

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

**February 15, 2021**

A meeting of the Louisville Metro Board of Zoning Adjustment was held on February 15, 2021 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

**Members Present:**

Lula Howard, Chair  
Michael Seale, Vice Chair  
Sharon Bond, Secretary  
Richard Buttorff  
Lindsey Jagoe

**Members Absent:**

Kimberly Leanhart

**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  
Rachel Mandell, Planner I  
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 February 15, 2021 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**FEBRUARY 1, 2021 BOARD OF ZONING ADJUSTMENT ANNUAL MEETING MINUTES**

**00:06:50** On a motion by Vice Chair 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 February 1, 2021 Board of Zoning Adjustment Annual online meeting.

**The vote was as follows:**

**Yes: Members Bond, Jagoe, Vice Chair Seale, and Chair Howard**

**Abstain: Member Buttorff**

**Absent: Member Leanhart**

**FEBRUARY 1, 2021 BOARD OF ZONING ADJUSTMENT REGULAR MEETING MINUTES**

**00:07:40** On a motion by Vice Chair 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 February 1, 2021 Board of Zoning Adjustment Regular online meeting.

**The vote was as follows:**

**Yes: Members Bond, Jagoe, Vice Chair Seale, and Chair Howard**

**Abstain: Member Buttorff**

**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**BUSINESS SESSION**

**CASE NUMBER 20-CUP-0141**

Request:	Waive the 1 year rule to allow the applicant to submit a new plan for the construction of an accessory apartment
Project Name:	Hager Accessory Apartment
Location:	105 Dorsey Way
Owner/Applicant:	Edward Hager, III
Jurisdiction:	Louisville Metro
Council District:	18 – Marilyn Parker
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 5<sup>th</sup> 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:**

**00:09:06** Jon Crumbie presented the case and responded to questions from the Board Members (see staff report and recording for detailed presentation).

**00:13:34** On a motion by Member Seale, seconded by Member Bond, the following resolution, based upon the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that there are substantial changes to the plan; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0141 does hereby **APPROVE** the request to Waive the 1 year rule to allow the applicant to submit a new plan for the construction of an accessory apartment.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**BUSINESS SESSION**

**CASE NUMBER 20-CUP-0141**

**The vote was as follows:**

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

**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0166**

Request:	Variance and waivers to allow a drive-thru lane to encroach into the required side yard setback, to not provide the 25ft landscape buffer area and to allow VUA to encroach into the parkway buffer area
Project Name:	Bardstown Road Variance
Location:	7701 & 7703 Bardstown Rd
Owner/Applicant:	Newton Enterprises, LLC/Emily Estes
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Rachel Mandell, 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 5<sup>th</sup> 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:**

**00:15:52** Rachel Mandell presented the case and showed a Powerpoint presentation. Ms. Mandell responded to questions from the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Emily Estes, 737 S. 3<sup>rd</sup> Street, Louisville, KY 40202  
Mike Mays, 1301 W. Main Street, Louisville, KY 40203

**Summary of testimony of those in favor:**

**00:23:37** Emily Estes spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**00:28:04** Mike Mays spoke in favor of the request (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0166**

**00:30:37** Emily Estes responded to questions from the Board Members regarding concerns submitted by Teena Halbig (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**00:35:46 Board Members' deliberation**

**00:45:25** On a motion by Vice Chair Seale, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**Variance from Land Development Code Table 5.3.2 to allow a proposed drive thru lane 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. By locating the drive-thru lane and queuing spaces within the setback, the site can accommodate the drive-thru concept while still providing the required off street parking and screening requirements, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the site is primarily surrounded by commercial uses which generally do not require a side yard setback, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because this plan provides for additional landscaping and plantings that will reduce the nuisance in the future, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as alternatives for the placement of the drive-thru lane have been considered; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0166 does hereby **APPROVE** Variance from Land Development Code Table 5.3.2 to allow a proposed drive thru lane to encroach into the required side yard

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0166**

setback (Side Yard Requirement 15 ft., Request 5 ft., Variance 10 ft.), SUBJECT to the following Condition of Approval.

