

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

September 11, 2023

A meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, September 11, 2023, at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky, and also via Webex.

Members Present:

Sharon Bond, Chair
Richard Buttorff, Vice Chair
Kimberly Leanhart
Jan Horton
Yani Vozos
Lula Howard

Members Absent:

Brandt Ford
Kimberly Leanhart

Staff Members Present:

Joel Dock, Planning & Design Supervisor
Joe Haberman, Planning & Design Manager
Laura Ferguson, Legal Counsel
Mary Willis, Management Assistant
Amy Brooks, Planner I
Molly Clark, Planner II
John Michael Lawler, Planner I
Heather Pollock, Planner I
Ethan Lett, Planner I

The following cases were heard:

BOARD OF ZONING ADJUSTMENT MINUTES

September 11, 2023

August 21, 2023, Board of Zoning Adjustment Meeting Minutes

00:04:38 On a motion by Member Howard, seconded by Member Horton, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the August 21, 2023, Board of Zoning Adjustment meeting.

The vote was as follows:

YES: Members Horton, Howard, Vozos, and Chair Bond

ABSTAIN: Vice Chair Buttorff

ABSENT: Member Ford and Member Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

Business Session

Case No. 23-VARIANCE-0102

Request:	Variance for side setback
Project Name:	Breckenridge Street Variance
Location:	1409 E. Breckenridge Street
Owner:	Kristy & John Milchick
Applicant:	Kristy & John Milchick
Representative:	Kristy & John Milchick
Jurisdiction:	Louisville Metro
Council District:	8 – Ben Reno-Weber
Case Manager:	Amy Brooks, Planner I

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

00:06:07 Amy Brooks responded to questions from the Board members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

None

The following spoke in opposition to the request:

None

00:07:47 Board Members' discussion

Variance from the Land Development Code (LDC, Section 5.4.1.E.5) to allow an accessory structure to encroach into the required side yard setback.

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

Business Session

Case No. 23-VARIANCE-0102

00:08:09 On a motion by Member Horton, seconded by Vice Chair Buttorff, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare, because the encroachment of the garage into the side setback does not impede the safe movement of vehicles or pedestrians or encroach upon adjacent property or right-of-way. The applicant has obtained the adjacent property owner's consent to the planned construction and variance, and

WHEREAS, the proposed building addition will not alter the essential, visual character of the general vicinity as the garage is in character with the surrounding residential neighborhood. There are other accessory structures near the subject site that also seemingly encroach into the side yard setback, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations because there the garage will be located in a neighborhood with compacted lot sizes where reduced side yard setbacks are commonplace. In addition, the proposed garage will be located closer to the alleyway thereby increasing the amount of available private yard area to compensate for encroachment into the side yard, and

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

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the narrow width of the property makes conforming to the prescribed side yard setback standards more difficult, and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has not started construction on the garage and has requested a variance; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from the Land Development Code (LDC, Section 5.4.1.E.5) to allow an accessory structure to encroach into the required side yard setback **(Requirement 2ft., Request 0ft., Variance 2ft)**

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

Business Session

Case No. 23-VARIANCE-0102

The vote was as follows:

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

ABSENT: Member Ford and Member Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

Public Hearing

Case No. 23-VARIANCE-0063

Request: TO BE CONT'D TO OCTOBER 16, 2023. Variances to allow a structure to encroach into the required side yard setback and to allow a fence to exceed the maximum height in the rear yard.

Project Name: Ronwood Drive Variance
Location: 4921 Ronwood Drive
Owner: Heyler Perez
Applicant: Edna Blanco
Representative: Edna Blanco
Jurisdiction: Louisville Metro
Council District: 24- Madonna Flood
Case Manager: Amy Brooks, Planner I

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

00:10:25 Amy Brooks requested the case be continued to October 16, 2023 public hearing to allow time for the applicant to work with construction review and planning staff on building compliance before bringing the case back to the Board.

**The following spoke in support of the request:
None**

**The following spoke in opposition to the request:
None**

00:11:46 Board Members' deliberation

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

Public Hearing

Case No. 23-VARIANCE-0063

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** the requested Variances **(1)** from Land Development Code section 4.4.3.A.1.a.ii to allow a fence to exceed 8 feet in height within the required rear yard and Variance **(2)** from Land Development Code Table 5.3.1 to allow a principal structure to encroach into the side yard setback to October 16, 2023.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

Public Hearing

Case No. 23-VARIANCE-0060

Request: Variance to allow an accessory structure to encroach into the street side setback (Continued from the 8/21/23 BOZA Meeting).

