

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

May 3, 2021

A meeting of the Louisville Metro Board of Zoning Adjustment was held on May 3, 2021 at 1:00 p.m. online via Cisco Webex Video Conferencing.

Members Present:

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

Members Absent:

Yani Vozos
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
Molly Clark, 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 May 3, 2021 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

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APRIL 19, 2021 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:05:43 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 April 19, 2021 Board of Zoning Adjustment online meeting.

The vote was as follows:

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

Abstain: Member Jagoe

Absent: Member Vozos, and Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
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BUSINESS SESSION

CASE NUMBER 21-MCUP-0002

Request:	Modified Conditional Use Permit for a new accessory structure and an addition to the existing hospital
Project Name:	Norton Audubon Hospital Modified Conditional Use Permit
Location:	2355 Poplar Level Road
Owner:	Faulkner Hinton Audubon II LLC
Applicant:	Adam Lewis – Norton Hospitals, Inc.
Representative:	Chris Brown – BTM Engineering, Inc.
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 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:

00:07:22 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).

00:11:14 On a motion by Vice Chair 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 Louisville Metro Board of Zoning Adjustment finds that the proposal meets all applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses, and

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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:

Hospitals and medical clinics may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. In form districts where nonresidential freestanding signs are not permitted, a single freestanding on-premise sign, not exceeding 80 square feet in area and not exceeding 10 feet in height, may be placed at each major entrance. Attached signs shall be designed in accordance with form district requirements, but the Board reserves the right to approve the size and location of all attached signs. **No new signage proposed.**
- B. All buildings and structures shall be at least 30 feet from any property line. **This requirement is met.**
- C. Medical clinics shall provide an indoor waiting area(s) for clients. The waiting area shall be large enough to accommodate the clients arriving for services. **The proposed development is accessory to the existing hospital.**
- D. Parking for medical clinics shall be adequate to accommodate the maximum number of clients expected to be at the site at one time. **The proposed development is accessory to the existing hospital.**
- E. Such facilities shall be located on or near a collector or arterial street with reasonable access to public transportation. **This requirement is met;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-MCUP-0002 does hereby **APPROVE** Modified Conditional Use Permit for a new accessory structure and an addition to the existing hospital **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

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

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CASE NUMBER 21-MCUP-0002

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 the proposed modified conditional use permit for a hospital until further review and approval by the Board.

The vote was as follows:

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

Absent: Members Vozos, and Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES

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PUBLIC HEARING

CASE NUMBER 21-NONCONFORM-0007

Request: To determine if nonconforming rights for three units was abandoned
Project Name: East Washington Street Nonconforming Rights
Location: 1335 E Washington Street
Owner(s): Rosenstein Family Holdings LLC
Applicant: Debbie Rosenstein
Jurisdiction: Louisville Metro
Council District: 4 – Jecorey Arthur
Case Manager: Rachel Mandell, AICP, Planner I

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

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

Agency testimony:

00:13:09 Chris French, Planning & Design Supervisor, presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Debbie Rosenstein, 1217 Crown Ave., Louisville, KY 40204

Summary of testimony of those in favor:

00:17:43 Debbie Rosenstein 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.

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PUBLIC HEARING

CASE NUMBER 21-NONCONFORM-0007

00:23:51 Board Members' deliberation

00:27:44 On a motion by Vice Chair Seale, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, the evidence and testimony heard today, and the use of the utility meters at the property, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the nonconforming use for three dwelling units was not abandoned; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** nonconforming rights for three dwelling units based on the determination that the nonconforming use was not abandoned.

The vote was as follows:

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

Absent: Members Vozos, and Leanhart

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0035

Request: A variance from 5.5.1.A.3.a to allow a proposed building to encroach into the 30' parkway setback with multiple landscape waivers

Project Name: A Proposed First Watch Category 2B with variances and waivers

Location: 4948 US Highway 42

Owner/Applicant: Frankfort Depot 2 LLC., Mike Hill – LD&D

Jurisdiction: Louisville Metro

Council District: 7 – Paula McCraney

Case Manager: Molly Clark, 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:

00:30:36 Molly Clark presented the case and showed a Powerpoint presentation. Ms. Clark 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., Suite 101, Louisville, KY 40222
Councilwoman Paula McCraney, 601 W. Jefferson St., Louisville, KY 40202
Paul Whitty, 223 Wynnewood Circle, Louisville, KY 40222

Summary of testimony of those in favor:

00:39:03 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).

