MINUTES OF THE MEETING

OF THE

LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT

November 16, 2020

A meeting of the Louisville Metro Board of Zoning Adjustment was held on November 16, 2020 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

Members Present:
Lula Howard, Chair
Kimberly Leanhart, Vice Chair
Richard Buttorff, Secretary
Michael Seale
Sharon Bond

Members Absent:
Lindsey Jagoe

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
Zach Schwager, Planner I
Jay Luckett, Planner I
Steve Hendrix, Planning & Design Coordinator
Jon Crumbie, Planning & Design Coordinator
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 November 16, 2020 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

NOVEMBER 2, 2020 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:04:28 On a motion by Member Seale, seconded by Member Bond, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the November 2, 2020 Board of Zoning Adjustment online meeting.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
November 16, 2020

BUSINESS SESSION

CASE NUMBER 20-VARIANCE-0136

Request:	Variance to allow an existing structure to encroach into the street side yard setback
Project Name:	Pinemeadows Lane Variance
Location:	7806 Pinemeadows Lane
Owner:	Ian & Stacy Shives
Applicant:	Danny Kang & Alex Gaddis – Pitt & Frank, PSC
Jurisdiction:	Barbourmeade
Council District:	16 – Scott Reed
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:

00:06:15 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

00:11:48 Chris French, Planning & Design Supervisor, clarified the reason for the variance request is because of the sale of the property (see recording for detailed presentation).

The following spoke in favor of the request:
Alex Gaddis, 5311 Lost Trail, Louisville, KY 40214

Summary of testimony of those in favor:

00:13:17 Alex Gaddis spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BUSINESS SESSION

CASE NUMBER 20-VARIANCE-0136

00:16:14 Laura Ferguson, Legal Counsel, responded to a question from Chair Howard regarding how to proceed (see recording for detailed presentation).

00:17:10 Board Members' deliberation

00:17:29 On a motion by Member Seale, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that the requested variance is a conforming request to Land Development Code Section 5.3.1; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0136 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow an existing structure to encroach into the street side yard setback **(Street Side Yard Requirement 30 ft., Request 29.1 ft., Variance 0.9 ft.)**.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
November 16, 2020

BUSINESS SESSION

CASE NUMBER 20-VARIANCE-0139

Request:	Variance to allow an addition to an existing structure to encroach into the street side yard setback
Project Name:	Norbourne Boulevard Variance
Location:	3612 Norbourne Boulevard
Owner:	Amber & Jon Bowling
Applicant:	Ken Putlak – Putlak Building
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander & 26 – Brent Ackerson
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:

00:19:44 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Ken Putlak, 14303 Kilderry Court, Louisville, KY 40245

Summary of testimony of those in favor:

00:25:12 Ken Putlak spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:29:24 Board Members' deliberation

BUSINESS SESSION

CASE NUMBER 20-VARIANCE-0139

00:30:55 On a motion by Member Buttorff, seconded by Member Seale, the following resolution, based upon the Standard of Review and Staff Analysis, the applicant's justification statement, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the proposed addition must 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 a similar addition that encroaches into the street side yard setback directly across Norbourne Boulevard, and

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the addition will still be 20 ft. from the street side property line, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0139 does hereby **APPROVE** Variance from City of St. Matthews Development Code Section 4.6.C.2.c to allow an addition to an existing structure to encroach into the street side yard setback **(Street Side Yard Requirement 30 ft., Request 22 ft., Variance 8 ft.), SUBJECT** to the following Condition of Approval.

Condition of Approval:

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

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0117

Request:	Variance to allow principal structures to encroach into the required front yard setback on an infill lot
Project Name:	Ash Street Variance
Location:	1016 Ash Street
Owner(s):	Eric and Danielle Scholtens
Applicant:	Danielle Scholtens
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
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:

00:33:44 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Danielle Scholtens, 1016 Ash Street, Louisville, KY 40217

Summary of testimony of those in favor:

00:37:04 Danielle Scholtens spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:
Jean Acton, P.O. Box 22605, Louisville, KY 40252
Ann Acton, P.O. Box 22605, Louisville, KY 40252

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0117

Summary of testimony of those in opposition:

00:40:06 Jean Acton spoke in opposition of the request (see recording for detailed presentation).