Project Name: 2038 Tyler Lane
Location: 2038 Tyler Lane
Owner: Tyler 2038 LLC
Applicant: Ethan Adams, EFK Properties LLC
Representative: Kevin Sullivan, EFK Properties LLC
Jurisdiction: Louisville Metro
Council District: 8- Ben Reno-Weber
Case Manager: Amy Brooks, Planner I

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

00:12:33 Amy Brooks presented the case and showed a Power Point presentation. Brooks responded to questions from the Board members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Kevin Sullivan, 1602 Sutherland Dr. Louisville, KY 40205

Summary of testimony of those in support:

00:20:08 Kevin Sullivan spoke in support of the request and presented a PowerPoint presentation. Sullivan responded to questions from Board Members (see recording for detailed presentation)

00:34:22 Joel Dock responded to Board Member Howards question (see recording for details)

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

Public Hearing

Case No. 23-VARIANCE-0060

The following spoke in opposition of the request:

Sherry Powell, 2100 Tyler Ln., Louisville, KY 40205

Summary of testimony of those in opposition:

00:35:58 Sherry Powell spoke in opposition to the request and presented a PowerPoint presentation. Powell stated the parking is a concern and a safety hazard for children within the area of the parking pad. Powell also responded to questions from Board Members (see recording for detailed presentation)

Rebuttal:

00:53:16 Kevin Sullivan spoke in rebuttal. Sullivan stated he did not have any other responses about the case and can answer any questions. Sullivan responded to questions from the Board Members (see recording for details)

00:59:13 Amy Brooks responded to questions from Board Members (see recording for details)

01:01:29 Board Members' deliberation.

Variance from the Land Development Code section 5.1.12.B.2.e.i.1 to allow an accessory structure to encroach into the street side yard setback as established by infill regulations.

01:13:10 On a motion by Member Vozos, seconded by Member Howard, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested. The garage will not impede vision clearance for vehicular traffic on the adjacent public roadway, and

WHEREAS, the proposed building addition will not alter the essential, visual character of the general vicinity as the garage is in character with the surrounding residential neighborhood. There are other accessory structures near the subject site that also seemingly encroach into the street side yard setback, and

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

Public Hearing

Case No. 23-VARIANCE-0060

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations as there are other homes within the surrounding blocks that do not meet the current required infill standards for streetside setbacks. The narrow width of this corner lot makes building an accessory structure that is 25 feet from the property line rather more difficult, and

WHEREAS, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the shape of the corner lot is a significant factor that has led to the special circumstances requiring a variance request, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the narrow width of the property makes conforming to infill standards somewhat more difficult, and

WHEREAS, the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has completed construction of the garage; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested variance from the Land Development Code section 5.1.12.B.2.e.i.1 to allow an accessory structure to encroach into the street side yard setback as established by infill regulations (**Requirement 25ft., Request 6.6ft., Variance 18.6ft**)

The vote was as follows:

YES: Members Howard, Vozos, and Chair Bond

ABSENT: Member Ford and Member Leanhart

ABSTAIN: Member Horton and Vice Chari Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0100

Request: CONTINUED FROM AUGUST 21, 2023. Category 3
Development Plan with Variance to exceed the 80' maximum
front yard setback

Project Name: Quadrant Zorn Retail Park

Location: 1041 Zorn Avenue

Owner: Quadrant Hospitality LLC

Applicant: Quadrant Hospitality LLC

Representative: Mindel Scott

Jurisdiction: Louisville Metro

Council District: 9 – Andrew Owen

Case Manager: Ethan Lett, Planner I

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

01:14:40 Ethan Lett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Emily Hill, Mindel Scott, 5151 Jefferson Blvd., Louisville, KY 40219

Summary of testimony of those in support:

01:19:16 Emily Hill spoke in support of the request and presented a PowerPoint presentation. Hill responded to questions from Board Members (see recording for detailed presentation)

The following spoke in opposition to the request:

None

01:23:02 Board Members' discussion

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0100

Variance from LDC Section 5.3.1.C.5 to exceed the 80' maximum front yard setback and be setback 224'

01:23:12 On a motion by Member Howard, seconded by Vice Chair Buttorff, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare since the buildings will be adequately set back from the remaining property lines, and

WHEREAS, the requested variance will not alter the essential character of the general vicinity since other existing developments along Zorn Ave and River Rd are also set back substantially from the roadway, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public since it will maintain the location of existing structures and will prevent development from conflicting with existing utilities on the property, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations since there are easements preventing the proposed buildings to be constructed in compliance with the regulations, and

WHEREAS, the requested variance arises from special circumstances. There is a 100' gas easement and a 10' sewer and drainage easement spanning the western portion of the development site which prevent the buildings from adhering to the setback requirement, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship by requiring the applicant to reroute the existing sanitary sewer line and relocate existing parking on the western portion of the property which would otherwise remain largely unaltered, and

WHEREAS, the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought. The applicant has not yet begun development; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested variance from LDC Section 5.3.1.C.5 to exceed the 80' maximum front

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0100

yard setback and be setback 224' (**Requirement 80.0ft., Request 224.0ft., Variance 144.0ft.**)

The vote was as follows:

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

ABSENT: Member Ford and Member Leanhart

Category 3 Development Plan

01:24:48 On a motion by Member Howard, seconded by Member Vozos, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Category 3 Development Plan.

The vote was as follows:

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

ABSENT: Member Ford and Member Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0070

Request: Variances associated with a Category 3 Development plan for a 60-unit senior housing development
Project Name: Iroquois Homes Senior Living
Location: 1400 Bicknell Ave
Owner: Louisville Metro Housing Authority
Applicant: Louisville Metro Housing Authority
Representative: Missy Legel
Jurisdiction: Louisville Metro
Council District: 15 – Jennifer Chappell
Case Manager: John Michael Lawler, 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:

01:25:42 John Michael Lawler presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Missy Legel, 9400 Bunsen Pkwy Suite 100, Louisville, KY 40220

Kathleen O’Neil, Louisville Metro Housing Authority, 420 S 8th St., Louisville KY 40203

Summary of testimony of those in support:

01:28:54 Missy Legel spoke in support of the request and presented a PowerPoint presentation. Legel responded to questions from Board Members (see recording for detailed presentation)

01:36:08 Kathleen O’Neil spoke in support of the request. O’Neil responded to Member Horton’s question about the security process for the facility. O’Neil stated that a

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0070

security guard will be on duty 24 hours and there will be controlled access throughout the building.

The following spoke in opposition of the request:

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

Summary of testimony of those in opposition

01:38:41 Ann Ramser spoke in opposition and presented a PowerPoint presentation. Ramser questioned the placing of the parking lot and feels the parking should be placed in the front. Ramser stated that the building looks institutional and needs to have a better design. Ramser responded to questions from Board Members (see recording for detailed presentation)

01:49:56 Joel Dock responded to questions from Board Member Howard (see recording for details)

Rebuttal:

01:53:14 Missy Legal spoke in rebuttal. Legal stated that trees and landscaping will be provided to help with buffering the front of the building. Legal responded to questions from Board Members (see recording for details)

01:54:55 Board Members' deliberation

Variance from LDC Section 5.2.2 to allow the proposed structure to exceed the maximum front yard setback of 25 feet, allowing a maximum setback of 52.9 feet, a variance of 27.9 feet

Variance from LDC Section 5.2.2 to allow the proposed structure to exceed the maximum side yard setback of 25 feet, allowing a maximum setback of 82.5 feet, a variance of 57.5 feet

01:57:06 On a motion by Member Howard, seconded by Member Vozos, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare since the building will be appropriately buffered from adjacent properties, and

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0070

WHEREAS, the requested variance will not alter the essential character of the general vicinity since the proposal is providing a greater setback from adjacent single-family housing. This provides greater separation of uses that are of different scales. The increased setback also accommodates the walking path that is being used as open space for residents on the site, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public since the building will be appropriately buffered with dedicated open space for residents occupying much of the increased setback, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations since the applicant is providing required open space in much of the increased setback. The setback is being requested to allow for a creative use of space in-front of the proposed building for future residents of the development, and