Condition of Approval:

1. The applicant shall provide trees similar to what is shown in the rendering provided by the applicant.

**The vote was as follows:**

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

**Absent: Member Leanhart**

**00:49:18** On a motion by Vice Chair Seale, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the applicant's justification statement, was adopted:

**Waiver from 10.2.4 to not provide the 25 ft. landscape buffer area between a commercial use and residentially zoned property:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners because the residentially zoned parcel prompting the landscape buffer is vacant. Additionally, the existing conditions of the site do not provide a landscape buffer area, and

**WHEREAS**, the Board further finds that Guideline 1, Policy 4 strives to ensure new development and redevelopment are compatible with scale and site design of nearby existing development with the desired pattern of development within the Form district. The waiver will not violate specific guidelines of Cornerstone 2040 as the proposal will allow for the redevelopment of the site in a manner that is appropriate for the form district. The waiver will not allow an unreasonable circumvention of the regulations or cause a hazard to the public, 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. Given the width of the lot, the waiver is needed in order to provide the space required to accommodate the drive-thru concept. Other areas of the site will provide landscaping, and the applicant must either provide the required trees in the buffer area or pay the fee in lieu, and

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0166**

**WHEREAS**, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the width of the lot would not accommodate the VUA necessary to have a drive-thru line if a 25ft landscape buffer area is required. The development proposal will increase the amount of landscaping that currently exists at the site; and

**Waiver from 10.3.5.A.7 to allow vehicular use area to encroach into the required parkway buffer area:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the adjacent property zoned residential is vacant and has frontage along a heavily traveled Parkway. The owner is not aware of an intention to develop the adjacent property with a residential use. The proposed driveway crossing utilizes the site for full traffic circulation within the site. This feature will help to reduce backup on Bardstown Road, and

**WHEREAS**, the Board further finds that the proposed development will improve the property and create a neighborhood space in-line with the comprehensive plan for this area, and

**WHEREAS**, the Board further finds that the waiver of this buffer is the minimum necessary to allow the site to be developed. Approximately 28% of the property is within the Bardstown Road Parkway Buffer. The proposed encroachment allows full circulation of the site. This feature will help prevent back-ups on Bardstown Road, and

**WHEREAS**, the Board further finds that the strict application of this buffer would severely restrict the re-development of this property. The re-development of this property will reduce the amount of pavement in the Buffer and provide the required plantings. This site will provide an amenity to the neighborhood; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0166 (20-WAIVER-0132) does hereby **APPROVE** Waiver from 10.2.4 to not provide the 25 ft. Landscape Buffer Area between a commercial use and residentially zoned property, and Waiver from 10.3.5.A.7 to allow vehicular use area to encroach into the required parkway buffer area.

**The vote was as follows:**

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



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0179**

Request:	Variance to allow an addition to an existing accessory structure to encroach into the required side yard setback
Project Name:	Keswick Boulevard Variance
Location:	2407 Keswick Boulevard
Owner/Applicant:	David Sullivan
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
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 5<sup>th</sup> 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:**

**00:53:09** 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:**

David Sullivan, 2407 Keswick Blvd., Louisville, KY

**Summary of testimony of those in favor:**

**00:57:33** David Sullivan 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.

**01:01:00 Board Members' deliberation**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0179**

**01:01:26** On a motion by Member Jagoe, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the proposed 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 to the south because construction and maintenance of the structure may require encroachment onto the property. Based upon testimony heard today, the Board finds that this Standard is met, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there are multiple other accessory structures similar in size on adjoining properties, 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 lines as the existing structure; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0179 does hereby **APPROVE** Variance from Land Development Code Section 5.4.2.C.3.a to allow an addition to an existing accessory structure to encroach into the required side yard setback (**South Side Yard Requirement 2 ft., Request 0 ft., Variance 2 ft.**).

