

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

**July 12, 2021**

A meeting of the Louisville Metro Board of Zoning Adjustment was held on July 12, 2021 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

**Members Present:**

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

**Members Absent:**

Kimberly Leanhart

**Staff Members Present:**

Emily Liu, Planning & Design Director  
Joe Reverman, Planning & Design Assistant Director  
Joe Haberman, Planning & Design Manager  
Brian Davis, Planning & Design Manager  
Chris French, Planning & Design Supervisor  
Dave Marchal, Deputy Director, Develop Louisville  
Zach Schwager, Planner I  
Priscilla Bowman, Associate Planner  
Tara Sorrels, Associate Planner  
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 July 12, 2021 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**JUNE 21, 2021 BOARD OF ZONING ADJUSTMENT MEETING MINUTES**

**00:06:07** 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 June 21, 2021 Board of Zoning Adjustment online meeting.

**The vote was as follows:**

**Yes: Member Bond, Vice Chair Seale, and Chair Howard**

**Abstain: Members Buttorff, Jagoe, and Vozos**

**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0067**

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:	Malcolm Avenue Short Term Rental
Location:	508 Malcolm Avenue
Owner/Applicant:	Barrett Goff – 502 Renters, LLC
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
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:**

**00:07:36** Zach Schwager stated this case was continued from the June 21, 2021 Board of Zoning Adjustment meeting for notification requirements. Mr. 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:**

Barrett Goff, 508 Malcolm Ave., Louisville, KY 40223

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

**00:11:55** Barrett Goff 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:**

Laura Lusch, 610 Malcolm Ave., Louisville, KY 40223  
Christine Miller, 618 Malcolm Ave., Louisville, KY 40223  
Eugene Kelly, 504 Plainview Ave., Louisville, KY 40223

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0067**

**Summary of testimony of those in opposition:**

**00:28:32** Laura Lusch spoke in opposition of the request. Ms. Lusch stated she does not see the need for anything like this in this neighborhood. Ms. Lusch stated they have no city protection and no one to call to help when they have issues (see recording for detailed presentation).

**00:32:30** Christine Miller spoke in opposition of the request. Ms. Miller stated she agrees with everything that Laura said. Ms. Miller stated she thinks this would hurt their property values. Ms. Miller stated she is concerned about Mr. Goff's testimony that he would give everyone his contact information because they have had a lot of difficulty in communication as to what exactly is going to occur at that property (see recording for detailed presentation).

**00:36:28** Eugene Kelly spoke in opposition of the request. Mr. Kelly stated he agrees with what Ms. Lusch and Ms. Miller have said (see recording for detailed presentation).

**REBUTTAL:**

**00:37:51** Barrett Goff spoke in rebuttal. Mr. Goff discussed the other properties in the area that are operating as short term rentals. Mr. Goff stated he was informative at the neighborhood meeting and informed them that this would be for short term rentals. Mr. Goff stated he appreciates all the concerns and he is not trying to disrupt anyone's lifestyle. Mr. Goff stated a lot of the opposition has to do with this being a tight-knit neighborhood and neighborhood fabric is important. However, the person that lived in this property for the past five years doesn't know any of the people that are opposing this application. Mr. Goff stated all the short term rentals that operate illegally give people like him who try to do everything the right way a bad name. Mr. Goff responded to questions from the Board Members (see recording for detailed presentation).

**00:48:35** Joe Haberman stated Christine Miller indicated that someone was delayed in joining this meeting and may be available now. Mr. Haberman stated it would be at the Board's discretion whether or not to allow additional testimony. The Board Members agreed to hear additional testimony and additional rebuttal (see recording for detailed presentation).

**Additional public testimony:**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0067**

**00:50:20** Gerry Ellis (506 Plainview Ave., Louisville, KY 40223) spoke in opposition of the request. Ms. Ellis provided a history of the neighborhood. Ms. Ellis stated the concern is they would have no idea who would be in their neighborhood. Ms. Ellis stated she agreed to speak on behalf of the community. Ms. Ellis stated they are vehemently opposed to this. Ms. Ellis stated they anticipate their property values will go down. Ms. Ellis stated they don't feel there has been total honesty from the applicant (see recording for detailed presentation).