00:43:26 Ann Acton spoke in opposition of the request. Ms. Acton stated she is in opposition of this request because the deck covers the whole front of the house up to the property line and it adversely impacts their property. Ms. Acton stated the deck is dangerous and is not enclosed. Ms. Acton stated the Scholtens have totally disregarded their use of the property since they've been there, and they have not maintained the property. Ms. Acton stated they've run afoul of Codes & Regulations before. Ms. Acton stated there have been complaints from other neighbors. Ms. Acton stated she also disagrees that there are other similar decks in the neighborhood (see recording for detailed presentation).

00:51:45 Jean Acton spoke again in opposition and stated the applicant has not presented a compelling need for the variance. Ms. Acton stated she believes they should show some necessity that it would be unreasonable for this Board to deny the variance and they have not done that. Ms. Acton stated this deck not only impacts the use of the property at 1012 and the courtyard, but it also affects the value of the property at 1012. Ms. Acton responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

00:59:14 Ms. Scholtens spoke in rebuttal. Ms. Scholtens stated a lot of what was said there was not true. Ms. Scholtens stated they do have a doorway in the front of their home, there was just no access to it prior to this. Ms. Scholtens stated she has not seen the pictures they submitted. Ms. Scholtens stated the deck is currently unfinished, but it will be finished and have a safe railing around it. Ms. Scholtens stated they take very good care of their property. Ms. Scholtens stated they have taken down all the trees, and when the one did fall on their back fence, they fixed that fence. Ms. Scholtens responded to questions from the Board Members (see recording for detailed presentation).

01:08:24 Board Members' deliberation

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0117

01:09:00 On a motion by Vice Chair Leanhart, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the deck 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 proposed deck will be of a similar design and material as other decks in the surrounding area, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the deck will be constructed to comply with building codes and out of the public right-of-way, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as it does not greatly alter the current circumstances. The subject property is built closer to the street than other structures on the block face, but it is not the only one built with a 10 ft setback. The proposed deck is not much closer to the property line, and the house and deck are elevated above the public sidewalk; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0117 does hereby **APPROVE** Variance from Land Development Code Section 5.1.12.A.2.a to allow a structure to encroach into the required front yard setback on an infill lot **(Front Yard Requirement 10-30 ft., Request 4 ft., Variance 6 ft.)**.

The vote was as follows:

Yes: Members Buttorff, Bond, and Vice Chair Leanhart
No: Member Seale, and Chair Howard
Absent: Member Jagoe

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0142

Request:	Variance to allow a new single-family residential structure to encroach into the side yard setback
Project Name:	E. Liberty Street Variance
Location:	1001 E. Liberty Street
Owner:	Phoenix House, LLC
Applicant:	Jeff Rawlins – Architectural Artisans
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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.

Note: Prior to Agency testimony for this case, Chair Howard announced that the next five items on today's agenda (Numbers 5 through 9) are related and will be presented together.

Agency testimony:

01:12:39 Zach Schwager presented the case(s) and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Jeff Rawlins, 213 S. Shelby, Louisville, KY 40202

Summary of testimony of those in favor:

01:21:57 Jeff Rawlins spoke in favor of the request (see recording for detailed presentation).

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0142

The following spoke neither for nor against the request:
Jasmine Tate, 941 E. Liberty Street, Louisville, KY 40204

Summary of testimony of those neither for nor against:

01:26:29 Jasmine Tate spoke neither for nor against the request. Ms. Tate asked a for clarification on why signatures from neighbors are not required (see recording for detailed presentation).

01:27:31 Zach Schwager explained the Public Hearing and Noticing procedures (see recording for detailed presentation).