WHEREAS, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity. The required open space is being provided in front of the building as a walking path for residents of the development, and

WHEREAS, there are some site constraints that prevent the setbacks being provided along Tuscarora Way. On-site stormwater detention and sanitary sewage and drainage easements have dictated where the building can be placed on the site and have necessitated some of the open space being provided in-front of the proposed building. Disruption to those constraints would be a hardship and would cause the applicant to have to completely rework their site around the given constraints and

WHEREAS, the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **(1)**Variance from LDC Section 5.2.2 to allow the proposed structure to exceed the maximum front yard setback of 25 feet, allowing a maximum setback of 52.9 feet, a variance of 27.9 feet and **(2)** Variance from LDC Section 5.2.2 to allow the proposed structure to exceed the maximum side yard setback of 25 feet, allowing a maximum setback of 82.5 feet, a variance of 57.5 feet

The vote was as follows:

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0070

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

Category 3 Plan

01:59:10 On a motion by Member Howard, seconded by Member Vozos, the following resolution, based on the staff report, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Category 3 Plan.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-CUP-0143

Request: Conditional Use Permit for a RV Park
Project Name: Derby Park RV Resort
Location: 2900 7th Street Rd.
Owner: Louisville 2900, LLC.
Applicant: Frost Brown & Todd, LLP
Bowman Consulting Group, LTD
Jurisdiction: City of Shively
Council District: 3 – Kumar Rashad
Case Manager: Molly Clark- Planner II

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

02:00:14 Molly Clark presented the case and showed a Power Point presentation. Clark responded to questions from the Board members (see staff report and recording for detailed presentation.)

02:06:42 Joel Dock responded to Member Howard’s question (see recording for details)

The following spoke in support of the request:

Tanner Nichols, Frost Brown & Todd, 400 W Market St. Louisville, KY 40202

Summary of testimony of those in support:

02:09:01 Tanner Nichols spoke in support of the request and presented a PowerPoint presentation. Nichols responded to questions from Board Members (see recording for detailed presentation)

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-CUP-0143

02:13:04 Joe Haberman responded to Board Member Howard's question (see recording for details)

02:18:56 Joel Dock elaborated on the relief of Item G (see recording for details)

02:23:47 Tanner Nichols continued answering questions from the Board.

The following spoke in opposition to the request:
None

02:30:50 Board Members' deliberation

Conditional Use Permit from section 4.2.11 of the Land Development Code (City of Shively) for a proposed Camping and Recreational Vehicle (RV) park.

02:30:02 On a motion by Member Howard, seconded by Vice Chair Buttorff the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the buffer strip has been provided and shown on the site plan. Structures that are not associated with the camping area are not subject to this requirement, and

WHEREAS, applicant is proposing to use the existing signage on site. The traditional workplace form district allows for 120 square foot sign and 22 feet in height for 4 or more tenants on a major arterial. 7th Street Road is a major arterial, and

WHEREAS, ingress and egress will not be proposed through a recorded single-family subdivision. RV park will have direct access from 7th Street Road, and

WHEREAS, RV Park is not proposed to be plated out or have lease lines. Periods of stay will not exceed one month, and

WHEREAS, there are no trash or garbage collection areas delineated on the plan. However, trash and garbage collection is noted and will be the responsibility of the park manager, and

WHEREAS, the plan does not show where in the park camp fire sites will be located. A portion of the site is located in the combined sewer floodplain. A condition of approval is

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-CUP-0143

proposed to ensure that only passenger vehicles can park in the combined sewer floodplain area, and

WHEREAS, the plan does not specify RV spaces or drive aisles. The site must comply with the minimum widths established by the CUP; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit from section 4.2.11 of the Land Development Code (City of Shively) with relief from item 'G' to allow for vehicle use area surfaces to not be paved for a proposed Camping and Recreational Vehicle (RV) park **SUBJECT** to the following **Conditions of Approval**:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a Camping and Recreational Vehicle (RV) park until further review and approval by the Board.
3. No property, camp, or individual camp site shall be leased for a period greater than 30 days
4. Travel lanes shall be maintained as stated in the standards of the conditional use permit:
 1. One-way Travel Lane - 18 Feet
 2. Two-way Travel Lane - 24 Feet
 3. Cul-de-sac Diameter - 80 Feet
5. The applicant is permitted to allow camping and RV parking in grassy areas within the development site during the period of April 24th to May 24th and September 1st to September 30th annually. Should any damage to the grounds occur in these areas, the ground shall be reseeded within 2 weeks and brought back to its original condition, unless otherwise approved by the Board.
6. The number of campsites permitted on the Property will be limited to 250 campsites.

**BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023**

PUBLIC HEARING

Case No. 23-CUP-0143

7. Trees and landscaping shall be provided as presented by the applicant at the public hearing on September 11, 2023

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0097

Request:	Variance from LDC Section 5.1.12 to encroach 35' into the 50' infill street-side yard setback
Project Name:	Stony Brook Daycare
Location:	5206 Stony Brook Drive
Owner:	Stony Brook Drive LLC
Applicant:	Stony Brook Drive LLC
Representative:	BlueStone Engineers, PLLC
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Ethan Lett, Planner I

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

02:34:33 Ethan Lett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Chris Crumpton, BlueStone Engineers, 4350 Brownsboro Rd, Louisville, KY 40207

Summary of testimony of those in support:

02:37:15 Chris Crumpton spoke in support of the request and discussed the project in detail. Crumpton stated that an agreement was made to share parking between the daycare and the church (see recording for detailed presentation)

The following spoke in opposition of the request:

None

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0097

02:41:37 Board Members' deliberation.

Variance from LDC Section 5.1.12 to encroach 35' into the 50' infill street-side yard setback

02:41:53 On a motion by Member Vozos, seconded by Member Horton, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the variance will not adversely affect the public health, safety or welfare because the proposed structure will comply with all applicable building codes and the Land Development Code, except where relief is requested. The proposed encroachment will not impact vision clearance for vehicular maneuvering along Stony Brook Drive, and

WHEREAS, the requested variance will not alter the essential character of the general vicinity because preserved trees will screen the encroachment from adjacent properties, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because the encroachment will not hinder the safe movement of vehicles and pedestrians, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations because compliance with the regulation in question would likely require the applicant to seek relief from other regulations, and

WHEREAS, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the lot is irregularly shaped and requires a 30-foot parkway buffer which constrains the developable area, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as they would be required to either seek relief from additional regulations or reduce the building footprint which would result in improperly sized child care classrooms, and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0097

applicant has not started construction and is requesting the variance; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **Variance** from LDC Section 5.1.12 to encroach 35' into the 50' infill street-side yard setback (**Requirement, 50.0ft., Request 15ft., Variance 35.0ft**)

The vote was as follows:

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

ABSENT: Member Ford and Member Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0105

Request:	Variance to allow a freestanding sign to exceed the maximum height permitted and a waiver to allow a changing image sign within 300 ft. of residential use.
Project Name:	Class Act FCU Freestanding Sign
Location:	3620 Fern Valley Road
Owner:	Classroom Teachers Federal Credit Union
Applicant:	Heather Mullin, Golden Rule Signs
Representative:	Heather Mullin, Golden Rule Signs
Jurisdiction:	Louisville Metro
Council District:	21 – Betsy Ruhe
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:

02:43:25 Heather Pollock presented the case and showed a Power Point presentation. Pollock responded to questions from Board Members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Seth McNeal, 1083 Brooks Industrial Rd., Shelbyville, KY 40065

Summary of testimony of those in support:

02:50:20 Seth McNeal spoke in support of the request and responded to questions from Board Members (see recording for details)

The following spoke in opposition to the request:

None

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0105

02:51:38 Board Members' deliberation.

Variance of Land Development Code (LDC), Section 8.3.3, Table 8.3.3 to allow a freestanding sign to exceed the maximum height permitted along a designated parkway

02:51:51 On a motion by Vice Chair Buttorff, seconded by Member Horton, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety and welfare and will not cause a hazard or a nuisance to the public, nor will it allow an unreasonable circumvention of the requirements of the zoning regulations as the sign will not impact the safe movement of pedestrians and vehicles as it is setback from the roadway and property entrances. There are other freestanding signs in the area that exceed the Parkway height standards, and

WHEREAS, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone as the proposed sign height is in compliance with the form district standards, which would otherwise apply in the absence of the Parkway, and

WHEREAS, the Strict application of the regulations would create an unnecessary hardship on the applicant as the proposed sign is in character with the existing development on the site and with the surrounding commercial uses. There are other freestanding signs in the area that exceed the Parkway height standards, and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations as work has not begun on the proposed sign for which the variance is being requested; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested variance of Land Development Code (LDC), Section 8.3.3, Table 8.3.3 to allow a freestanding sign to exceed the maximum height permitted along a designated parkway

The vote was as follows:

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0105

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

Waiver of LDC Section 8.2.1.D.6 to allow a changing image sign within 300 ft. of residential use.