**REBUTTAL:**

**00:59:15** Barrett Goff spoke in rebuttal. Mr. Goff stated he never stated he was not the owner, he stated he was the applicant which is true. Mr. Goff stated this property is owned in an LLC, so he is not the sole owner of this property. Mr. Goff stated the things that have been said are all valid points for any neighborhood, for any single family home. Anyone can have issues with their neighbors. Mr. Goff said as stated previously they do not allow parties. Mr. Goff stated to date they have had no safety concerns for their properties, or their neighbors and they plan to keep it that way. Mr. Goff stated they do not rent to locals. Mr. Goff said he would reiterate that the gentleman who lived in this property for the last five years does not know any of the people who spoke in opposition and he does not think they know who he was or ever met him. So while they're saying it's a tight-knit community, they did not know the person who was living here (see recording for detailed presentation).

**01:04:06 Board Members' deliberation**

**01:08:57** On a motion by Member Bond, 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 proposal is not compatible with surrounding land uses and the general character of the area, and

**WHEREAS**, the Board further finds that the location of the property is not adjacent to or in close proximity to a major artery that would lead to commercial activity or shopping, the type of activities typically seen with a request for a short term rental; now, therefore be it

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0067**

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** Case Number 21-CUP-0067.

**The vote was as follows:**

**Yes: Members Buttorff, Jagoe, Bond, Vozos, and Chair Howard**

**No: Vice Chair Seale**

**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-NONCONFORM-0011**

Request:	Change in nonconforming rights for the change in location of off-premises signage (outdoor advertising sign)
Project Name:	Durrett Change in Nonconforming Billboard
Location:	1231 Durrett Lane
Owner/Applicant:	AirCross Logistics, LLC
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Priscilla Bowman, Associate Planner

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:**

**01:13:38** Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see staff report and recording for detailed presentation).

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

Daniel O’Gara, 101 S. 5<sup>th</sup> Street, Suite 2500, Louisville, KY 40202

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

**01:19:23** Daniel O’Gara spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

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

No one spoke.

**01:28:55 Board Members’ deliberation**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-NONCONFORM-0011**

**01:30:19** On a motion by Vice Chair Seale, seconded by Member Vozos, 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 proposed nonconforming use, billboard/outdoor advertising sign, is in the same classification as the original 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 21-NONCONFORM-0011 does hereby **APPROVE** Change in Nonconforming rights for the change in location of off-premises signage (outdoor advertising sign).

**The vote was as follows:**

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



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CAT3-0011**

Request:	Category 3 Development Plan with Waivers and Variances
Project Name:	835 E Main Street
Location:	834-836 E Washington St. & 817-843 E Main St.
Owner:	NuLu East Main LLC
Applicant:	NuLu East Main LLC
Representative:	Gresham Smith & Partners; Dinsmore & Shohl.LLP
Jurisdiction:	Louisville Metro
Council District:	4-Jecorey Arthur
Case Manager:	Julia Williams, AICP, Planning Supervisor

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:**

**01:33:05** Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

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

Cliff Ashburner, 101 S. 5<sup>th</sup> Street, Louisville, KY 40202  
Earl Winebrenner, 10602 Timberwood Circle, Louisville, KY 40223  
Mitchell Kersting, 1122 Rogers Street, Louisville, KY 40204  
Patrick Henry, 111 W. Main Street, Louisville, KY 40202  
Andy Blieden, 1075 Cherokee Road, Louisville, KY 40204  
L. Kevin Tur, 904 Franklin Street, Louisville, KY 40206  
Brad Swope, 813 E. Main Street, Louisville, KY 40206

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

**01:42:09** Cliff Ashburner spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CAT3-0011**

**01:44:05** Earl Winebrenner spoke in favor of the request (see recording for detailed presentation).

**01:45:47** Mr. Ashburner continued his presentation (see recording for detailed presentation).

**01:57:52** Mitchell Kersting spoke in favor of the request and referred to the Powerpoint presentation (see recording for detailed presentation).

**02:02:58** Patrick Henry spoke in favor of the request and referred to the Powerpoint presentation (see recording for detailed presentation).