01:30:17 Jeff Rawlins provided additional clarification (see recording for detailed presentation).

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

REBUTTAL:

01:31:45 Jeff Rawlins declined rebuttal (see recording for detailed presentation).

01:32:02 Board Members' deliberation

01:32:52 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, because the proposed structures must 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 structures were approved by the NuLu Review Overlay Committee, and

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0142

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as if the subject properties were in a residential zoning district, variances would not be required. Variances are required in this situation because the properties are zoned OR-2 Office/Residential and could potentially change to a non-residential use; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0142 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow new single-family residential structures to encroach into the side yard setback **(Side Yard Requirement 5 ft., Request 3 ft., Variance 2 ft.)**.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0143

Request:	Variance to allow a new single-family residential structure to encroach into the side yard setbacks
Project Name:	E. Jefferson Street Variance
Location:	934 E. Jefferson Street
Owner:	Phoenix House, LLC
Applicant:	Jeff Rawlins – Architectural Artisans
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

NOTE: Zach Schwager presented this case with Item #5 on today's agenda (presentation at Time Stamp 01:12:39, Page 10 of these Minutes - see staff report and recording for detailed presentation).

01:34:41 On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution, based upon the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variances will not adversely affect the public health, safety or welfare, because the proposed structures must be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variances will not alter the essential character of the general vicinity as the structures were approved by the NuLu Review Overlay Committee, and

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0143

WHEREAS, the Board further finds that the requested variances will not cause a hazard or nuisance to the public because the structures must be constructed to comply with all building codes, and

WHEREAS, the Board further finds that the requested variances will not allow an unreasonable circumvention of the zoning regulations as if the subject properties were in a residential zoning district, variances would not be required. Variances are required in this situation because the properties are zoned OR-2 Office/Residential and could potentially change to a non-residential use; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0143 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow new single-family residential structures to encroach into the side yard setbacks **(Western Side Yard Requirement 5 ft., Request 2 ft., Variance 3 ft.; Eastern Side Yard Requirement 5 ft., Request 4 ft., Variance 1 ft.)**.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0144

Request:	Variance to allow a new single-family residential structure to encroach into the side yard setbacks
Project Name:	E. Jefferson Street Variance
Location:	930 E. Jefferson Street
Owner:	Phoenix House, LLC
Applicant:	Jeff Rawlins – Architectural Artisans
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

NOTE: Zach Schwager presented this case with Item #5 on today's agenda (presentation at Time Stamp 01:12:39, Page 10 of these Minutes - see staff report and recording for detailed presentation).

01:36:31 On a motion by Vice Chair Leanhart, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variances will not adversely affect the public health, safety or welfare, because the proposed structures must be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variances will not alter the essential character of the general vicinity as the structures were approved by the NuLu Review Overlay Committee, and

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0144

WHEREAS, the Board further finds that the requested variances will not cause a hazard or nuisance to the public because the structures must be constructed to comply with all building codes, and

WHEREAS, the Board further finds that the requested variances will not allow an unreasonable circumvention of the zoning regulations as if the subject properties were in a residential zoning district, variances would not be required. Variances are required in this situation because the properties are zoned OR-2 Office/Residential and could potentially change to a non-residential use; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0144 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow new single-family residential structures to encroach into the side yard setbacks **(Western Side Yard Requirement 5 ft., Request 2 ft., Variance 3 ft.; Eastern Side Yard Requirement 5 ft., Request 4 ft., Variance 1 ft.)**.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0145

Request:	Variance to allow a new single-family residential structure to encroach into the side yard setback
Project Name:	S. Wenzel Street Variance
Location:	317 S. Wenzel Street
Owner:	Phoenix House, LLC
Applicant:	Jeff Rawlins – Architectural Artisans
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

NOTE: Zach Schwager presented this case with Item #5 on today's agenda (presentation at Time Stamp 01:12:39, Page 10 of these Minutes - see staff report and recording for detailed presentation).

