



Louisville Metro Government

Old Jail Auditorium
514 W Liberty Street
Louisville, KY 40202

Action Summary Board of Zoning Adjustment

Monday, August 5, 2019

1:00 PM

Old Jail Auditorium

Rollcall

Present: 5 - Board Member Lula Howard, Board Member Lester Turner Jr., Board Member Kim Leanhart, Board Member Dwight Young, and Board Member Rosalind Fishman

Absent: 2 - Board Member Richard Buttorff, and Board Member Lindsey Jagoe

Approval Of Minutes

1. [BOZA Minutes 07.22.19](#)

Approval of the Minutes from the July 22, 2019 Board of Zoning Adjustment meeting.

A motion was made by Board Member Fishman, seconded by Board Member Howard, that the Minutes from the July 22, 2019 Board of Zoning Adjustment meeting be APPROVED. The motion carried by the following vote:

Yes: 5 - Howard, Turner, Leanhart, Young, and Fishman

Absent: 2 - Buttorff, and Jagoe

Business Session

2. [19-VARIANCE-0020](#)

Request: Variance to allow a proposed window well to encroach into the required side yard
Project Name: Window Well Variance
Location: 3023 Eagle Pass
Owner: John Nitzken
Applicant: Jarrett Robbins
Jurisdiction: Louisville Metro
Council District: 10- Pat Mulvihill
Case Manager: Steve Hendrix, Planning & Design Coordinator

A motion was made by Board Member Howard, seconded by Board Member Turner, that Case Number 19-VARIANCE-0020, Variance from Land Development Code Table 5.3.1 to allow a structure to enroach into the required side yard setback, be APPROVED. The motion carried by the following vote:

Yes: 5 - Howard, Turner, Leanhart, Young, and Fishman

Absent: 2 - Buttorff, and Jagoe

3. [19-MCUP-0001](#)

Request: Modification of a Conditional Use Permit to allow a new 64 square foot security structure
Project Name: West Security Office
Location: 1100 Story Avenue
Owner/Applicant: JBS Swift
Jurisdiction: Louisville Metro
Council District: 4-Barbara Sexton Smith
Case Manager: Steve Hendrix, Planning and Design Coordinator

A motion was made by Board Member Fishman, seconded by Board Member Howard, that Case Number 19-MCUP-0001, Modification of a Conditional Use Permit to allow a new 64 square foot security structure in the west employee parking lot adjacent to North Bickel Avenue, be APPROVED, 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 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 modification is not so exercised, the request becomes void.**

The motion carried by the following vote:

- Yes:** 5 - Howard, Turner, Leanhart, Young, and Fishman
- Absent:** 2 - Buttorff, and Jagoe

4. [19CUP1124](#)

Request: Modification of Conditional Use Permit for Cemeteries and Mausoleums
Project Name: Calvary Cemetery
Location: 1600 and 1740 Newburg Rd
Owner: Roman Catholic Bishop of Louisville
Applicant: Catholic Cemeteries
Representative: Bardenwerper Talbott & Roberts PLLC
Jurisdiction: Louisville Metro
Council District: 10 - Pat Mulvihill
Case Manager: Beth Jones, AICP, Planner II

A motion was made by Board Member Fishman, seconded by Board Member Howard, that Case Number 19CUP1124, Modification of Conditional Use Permit for Cemeteries and Mausoleums (LDC 4.2.13), be APPROVED, 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 by and approval of the Board.
2. 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 Conditional Use Permit is not so exercised, the site shall not be used for Cemeteries and Mausoleums without further review by and approval of the Board.
3. Reconstruction and repair of the existing Newburg Road sidewalk shall be completed as needed to meet current MPW standards and shall be inspected prior to final bond release.
4. A crossover access and parking agreement shall be executed prior to construction plan review.

The motion carried by the following vote:

Yes: 5 - Howard, Turner, Leanhart, Young, and Fishman
Absent: 2 - Buttorff, and Jagoe

5. [19CUP1009](#)

Request: **RECONSIDERATION REQUEST**
 Conditional Use Permit for a short term rental unit that is not the primary residence of the host

Project Name: Short Term Rental
 Location: 1006 Mulberry Street
 Owner/Applicant: Benjamin Levine
 Jurisdiction: Louisville Metro
 Council District: 10 - Pat Mulvihill
 Case Manager: Steve Hendrix, Planning and Design Coordinator

The Board of Zoning Adjustment, by general consensus, in Case Number 19CUP1009 agreed to deny the Reconsideration Request. Therefore, no vote or action was taken.