**02:09:43** Cliff Ashburner concluded his presentation (see recording for detailed presentation).

**02:11:46** Andy Blieden spoke in favor of the request (see recording for detailed presentation).

**02:14:53** L. Kevin Tur spoke in favor of the request (see recording for detailed presentation).

**02:17:32** Brad Swope spoke in favor of the request (see recording for detailed presentation).

**The following spoke neither for nor against the request:**  
Kevin Dohn, 1600 Story Ave., Louisville, KY 40206

**Summary of testimony of those neither for nor against:**

**02:20:21** Kevin Dohn spoke neither for nor against the request. Mr. Dohn stated he is generally in support of development at 835 E. Main Street. Mr. Dohn stated he is a bit stumped by this process because somehow the Certificate of Appropriateness was granted despite that the design did fail to meet the guidelines addressing massing and scale. Mr. Dohn spoke about the decision of the Architectural Review Committee. Mr. Dohn discussed the façade height closest to the residential areas (see recording for detailed presentation).

**02:24:06** Cliff Ashburner asked Chair Howard if we could start the clock for opposition because it doesn't sound as if Mr. Dohn is speaking as a neutral party. Chair Howard asked for the opinion of Legal Counsel.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CAT3-0011**

**02:24:26** Laura Ferguson, Legal Counsel, stated she agrees that the testimony has moved more toward opposition (see recording for detailed presentation).

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

Kevin Dohn, 1600 Story Ave., Louisville, KY 40206

Mark Traughber, 827 E. Washington St., Louisville, KY 40206

Kari Haan, 824 E. Washington St., Louisville, KY 40206

Greg Jones, 818 E. Washington St., Louisville, KY 40206

Sandy Griffith, 831 Franklin St., Louisville, KY 40206

**Summary of testimony of those in opposition:**

**02:24:47** Kevin Dohn continued his testimony. Mr. Dohn stated he would encourage Mr. Winebrenner to consider a step design where East Main Street façade where the floors stair-step down to create a series of verandas all with river views. Mr. Dohn stated unless we come up with solutions that eliminates adverse effects on the neighbors, he would urge that the 50 foot height be strictly maintained (see recording for detailed presentation).

**02:29:01** Mark Traughber spoke in opposition of the request. Mr. Traughber spoke to the building height and its adverse effect on the neighbors. Mr. Traughber stated there is no explanation nor evidence given as to why building to the prevailing standards is not reasonable use or how it creates undue hardship. Mr. Traughber stated the design falls woefully short in its relationship to the adjacent property owners. Mr. Traughber stated he only asks that the applicant be required to abide by the 45 foot height restriction and 15 foot buffer requirement in regard to where it meets adjoining property owners (see recording for detailed presentation).

**02:36:00** Kari Haan spoke in opposition of the request. Ms. Haan stated she has spent at least seven hours on Butchertown ARC hearings, and they are in the process of appealing the ARC's COA. Ms. Haan discussed the guidelines of the Butchertown/Phoenix Hill/Nulu Neighborhood Plan. Ms. Haan stated the financial hardship on the applicant as a result of their own design should not fall on the shoulders of the surrounding neighbors (see recording for detailed presentation).

**02:44:44** Greg Jones spoke in opposition of the request. Mr. Jones stated he agrees with everything Ms. Haan just said. Mr. Jones stated he would have no privacy at the back part of his house or in his back yard. Mr. Jones stated the character of the neighborhood is being threatened by such a massive structure being put here (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CAT3-0011**

**02:47:01** Sandy Griffith spoke in opposition of the request. Ms. Griffith asked that the Board protect the neighborhood from multiple seventy-foot buildings that they know will go up (see recording for detailed presentation).

**REBUTTAL:**

**02:50:57** Cliff Ashburner spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

**02:57:55 Board Members' deliberation NOTE: Joe Haberman stated he wanted to clarify that there has been some intent to file an appeal, but to his knowledge at this moment no appeal of the Certificate of Appropriateness has been filed. Mr. Haberman reminded the Board Members that the Architectural Review Committee looks at the project through a very different lens, from the historic preservation guidelines, and the Board is looking at it from a form district and planning perspective (see recording for detailed presentation).**

**03:18:22** The Board Members allowed Mr. Ashburner to provide clarification on the Waivers. Mr. Ashburner responded to questions from the Board Members, then the Members returned to deliberation (see recording for detailed presentation).