01:38:58 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, because the proposed structures must 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 structures were approved by the NuLu Review Overlay Committee, and

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0145

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as if the subject properties were in a residential zoning district, variances would not be required. Variances are required in this situation because the properties are zoned OR-2 Office/Residential and could potentially change to a non-residential use; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0145 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow new single-family residential structures to encroach into the side yard setback **(Side Yard Requirement 5 ft., Request 3 ft., Variance 2 ft.)**.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0146

Request:	Variance to allow a new single-family residential structure to encroach into the side yard setbacks
Project Name:	E. Jefferson Street Variance
Location:	912 E. Jefferson Street
Owner:	Phoenix House, LLC
Applicant:	Jeff Rawlins – Architectural Artisans
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

NOTE: Zach Schwager presented this case with Item #5 on today's agenda (presentation at Time Stamp 01:12:39, Page 10 of these Minutes - see staff report and recording for detailed presentation).

01:40:52 On a motion by Vice Chair Leanhart, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variances will not adversely affect the public health, safety or welfare, because the proposed structures must be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variances will not alter the essential character of the general vicinity as the structures were approved by the NuLu Review Overlay Committee, and

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0146

WHEREAS, the Board further finds that the requested variances will not cause a hazard or nuisance to the public because the structures must be constructed to comply with all building codes, and

WHEREAS, the Board further finds that the requested variances will not allow an unreasonable circumvention of the zoning regulations as if the subject properties were in a residential zoning district, variances would not be required. Variances are required in this situation because the properties are zoned OR-2 Office/Residential and could potentially change to a non-residential use; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0146 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow new single-family residential structures to encroach into the side yard setback **(Western Side Yard Requirement 5 ft., Request 2 ft., Variance 3 ft.; Eastern Side Yard Requirement 5 ft., Request 4 ft., Variance 1 ft.)**.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

01:42:35 Meeting was recessed.

01:49:12 Meeting was reconvened.

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0088

Request:	Variances to allow a principal structure to encroach into the required side yard setback on an infill lot and a private yard area to be less than the required 20% of the area of a lot
Project Name:	Brent Variance
Location:	944 Brent Street
Owner(s):	Spratt Enterprises, LLC
Applicant:	William Spratt
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

01:49:49 Zach Schwager presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:
William Spratt, 944 Brent Street, Louisville, KY 40204
Ryan Brown, 8104 Bella Woods Drive, Louisville, KY 40214

Summary of testimony of those in favor:

01:54:25 William Spratt spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:56:15 Ryan Brown spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0088

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

02:03:08 Board Members' deliberation

02:03:37 On a motion by Member Seale, seconded by Member Bond, 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 5.1.10.F to allow a principal structure to encroach into the required side yard setback:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the proposed addition must be constructed to comply with all building codes, including fire codes; however, staff is concerned that the variance could adversely affect the adjacent property owner because construction and maintenance of the structure may require encroachment onto the neighboring property. According to the applicant they have made several attempts to contact the affected property owner, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed addition will be of similar design to other structures in the area, and

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed addition will be a same distance from the side property lines as the existing structure; and

Variance from Land Development Code Section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot:

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0088

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 proposed addition will be of similar design to other structures in the area, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed 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 the proposed addition will allow for open space along the Southern property line and the private yard area will be of similar design to other yards in the neighborhood; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0088 does hereby **APPROVE** Variance from Land Development Code Section 5.1.10.F to allow a principal structure to encroach into the required side yard setback **(North Side Yard Requirement 2.5 ft., Request 0.97 ft., Variance 1.53 ft.)**, and Variance from Land Development Code Section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot **(Private Yard Area Requirement 463 sf, Request 148.5 sf, Variance 314.5 sf)**.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

02:06:26 Emily Liu, Planning & Design Services Director, stated the applicant will be allowed to move forward immediately instead of waiting another three weeks for the minutes. Ms. Liu advised the applicant to work with Mr. Schwager to send an email to Construction Review to let them know the variance has been approved (see recording for detailed presentation).