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CASE NUMBER 21-VARIANCE-0035

00:59:09 Molly Clark stated KYTC reviewed this and they wanted that entrance gone as well, there were too many entrances. Chair Howard stated there are more entrances to that shopping center. Chair Howard stated there will also be a new connection from the bank (see recording for detailed presentation).

01:03:13 Chair Howard called Paul Whitty who had signed up to speak in support. Due to technical difficulties, Mr. Whitty's microphone was not working. Chair Howard called Councilwoman McCraney to speak (see recording for detailed presentation).

01:05:15 Councilwoman Paula McCraney spoke in favor of the request. Councilwoman McCraney stated she just happened to be at the site location. Councilwoman McCraney stated she was a little confused about the entrance, so she has a question about that, but she is excited about First Watch being at this location. Councilwoman McCraney asked for clarification on the entrance. Chair Howard stated the entrance in front will be closed, but there is another entrance and there will be a connection behind to the bank. Molly Clark stated the access between Goodwill and Arby's will stay open. Councilwoman stated she sees no problem with any of the propositions and the variance (see recording for detailed presentation).

01:09:37 Paul Whitty spoke in favor of the request. Mr. Whitty stated the only thing that hasn't been mentioned is signage. Mr. Whitty stated he wishes they might consider having a monument style sign (see recording for detailed presentation).

01:11:20 Mike Hill responded to Mr. Whitty's question regarding signage. Mr. Hill responded to questions from the Board Members. Molly Clark stated signage in parkways have to be monument style so if they do replace the sign it will have to be monument style (see recording for detailed presentation).

01:15:00 Mike Hill responded to a previous question regarding outdoor alcohol sales and consumption (see recording for detailed presentation).

01:17:07 Molly Clark responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:21:35 Board Members' deliberation

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0035

01:25:15 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 Section 9.1.4 to allow a proposed building to be located within the 30 foot building setback along US Highway 42:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the variance will not adversely affect the public health, safety or welfare because the proposed building will be located in the same area as the previous building (Arby's) and will not be a sight distance concern. Also, if US Highway 42 was not a parkway, the proposed development's setback would be 15 feet. The proposed building is set back at 11 feet from the front yard property line, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity because the proposed restaurant will match the existing commercial character that this subject property is surrounded by. The proposed restaurant will be going into the existing Holliday Manor shopping center, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because the proposed building is going in the same area as the existing Arby's is located now. The proposed building will be consistent the surrounding commercial developments, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations because the applicant is trying to use the existing parking lot for redevelopment. The current regulations do not allow the applicant to keep some of the existing conditions; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0035 does hereby **APPROVE** Variance from Land Development Code Section 9.1.4 to allow a proposed building to be located within the 30 foot building setback along US Highway 42 (**Requirement 30 ft., Request 11 ft., Variance 19 ft.**).

The vote was as follows:

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

Absent: Members Vozos, and Leanhart

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0035

01:27:34 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:

Waiver from Land Development Code Section 10.3.5.A.7 to allow parking within the 30 foot Parkway Buffer along US Highway 42:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners, since the property perimeter where the waiver request applies is adjacent to a neighboring building façade which does not have windows, and a grassy area that divides the subject site from a parking lot in the neighboring property to the north, and

WHEREAS, the Board further finds that Land Use & Development Goal 1, Policy 20 calls for mitigation of adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Land Use & Development Goal 1, Policy 10 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. The subject site and the abutting property are both zoned PEC Planned Employment Center. PVA lists the subject site's use as Manufacturing/Warehouse, and the abutting site to the north is listed as Commercial Office. The intensity of uses does not appear to be substantially different and no known adverse visual intrusions should occur, 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 since the property perimeter where the waiver request applies is adjacent to a neighboring building façade which does not have windows, and a grassy area that divides the subject site from a parking lot in the neighboring property to the north. Staff recommends the Committee discuss with the applicant the site characteristics which resulted in the need to shift the parking lot, access, and retaining wall. Additionally, staff recommends the Committee discuss with the applicant whether there is an opportunity for additional plantings as mitigation for the requested waiver, and