**03:27:29** 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 10.2.4 to encroach no more than 10' into the 15' buffer required between the subject site and the adjacent R-6 properties and Waiver from 10.2.4.B.3 to permit over 50% overlap of a sewer and drainage easement with an LBA:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners since all the plant materials and screening will be provided on the site, and

**WHEREAS**, the Board further finds that Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CAT3-0011**

promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. The proposal meets the Comprehensive Plan since all the plant materials and screening will be provided 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 all screening and planting requirements will still be met on site, 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 since all the planting requirements and screening will still be met within the buffer; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CAT3-0011 (21-Waiver-0032) does hereby **APPROVE** Waiver from 10.2.4 to encroach no more than 10' into the 15' buffer required between the subject site and the adjacent R-6 properties, and Waiver from 10.2.4.B.3 to permit over 50% overlap of a sewer and drainage easement with an LBA.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CAT3-0011**

**The vote was as follows:**

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

**No: Member Vozos, and Chair Howard**

**Absent: Member Leanhart**

**03:29:43** A motion was made by Vice Chair Seale, seconded by Member Buttorff, that Case Number 21-CAT3-0011 (21-VARIANCE-0040) be APPROVED.

**The vote was as follows:**

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

**No: Member Vozos, Bond, and Chair Howard**

**Absent: Member Leanhart**

**NOTE: The Board Members continued deliberation for the purpose of reaching a majority vote. After discussion, Member Bond and Chair Howard indicated they wished to change their votes.**

**03:46:50** 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:

**Variance from Chapter 5.7.1.B.1 to permit the building height to be a maximum of 70' instead of the required 45' for a 25' variance:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect public health, safety, or welfare since a portion of the building will be stepped back from the lower portions of the proposed building lessening the height adjacent to the existing residential area, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity since there are other multi-story buildings located in the area and all along E Main Street, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since a portion of the building will be stepped back on top of

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CAT3-0011**

the lower portions placing the tallest portions of the building further away from the adjacent existing residential, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since the tallest portion of the proposed building will be stepped back away from the existing residential properties; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CAT3-0011 (21-VARIANCE-0040) does hereby **APPROVE** Variance from Chapter 5.7.1.B.1 to permit the building height to be a maximum of 70' instead of the required 45' for a 25' variance.

**The vote was as follows:**

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

**No: Member Vozos**

**Absent: Member Leanhart**

**03:48:44** 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 Chapter 5.7.1.B.2 to permit the building to encroach no more than 10' into the 15' rear yard setback for a 10' variance:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the variance will not adversely affect the public health, safety or welfare because the required screening and planting required in the buffer will be provided on the site, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity because the plantings and screening requirements within the buffer and along the property line shared with the existing residential lots will be provided, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because the plantings and screening requirements within the

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CAT3-0011**

buffer and along the property line shared with the existing residential lots will be provided, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations because the plantings and screening requirements within the buffer and along the property line shared with the existing residential lots will be provided; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CAT3-0011 (21-VARIANCE-0089) does hereby **APPROVE** Variance from Chapter 5.7.1.B.2 to permit the building to encroach no more than 10' into the 15' rear yard setback for a 10' variance.

**The vote was as follows:**

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

**No: Member Vozos**

**Absent: Member Leanhart**

**03:50:00** 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:

**Category 3 Development Plan:**

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

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CAT3-0011 does hereby **APPROVE** Category 3 Development Plan.

**The vote was as follows:**

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

**Absent: Member Leanhart**



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CAT3-0011**

**03:51:57      Meeting was recessed.**

**03:52:32      Meeting was reconvened.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0001**

Request:	Variance to allow an accessory structure to encroach into the required street side yard setback
Project Name:	Elmwood Avenue Variance
Location:	4003 Elmwood Avenue
Owner:	Julia Dixon
Applicant:	Mary Head Jackson
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, Planner I

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

**03:53:14** 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:**

Julia Dixon, 4003 Elmwood Ave., Louisville, KY 40207

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

**03:58:55** Julia Dixon 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**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0001**