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0120

Request:	Category 3 Development Plan with a Variance to allow structures to exceed the maximum setback for corner lots in a traditional form district
Project Name:	Mix Ave Self Storage
Location:	632 Mix Ave and 632 Davies Ave
Owner(s):	CDK Development LLC
Applicant:	CDK Development LLC
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Jay Luckett, 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:

02:08:02 Jay Luckett presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
John Addington, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in favor:

02:13:47 John Addington spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0120

02:21:45 Board Members' deliberation

02:23:26 On a motion by Member Bond, seconded by Member Seale, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Variance to exceed the maximum 5' corner lot setback for Traditional Form districts along S. 7th St. and Davies Ave. by up to 50 feet as shown on the proposed development plan:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect public health, safety, or welfare as the proposed variance does not impede the safe movement of pedestrians or vehicles, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there are a wide variety of industrial, commercial and residential uses with varied setbacks in the area, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the development will follow all building and safety requirements, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations as there are a range of uses and site designs in the area. The variance will allow for minimal disturbance of existing slopes and mature trees in on the subject site; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0120 does hereby **APPROVE** Variance to exceed the maximum 5' corner lot setback for Traditional Form districts along S. 7th St. and Davies Ave. by up to 50 feet as shown on the proposed development plan.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0120

02:24:47 On a motion by Member Bond, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that all of the applicable Guidelines and Policies of the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0120 (20-CAT3-0013) does hereby **APPROVE** Category 3 Development Plan.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0122

Request:	Variance to allow an addition to an existing structure to encroach into the required infill front yard setback
Project Name:	Lightfoot Road Variance
Location:	434 Lightfoot Road
Owner:	Sarah & Nana Mizuguchi
Applicant:	Darren Taylor – Gibson Taylor Thompson
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.

02:26:22 Prior to Agency testimony, Chair Howard stated the Board has received many emails in opposition, and a petition signed by forty neighbors (see recording for detailed presentation).

02:26:50 Chris French, Planning & Design Supervisor, stated staff has received a request from some of the opposition that the case be continued. Chair Howard stated she is not sure she had received that. Joe Haberman, Planning & Design Manager, stated Steve Porter who represents several of the neighbors is asking to speak before Zach gets into his presentation. Mr. Haberman stated he believes he is going to make an argument for a continuance (see recording for detailed presentation).

02:27:59 Laura Ferguson, Legal Counsel, stated the Board could certainly consider continuing the case, and it would be better to consider it before going through the staff presentation. Ms. Ferguson stated if we're going to hear from Mr. Porter about asking for a continuance, she thinks we'd also have to hear from the applicant as to whether they're willing to continue the case. Ms. Ferguson responded to questions from the Board Members (see recording for detailed presentation).

02:29:40 Steve Porter stated they do not need to have a deferral and will proceed today (see recording for detailed presentation).

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0122

Agency testimony:

02:30:41 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Darren Taylor, 239 North Mill Street, Lexington, KY 40507

Summary of testimony of those in favor:

02:39:50 Darren Taylor spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:
Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299
Cynthia Rounsavall, 432 Lightfoot Road, Louisville, KY 40207
Juliet Gray, 428 Lightfoot Road, Louisville, KY 40207
Larry Telle, 442 Lightfoot Road, Louisville, KY 40207
Walker Stites, 500 Lightfoot Road, Louisville, KY 40207

Summary of testimony of those in opposition:

02:44:02 Steve Porter spoke in opposition of the request. Mr. Porter stated he represents, besides the neighbors next door at 342 Lightfoot, the Mockingbird Valley Preservation Alliance, Inc. Mr. Porter provided a brief background on this neighborhood. Mr. Porter discussed the Mockingbird Valley Neighborhood Plan and he thinks it applies from the standpoint of the character of the neighborhood. Mr. Porter stated the setbacks in the area are nowhere near thirty feet. Mr. Porter described other properties in the area (see recording for detailed presentation).

