPROVE** Conditional Use Permit to allow a private institutional use, with no set hours of operation (Item E), 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 Bond, Ford, Vice Chair Buttorff, and Chair Howard

Absent: Members Vozos, and Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
December 20, 2021

03:40:52 Prior to adjournment, Chris French advised the Board Members that Jon Crumie is retiring, and this is his last Board of Zoning Adjustment meeting. Emily Liu stated that Jon has been a valuable employee of Planning & Design Services and thanked him for his service. Chair Howard reminded the Board Members to let staff know whether or not they plan to join the meetings (see recording for detailed presentation).

The meeting adjourned at approximately 5:00 p.m.

Chair

Secretary