**04:02:52     Board Members' deliberation**

**04:03:24**     On a motion by Member Buttorff, 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 accessory structure must be constructed to comply with all building codes, including fire codes, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there are other structures in the area that encroach into street side yard setbacks. The City of St. Matthews has reviewed the plan and given preliminary approval for the proposed accessory structure, 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 accessory structure will be a significant distance from the street side yard property line; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0001 does hereby **APPROVE** Variance from City of St. Matthews Development Code Section 4.6.C.2.c to allow an accessory structure to encroach into the required street side yard setback (**Street Side Yard Requirement 30 ft., Request 23.2 ft., Variance 6.8 ft.**), **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. No parking shall be permitted on the existing pad to the left of the driveway.
2. The applicant shall submit a Minor Subdivision Plat application to Planning & Design Services for review and approval to shift the 40 ft. building limit line along Elmwood Avenue. The approved minor plat shall be recorded with the Jefferson County Clerk prior to issuance of building permits.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0001**

**The vote was as follows:**

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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0051**

Request:	Variance to allow an addition to an existing principal structure to encroach into the required side yard setback
Project Name:	Lauderdale Road Variance
Location:	2119 Lauderdale Road
Owner/ Applicant:	Jacqueline Strange
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers Armstrong
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:**

**04:05:05** Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

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

Jacqueline Strange, 2119 Lauderdale Road, Louisville, KY 40205

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

**04:08:43** Jacqueline Strange 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.

**04:11:12 Board Members' deliberation**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0051**

**04:11:25** On a motion by Member Bond, seconded by Member Vozos, 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 proposed addition will encroach the same distance as 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 structure must be constructed to comply with all building codes, and

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

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0051 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow an addition to a principal structure to encroach into the required side yard setback (**Side Yard Requirement 5 ft., Request 1.5 ft., Variance 3.5 ft.**).

**The vote was as follows:**

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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0054**

Request:	Variance to allow an addition to an existing principal structure to encroach into the required side yard setback
Project Name:	S. Shelby Street Variance
Location:	916 S. Shelby Street
Owner/ Applicant:	Karen Clayton
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
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:**

**04:13:10** Zach Schwager stated the applicant emailed him and stated they had to leave the meeting, so they are no longer in attendance (see recording for detailed presentation).

**04:13:30** Joe Haberman stated if the applicant is not present and there is no one here to speak on this case, he would ask that we move the case to the end of today's agenda so the people who are in attendance do not have to wait. Mr. Haberman checked to make sure the applicant was not in attendance (see recording for detailed presentation).

**04:14:14** A motion was made by Member Buttorff, seconded by Member Vozos, that Case Number 21-VARIANCE-0054 be **CONTINUED** to the end of today's agenda.

**The vote was as follows:**

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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0054**

**Agency testimony:**

**05:41:42** 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:**

Karen Clayton, 3400 Lenore Ave., Louisville, KY 40216

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

**05:44:15** Karen Clayton 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.

**05:50:34 Board Members' deliberation**

**05:53:44** On a motion by Member Bond, seconded by Member Vozos, 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 because construction and maintenance of the structure may require encroachment onto the property, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the addition will encroach the same distance as the existing structure, and



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0054**

**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 subject property is only 25 ft. in width and the addition will not encroach any further than the existing structure; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0054 does hereby **APPROVE** Variance from Land Development Code Section 5.1.10.F to allow an addition to a principal structure to encroach into the required side yard setback (**Southern Side Yard Requirement 2.5 ft., Request 1.2 ft., Variance 1.3 ft.**).

**The vote was as follows:**

**Yes: Member Jagoe, Bond, Vozos, Vice Chair Seale, and Chair Howard**

**Absent: Members Leanhart, and Buttorff**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0059**

Request:	Variance to allow an addition to an existing principal structure to encroach into the required infill front yard setback
Project Name:	Cheak Court Variance
Location:	1713 Cheak Court
Owner:	Sims Asset Trust
Applicant:	Anne Del Prince – Del Prince Designs, 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:**

**04:15:07** 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:**

Anne Del Prince, 640 Country Club Rd., Louisville, KY 40206  
Beverly Sims, 1713 Cheak Court, Louisville, KY 40213

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

**04:17:40** Anne Del Prince spoke in favor of the request (see recording for detailed presentation).

**04:21:01** Beverly Sims spoke in favor of the request (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0059**

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

No one spoke.

