



Louisville Metro Government

Old Jail Auditorium
514 W. Liberty St.
Louisville, KY 40202

Action Summary Board of Zoning Adjustment

Monday, June 1, 2015

8:30 AM

Old Jail Courtroom

Call To Order

The meeting started at 8:37 a.m.

SWEARING IN LESTER TURNER, JR.

ROLL CALL

Present: 6 - Board Member Rosalind Fishman, Board Member Paul Bergmann, Board Member David Proffitt, Board Member Betty Jarboe, Board Member Michael Allendorf, and Board Member Lester Turner Jr.

Absent: 1 - Board Member Dean Tharp

APPROVAL OF THE MINUTES

1. [Minutes 051815](#)

Approval of the minutes of the meeting held on May 18, 2015

A motion was made by Board Member Bergmann, seconded by Board Member Fishman, that the minutes of the meeting held on May 18, 2015 are approved. The motion carried by the following vote:

Yes: 4 - Fishman, Bergmann, Proffitt, and Allendorf

Absent: 1 - Tharp

Abstain: 2 - Jarboe, and Turner

Public Hearing

2. [15VARIANCE1025](#)

Request:	Variances from the Land Development Code to allow a proposed free-standing sign to exceed the maximum height.
Project Name:	New Sign
Location:	2825 Lexington Road
Owner:	Southern Baptist Theological Seminary
Applicant:	Kenny Schindler, Signarama Downtown
Representative:	Kenny Schindler
Jurisdiction:	Louisville Metro
Council District:	9 - Bill Hollander
Case Manager:	Sherie' Long, Landscape Architect

A motion was made by Board Member Allendorf, seconded by Board Member Fishman, that the variance for Case No. 15VARIANCE1025 is approved. The motion carried by the following vote, where Member Tharp was not present:

Yes: 4 - Fishman, Jarboe, Allendorf, and Turner

No: 2 - Bergmann, and Proffitt

3. [15VARIANCE1026](#)

Request: Variances from the Land Development Code to allow a proposed garage to encroach into the required front yard; and a design waiver for its placement.

Project Name: New Garage

Location: 8007 Laughton Lane

Owner: Charles Warner

Applicant: Charles R. Podgursky, CRP & Associates, Inc.

Representative: Charles R. Podgursky

Jurisdiction: City of Hurstbourne

Council District: 18 - Marilyn Parker

Case Manager: Sherie' Long, Landscape Architect

A motion was made by Board Member Fishman, seconded by Board Member Bergmann, that the variance for Case No. 15VARIANCE1026 is approved. The motion carried by the following vote, where Member Tharp was not present:

Yes: 6 - Fishman, Bergmann, Proffitt, Jarboe, Allendorf, and Turner

A motion was made by Board Member Fishman, seconded by Board Member Bergmann, that the Waiver for Case No. 15VARIANCE1026 is approved. The motion carried by the following vote, where Member Tharp was not present:

Yes: 6 - Fishman, Bergmann, Proffitt, Jarboe, Allendorf, and Turner

4. [15CUP1010](#)

Request: Conditional Use Permit to allow a nursing home/home for the infirmed or aged in an R-4 Zoning District

Project Name: Exceptional Senior Living

Location: 6813, 6901, 6903 and 6905 Carslaw Court and 6904, 6908, 6909 and 6912 Beech Avenue

Owner: Terra Charles, Inc.

Applicant: Exceptional Living Centers

Representative: Clifford H. Ashburner

Jurisdiction: Louisville Metro

Council District: 16 - Kelly Downard

Case Manager: Jon E. Crumbie, Planner II

A motion was made by Board Member Allendorf, seconded by Board Member Bergmann, that the Conditional Use Permit for Case No. 15CUP1010 is approved on condition. The motion carried by the following vote, and where Member Tharp was not present.

Yes: 6 - Fishman, Bergmann, Proffitt, Jarboe, Allendorf, and Turner

5. [14CUP1039](#)

Request: Conditional Use Permit to allow a commercial greenhouse and plant nursery in an R-4 Zoning District

Project Name: Wilson's Farm and Greenhouse

Location: 3903 Blanton Lane

Owner: Gregory and Gail Wilson

Applicant: Gregory and Gail Wilson

Representative: Richard Moore

Jurisdiction: Louisville Metro

Council District: 12 - Rick Blackwell

Case Manager: Jon E. Crumby, Planner II

A motion was made by Board Member Allendorf, seconded by Board Member Fishman, that the Conditional Use Permit for Case No. 14CUP1039 is approved on condition: The motion carried by the following vote, where Member Tharp was not present:

Yes: 6 - Fishman, Bergmann, Proffitt, Jarboe, Allendorf, and Turner

6. [15APPEAL1005](#)

Request: APPEAL of a decision by the Department of Develop Louisville to issue building permits to construct a 3-unit residential building on 1505 Rosewood Ave, and to APPEAL staff determinations that the proposal complies with regulations as set forth in the Land Development Code.