02:52:20 On a motion by Vice Chair Buttorff, seconded by Member Vozos, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the waiver will not adversely affect adjacent property owners, as the majority of adjacent uses are non-residential. Additionally, the changing image sign will not be directly facing the adjacent residential use and will have auto-dimming features, and

WHEREAS, the waiver will not violate Community Form Goal 1 number 14: Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot developments, minimize the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials). The proposed sign is compatible with this guideline, it is columnar style which is consistent with the Parkway requirements in the LDC, and of a design compatible with existing development on the site and other signage in the area, and

WHEREAS, the extent of the waiver of the regulations is the minimum necessary to afford relief to the applicant as the sign location is approximately 268 ft. from a residentially used property across Fern Valley Road,

WHEREAS, the applicant has incorporated other design measures that compensate for non-compliance with the requirements to be waived, the changing image sign will be on the bottom portion of the sign, this coupled with existing landscape screening will mitigate the impact the sign has on adjacent residential uses. Additionally, the proposed area of the changing image sign is less than the 60% of the total sign area permitted; now, therefore be it

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0105

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested waiver of LDC Section 8.2.1.D.6 to allow a changing image sign within 300 ft. of residential use.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0110

Request: Variance to allow attached business signs to extend to a height of more than 25 ft. above ground.
Project Name: Morris Pointe Sign Variance
Location: 3939 Shelbyville Road
Owner: Burdorf Properties, LLC
Applicant: Elizabeth Pitchford, Ruggles Signs
Representative: Elizabeth Pitchford, Ruggles Signs
Jurisdiction: City of St. Matthews
Council District: 9 – Andrew Owen
Case Manager: Heather Pollock, Planner I

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

02:53:08 Heather Pollock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Elizabeth Pitchford, Ruggles Sign 93 Industry Dr., Versailles, KY 40383

Summary of testimony of those in support:

02:57:42 Elizabeth Pitchford spoke in support of the request and responded to questions from Board Members (see recording for detailed presentation)

The following spoke in opposition of the request:

None

02:58:46 Board Members' deliberation.

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-VARIANCE-0110

VARIANCE from City of St. Matthews Development Code to allow attached business signs to extend to a height of more than 25 ft. above ground (Article 11.D.2.c.)

02:58:58 On a motion by Member Vozos, seconded by Vice Chair Buttorff, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety and welfare and will not cause a hazard or a nuisance to the public, nor will it allow an unreasonable circumvention of the requirements of the zoning regulations as the proposed signs will not have an impact on the safe movement of pedestrians or vehicles. The existing structure on which the signs are to be placed is taller than other commercial buildings in the vicinity and the sign placement compliments its design. The size and design of the signs is consistent with the surrounding commercial uses, additionally, the signs will not be visible to nearby residential uses, and

WHEREAS, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone as the height of the existing structure is taller than other commercial structures in the area, and

WHEREAS, strict application of the regulations would create an unnecessary hardship on the applicant as the proposed sign is in character with the existing development on the site and with the surrounding commercial uses, and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations as work has not begun on the proposed signs for which the variance is being requested; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested variance from City of St. Matthews Development Code to allow attached business signs to extend to a height of more than 25 ft. above ground (Article 11.D.2.c.)

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-MCUP-0004

Request:	Modified Conditional Use Permit for mini warehouses.
Project Name:	KO Storage of Louisville
Location:	8213 Nash Rd
Owner:	KOSF II Louisville LLC
Applicant:	Aaron, Hess, KO Construction LLC
Representative:	Aaron Hess
Jurisdiction:	Louisville Metro
Council District:	13- Dan Seum, Jr.
Case Manager:	Amy Brooks, Planner I

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

02:59:53 Amy Brooks presented the case and showed a Power Point presentation. Brooks responded to questions from Board Members (see staff report and recording for detailed presentation.)