**04:22:15      Board Members' deliberation**

**04:22:41**      On a motion by Member Jagoe, seconded by Member Vozos, 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 proposed addition will exceed the infill front yard setback the same distance as 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 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 exceed the infill front yard setback the same distance as the existing structure; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0059 does hereby **APPROVE** Variance from Land Development Code Section 5.1.12.B.2.a to allow an addition to a principal structure to exceed the required infill front yard setback (**Infill Front Yard Requirement 31 ft. to 32 ft., Request 37 ft., Variance 5 ft.**).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0059**

**The vote was as follows:**

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

**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0067**

Request:	Variances to allow existing structures to encroach into the required Hathor Lane street side yard
Project Name:	Bishop Lane Variance
Location:	3730 and 3732 Bishop Lane
Owner:	Mason Dixon Properties, LLC.
Applicant:	Scott Corrick – Mindel Scott
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
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:**

**04:24:28** Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

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

Steve Scott, 5151 Jefferson Blvd., Louisville, KY 40219

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

**04:27:38** Steve Scott spoke in favor of the request (see recording for detailed presentation).

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

No one spoke.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0067**

**04:30:48      Board Members' deliberation**

**04:31:14**      On a motion by Member Vozos, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variances will not adversely affect the public health, safety or welfare. The structures are existing and comply with all building codes, including fire codes, and

**WHEREAS**, the Board further finds that the requested variances will not alter the essential character of the general vicinity as the structures are existing and conform with the design of other structures on the same block, and

**WHEREAS**, the Board further finds that the requested variances will not cause a hazard or nuisance to the public as the structures are existing and will be far enough from the easement to allow maintenance, and

**WHEREAS**, the Board further finds that the requested variances will not allow an unreasonable circumvention of the zoning regulations as the proposed variances are the minimum necessary to provide for the creation of a minor subdivision plat so the lots at the rear will not be land locked; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0067 does hereby **APPROVE** Variance from Land Development Code Section 5.3.4.d.3.a to allow existing structures to encroach into the required Hathor Lane street side yard setback for Tract 5 and Tract 6 (**Tract 5 Requirement 25 ft., Request 10 ft., Variance 15 ft.; Tract 6 Requirement 25 ft., Request 10 ft., Variance 15 ft.**).

**The vote was as follows:**

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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0080**

Request:	Variance to allow a pool to encroach into the required street side yard setback
Project Name:	Rock Ridge Place Variance
Location:	10901 Rock Ridge Place
Owner:	Claire & Deryl Sweeney
Applicant:	Doug Parker – Inland Pools and Construction
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
Case Manager:	Zach Schwager, Planner I

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

**04:34:09** 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:**

Doug Parker, 2002 Glen View Ave., Louisville, KY 40222  
Deryl Sweeney, 10901 Rock Ridge Place, Louisville, KY 40241  
Jorge Orrillo, 5202 Rock Ridge Dr., Louisville, KY 40241

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

**04:38:34** Doug Parker spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**04:41:52** Deryl Sweeney spoke in favor of the request (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0080**

**04:45:35** Jorge Orrillo spoke in favor of the request (see recording for detailed presentation).

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

No one spoke.

**04:47:43 Board Members' deliberation**

**04:48:14** On a motion by Member Vozos, 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 pool must be enclosed by a fence in accordance with section 4.4.10 and the applicant is proposing landscaping as well, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the pool will be buffered by landscaping, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because the pool must be enclosed by a fence in accordance with section 4.4.10 and the applicant is proposing landscaping as well, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the pool is still a significant distance from the street side property line; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0080 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow a pool to encroach into the required street side yard setback (**Street Side Yard Requirement 30 ft., Request 20 ft., Variance 10 ft.**).