Project Name: Rosewood Condominiums

Location: 1505 Rosewood Ave.

Owner: Rosewood Condominium Council, Inc.

Applicant: Elizabeth Fauxpoint

Representative: Elizabeth Fauxpoint

Jurisdiction: Louisville Metro

Council District: 8 - Tom Owen

Case Manager: Joe Reverman, AICP

A motion was made by Board Member Allendorf, seconded by Board Member Bergmann that Case No. 15APPEAL1005 be CONTINUED to JULY 6, 2015 and be placed first on the agenda under new business. The motion carried by the following vote, where Member Tharp was not present:

Yes: 5 - Bergmann, Proffitt, Jarboe, Allendorf, and Turner

Absent: 1 - Fishman

7. [15APPEAL1003](#)

Request: An Appeal of a Refusal issued by Planning & Design Services concerning the change of one nonconforming use (bar) to another nonconforming use (community service facility)

Project Name: Nonconformance

Location: 2505 & 2507 Bank Street

Owner: Haven Ministries Inc.

Applicant: The Haven Ministries, Esther Lyon

Representative: Esther Lyon

Jurisdiction: Louisville Metro

Council District: 5 --- Cheri Bryant-Hamilton

Case Manager: Steve Hendrix, Planning Supervisor

A motion was made by Board Member Allendorf, seconded by Board Member Fishman, that the Appeal for Case No. 15APPEAL1003 is approved. The motion carried by the following vote, where Member Tharp was not present:

Yes: 6 - Fishman, Bergmann, Proffitt, Jarboe, Allendorf, and Turner

8. [15VARIANCE1027](#)

Request: Variance from the Land Development Code to allow a proposed building to exceed the 80' maximum building setback

Project Name: Aloft Hotel

Location: 10700 Westport Road

Owner: Indian Springs, LLC

Applicant: Indian Springs, LLC

Representative: Bardenwerper, Talbott & Roberts, PLLC
Mindel, Scott & Associates, Inc.

Jurisdiction: Louisville Metro

Council District: 17 - Glen Stuckel

Case Manager: David B. Wagner, Planner II

A motion was made by Board Member Jarboe, seconded by Board Member Fishman, that the variance for Case No. 15VARIANCE1027 is approved on condition. The motion carried by the following vote, where Member Tharp was not present:

Yes: 6 - Fishman, Bergmann, Proffitt, Jarboe, Allendorf, and Turner

9. [15VARIANCE1013](#)

Request: Variances
Project Name: CVS
Location: 9420 Seatonville Road
Owner: First Federal Savings Bank
Applicant: Five Star Development
Representative: Miller Wihry MWG LLC; Bardenwerper Talbott and Roberts PLLC
Jurisdiction: Louisville Metro
Council District: 22-Robin Engel
Case Manager: Julia Williams, AICP, Planner II
(CONTINUED FROM MAY 4, 2015)

A motion was made by Board Member Allendorf, seconded by Board Member Fishman, that the Variance for the setback for Case No. 15VARIANCE1013 is approved. The motion carried by the following vote, where Member Tharp was not present:

Yes: 6 - Fishman, Bergmann, Proffitt, Jarboe, Allendorf, and Turner

A motion was made by Board Member Allendorf, seconded by Board Member Fishman, that the variance to allow an encroachment of a drive lane into the southeast setback for Case No. 15VARIANCE1013 is approved. The motion carried by the following vote, where Member Tharp was not present:

Yes: 6 - Fishman, Bergmann, Proffitt, Jarboe, Allendorf, and Turner

A motion was made by Board Member Allendorf, seconded by Board Member Fishman, that the variance to allow an encroachment of a building and parking into the required 50' middle buffer zone and required 25' outer zone stream buffers along the east side of Cedar Creek for Case No. 15VARIANCE1013 is approved on condition: The motion carried by the following vote, where Member Tharp was not present:

Yes: 4 - Fishman, Proffitt, Allendorf, and Turner

No: 2 - Bergmann, and Jarboe

Adjournment

The meeting adjourned at 7:26 p.m.