**The vote was as follows:**

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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0003**

Request:	Variance to allow a fence in the street side yard setback to exceed 48 inches in height in the Neighborhood Form District
Project Name:	Lincoln Avenue Variance
Location:	1500 Lincoln Avenue
Owner:	Good Measure Homes, LLC
Applicant:	Michael Stevens – Good Measure Homes, LLC
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
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 5<sup>th</sup> 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:**

**01:03:40** 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:**

Michael Stevens, 1610 Forest Hill, Louisville, KY

**Summary of testimony of those in favor:**

**01:13:41** Michael Stevens spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0003**

**01:33:20**      **Board Members' deliberation**

**01:37:51**      Public Hearing was reopened to discuss a modification to the height of the fence with Mr. Stevens (see recording for detailed presentation).

**01:39:56**      **Board Members' deliberation**

**01:41:01**      On a motion by Vice Chair 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 not alter the essential character of the general vicinity as there are other privacy fences that exceed the maximum height in front and street side yard setbacks in the area, and

**WHEREAS**, the Board further finds that the applicant's justification statement adequately justifies this request; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0003 does hereby **APPROVE** Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence in the street side yard setback in a Neighborhood Form District to exceed 48 inches in height (**Street Side Yard Requirement 48 in., Request (as amended and agreed to by the applicant) 60 in., Variance (as amended and agreed to by the applicant) 12 in.**). **NOTE:** This approval allows the fence at the rear property line to be 84 inches in height.

**The vote was as follows:**

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

**Absent: Member Leanhart**

**01:46:24**      **Meeting was recessed.**

**01:52:31**      **Meeting was reconvened.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**PUBLIC HEARING**

**CASE NUMBER 20-NONCONFORM-0034**

Request:	Change in Nonconforming Use from a Pool Supply Company to Sixteen Dwelling Units
Project Name:	Franklin Street Change in Nonconformance
Location:	935 Franklin St.
Owner:	Hilltech Properties LTD
Applicant:	Clifford Ashburner
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Rachel Mandell, 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 5<sup>th</sup> 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:**

**01:53:00** Rachel Mandell presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Cliff Ashburner, 101 S. Fifth Street, Suite 2500, Louisville, KY 40202

**Summary of testimony of those in favor:**

**01:58:13** Cliff Ashburner spoke in favor of the request and showed a Powerpoint presentation. Mr. Ashburner responded to questions from the Board Members (see recording for detailed presentation).

**02:26:57** Joe Haberman responded to questions from Chair Howard regarding the appropriateness of using Comp Plan 2040 for nonconforming use, the suggested zoning change, and floor area ratio (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**PUBLIC HEARING**

**CASE NUMBER 20-NONCONFORM-0034**

**02:29:02** Mr. Ashburner stated he offered the portions of the Neighborhood Plan as evidence with regard to the odiousness question (see recording for detailed presentation).

**02:30:14** Laura Ferguson, Legal Counsel, added that with any case of change in nonconforming use there's always the possibility that a zone change could also accomplish it, so even if a zone change could be appropriate it is still appropriate to look at the change in nonconforming use (see recording for detailed presentation).

**02:31:39** Rachel Mandell and Joe Haberman responded to a question from Member Bond regarding the floor area ratio (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**02:37:03 Board Members' deliberation**

**02:44:45** On a motion by Member Buttorff, seconded by Vice Chair Seale, the following resolution, based upon the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the new nonconforming use is in the same or more restrictive classification of the first nonconforming use, and

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

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-NONCONFORM-0034 does hereby **APPROVE** Change in nonconforming use from a pool supply company to sixteen dwelling units.

