

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

April 20, 2020

A meeting of the Louisville Metro Board of Zoning Adjustment was held on April 20, 2020 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

Members Present:

Lula Howard, Chair
Kimberly Leanhart, Vice Chair (joined the meeting after Approval of Minutes)
Richard Buttorff, Secretary
LiAndrea Goatley
Lindsey Jagoe
Michael Seale

Members Absent:

Lester Turner, Jr.

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Reverman, Planning & Design Assistant Director
Brian Davis, Planning & Design Manager
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
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 regularly scheduled April 20, 2020 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

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APRIL 6, 2020 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:30:45 On a motion by Member Goatley, seconded by Member Seale, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the April 6, 2020 Board of Zoning Adjustment online meeting.

The vote was as follows:

Yes: Members Goatley, Jagoe, Seale, and Chair Howard

Abstain: Member Buttorff

Absent: Member Turner and Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
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BUSINESS SESSION

CASE NUMBER 20-MCUP-0002

Request:	Modified Conditional Use Permit
Project Name:	Stor All Cane Run Road – Building 9
Location:	4100 Cane Run Road
Owner:	James S. Womack, Stor All Cane Run Road SPE, LLC
Applicant:	James S. Womack
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Lacey Gabbard, AICP, 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:

00:31:55 Chris French presented the case on behalf of the Case Manager 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:

No one spoke.

The following spoke in opposition of the request:

No one spoke.

00:35:38 Board Members' deliberation

00:35:59 On a motion by Member Seale, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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BUSINESS SESSION

CASE NUMBER 20-MCUP-0002

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal does not conflict with Plan 2040 policies, and

WHEREAS, the Board further finds that the subject site is already developed with eight (8) of the nine (9) proposed mini- warehouse buildings. The proposed increase in square footage of Building 9 appears to be at a scale appropriate with the surrounding area and will apparently have limited impact on adjacent and nearby residential uses. The proposal provides appropriate transitions to adjacent residential uses through the use of landscape buffer yards, setbacks and screening. Setbacks and building meet form district requirements for the proposed zoning district. Therefore, the proposal is compatible with surrounding uses and the general character of the area, and

WHEREAS, the Board further finds that the subject site 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:

1. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.

STAFF: The proposal provides appropriate transitions to adjacent residential through the use of landscape buffer yards, setbacks and screening. Setbacks and building heights are compatible with nearby structures and meet form district requirements for the proposed zoning district.

B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.

STAFF: The proposal provides 30 ft landscape buffer areas adjacent to both side property lines abutting properties with residential zoning districts.

C. No outside storage shall be allowed on the property.

STAFF: No outdoor storage areas are proposed on the development plan.

D. No storage of toxic or hazardous materials shall be allowed on the property.

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CASE NUMBER 20-MCUP-0002

STAFF: No toxic or hazardous materials will be stored on the property.

E. There shall be no retail or wholesale sales or distributing activities on site.

STAFF: No retail or wholesale or distributing activities are proposed on the site.

F. Loading doors and vehicle maneuvering areas shall be located away from the exterior of the property.

STAFF: All loading doors and vehicle maneuvering areas are facing the interior of the site, away from the exterior of the property.

G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).

STAFF: All proposed structures are one story in height and do not exceed 15 feet in height.

H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

STAFF: The currently proposed plan does not include any changes to the signage that is on the subject site; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-MCUP-0002 does hereby **APPROVE** Modified Conditional Use Permit for a mini-warehouse.

The vote was as follows:

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

Absent: Member Turner

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BUSINESS SESSION

CASE NUMBER 20-MCUP-0003

Request:	Modified Conditional Use Permit for observation and surgery waiting areas
Project Name:	Baptist Health Louisville
Location:	4000 Kresge Way
Owner/Applicant:	Baptist Healthcare System, Inc.
Jurisdiction:	St. Matthews
Council District:	26 – Brent Ackerson
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:

00:37:45 Chris French presented the case on behalf of the Case Manager 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:

No one spoke.