03:04:59 Joel Dock responded to questions from Vice Chair Buttorff (see video for details)

The following spoke in support of the request:

Derek Triplet, Land Development & Design, 503 Washburn Ave, Louisville, KY 40222

Summary of testimony of those in support:

03:07:05 Derek Triplet spoke in support of the request and presented a PowerPoint presentation. Triplet responded to questions from Board Members (see recording for detailed presentation)

The following spoke in opposition to the request:

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-MCUP-0004

None

03:16:06 Board Members' deliberation.

Modified Conditional Use Permit for Mini-warehouses (LDC 4.2.35).

03:18:06 On a motion by Member Vozos, seconded by Member Howard, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040, and

WHEREAS, the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance. The site is located in an area that is surrounded by commercial and industrially zoned properties. There are residential uses along Nash Road; however, the site will not be accessible from Nash Road, except in the case of emergencies, thereby mitigating any traffic impact on those neighboring residential uses, and

WHEREAS, all necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use are available or will be provided, and

WHEREAS, the proposed buildings are in compliance with each of the standards for mini-warehouses, except for standard B which was granted relief under the 16CUP1040. However, the current applicant does not intend to construct a warehouse on top of the concrete pad that is encroaching within the 30 feet landscape buffer area on the southern property line. The applicant is providing landscaping and screening that will minimize the impact of the proposal on the residential properties to the north and west of the subject site.; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Modified Conditional Use Permit for Mini-warehouses (LDC 4.2.35)

SUBJECT to the following Conditions of Approval:

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.

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-MCUP-0004

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 stationery 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 2 years of the Board's vote on this case. Upon written application, filed at least thirty calendar days prior to said expiration date, the Board may, for cause shown, renew such Conditional Use Permit for one period of up to one year. 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.
9. The development site must be consolidated, or cross access easement provided allowing access to the site from National Turnpike. The recorded instrument must be provided to the Board's legal counsel for review and recorded. A copy, of which, shall be provided to the Office of Planning.

The vote was as follows:

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

ABSENT: Member Ford and Member Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-MCUP-0005

Request:	Modified Conditional Use Permit for off-street parking.
Project Name:	Greater Galilee Off-Street Parking
Location:	4000 W. Broadway
Owner:	Greater Galilee Church of Louisville
Applicant:	Eric A. Johnson
Representative:	Ashley Bartley – QK4
Jurisdiction:	Louisville Metro
Council District:	5- Donna Purvis
Case Manager:	Amy Brooks, Planner I

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

03:22:54 Amy Brooks presented the case and showed a Power Point presentation. Brooks responded to questions from Board Members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

William Cunningham, 6604 Timberbend Dr., Louisville, KY 40229

David Ried, QK4, 9920 Corporate Campus Dr., Louisville, KY 40223

Summary of testimony of those in support:

03:27:22 William Cunningham spoke in support of the request and responded to questions from Board Members (see recording for detailed presentation)

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-MCUP-0005

03:28:42 David Ried spoke in support of the request and presented a PowerPoint presentation. Ried stated the goal is to widen the parking lot and basketball court (see recording for detailed presentation)

The following spoke in opposition to the request:

None

03:30:37 Board Members' deliberation.

Modified Conditional Use Permit for off-street parking area (LDC 4.2.39)

03:30:49 On a motion by Member Howard, seconded by Member Vozos, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040, and

WHEREAS, the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance. The site was formerly a service station. Impervious surfaces, gravel, and structures occupied most of the lot. Structures have been removed. The lot has served as an area for transient, vehicular parking for institutional use across 40th Street prior to removal of the station and continues to serve that function, and

WHEREAS, All necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use are available or will be provided, and

WHEREAS, the off-street parking area is immediately opposite 40th Street from the institutional use it is proposed to serve. A safe crossing is available at 40th Street where it intersects Broadway. A 3 ft. masonry wall with plantings will be provided to delineate the space from the public sidewalk and provide safety to pedestrians while the parking area is in use. A variance has been granted to allow for encroachment into multiple yards. While not in use for parking, the development will also allow for the institution to use the space for recreational activities, including basketball, and be covered for these activities. Plans have been preliminarily approved by Louisville MSD and Transportation Planning; now, therefore be it

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-MCUP-0005

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Modified Conditional Use Permit for off-street parking area (LDC 4.2.39) **SUBJECT** to the following Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for off-street parking until further review and approval by the Board.