**The vote was as follows:**

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

**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**PUBLIC HEARING**

**CASE NUMBER 20-CUP-0160**

Request:	Conditional Use Permit to allow short term rental of a dwelling unit in the TNZD that is the primary residence of the host
Project Name:	Sreenivas short term rental
Location:	1386 South 6th Street
Owner/Applicant:	Aruna Sreenivas
Jurisdiction:	Louisville Metro
Council District:	6 – David James
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 5<sup>th</sup> 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:**

**02:47:09** Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie and Mr. Haberman responded to questions from the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Shreeya Pallavarapu, 4626 Crossfield Circle, Louisville, KY 40241  
Aruna Sreenivas, 4626 Crossfield Circle, Louisville, KY 40241

**Summary of testimony of those in favor:**

**02:59:52** Shreeya Pallavarapu spoke in favor of the request and responded to questions from the Board Members. Ms. Pallavarapu stated this was not her primary residence at the present time (see recording for detailed presentation).

**03:02:23** Joe Haberman stated she is required to submit a registration within thirty days, and they would not be able to approve that registration application until it is her

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**PUBLIC HEARING**

**CASE NUMBER 20-CUP-0160**

primary residence, so the Board may want to consider adding some additional time for her to establish primary residency. Otherwise, she may end up with a voided Conditional Use Permit (see recording for detailed presentation).

**03:03:27** Ms. Pallavarapu continued her testimony and responded to questions from the Board Members (see recording for detailed presentation).

**03:05:45** Aruna Sreenivas spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**03:11:57** Chair Howard stated the Board has received some letters in opposition this weekend (see recording for detailed presentation).

**03:12:25** Laura Ferguson, Legal Counsel, stated the requirement is that they have to be registered within thirty days of issuance of the CUP, so she's not seeing where we have the flexibility to grant more time on that. Joe Haberman stated that is a letter standard, and any letter standard for a Conditional Use Permit can be adjusted by the Board (see recording for detailed presentation).

**03:13:57** Chair Howard stated the letter in opposition indicated no one is living in the house now and they have not seen any activity in the house for several months. Ms. Sreenivas stated they are very activity involved in the house and they are there almost every day and they have a property manager who is overlooking the house (see recording for detailed presentation).

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

**03:15:57 Board Members' deliberation**

**03:23:21** 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:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 20-CUP-0160 to a Date Uncertain until proof of residency is provided to Planning & Design staff.



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**PUBLIC HEARING**

**CASE NUMBER 20-CUP-0160**

**NOTE: Member Jagoe left the meeting at approximately 3:30 p.m.**

**The vote was as follows:**

**Yes: Members Buttorff, Bond, Vice Chair Seale, and Chair Howard**

**Absent: Members Leanhart, and Jagoe**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**PUBLIC HEARING**

**CASE NUMBER 20-APPEAL-0009**

Request:	Appeal of an administrative decision concerning nonconforming rights for the rear portion of the building to be used as multi-family
Project Name:	West Chestnut Street Appeal
Location:	2601 West Chestnut Street
Owner(s):	Jean Manganero
Appellant:	Katheryn Higgins
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
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 5<sup>th</sup> 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:**

**03:25:53** Joe Haberman stated the appellant is here but the attorney for the appellant is not here. Mr. Haberman stated the attorney for the property owner is here and has indicated he is okay with a continuance so long as it is only to the next regularly scheduled meeting (see staff report and recording for detailed presentation).

**03:26:39** Brian Davis stated the attorney for the appellant has indicated the next meeting date should be okay (see recording for detailed presentation).

**03:27:19** Nick Pregliasco stated he does not need to speak unless there are questions (see recording for detailed presentation).

**03:27:35** Laura Ferguson, Legal Counsel, stated we can just continue to the next meeting because everyone is going to need to be able to hear the witnesses and question the witnesses (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

**PUBLIC HEARING**

**CASE NUMBER 20-APPEAL-0009**

**03:28:18** On a motion by Vice Chair Seale, seconded by Member Buttorff, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 20-APPEAL-0009 to the March 1, 2021 Board of Zoning Adjustment meeting.

**The vote was as follows:**

**Yes: Members Buttorff, Bond, Vice Chair Seale, and Chair Howard**

**Absent: Members Leanhart, and Jagoe**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 15, 2021**

The meeting adjourned at approximately 4:30 p.m.

---

**Chair**

---

**Secretary**