The following Spoke in opposition of the request:

No one spoke.

00:42:36 Board Members' deliberation

00:43:07 On a motion by Member Goatley, seconded by Member Seale, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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BUSINESS SESSION

CASE NUMBER 20-MCUP-0003

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:

1. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?
8. Hospitals, institutions, nursing homes and homes for the infirm and aged. **
 - a. All buildings and structures shall conform to the front, street side and rear yard requirements of the district in which they are located and shall be located at least 30 feet from any side property line.
 - b. Minimum parking areas in the ratio of two spaces for each five beds plus one space for every two employees per peak shift shall be provided.
 - c. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.
 - d. Except in districts where signs are allowed, one sign, not to exceed 60 square feet in area, may be placed at each of the major entrances. ** Not in effect in the City of Louisville

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-MCUP-0003 does hereby **APPROVE** Modified Conditional use Permit, **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.

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2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a hospital without further review and approval by the Board.

The vote was as follows:

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

Absent: Member Turner

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0020

Request:	Variance to allow a principle structure to encroach into the side yard setback
Project Name:	Rosewood Variance
Location:	1623 Rosewood Avenue
Owner(s):	Douglas Meisel & Jessica Kingsley
Applicant:	Charlie Williams
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Nia Holt, Planner I

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

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

Agency testimony:

00:45:00 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Jessica Kingsley, 1623 Rosewood Ave., Louisville, KY
Charlie Williams, 1626 Windsor Place, Louisville, KY

Summary of testimony of those in favor:

00:48:57 Jessica Kingsley stated Mr. Williams was on the line and she was going to let him speak (see recording for detailed presentation).

00:49:23 Charlie Williams spoke in favor of the request and responded to questions from the Board Members. Mr. Williams described the materials that will be used (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0020

The following spoke in opposition of the request:

No one spoke.

00:52:10 Board Members' deliberation

00:52:44 On a motion by Vice Chair Leanhart, seconded by Member Goatley, 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 adversely affect the public health, safety or welfare, because there may be issues in the future in regard to maintaining the structure without encroaching onto the neighboring property. However, the proposed addition will be constructed to comply with all building codes, including fire codes and the adjoining property owners have given their consent. **The applicant's representative provided testimony regarding future maintenance of the structure,** and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed structure to be constructed in the rear and will be in character with the design of other additions in the neighborhood, and

WHEREAS, the Board further finds that the requested variance will cause a hazard or nuisance to the public because the addition may impact the ability of the adjacent property to the Southwest to build in the future along the shared property line. Nor can the applicant ensure that water from the downspout will stay within their property. However, the proposed addition will be constructed to comply with all building codes and the adjoining property owners have given their consent. **The applicant's representative provided testimony regarding placement of the downspout,** and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed addition is slightly further away from the property line than the existing structure and private yard area is maintained; now, therefore be it

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0020

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0020 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a principle structure to encroach into the required side yard setback (**Requirement 3 ft., Request 1.09 ft., Variance 1.91 ft.**).

The vote was as follows:

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

Absent: Member Turner

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0012

Request:	Sign variance and landscape buffer waivers
Project Name:	Southwest Town Center Outlot
Location:	9050 Dixie Highway
Owner:	William Wagner, Blanding Partners, LLC
Applicant:	William Wagner, Blanding Partners, LLC
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Lacey Gabbard, AICP, 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:

00:57:12 Chris French presented the case on behalf of the Case Manager 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:

Kelli Jones, 608 S. 3rd Street, Louisville, KY 40202
Councilwoman Cindi Fowler, 601 W. Jefferson St., Louisville, KY 40202

Summary of testimony of those in favor:

01:02:26 Kelli Jones spoke in favor of the request and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see recording for detailed presentation).

01:16:53 Councilwoman Cindi Fowler spoke in favor of the request (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0012

The following spoke in opposition of the request:

No one spoke.