03:01:40 Cynthia Rounsavall spoke in opposition of the request. Ms. Rounsavall stated they want to preserve the history and respect the architecture of the past (see recording for detailed presentation).

03:05:06 Juliet Gray spoke in opposition of the request. Ms. Gray stated they do have a bigger garage, but it is at the rear of the property. Ms. Gray stated they hope to

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0122

stick with the building codes and guidelines as they exist (see recording for detailed presentation).

03:06:45 Larry Telle spoke in opposition of the request (see recording for detailed presentation).

03:09:34 Walker Stites spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

03:12:40 Darren Taylor spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

03:16:00 Steve Porter requested the Board deny this application and let Mr. Taylor know that his clients and other neighbors would be glad to meet with him to possibly come up with some other solution (see recording for detailed presentation).

03:16:31 Board Members' deliberation

03:18:14 On a motion by Member Seale, seconded by Member Buttorff, the following resolution, based upon the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will alter the essential character of the general vicinity based upon the customary setbacks in the neighborhood; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** Case Number 20-VARIANCE-0122, Variance from Land Development Code Section 5.1.12.B.2.a to allow a principal structure to encroach into the required infill front yard setback.

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0122

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0128

Request:	Variance to allow an accessory structure to encroach into the side yard setback
Project Name:	S. 1st Street Variance
Location:	1430 S. 1st Street
Owner/Applicant:	Laura & Nash Neely
Jurisdiction:	Louisville Metro
Council District:	6 – David James
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:

03:21:16 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Laura Neely, 1430 S. 1st Street, Louisville, KY 40208

Summary of testimony of those in favor:

03:27:42 Laura Neely spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0128

03:37:04 Board Members' deliberation

03:37:51 On a motion by Member Bond, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Board further finds that the requested variance will not adversely affect the public health, safety or welfare, because the proposed accessory structure must 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 structure was approved by the Old Louisville Architectural Review Committee, and

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed accessory structure will have a similar side yard setback as other similar structures in the area. The applicant has also provided staff with a letter from the affected property owner allowing access for construction and maintenance of the proposed accessory structure; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0128 does hereby **APPROVE** Variance from Land Development Code Section 5.4.1.E.5 to allow an accessory structure to encroach into the side yard setback **(Side Yard Requirement 2 ft., Request 0 ft., Variance 2 ft.)**.

The vote was as follows:

Yes: Members Buttorff, Bond, and Chair Howard
No: Member Seale, and Vice Chair Leanhart
Absent: Member Jagoe

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0130

Request:	Variance to allow a structure and parking to encroach into the 15' front and street side setback
Project Name:	Wallingford Lane Townhouse
Location:	4200 Wallingford Ln
Owner(s):	SYR International Inc
Applicant:	SYR International Inc
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Jay Luckett, 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:

03:39:36 Jay Luckett presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Mike Hill, 503 Washburn Ave., Louisville, KY 40222

Summary of testimony of those in favor:

03:42:10 Mike Hill 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.

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0130

03:49:42 Board Members' deliberation

03:51:01 On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Board further finds that the requested variance will not adversely affect public health, safety, or welfare as the proposed variance does not impede the safe movement of pedestrians or vehicles, and the proposed development will be in keeping with the character of the area, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there are a mix of single family and multifamily housing and commercial designs within the area, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the development will follow all building and safety requirements, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations as there are a range of site designs and housing types in the area. The variance will allow for a previously developed site to be redeveloped into additional housing variety that complements other uses in the area; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0130 does hereby **APPROVE** Variance from Table 5.3.1 to allow a building and parking area to encroach into the 15' minimum required front and street side yards by up to 10 feet as shown on the proposed development plan.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0131

Request:	Variance to allow a second story addition to an existing structure to encroach into the side yard setback
Project Name:	Camp Street Variance
Location:	718 Camp Street
Owner:	CT Real Estate Investments, LLC
Applicant:	Travis Thomas – CT Real Estate Investments, LLC
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

03:54:23 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Greg Kelley, 326 Heritage Hill Pkwy., Shepherdsville, KY 40165

Summary of testimony of those in favor:

03:58:04 Greg Kelley spoke in favor of the request and showed a Powerpoint presentation. Mr. Kelley responded to questions from the Board Members (see recording for detailed presentation).