The vote was as follows:

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

ABSENT: Member Ford and Member Leanhart

Waiver of Land Development Code (LDC), Section 10.2.10 to omit the 5' Vehicle Use Area (VUA) landscape buffer area (LBA) along 40th Street.

03:31:58 On a motion by Member Howard, seconded by Member Horton, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the waiver will not adversely affect adjacent property owners as the encroachments formalize the space and provide proper functioning of the parking spaces and drive lanes, and

WHEREAS, the waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy seeks 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. Policy 12 calls for the parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. The applicant is providing screening from the public sidewalk in the form of a three-foot masonry wall with planters on top, and six street trees along 40th Street, and

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-MCUP-0005

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant and all required trees will be provided in the street, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the request does not violate Plan 2040 or adversely impact adjacent property owners; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested waiver of Land Development Code (LDC), Section 10.2.10 to omit the 5' Vehicle Use Area (VUA) landscape buffer area (LBA) along 40th Street.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-NONCONFORM-0021

Request:	Nonconforming Rights Determination
Project Name:	Nonconforming Rights
Location:	1836 Eastern Parkway
Owner:	Ruth and David Lovell
Applicant:	Ruth Lovell
Representative:	Ruth Lovell
Jurisdiction:	Louisville Metro
Council District:	8 – Ben Reno-Weber
Case Manager:	Joel P. Dock, AICP, Planning Supervisor

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

03:33:29 Joel Dock presented the case and showed a Power Point presentation. Dock responded to questions from Board Members (see staff report and recording for detailed presentation.)

03:43:17 Joe Haberman responded to Vice Chair Buttorff’s question (see recording for details)

The following spoke in support of the request:

Ruth Lovell, 1836 Eastern Parkway, Louisville, KY 40205

Lenore Slawsky, 1818 Sherwood Ave, Louisville, KY 40205

Summary of testimony of those in support:

03:46:21 Ruth Lovell spoke in support of the request and responded to questions from Board Members (see recording for details)

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-NONCONFORM-0021

03:58:16 Joel Dock responded to Board Members questions.

04:01:11 Lenore Slawsky (sp?) spoke in support of the request. Slawsky (sp?) stated she has always assumed that the property was multiple units, and feels the location is a great place to have multi-family duplex.

**The following spoke in opposition to the request:
None**

04:04:56 Board Members' deliberation.

04:06:55 Public Hearing was reopened for Ruth Lovell to answer questions from the Board (see recording for details)

04:09:28 Board Members' deliberation

04:09:34 On a motion by Vice Chair Buttorff, seconded by Member Horton, the following resolution, based on the Staff's Analysis, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** nonconforming rights for 3 dwellings to be located in the primary structure on the property.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-NONCONFORM-0022

Request: Nonconforming Rights Determination
Project Name: Nonconforming Rights
Location: 714 S. 37th Street
Owner: Brightstone, LLC
Applicant: Dena Freeman
Representative: Dena Freeman
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
Case Manager: Joel P. Dock, AICP, Planning Supervisor

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

04:11:13 Joel Dock presented the case and showed a Power Point presentation. Dock responded to questions from Board Members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Dena Freeman, 6508 Brightstone Place, Louisville, KY 40228

Summary of testimony of those in support:

04:16:57 Dena Freeman spoke in support of the request and responded to questions from Board Members (see recording for detailed presentation)

04:21:04 Joe Haberman responded to Board Member Howard's question.

The following spoke in opposition to the request:

None

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

PUBLIC HEARING

Case No. 23-NONCONFORM-0022

04:22:07 **Board Members' deliberation.**

04:24:19 Joel Dock responded to Board Members' questions.

04:30:23 On a motion by Member Howard, seconded by Member Vozos, the following resolution, based on the Staff's Analysis, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **GRANT** Nonconforming Rights for 2 dwelling units to be located in the primary structure on the property.

The vote was as follows:

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

ABSENT: Member Ford and Member Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
September 11, 2023

The meeting adjourned at approximately 05:46 p.m.

Chair

Secretary