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0080**

**The vote was as follows:**

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

**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0050**

Request:	Conditional Use Permit to allow mini-warehouses in an existing structure
Project Name:	Strike and Spare Mini-Storage
Location:	2001 Crums Lane
Owner:	2001 Crums Lane, LLC
Applicant:	Mitchell Abel – 2001 Crums Lane, LLC
Jurisdiction:	Shively
Council District:	3 – Keisha Dorsey
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:**

**04:50:12** Jon Crumbie 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:**

**04:54:08** Alex Rosenberg spoke in favor of the request and showed a Powerpoint 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.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0050**

**05:00:44      Board Members' deliberation**

**05:02:07**      On a motion by Vice Chair Seale, seconded by Member Vozos, 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 the proposed improvements are compatible with surrounding development and land uses, and

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

**WHEREAS**, the Board further finds that:

4.2.34 Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a nonindustrial nature. **The property will be landscaped and must be approved by staff landscape architect.**
- B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area. **The structure is existing and will be repurposed, so it is not feasible to move the structure to allow for a landscape buffer area. The structure is 21.57 feet from the Park Drive Street side yard at its closest point and 3.28 feet at its closest point from the side property line to the west. Landscaping will be provided along Park Drive and Crums Lane.**
- C. No outside storage shall be allowed on the property. **Outdoor storage is not proposed.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0050**

- D. No storage of toxic or hazardous materials shall be allowed on the property. **Toxic or hazardous materials will not be allowed on the property.**
- E. There shall be no retail or wholesale sales or distributing activities on site. **There will be no wholesale sales or distributing activities on site.**
- F. Loading doors and vehicle maneuvering areas shall be located away from the exterior of the property. **Vehicle maneuvering will be located along the Park Drive frontage. Only the office entrance will be located on the façade facing Park Drive. The structure is existing and will be repurposed, so it is not feasible to move vehicle maneuvering to another portion of the site; although a loading area will be located along the rear of the property.**
- G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below). **The structure is existing and will be repurposed, so it is not feasible to remove a portion of the existing structure that is two stories.**
- H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located. **The existing freestanding sign located near the corner of Park Drive and Crums Lane will be used;** now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0050 does hereby **APPROVE** Conditional Use Permit to allow mini-warehouses, with **RELIEF** from Standards 4B, F, and G due to the existing conditions of the property, and **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0050**

**The vote was as follows:**

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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0063**

Request:	Conditional Use Permit to allow a blood plasma center in an existing structure
Project Name:	ImmunoTek Bio Center
Location:	8209 Preston Highway
Owner:	8209 Preston, LLC
Applicant:	ImmunoTek Bio Center
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
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.**

**NOTE: Agenda Items #13 and #14 were heard in conjunction with this case.**

**Agency testimony:**

**05:04:28** Jon Crumbie presented the cases and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

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

Chris Brown, 3001 Taylor Springs Dr., Louisville, KY 40220  
Aaron Renshaw, 5750 Johnston St., Lafayette, LA 70503

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

**05:09:45** Chair Howard swore in Mr. Brown and Mr. Renshaw at the same time. Chris Brown spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0063**

**05:11:37** Aaron Renshaw spoke in favor of the request and referred to the Powerpoint presentation (see recording for detailed presentation).

**05:17:24** Chris Brown continued his presentation (see recording for detailed presentation).

**05:24:15** Mr. Renshaw reviewed the proposed floor plan (see recording for detailed presentation).

**05:26:37** Mr. Brown concluded his presentation. Mr. Brown and Mr. Renshaw responded to questions from the Board Members and Mr. Crumbie (see recording for detailed presentation).

**05:30:34** Chris French and Joe Haberman responded to a question from Vice Chair Seale (see recording for detailed presentation).

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

**05:33:21 Board Members' deliberation**

**05:34:20** On a motion by Member Vozos, seconded by Vice Chair Seale, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**Conditional Use Permit to allow a blood plasma center:**

**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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0063**

**WHEREAS**, the Board further finds that:

**4.2.10 Blood/Plasma Collection Center**

A Blood/Plasma Collection Center may be allowed within the C-2, C-3, C-M and all form districts except the Neighborhood, Village and Traditional Neighborhood Form Districts upon the granting of a conditional use permit and compliance with the listed requirements.

- A. The property proposed for a blood/plasma collection center shall be at least 1,000 feet from a property zoned residential. **The property abuts residentially zoned property to the east and south. Part of the property to the east and south is undeveloped and heavily wooded. The front portion of the adjacent property to the south is a commercial use (Auto Zone).**
- B. One parking space per 300 square feet of gross floor area shall be provided. **The proposal will meet or exceed the minimum requirement for parking;** now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0063 does hereby **APPROVE** Conditional Use Permit to allow a blood plasma center, with **RELIEF** from Requirement A because there is a natural undeveloped, heavily wooded buffer area, and **SUBJECT** to two 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 blood plasma center until further review and approval by the Board.