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

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0131

04:03:39 Board Members' deliberation

04:05:34 On a motion by Member Buttorff, 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 Board further finds that the requested variance will not adversely affect the public health, safety or welfare, because the proposed addition must be constructed to comply with all building codes, including fire codes; however, staff is concerned that the variance could adversely affect the adjacent property owner because construction and maintenance of the structure may require encroachment onto the neighboring property, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there are other two-story structures on the block, and

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed addition will be the same distance from the side property line as the existing structure; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0131 does hereby **APPROVE** Variance from Land Development Code Section 5.1.10.F to allow a second story addition to an existing structure to encroach into the required side yard setback **(Side Yard Requirement 2.5 ft., Request 0.25 ft., Variance 2.25 ft.)**, **SUBJECT** to the following Condition of Approval.

Condition of Approval:

1. The applicant shall satisfy to staff that they have either received a letter or made every attempt to notify the adjoining property owner within thirty days.

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0131

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0132

Request:	Variance to allow a fence in the front side yard in a Neighborhood Form District to exceed 48 inches in height
Project Name:	Vaughn Mill Variance
Location:	7511 Vaughn Mill Rd
Owner(s):	Greg and Mary Stickler
Applicant:	Greg Stickler
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
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:

04:08:37 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Greg Stickler, 7509 Stickler Place, Louisville, KY 40228

Summary of testimony of those in favor:

04:11:45 Greg Stickler spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

04:22:28 Mr. Schwager showed the survey of the property (see recording for detailed presentation).

04:24:00 Mr. Stickler responded to questions from the Board Members (see recording for detailed presentation).

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0132

The following spoke in opposition of the request:
Alice Mosely, 7305 Outer Loop, Louisville, KY

Summary of testimony of those in opposition:

04:31:11 Alice Mosely spoke in opposition of the request (see recording for detailed presentation).

04:34:08 Mr. Stickler responded to questions from the Board Members (see recording for detailed presentation).

04:38:22 Board Members' deliberation

04:42:10 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 Board further finds that the requested variance will alter the essential character of the general vicinity as are there are no similar fences in the surrounding area. However, this area has a mix of residential and commercial uses, and

WHEREAS, the Board further finds that the requested variance will cause a hazard or nuisance to the public as the fence will obstruct sight lines or create a hazard for the neighbors at 7305 Outer Loop and obstruct their view of the street, and

WHEREAS, the Board further finds that the requested variance will allow an unreasonable circumvention of the zoning regulations as there is enough space on the lot for the applicant to meet the required setback; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0132 does hereby **DENY** Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence in the front side yard in a Neighborhood Form District to exceed 48 inches in height.

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0132

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

04:46:28 Meeting was recessed.

04:51:07 Meeting was reconvened.

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0135

Request:	Variance to allow an accessory structure to encroach into the required side yard setback
Project Name:	Hawthorne Variance
Location:	2528 Hawthorne Avenue
Owner(s):	Michael Laun
Applicant:	Wayne Fields
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:

04:51:45 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Michael Laun, 2528 Hawthorne Ave., Louisville, KY 40205

Summary of testimony of those in favor:

04:55:11 Michael Laun spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0135