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 or would create an unnecessary hardship on the applicant as, according to the applicant, there are site conditions which necessitated the encroachment for which the waiver is requested; and

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CASE NUMBER 21-VARIANCE-0035

Waiver from Land Development Code section 10.2.12 to not provide the required interior landscape areas:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners since the applicant is proposing to use the existing parking lot. The adjoining property owners will not experience any changes regarding the parking lot and circulation within the shopping center should function as it does currently, and

WHEREAS, the Board further finds that Guideline 1, Policy 4 calls for new development and redevelopment to be compatible with scale and site design of nearby existing development. The applicant is proposing to use the existing parking lot and this should not affect circulation throughout the Holiday Manor shopping center. The proposed development is consistent with the surrounding developments. According to Guideline 13, Policy 17, new development should mitigate adverse impacts of traffic from proposed development on nearby existing communities. The applicant is proposing to redevelop a site from fast food to a sit down restaurant. They are proposing to keep the same parking lot and keeping the development in an appropriate area away from residential. By doing this, the applicant is keeping the traffic circulation the same, and this should not impact traffic on adjacent developments. If more ILA was added to the site, it would take away from the existing parking lot/spaces that is needed for the development. The applicant is also removing a curb cut onto Highway 42 which will add more greenspace to the site aside from the ILA's, 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 since they are not replacing the parking lot. They are using the existing lot and not making any changes, and

WHEREAS, the Board further finds that the regulation would deprive the applicant of using the existing parking lot for the proposed restaurant. Changing the parking lot configuration will affect circulation throughout the shopping center; and

Waiver from Land Development Code section 10.2.4 to not provide the required 10 foot landscape buffer area (LBA) adjacent to the OR-3 zoned property:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners since there is an existing access area that leads into US Highway 42. The applicant is proposing to keep the existing conditions the same and circulation throughout the site should also remain the same.

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CASE NUMBER 21-VARIANCE-0035

The existing road along the OR-3 property, slightly encroaches on this required buffer as well, and

WHEREAS, the Board further finds that according to Guideline 24 Policy 6, Plan 2040 encourages that more compact development pattern in activity centers that result in efficient land use for redevelopment. The applicant is doing this with the proposed restaurant by keeping the existing parking lot in an already compact shopping center. This development is also being located in an area with different commercial uses. According to Guideline 25, Policy 7, Plan 2040 encourages that activity centers to include mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips. The applicant is providing this by placing a proposed restaurant at an old fast food site, an keeping the same access and parking but replacing the building. If the 10 foot buffer is provided, it will change or alter the circulation on the site, 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 since the current regulations does not allow the applicant to keep some of the existing conditions. The applicant will only be replacing the building but keeping the same parking lot and access which encroaches into the required 10 foot buffer, and

WHEREAS, the Board further finds that the current regulations do not allow the applicant to keep the existing parking lot. This site is being redeveloped but the applicant is wanting to keep the parking lot and access the exact same. The proposed buffer is slightly encroaching into the existing access; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0035 (21-WAIVER-0043) does hereby **APPROVE** Waiver from Land Development Code section 10.3.5.A.7 to allow parking within the 30 foot Parkway Buffer along US Highway 42, Waiver of the Land Development Code section 10.2.12 to not provide the required interior landscape areas, and Waiver from Land Development Code section 10.2.4 to not provide the required 10 foot landscape buffer area (LBA) adjacent to the OR-3 zoned property.