Public Hearing

6. [19DEVPLAN1006](#)

Request: Category 3 Development Plan with a Variance
 Project Name: Flavorman
 Location: 809 S 8th St
 Owner/Applicant: 809 SoBro, LLC.
 Jurisdiction: Louisville Metro
 Council District: 6 - David James
 Case Manager: Jay Lockett, AICP, Planner I

A motion was made by Board Member Howard, seconded by Board Member Fishman, that Case Number 19DEVPLAN1006, Variance from Land Development Code Table 5.2.2 to allow a 29,235 SF addition to encroach into the 10 foot side yard setback by 10 feet as shown on the development plan, be APPROVED. The motion carried by the following vote:

Yes: 5 - Howard, Turner, Leanhart, Young, and Fishman

Absent: 2 - Buttorff, and Jagoe

A motion was made by Board Member Howard, seconded by Board Member Turner, that Case Number 19DEVPLAN1006, Category 3 Development Plan, be APPROVED, SUBJECT to the following Condition of Approval:

Condition of Approval:

1. Before any permit, including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition, a minor plat or legal instrument shall be recorded consolidating the lots into a single lot.

The motion carried by the following vote:

Yes: 5 - Howard, Turner, Leanhart, Young, and Fishman

Absent: 2 - Buttorff, and Jagoe

7. [19VARIANCE1058](#)

Request: Variance to allow a proposed structure to encroach into the required side yard setback

Project Name: Cross Meadows Circle Variance

Location: 9333 Cross Meadows Circle

Owner: Glenmary Village Development, LLC

Applicant: Ann Richard - Land Design & Development, Inc.

Jurisdiction: Louisville Metro

Council District: 20 - Stuart Benson

Case Manager: Zach Schwager, Planner I

A motion was made by Board Member Leanhart, seconded by Board Member Fishman, that Case Number 19VARIANCE1058, Variance from Land Development Code Table 5.3.1 to allow a structure to encroach into the required side yard setback, be APPROVED. The motion carried by the following vote:

Yes: 5 - Howard, Turner, Leanhart, Young, and Fishman

Absent: 2 - Buttorff, and Jagoe

8. [19-VARIANCE-0008](#)

Request: Variances to allow a proposed sign to exceed the maximum allowable height and area and a waiver to allow a freestanding sign to not be a monument or columnar style sign on a lot adjacent to a designated parkway

Project Name: River Road Variances and Waiver

Location: 3015 River Road

Owner: Pastime Development, Co.

Applicant: Tanya Scott - Signarama Downtown

Jurisdiction: Louisville Metro

Council District: 7 - Paula McCraney

Case Manager: Zach Schwager, Planner I

A motion was made by Board Member Turner, seconded by Board Member Fishman, that Case Number 19-VARIANCE-0008, Variance from Land Development Code Table 8.3.3 to allow a sign to exceed the allowable height on a designated parkway, and Variance from Land Development Code Table 8.3.3 to allow a sign to exceed the allowable area on a designated parkway, be APPROVED. The motion carried by the following vote:

Yes: 3 - Howard, Turner, and Fishman

No: 2 - Leanhart, and Young

Absent: 2 - Buttorff, and Jagoe

A motion was made by Board Member Turner, seconded by Board Member Howard, that Case Number 19-VARIANCE-0008 (19-WAIVER-0007), Waiver from Land Development Code Section 8.3.3.B.9 to allow a freestanding sign to not be a monument or columnar style sign on a lot adjacent to a designated parkway, be APPROVED, SUBJECT to the following Condition of Approval:

Condition of Approval:

- 1. Landscaping shall be added at the base of the sign.

The motion carried by the following vote:

Yes: 3 - Howard, Turner, and Fishman

No: 2 - Leanhart, and Young

Absent: 2 - Buttorff, and Jagoe

9. [19-VARIANCE-0017](#)

Request: Variance to allow a proposed sign to exceed the maximum allowable area in the Traditional Marketplace Corridor

Project Name: Brent Street Variance

Location: 724 Brent Street

Owner: Kentucky Ceramics, LLC

Applicant: Shawn Hadley - Brown-Forman and KCA

Jurisdiction: Louisville Metro

Council District: 4 - Barbara Sexton Smith

Case Manager: Zach Schwager, Planner I

A motion was made by Board Member Howard, seconded by Board Member Leanhart, that Case Number 19-VARIANCE-0017, Variance from Land Development Code Table 8.3.2 to allow a sign to exceed the allowable area in the Traditional Marketplace Corridor Form District, be APPROVED. The motion carried by the following vote:

Yes: 5 - Howard, Turner, Leanhart, Young, and Fishman

Absent: 2 - Buttorff, and Jagoe

10. [19CUP1045](#)

Request: Conditional Use Permit for Commercial Greenhouses/Plant Nurseries/Landscape Material Supply
Project Name: Full Care of Louisville
Location: 2501 Blankenbaker Road
Owner/Applicant: Twins Unlimited
Representative: Dinsmore & Shohl LLP
Jurisdiction: Louisville Metro
Council District: 20 - Stuart Benson
Case Manager: Beth Jones, AICP, Planner II

A motion was made by Board Member Leanhart, seconded by Board Member Fishman, that Case Number 19CUP1045, Conditional Use Permit for Commercial Greenhouses/Plant Nurseries/Landscape Material Supply (LDC 4.2.16), be APPROVED, SUBJECT to the following Conditions of Approval:

Conditions of Approval:

1. All development shall be in accordance with the approved district development plan, including all notes thereon, and with all applicable sections of the Land Development Code (LDC). No further development shall occur on the site without prior review of and approval by the Board of Zoning Adjustment (BOZA).
2. The Conditional Use Permit shall be exercised as proscribed by KRS 100.237 within two years of BOZA approval. If it is not so exercised, the site shall not be used for a Commercial Greenhouse/Plant Nursery/Landscape Material Supply without further review and approval by BOZA.
3. The subject parcel shall be consolidated with the adjoining parcel at 2601 Blankenbaker Road or a crossover access and parking agreement between the properties shall be executed no later than September 4, 2019.

The motion carried by the following vote:

Yes: 5 - Howard, Turner, Leanhart, Young, and Fishman

Absent: 2 - Buttorff, and Jagoe

11. [19CUP1123](#)

Request: Conditional Use Permit for a Mini-Warehouse Facility with Requests for Relief

Project Name: Blankenbaker Station I - Lot 7

Location: 12550 Sycamore Station PI

Owner/Applicant: Gregory W. Oakley, Pinnacle Partners LLC/TSF Properties

Representative: Kathy M. Linares, Mindel Scott

Jurisdiction: Louisville Metro

Council District: 20 - Stuart Benson

Case Manager: Lacey Gabbard, AICP, Planner I

A motion was made by Board Member Howard, seconded by Board Member Leanhart, that Case Number 19CUPC1123, Conditional Use Permit for Mini-Warehouses (LDC 4.2.35), be APPROVED, with RELIEF from Land Development Code Section 4.2.35.G to allow the building to be more than 1 story/15 feet in height, and RELIEF from Land Development Code Section 4.2.3.5.H to allow more than one freestanding sign on the site, 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 by and approval of 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 without further review by and approval of the Board.

The motion carried by the following vote:

Yes: 5 - Howard, Turner, Leanhart, Young, and Fishman

Absent: 2 - Buttorff, and Jagoe

12. [19CUP1055](#)

Request: Conditional Use Permit for short term rental of a dwelling unit not the primary residence of the host

Project Name: S. 3rd Short Term Rental

Location: 2911 S. 3rd Street

Owner/Applicant/Host: S & W Property Group LLC

Jurisdiction: Louisville Metro

Council District: 15 - Kevin Triplett

Case Manager: Beth Jones, AICP, Planner II

A motion was made by Board Member Fishman, seconded by Board Member Howard, that Case Number 19CUP1055, Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63), be APPROVED. The motion carried by the following vote:

Yes: 5 - Howard, Turner, Leanhart, Young, and Fishman

Absent: 2 - Buttorff, and Jagoe

13. [19CUP1046](#)

Request: Conditional Use Permit for short term rental of dwelling units not the primary residence of the host

Project Name: Barret Avenue Short Term Rental

Location: 1368 Barret Avenue

Owner/Applicant/Host: DerbyBirdie LLP

Jurisdiction: Louisville Metro

Council District: 8 - Brandon Coan

Case Manager: Beth Jones, AICP, Planner II

A motion was made by Board Member Leanhart, seconded by Board Member Fishman, that Case Number 19CUP1046, Conditional Use Permit for short term rental of dwelling units not the primary residence of the host (LDC 4.2.63), be APPROVED, SUBJECT to the following Condition of Approval:

Condition of Approval:

- 1. Prior to the commencement of any short term rental on the subject property, the driveway shall be inspected by Planning & Design Services staff to confirm that it is code compliant with a hard and durable surface.**

The motion carried by the following vote:

Yes: 5 - Howard, Turner, Leanhart, Young, and Fishman

Absent: 2 - Buttorff, and Jagoe

14. [18CUP1177](#)