04:58:18 Board Members' deliberation

04:58:41 On a motion by Member Seale, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Board further 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. Additionally, the applicant has obtained a letter from the affected property owner granting access to their property during construction and for 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 addition to detached garage will be of a similar placement on the property as the existing garages in the surrounding area, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed 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 the proposed addition will be a similar distance from the side property line as the existing garage; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0135 does hereby **APPROVE** Variance from Land Development Code Section 5.4.2.C to allow an accessory structure to encroach into the required side yard setback **(West Side Yard Requirement 2 ft., Request 0 ft., Variance 2 ft.)**.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

PUBLIC HEARING

CASE NUMBER 20-CUP-0110

Request:	Conditional Use Permit to allow a short term rental of a dwelling that is not the primary residence of the host
Project Name:	722 E. Kentucky St. CUP
Location:	722 East Kentucky Street
Owner:	Nadine Appelt
Attorney:	Michael Marks, Wetterer & Clare Attorneys at Law
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

05:01:19 Steve Hendrix presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Michael Marks, 2933 Bowman Ave., Louisville, KY 40205

Summary of testimony of those in favor:

05:04:41 Michael Marks spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

PUBLIC HEARING

CASE NUMBER 20-CUP-0110

05:12:13 Board Members' deliberation

05:17:00 On a motion by Vice Chair Leanhart, seconded by Member Bond, the following resolution, based upon the testimony heard today, was adopted:

WHEREAS, the Board further finds that the request does not meet all of the listed requirements and the Conditional Use Permit cannot be approved; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0110 does hereby **DENY** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

PUBLIC HEARING

CASE NUMBER 20-CUP-0120

Request:	Conditional Use Permit to allow a private institutional use and variance to exceed the maximum setback
Project Name:	Hope City Church addition
Location:	7515 3rd Street Road
Owner/Applicant:	River City Worship Center Church of God, Inc.
Jurisdiction:	Louisville Metro
Council District:	13 – Mark Fox
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

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

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

Agency testimony:

05:19:00 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Mike Hill, 503 Washburn Ave., Louisville, KY 40222

Summary of testimony of those in favor:

05:23:14 Mike Hill spoke in favor of the request and showed a Powerpoint presentation. Mr. Hill responded to questions from the Board Members (see recording for detailed presentation).

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

PUBLIC HEARING

CASE NUMBER 20-CUP-0120

05:33:12 Board Members' deliberation

05:34:53 On a motion by Member Bond, seconded by Member Seale, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Conditional Use Permit to allow a private institutional use:

WHEREAS, the Board further finds that the proposal meets all applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that the proposed improvements are compatible with surrounding development and land uses, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal, and

WHEREAS, the Board further finds that:

Private institutional uses, except for such uses specifically regulated elsewhere in this LDC, may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line and all off-street parking shall be at least 30 feet from any property line. ***The existing parking is approximately 8 feet from the north property line.***

B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated. ***The proposal has been approved by Transportation Planning. Transportation Planning did not request a traffic study, but the applicant submitted traffic counts for the use.***

C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined

PUBLIC HEARING

CASE NUMBER 20-CUP-0120

by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use. ***There is existing off-street parking located in front of the sanctuary.***

D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).

E. The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0120 does hereby **APPROVE** Conditional Use Permit to allow a private institutional use, with **RELIEF** from Standard 4A and 4C due to the existing conditions of the property, and **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.

2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a private institutional use until further review and approval by the Board.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

05:38:12 On a motion by Member Bond, seconded by Member Seale, 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 5.3.2 to allow proposed structure to exceed the maximum 80 feet front yard setback:

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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 located away from residential uses, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the structure will be part of an existing development, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the structure will be situated away from residential uses, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations because the structure will be added to the existing sanctuary and not be a stand-alone structure; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0120 (20-VARIANCE-0125) does hereby **APPROVE** Variance from Land Development Code Table 5.3.2 to allow proposed structure to exceed the maximum 80 feet front yard setback **(Front Yard Setback Requirement 80 feet, Request 260 feet, Variance 180 feet)**.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

The meeting adjourned at approximately 6:50 p.m.

_____
Chair

_____
Secretary