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0035

01:29:14 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:

Waiver from Land Development Code section 5.5.1.A.3.a & d to not provide a masonry wall along the US Highway 42 road frontage and to not provide vehicular connection to adjacent commercial property:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the applicant is keeping the existing conditions for the parking lot and should not affect circulation through the adjacent commercial developments, and

WHEREAS, the Board further finds that according to Guideline 33 Policy 15, parking in activity centers should reflect the area's associated Form district standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. This site is in the Town Center Form District, which is a traditional neighborhood form district. The area itself is not traditional and is more of a suburban style design, and

WHEREAS, the Board further finds that the waiver is necessary because this regulation applies to traditional neighborhoods and this site does not have traditional neighborhood characteristics. This area looks more like suburban and is very auto-centric. This area should not be a traditional form district. The adjacent neighborhoods are suburban style subdivisions. The masonry wall requirement for this development does not fit the neighborhood, and

WHEREAS, the Board further finds that the current regulations for Town Center is for traditional neighborhoods. This area is not traditional in design. To apply traditional neighborhood standards for this site is unnecessary especially since this area is more auto centric than traditional parts of Louisville; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0035 (21-WAIVER-0045) does hereby **APPROVE** Waiver from Land Development Code section 5.5.1.A.3.a & d to not provide a masonry wall along the US Highway 42 road frontage and to not provide vehicular connection to adjacent commercial property.

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CASE NUMBER 21-VARIANCE-0035

The vote was as follows:

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

Absent: Members Vozos, and Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 21-MVARIANCE-0002

Request:	Modified variance to allow an addition to an existing accessory structure to encroach into the required rear yard setback
Project Name:	E. Wellington Avenue Modified Variance
Location:	179 E. Wellington Avenue
Owner/Applicant:	David Juvrud
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Zach Schwager, Planner I

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

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

Agency testimony:

01:31:18 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:

David Juvrud, 179 E. Wellington Ave., Louisville, KY 40214

Summary of testimony of those in favor:

01:35:58 David Juvrud spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 21-MVARIANCE-0002

01:38:13 Board Members' deliberation

01:40:48 On a motion by Member Jagoe, 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 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 the existing garage already encroaches into the rear yard setback. The addition would encroach the same distance and would be behind the existing structure, 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 would be the same distance from the rear property line as the existing accessory structure; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-MVARIANCE-0002 does hereby **APPROVE** Modified Variance to allow an addition to an existing accessory structure to encroach into the required rear yard setback (**Rear Yard Requirement 5 ft., Request 2 ft., Variance 3 ft.**).

The vote was as follows:

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

Absent: Members Vozos, and Leanhart

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PUBLIC HEARING

CASE NUMBER 21-CUP-0010

Request:	Conditional Use Permit to allow a rehabilitation home in an R-6 zoning district
Project Name:	My Brother's Keeper
Location:	220 South 23rd Street
Owner(s):	220, S 23rd, LLC
Applicant:	Claude Johnson
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
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:

01:42:56 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 follow spoke in favor of the request:

Paul Whitty, 1000 N. Hurstbourne Pkwy., Louisville, KY 40222
Claude Johnson, 98 Lucknow Ct., Bardstown, KY 40004
Steven Aldridge, 13017 Lavinia Ln., Louisville, KY 40272
Amanda Bourland, 4400 Chenny Ln., Louisville, KY 40299
Ellie Brunner, 2306 Woodbourne Ave., Louisville, KY 40205

Summary of testimony of those in favor:

01:47:40 Paul Whitty spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

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CASE NUMBER 21-CUP-0010

01:53:39 Claude Johnson spoke in favor of the request (see recording for detailed presentation).

01:56:10 Mr. Whitty continued his presentation and responded to questions from the Board Members (see recording for detailed presentation).

02:07:32 Steven Aldridge responded to a question from Chair Howard regarding the floor plan (see recording for detailed presentation).

02:09:06 Mr. Whitty and Mr. Johnson responded to questions from the Board Members. Mr. Haberman explained the definitions of transitional housing and rehabilitation homes. Mr. Whitty and Mr. Johnson concluded their presentation and responded to additional questions from the Board Members (see recording for detailed presentation).

02:23:44 Amanda Bourland spoke in favor of the request (see recording for detailed presentation).

02:28:18 Ellie Brunner spoke in favor of the request (see recording for detailed presentation).