01:18:23 Board Members' deliberation

01:19:00 On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Waiver from Land Development Code Section 10.2 to allow parking to encroach into the VUA buffer:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners, as the existing parking lot on the site encroaches into the VUA buffer on the subject site. This is an existing condition on many parcels along this portion of Dixie Highway. Additionally, the applicant proposes to provide approximately four (4) feet of VUA buffer, in addition to the green space from back of curb to the new sidewalk, between the proposed parking lot and Dixie Highway. The total green space will be approximately 8 to 9 feet.

The subject site is surrounded on the same side of the street by other commercially zoned properties. On the opposite side of Dixie Highway is a large (over 43 acre) R-4 Residential zoned property which, according to PVA, is used for agricultural purposes and has one or more dwellings. The subject site is separated from this property by the proposed buffer, Dixie Highway (which is at minimum 97 feet wide in this area) and railroad tracks, and

WHEREAS, the Board further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline

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3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. Guideline 28, Policy 10 encourages outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met.

The waiver will not violate the Comprehensive Plan as the applicant proposes to provide four (4) feet of VUA buffer along Dixie Highway, in addition to the green space from back of curb to the new sidewalk. The total green space will be approximately 8 to 9 feet.

The subject site is currently a vacant parking lot. The proposed development supports the Comprehensive Plan's goal to promote outlot development in underutilized parking lots of existing development, 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, as there are overhead power lines along Dixie Highway that limit landscape space, and the existing parking encroaches into the VUA buffer, and

WHEREAS, the Board further finds that The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the additional ten (10) feet of VUA buffer area would decrease the usable depth of the subject site from approximately 140 feet to approximately 130 feet, which would restrict vehicle circulation and decrease the number of provided parking spaces by 33 (from 68 spaces provided to 35 spaces), which would be lower than the minimum number allowed (66 spaces); and

Waiver from Land Development Code Section 10.2.4.B.3 to allow the landscape buffer on Dixie Highway to overlap an easement by more than 50%:

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WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners, as it is an existing condition both on the subject site and in the vicinity of the subject site along this portion of Dixie Highway. The subject site is surrounded on the same side of the street by other commercially zoned properties. On the opposite side of Dixie Highway is a large (over 43 acre) R-4 Residential zoned property which, according to PVA, is used for agricultural purposes and has one or more dwellings. The subject site is separated from this property by the proposed buffer, Dixie Highway (which is at minimum 97 feet wide in this area) and railroad tracks, and

WHEREAS, the Board further finds that Guideline 3, Policy 9 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. Guideline 28, Policy 10 encourages outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met.

The waiver will not violate the Comprehensive Plan as the applicant is proposing to provide approximately four (4) feet of green space, to create a total of approximately 8-9 feet of green space from back of curb to the new sidewalk. Additionally, the subject site is surrounded on the same side of the street by commercially zoned properties internal to the shopping center, which are not incompatible with the subject site. The nearest residentially zoned property is a large parcel on the opposite side of Dixie Highway.

The subject site is currently a vacant parking lot. The proposed development supports the Comprehensive Plan's goal to promote outlot development in underutilized parking lots of existing development, and

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WHEREAS, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as the easement is existing and the applicant proposes to provide plantings as required by the Land Development Code, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the easement is existing and the applicant proposes to provide all required plantings; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0012 (20-WAIVER-0001), does hereby **APPROVE** Waiver from Land Development Code Section 10.2 to allow parking to encroach into the VUA buffer, and Waiver from Land Development Code Section 10.2.4.B.3 to allow the landscape buffer on Dixie Highway to overlap an easement by more than 50%.

