

BOARD OF ZONING ADJUSTMENT MINUTES
June 17, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1074

Request:	Modification of a Conditional Use Permit that allows a Commercial Kennel
Project Name:	Modification
Location:	7924 Vine Crest Avenue
Owner:	Golden Retriever Rescue & Adoption of Needy Dogs, Inc.
Applicant:	Heritage Engineering
Jurisdiction:	City of Lyndon
Council District:	7 – Paula McCraney
Case Manager:	Steve Hendrix, Planning and Design Coordinator

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

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

Agency testimony:

03:07:34 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix presented emails that he had received this morning from neighbors to the Board Members. Mr. Hendrix stated a sign was posted and notices were sent, but they were not required to hold a Neighborhood Meeting (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Jon Baker, 500 W. Jefferson St., Suite 2800, Louisville, KY 40202
Nina Scott, 607 Hatherleigh Lane, Louisville, KY 40222
Scott Hannah, 642 South 4th Street, Louisville, KY 40202
Paul Blackburn, 8814 Featherbell Blvd., Prospect, KY 40059
Lauren Vaughan, 524 Fenley Ave., Louisville, KY 40222
Frank Csapo, 3810 Springhurst Blvd., Louisville, KY 40241
Donna Milam, 815 Echo Bridge Rd., Louisville, KY 40243

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Summary of testimony of those in favor:

03:14:32 Jon Baker spoke in favor of the request and showed a Powerpoint presentation. Mr. Baker spoke in regard to the partnership of the owner (GRAND) and The Pet Station. Mr. Baker presented a petition to the Board Members signed by Louisville Metro residents in support of this union of these two entities and the proposal for this site (see recording for detailed presentation).

03:17:20 Nina Scott spoke in favor of the request and provided a brief history of the operation and the partnership with The Pet Station. Ms. Scott responded to questions from the Board Members (see recording for detailed presentation).

03:24:42 Mr. Baker continued his presentation and responded to questions from the Board Members (see recording for detailed presentation).

03:37:09 Scott Hannah spoke in favor of the request (see recording for detailed presentation).

03:38:59 Paul Blackburn spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

03:42:38 Lauren Vaughan spoke in favor of the request (see recording for detailed presentation).

03:45:05 Frank Csapo spoke in favor of the request (see recording for detailed presentation).

03:50:01 Donna Milam spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

Virginia Sill and Michael Sill, 509 Fenley Avenue, Louisville, KY 40222
Zack Estes, 507 Vineleaf Dr., Louisville, KY 40222

Summary of testimony of those in opposition:

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03:54:37 Virginia Sill and Michael Sill spoke in opposition of the request. Mrs. Sill provided a petition of signatures in opposition to the Board Members. Mr. Sill stated they are opposed to additional traffic. Mr. Sill stated they feel it is going to be a removal of green space. Mr. Sill spoke in regard to concerns about drainage issues. Jon Baker responded to a question from Mr. Sill. Mrs. Sill spoke in opposition and stated some of the concerns are property value and traffic. Mr. and Mrs. Sill responded to questions from the Board Members (see recording for detailed presentation).

04:12:40 Zack Estes spoke in opposition of the request (see recording for detailed presentation).

04:13:48 Paul Blackburn responded to questions from Mr. Estes (see recording for detailed presentation).

04:16:02 Nina Scott responded to questions from Mr. Estes (see recording for detailed presentation).

04:18:53 Mr. Estes continued to speak in opposition (see recording for detailed presentation).

04:20:26 Steve Hendrix and Joe Haberman, Planning & Design Manager, responded to questions from the Board Members regarding the request that is before the Board today (see recording for detailed presentation).

REBUTTAL:

04:23:11 Jon Baker spoke in rebuttal (see recording for detailed presentation).

04:27:02 **Board Members' deliberation**

04:30:49 On a motion by Member Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the presentation, was adopted:

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

WHEREAS, the Board further finds that the proposal is compatible with the general character of the surrounding neighborhood in terms of scale, intensity, traffic, noise, drainage and appearance, and

WHEREAS, the Board further finds that the proposal has been reviewed by MSD and Transportation Planning and both have approved the plan, and

WHEREAS, the Board further finds that:

Commercial Kennels may be located in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, C-1, C-2, C- M, M-1, M-2, and M-3 Zoning Districts where such use is compatible with surrounding land uses upon the granting of a Conditional Use Permit when developed in compliance with the listed requirements.

- A. Facilities Enclosed - All facilities, except parking, shall be within a totally enclosed building except where it can be demonstrated that a nuisance is not created thereby.
- B. Signs - Except in districts where signs are allowed, there shall be no more than one non-illuminated sign not to exceed 12 square feet in area and not to exceed 6 feet in height.
- C. Fences - A continuous fence at least 6 feet high shall be erected around the portion of the site used for the kennel operation.
- D. Screening – Any outdoor animal facilities shall be screened from view.
- E. Noise - The design of the structures shall include features that acoustically shield any animal noises from surrounding property.
- F. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal waste; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1074 does hereby **APPROVE** Modification of a Conditional Use Permit that allows a commercial kennel in an R-4 Zoning District, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

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

The vote was as follows:

Yes: Members Buttorff, Howard, Turner, Leanhart, and Vice Chair Fishman
Absent: Member Jagoe, and Chair Young

04:31:40 Meeting was recessed.

04:32:38 Meeting was reconvened.