02:31:45 Mr. Whitty stated he thinks this does comply with the Land Development Code and the Comprehensive Plan with the exception of the parking. Mr. Whitty stated the additional conditions of approval almost creates a fail-safe, so that goes to show how strongly they feel this will be a successful operation (see recording for detailed presentation).

02:33:08 Jon Crumbie reminded the Board Members the applicant is requesting relief from Item C, as well as the conditions of approval (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

02:35:06 Board Members' deliberation

02:37:59 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:

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CASE NUMBER 21-CUP-0010

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal meets all applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses, and

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

WHEREAS, the Board further finds that:

Rehabilitation homes may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. If using an existing residential building constructed contemporaneously with the surrounding neighborhood, its exterior appearance shall not be substantially altered. **The proposal is located in an existing residence within a larger residential and commercially zoned area and is compatible with the surrounding residential units with respect to style, size, and building setback.**
- B. New construction within an area having an established front building setback shall be constructed at the average setback line or the minimum front yard of the form district, whichever is less. Structures adjacent to residential uses or zoning districts shall increase side yards by 10 feet for each story over two. **No new construction is proposed.**
- C. One parking space on site shall be provided for each staff person, plus two spaces for each five residents, or five clients served by the rehabilitation home. Parking shall be reduced to one space per five residents/clients if the rehabilitation home serves persons with disabilities that preclude operation of an automobile. **Parking is not provided on site for staff, residents, or clients.**
- D. One freestanding sign not to exceed 10 square feet and 4 feet in height shall be allowed. **Signage is not proposed.**
- E. The Board shall add any additional restrictions necessary to mitigate nuisances or adverse effects; now, therefore be it

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PUBLIC HEARING

CASE NUMBER 21-CUP-0010

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0010 does hereby **APPROVE** Conditional Use Permit to allow a rehabilitation home, with **RELIEF** from Requirement C based on the fact the residents will not be allowed to have cars and transportation will be provided by staff, 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 rehabilitation home until further review and approval by the Board.
3. Prior to lawful commencement of the rehabilitation home use the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies.
4. Maximum full time occupancy shall be limited to the lesser of twelve persons or the maximum allowed by the building code.
5. If there are three or more substantiated complaints about the operation of this facility, the Applicant's CUP shall be subject to a revocation hearing.
6. The Applicant shall return to BOZA within 18 months of approval for review to ensure proper operations and the lack of negative impacts on the neighborhood.

The vote was as follows:

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

02:40:23 Meeting was recessed.

02:51:30 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 21-CUP-0012

Request:	Conditional Use Permit to allow an existing private institutional use to expand off-street parking by four spaces and construct a 5,400 sq. ft. building
Project Name:	Valley Station Church of God
Location:	12491 Old Dixie Highway
Owner:	Valley Station Church of God
Applicant:	Alex Rosenberg – AL Engineering Inc.
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
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:

02:52:17 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:

Alex Rosenberg, 13000 Middletown Industrial Blvd., Suite A., Louisville, KY 40223

Summary of testimony of those in favor:

02:56:35 Alex Rosenberg spoke in favor of the request and showed a PDF presentation. Mr. Rosenberg responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 21-CUP-0012

03:04:09 Board Members' deliberation

03:07:17 On a motion by Vice Chair Seale, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal meets all applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. 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 applicant will need relief from Item A. to allow existing parking and new drive lanes to be within 30 ft. of the northern and southern property lines.**
- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated. **Item B. does not apply.**
- 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 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

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CASE NUMBER 21-CUP-0012

and trip generation characteristics of the proposed use. **Staff does not believe that these requirements are applicable because the parking already exists.**

- D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99). **This item must be met.**
- 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. **The Board must determine whether hours of operation are appropriate for this use and location;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0012 does hereby **APPROVE** Conditional Use Permit to allow an existing private institutional use to expand off-street parking by four spaces and construct a 5,400 sq. ft. building, with **RELIEF** from Standard 4A to allow existing parking and new drive lanes to be within 30 ft. of the northern and southern property lines, and **SUBJECT** to the following Conditions of Approval. The Board finds no need to set hours of operation.