The vote was as follows:

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

Absent: Member Turner

01:20:37 On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Variance from Land Development Code Table 8.3.2 to allow a proposed sign to exceed the maximum height and area:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect public health safety or welfare since there are no known safety concerns associated with the sign request. Additionally, the existing sign is located in the middle of the subject site, which could arguably pose a greater safety concern than the proposed sign location in the middle of the entrance median, and

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CASE NUMBER 20-VARIANCE-0012

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the proposed sign is the same size and height as the existing sign, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since there are no known safety concerns associated with the sign request and there are several existing signs along Dixie Highway in the vicinity of the subject site. The location of the proposed sign is more appropriate and should improve safety along the corridor by providing a landmark that denotes an entrance into the shopping center, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations since there is an existing sign on the subject site which is currently located in the middle of the parcel. The applicant is requesting a new sign of the same height and square footage to be placed in a more appropriate location; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0012 does hereby **APPROVE** Variance from Land Development Code Table 8.3.2 to allow a proposed sign to exceed the maximum height and area (**Requirement 140 sq. ft./28 ft. height, Request 720 sq. ft./40 ft. height, Variance 580 sq. ft./12 ft. height**).

The vote was as follows:

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

Absent: Member Turner

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0007

Request: Variance to allow an existing structure to encroach into a proposed side yard setback. The applicant has submitted a minor plat to shift a side property line that will create a nonconforming side yard setback for the existing principle structure

Project Name: Warren Road Variance

Location: 48 Warren Road

Owner: Katrina Graves

Applicant: Richard Matheny – Cardinal Surveying

Jurisdiction: Louisville Metro

Council District: 9 – Bill Hollander

Case Manager: Zach Schwager, Planner I

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

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

Agency testimony:

01:24:59 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Kathy Matheny, 9009 Preston Highway, Louisville, KY 40219

Summary of testimony of those in favor:

01:27:00 Kathy Matheny spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

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CASE NUMBER 20-VARIANCE-0007

The following spoke in opposition of the request:

No one spoke.

01:32:16 Board Members' deliberation

01:33:01 On a motion by Vice Chair Leanhart, seconded by Member Seale, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the structure is existing and there is no proposed construction, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there is no proposed construction, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as there is no proposed construction, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as it is a minor encroachment and there is no proposed construction; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0007 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow a structure to encroach into the required side yard setback (**Requirement 5 ft., Request 3.1 ft., Variance 1.9 ft.**), **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The minor plat (19-MPLAT-0075) shall be approved by Planning & Design Services and recorded with the Jefferson County Clerk's office.

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The vote was as follows:

**Yes: Members Buttorff, Goatley, Jagoe, Seale, Vice Chair Leanhart, and
Chair Howard**

Absent: Member Turner

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CASE NUMBER 20-VARIANCE-0015

Request:	Variance to allow an addition and an accessory structure to encroach into the infill front yard setback and waivers to allow an accessory structure to not be set back 20 ft. from the front of the principal structure and to allow parking in the public realm
Project Name:	Ransdell Avenue Variance and Waivers
Location:	2530 Ransdell Avenue
Owner:	2019 Ransdell Avenue Trust
Applicant:	Lindsey Stoughton – LMS Design
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Zach Schwager, Planner I

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

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

Agency testimony:

01:35:13 Chris French presented the case on behalf of the Case Manager 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:

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

Summary of testimony of those in favor:

01:38:42 Lindsey Stoughton spoke in favor of the request (see recording for detailed presentation).

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CASE NUMBER 20-VARIANCE-0015

The following spoke in opposition of the request:

No one spoke.

01:45:04 Board Members' deliberation

01:45:22 On a motion by Member Goatley, seconded by Vice Chair Leanhart, 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 5.1.12.a to allow a principle structure addition and an accessory structure to encroach into the required infill front 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 as the structure will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the existing principal structure is already closer to the front property line than the neighboring properties. Also, Ransdell Avenue has a variety of lot sizes, shapes, and front yard setbacks, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed addition and detached garage will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as there is a wide range of front yard setbacks on Ransdell Avenue; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0015 does hereby **APPROVE** Variance from Land Development Code Section 5.1.12.a to allow a principle structure addition and an accessory structure to encroach into the required infill front yard setback (**Requirement 57 ft. to 65 ft., Request 11 ft., Variance 46 ft.**).