**NOTE: Member Buttorff left the meeting at approximately 6:40 p.m.**



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0063**

**The vote was as follows:**

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

**Absent: Members Leanhart, and Buttorff**

**05:38:15** On a motion by Member Vozos, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**Variance from Land Development Code Section 4.8.3.A.1 to allow encroachment of parking area into the 100 foot stream buffer and 5.3.2.b to allow vehicle parking and maneuvering to encroach into the required rear yard:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variances will not adversely affect the public health, safety or welfare as the parking and maneuvering are located away from single family residential units, and

**WHEREAS**, the Board further finds that the requested variances will not alter the essential character of the general vicinity as the variances are part of an existing development and a similar variance was approved in a prior case, and

**WHEREAS**, the Board further finds that the requested variances will not cause a hazard or nuisance to the public as the encroachments will be situated away from single family residential units, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations because the encroachments will be behind the existing structure on site; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0063 (21-VARIANCE-0072) does hereby **APPROVE** Variance from Land Development Code Section 4.8.3.A.1 to allow encroachment of parking area into the 100 foot stream buffer (**100-foot stream buffer at rear of property Requirement 100 ft., Request 65 ft., Variance 35 ft.**) and 5.3.2.b to allow vehicle parking and maneuvering to encroach into the required rear yard (**vehicle parking and maneuvering at rear of property Requirement 25 ft., Request 0 ft., Variance 25 ft.**).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0063**

**The vote was as follows:**

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

**Absent: Members Leanhart, and Buttorff**

**05:39:53** On a motion by Member Vozos, seconded by Vice Chair Seale, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**Waiver from Land Development Code Section 10.2.4.B.1 to allow vehicle parking and maneuvering to encroach into the required 25-foot landscape buffer area:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners, as there is no development at the rear of the site, but the maneuvering area will take up most of the rear yard, and

**WHEREAS**, the Board further finds that the waiver will not violate the comprehensive plan, the area on the abutting property is heavily wooded and serves as a buffer to the nearest residential units, 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. All other requirements of the Land Development Code will be met except the variances requested, and

**WHEREAS**, the Board further finds that the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land. However, the applicant would have to reconfigure the site to take up less of the required buffer area; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0063 (21-WAIVER-0069) does hereby **APPROVE** Waiver from Land Development Code Section 10.2.4.B.1 to allow vehicle parking and maneuvering to encroach into the required 25-foot landscape buffer area (**Rear of property LBA Requirement 25 ft., Request 0 ft., Waiver 25 ft.**).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0063**

**The vote was as follows:**

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

**Absent: Members Leanhart, and Buttorff**

**NOTE:** Chair Howard recalled Item #7 on today's agenda.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0072**

Request:	Variances (related to 21-CUP-0063) to allow encroachment of a parking area into the stream corridor buffer and to allow vehicle maneuvering to encroach into the rear yard
Project Name:	ImmunoTek Bio Center
Location:	8209 Preston Highway
Owner:	8209 Preston, LLC
Applicant:	ImmunoTek Bio Center
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

**NOTE:** This case was heard in conjunction with Item #12 on today's agenda (21-CUP-0063). Please see pages 38-43 of these minutes for testimony, motion, and vote information.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-WAIVER-0069**

Request:	Waiver (related to 21-CUP-0063) to allow vehicle parking and maneuvering to encroach into the required landscape buffer area
Project Name:	ImmunoTek Bio Center
Location:	8209 Preston Highway
Owner:	8209 Preston, LLC
Applicant:	ImmunoTek Bio Center
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

**NOTE:** This case was heard in conjunction with Item #12 on today's agenda (21-CUP-0063). Please see pages 38-43 of these minutes for testimony, motion, and vote information.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**July 12, 2021**

**05:56:18** Joe Haberman advised the Board Members that we will be back to in-person meetings starting August. Mr. Haberman stated they are exploring a hybrid type of meeting, but at this time that would not apply to Board Members and Staff. Chris French stated the Board of Zoning Adjustment by-laws and policies will need to be updated at the next meeting (see recording for detailed presentation).

The meeting adjourned at approximately 7:15 p.m.

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**Chair**

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**Secretary**