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 institution until further review and approval by the Board.

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 21-CUP-0024

Request:	Conditional Use Permit to allow an accessory apartment in an R-5 zoning district
Project Name:	Kandle Accessory Apartment
Location:	332 South Bayly Avenue
Owner(s):	Kirk and Ashley Kandle
Applicant:	Justin Hogue
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
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:

03:10:38 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:

Kirk Kandle, 332 South Bayly Avenue, Louisville, KY 40206
Bernie Backert, 305 Cliffwood Hill Way, Louisville, KY 40206

Summary of testimony of those in favor:

03:14:41 Kirk Kandle spoke in favor of the request (see recording for detailed presentation).

03:18:33 Bernie Backert spoke in favor of the request (see recording for detailed presentation).

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CASE NUMBER 21-CUP-0024

03:21:14 Mr. Kandle responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

03:23:04 Board Members' deliberation

03:24:01 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 proposal does not conflict with Comprehensive Plan policies, and

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal will not create substantial additional requirements for the site, and

WHEREAS, the Board further finds that:

Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts up on the granting of a conditional use permit and compliance with the listed requirements.

- A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises. **The owners will live in the principle dwelling on the premises.**
- B. The accessory apartment shall be no greater than 650 sq. ft or 30% of the floor area of the principal residence, whichever is greater. **The existing residence is approximately 1,900 square feet and 30% of that is 570 square feet. The**

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proposed accessory apartment is approximately 576 square feet which is less than the required 650 square feet.

- C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate. **The accessory apartment will not exceed the height of the principal residence.**
- D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:
1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors;
 2. ***Traditional Neighborhood - at least one off-street space provided on the lot;*** and
 3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate. There are at least two off-street parking spaces provided on the lot.

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0024 does hereby **APPROVE** Conditional Use Permit to allow an accessory apartment, **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 an accessory apartment without further review and approval by the Board.

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The vote was as follows:

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

Absent: Members Vozos, and Leanhart

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PUBLIC HEARING

CASE NUMBER 21-CUP-0048

Request:	Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	S. 1st Street Short Term Rental
Location:	1352 S. 1st Street
Owner/Applicant:	Anna Gardner
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:

03:26:07 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:

Anna Gardner, 1352 S. 1st Street, Louisville, KY 40208
Phillippe Diapa (? - did not provide spelling for last name), 1352 S. 1st Street, Louisville, KY 40208

Summary of testimony of those in favor:

03:31:23 Anna Gardner spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 21-CUP-0048

03:36:49 Board Members' deliberation

03:43:50 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:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site are required, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal does not appear to create substantial additional requirements for the site, and

WHEREAS, the Board further finds that:

4.2.63 Short Term Rental Term Rental of a dwelling unit that is not the primary residence of the host or the Short Term Rental of a condominium unit that is the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term Rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental. **The applicant has been informed of this requirement.**
- B. The dwelling unit shall be limited to a single short term rental contract at a time. **The applicant has been informed of this requirement.**
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **According to the applicant, there are two bedrooms; LDC regulations permit up to six guests.**

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- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there are six properties with an approved conditional use permit for a short term rental within 600 ft. of the subject property. The applicant has provided justification for relief and has agreed to a condition of approval (see Attachments 3 and 4).**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The dwelling unit is a duplex.**
- F. Food and alcoholic beverages shall not be served by the host to any guest. **The applicant has been informed of this requirement.**
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts. **The applicant has been informed of this requirement.**
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **LDC standards credit the site with two on-street parking spaces and there is a two-car garage on the alley. In addition, there appears to be available parking in the area.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. **The applicant has been informed of this requirement.**

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- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief. **The applicant has been informed of this requirement.**
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void. **The applicant has been informed of this requirement.**
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code. **The applicant has been informed of this requirement;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0048 does hereby **APPROVE** Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63), with **RELIEF** from Standard 4D based on Condition of Approval #2, and **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. The conditional use permit approval for this short term rental shall be allowed up to two bedrooms. A modification of the conditional use permit shall be required to allow additional bedrooms.