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The vote was as follows:

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

Absent: Member Turner

01:46:38 On a motion by Member Goatley, seconded by Member Seale, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Waiver from Land Development Code Section 5.4.1.C.4 to allow a detached garage to not be setback 20 ft. from the front façade of the principle structure:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners as the proposed detached garage will be constructed to comply with all building codes, including fire codes and there are other accessory structures on Ransdell Avenue that are in front of the principal structure, and

WHEREAS, the Board further finds that the waiver does not violate specific guidelines of Plan 2040 as Plan 2040 states that revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces. The proposed detached garage is consistent with the building design in the neighborhood. Alley access is promoted and preferred in the Traditional Neighborhood form, however, the alley in this case is usually a primary street and the access from Longest Avenue is difficult due to the topography, 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 as the property has topographical constraints, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the proposed addition and detached garage are located where other accessory structures and principal structures are located on Ransdell Avenue.

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Also, the subject property has topographical constraints behind the existing principal structure. The applicant has also proposed a landscape buffer in between the detached garage and Ransdell Avenue; and

Waiver from Land Development Code Section 5.4.1.B.1.e to allow parking in the public realm that does not lead to a garage or rear yard parking area:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners as the majority of properties on the south side of Ransdell Avenue have parking in the Public Realm area, and

WHEREAS, the Board further finds that the waiver does not violate specific guidelines of Plan 2040 as Plan 2040 states that revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces. The parking is consistent with the design in the neighborhood. Alley access is promoted and preferred in the Traditional Neighborhood form, however, the alley in this case is usually a primary street and the access from Longest Avenue is difficult due to the topography, 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 as the property has topographical constraints, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the proposed addition and detached garage are located where other accessory structures and principal structures are located on Ransdell Avenue. Also, the subject property has topographical constraints behind the existing principal structure. The applicant has also proposed a landscape buffer in between the detached garage and Ransdell Avenue; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0015 does hereby **APPROVE** Waiver (20-WAIVER-0018) from Land Development Code Section 5.4.1.C.4 to allow a detached garage to not be setback 20 ft. from the front façade of the principle structure, and Waiver (20-WAIVER-0019) from Land Development Code Section 5.4.1.B.1.e to allow

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parking in the public realm that does not lead to a garage or rear yard parking area.

The vote was as follows:

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

Absent: Member Turner

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CASE NUMBER 20-VARIANCE-0021

Request:	Variance to allow a structure to encroach into the infill front yard setback
Project Name:	Cane Run Road Variance
Location:	4231 Cane Run Road
Owner:	JMAN LLC
Applicant:	Derek Triplett – Land Design and Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Zach Schwager, Planner I

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

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

Agency testimony:

01:49:07 Chris French presented the case on behalf of the Case Manager 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:

Derek Triplett, 503 Washburn Ave., Louisville, KY 40222

Summary of testimony of those in favor:

01:51:44 Derek Triplett spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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01:56:39 Board Members' deliberation

01:56:56 On a motion by Vice Chair Leanhart, seconded by Member Goatley, 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 as the structure will need to be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there is another commercial structure across Hartlage Court with a similar setback, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the structure will need to be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as three properties will be consolidated into one and the property is in the Suburban Marketplace Corridor Form District. Suburban form districts allow for increased setbacks from front property lines. The encroachment into the minimum infill front yard setback is minimal; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0021 does hereby **APPROVE** Variance from Land Development Code Section 5.1.12.B.2.a and 5.5.5.A.1 to allow a principle structure to exceed the maximum infill front yard setback and an accessory structure to encroach into the required infill front yard setback (**Infill Front Yard-Principle Requirement 30 ft. to 81 ft., Request 149 ft., Variance 68 ft., Infill Front Yard-Accessory Requirement 30 ft. to 81 ft., Request 17 ft., Variance 13 ft.**).

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The vote was as follows:

**Yes: Members Buttorff, Goatley, Jagoe, Seale, Vice Chair Leanhart, and
Chair Howard**

Absent: Member Turner

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01:59:00 Prior to adjournment, the Board Members and staff discussed the online meeting process.

The meeting adjourned at approximately 2:45 p.m.

Chair

Secretary