Request: Conditional Use Permit for a short term rental of a single family dwelling that is not the primary residence of the host

Project Name: Short Term Rental

Location: 1004 Mayer Avenue

Owner/Applicant: James Wallace

Jurisdiction: Louisville Metro

Council District: 10- Pat Mulvihill

Case Manager: Steve Hendrix, Planning and Design Coordinator

A motion was made by Board Member Leanhart, seconded by Board Member Turner, that Case Number 18CUP1177, Conditional Use Permit to allow short term rental of a single family dwelling that is not the primary residence of the host in an R-5 Zoning District and Traditional Neighborhood Form District, be APPROVED. The motion carried by the following vote:

Yes: 5 - Howard, Turner, Leanhart, Young, and Fishman

Absent: 2 - Buttorff, and Jagoe

15. [19CUP1076](#)

Request: Conditional Use Permit for short term rental of a dwelling unit located in the TNZD

Project Name: Floral Terrace Short Term Rental

Location: 604 Floral Terrace

Owner: Creative Resolutions, LLC

Applicant/Host: David Orange

Jurisdiction: Louisville Metro

Council District: 6 - David James

Case Manager: Beth Jones, AICP, Planner II

A motion was made by Board Member Howard, seconded by Board Member Turner, that Case Number 19CUP1076, Conditional Use Permit to allow short term rental of a dwelling unit within the TNZD (LDC 4.2.63) be APPROVED. The motion carried by the following vote:

Yes: 5 - Howard, Turner, Leanhart, Young, and Fishman

Absent: 2 - Buttorff, and Jagoe

16. [18CUP1181](#)

Request: Conditional Use Permit for short term rental of a dwelling unit not the primary residence of the host

Project Name: 122 Bellaire Short Term Rental

Location: 122 N. Bellaire Avenue

Owner/Applicant/Host: Thomas H. Fawbush Jr.

Jurisdiction: Louisville Metro

Council District: 9 - Bill Hollander

Case Manager: Beth Jones, AICP, Planner II

A motion was made by Board Member Howard, seconded by Board Member Leanhart, that Case Number 18CUP1181, Conditional Use Permit to allow short term rental of dwelling units not the primary residence of the host (LDC 4.2.63), be DENIED. The motion carried by the following vote:

Yes: 3 - Howard, Leanhart, and Young

No: 2 - Turner, and Fishman

Absent: 2 - Buttorff, and Jagoe

17. [18CUP1180](#)

Request: Conditional Use Permit for short term rental of a dwelling unit not the primary residence of the host

Project Name: 120 Bellaire Short Term Rental

Location: 120 N. Bellaire Avenue

Owner/Applicant/Host: Thomas H. Fawbush Jr.

Jurisdiction: Louisville Metro

Council District: 9 - Bill Hollander

Case Manager: Beth Jones, AICP, Planner II

A motion was made by Board Member Fishman, seconded by Board Member Howard, that Case Number 18CUP1180, Conditional Use Permit to allow short term rental of dwelling units not the primary residence of the host (LDC 4.2.63), be APPROVED, with RELIEF from Standard 4D and Standard 4K, and SUBJECT to the following Conditions of Approval:

Conditions of Approval:

1. The Conditional Use Permit for short term rental on the subject site shall not become effective until one of the following is completed:
 - a. Nonconforming Rights for a duplex within the primary structure is successfully determined by the Office of Planning and Design Services; or
 - b. The principal structure is converted to a single family residence to the satisfaction of the Office of Planning and Design Services.
2. The required registration for short term rental use of the site shall be submitted no later than 30 days from the completion of Condition 1.

The motion carried by the following vote:

Yes: 4 - Howard, Turner, Leanhart, and Fishman

No: 1 - Young

Absent: 2 - Buttorff, and Jagoe

18. [18CUP1182](#)

Request: Conditional Use Permit for short term rental of a dwelling unit not the primary residence of the host

Project Name: Story Short Term Rental

Location: 1581 Story Avenue

Owner/Applicant/Host: Thomas H. Fawbush Jr.

Jurisdiction: Louisville Metro

Council District: 9 - Bill Hollander

Case Manager: Beth Jones, AICP, Planner II

A motion was made by Board Member Fishman, seconded by Board Member Leanhart, that Case Number 18CUP1182, Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63), be APPROVED. The motion carried by the following vote:

Yes: 5 - Howard, Turner, Leanhart, Young, and Fishman

Absent: 2 - Buttorff, and Jagoe

Adjournment