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2. The host of record for the short term rental shall maintain his or her primary residence in one of the two dwelling units on the subject property. In the event that the host establishes primary residence on another property he or she must immediately cease conducting short term rentals of both units on the subject property. A new Conditional Use Permit shall be required to allow for short term rental of any unit on the property that is not the primary residence of the host.

The vote was as follows:

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

Absent: Members Vozos, and Leanhart

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PUBLIC HEARING

CASE NUMBER 20-MCUP-0016

Request:	A modified conditional use permit to allow a continuum of care for independent living cottages in conjunction with an existing assisted living facility
Project Name:	The Meadow Road Modified Conditional Use Permit
Location:	1704 The Meadow Road
Owner(s):	Creekside Whips Mill LLC
Applicant:	Nick Pregliasco
Jurisdiction:	Louisville Metro
Council District:	7 – Paula McCraney
Case Manager:	Rachel Mandell, 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:

03:47:40 Chris French presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Marv Blomquist, 10529 Timberwood Circle, Suite D, Louisville, KY 40223
Councilwoman Paula McCraney, 601 W. Jefferson St., Louisville, KY 40202

Summary of testimony of those in favor:

03:51:20 Nick Pregliasco spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

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CASE NUMBER 20-MCUP-0016

04:05:11 Marv Blomquist spoke in favor of the request. Mr. Blomquist and Mr. Pregliasco responded to questions from the Board Members (see recording for detailed presentation).

04:11:38 Councilwoman Paula McCraney spoke in favor of the request. Ms. McCraney stated she had a concern about the basin (see recording for detailed presentation).

04:12:52 Marv Blomquist responded to Councilwoman McCraney's concern regarding the basin. Mr. Blomquist explained the layout of the basin (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

04:16:22 Board Members' deliberation

04:19:12 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:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal does not conflict with Comprehensive Plan policies. The proposal will increase housing diversity and type which is in line with the Neighborhood Form District, and

WHEREAS, the Board further finds that the proposed cottage homes will implement design features from surrounding structures and is compatible in scale to the adjoining nursing home and condominium complex to the South, and

WHEREAS, the Board further finds that the subject property has received preliminary approvals from applicable utility sources and Metro Emergency Services. The development will provide the required 8,500 SF of recreational open space, and

WHEREAS, the Board further finds that:

Nursing Homes & Homes for the Infirm or Aged may be permitted in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

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- A. All buildings shall be located at least 30 feet from any property line.
- B. One sign, not to exceed 60 square feet and six feet in height, may be placed at each of the major entrances, except in districts where larger signs are allowed.
- C. The Board of Zoning Adjustment shall add any restrictions to mitigate nuisances or adverse effects; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-MCUP-0016 does hereby **APPROVE** Modification of a Conditional Use Permit of a Nursing Home & Home for the Infirm or Aged under the continuum of care provision to construct 29 independent living residential cottages, with **RELIEF** from Standard 4A because the Board has determined the area will not be negatively impacted, 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 proposed Creekside Cottages (1704 The Meadow Road) and Creekside on Whipps Mill (9701 Whipps Mill Road) are functionally related through a program of continuum of care which for the purposes of this condition is defined as 'a variety of senior care services focused on the stages of aging.' If this program of continuum of care is discontinued, then an application for a modified conditional use permit shall be submitted to the Board of Zoning Adjustment. If the Board finds that the continuum of care program is no longer in place, then the independent living facility must qualify for a zoning classification which permits the intended use or must apply for a rezoning to a residential multifamily zoning classification.
- 3. The Modified 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 Modified Conditional Use Permit is not so exercised, the modification will become null and void.
- 4. When The Meadow Road is constructed to Whipps Mill Road and open as a public road, the Applicant shall provide a vehicular connection from its property to said road per specifications approved by Metro Public Works.

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CASE NUMBER 20-MCUP-0016

The vote was as follows:

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

Absent: Members Vozos, and Leanhart

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04:22:25 Prior to adjournment, Brian Davis, Planning & Design Manager, stated he would forward the training video to the Board Members.

The meeting adjourned at approximately 5:26 p.m.

Chair

Secretary