

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

May 4, 2020

A meeting of the Louisville Metro Board of Zoning Adjustment was held on May 4, 2020 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

Members Present:

Lula Howard, Chair
Kimberly Leanhart, Vice Chair
Richard Buttorff, Secretary
LiAndrea Goatley
Lindsey Jagoe
Michael Seale
Lester Turner, Jr.

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Reverman, Planning & Design Assistant Director
Brian Davis, Planning & Design Manager
Joe Haberman, Planning & Design Manager
Zach Schwager, Planner I
Nia Holt, Planner I
Jay Lockett, Planner I
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 regularly scheduled May 4, 2020 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

BOARD OF ZONING ADJUSTMENT MINUTES
May 4, 2020

APRIL 20, 2020 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:10:24 On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the April 20, 2020 Board of Zoning Adjustment online meeting.

The vote was as follows:

Yes: Members Buttorff, Goatley, Jagoe, Seale, Vice Chair Leanhart, and Chair Howard

Abstain: Member Turner

BOARD OF ZONING ADJUSTMENT MINUTES

May 4, 2020

BUSINESS SESSION

CASE NUMBER 20-VARIANCE-0024

Request: Variance to allow a principle structure to encroach into the required side yard setbacks and a reduction of the total setback requirement.

Project Name: Champion Woods Variance

Location: 14403 Champion Woods Pl

Owner: Gayle Boyd

Applicant: Monty Boyd

Jurisdiction: Louisville Metro

Council District: 19 – Antony Piagentini

Case Manager: Nia Holt, Planner I

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

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

Agency testimony:

00:12:34 Joe Haberman presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

00:14:35 Nia Holt responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

No one spoke.

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES

May 4, 2020

BUSINESS SESSION

CASE NUMBER 20-VARIANCE-0024

00:17:28 On a motion by Member Seale, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, the applicant's justification, 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 as the structure will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the variance will not alter the essential character of the general vicinity as the architectural design and exterior materials will meet all requirements and be approved by the subdivision's homeowner's building review committee and board, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the request is less than a 2 ft difference on each side from the dimensional requirement; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0024 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow a principle structure to encroach into the required side yard setbacks and a reduction of the total setback requirement (**North Side Yard Requirement 6' min., 18' total, Request 5.7', Variance 0.3'; South Side Yard Requirement 6' min., 18' total, Request 4.09', Variance 1.91'; North & South Side Yards Requirement 18' total, Request 9.79', Variance 8.12'**).

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, Seale, and Chair Howard

No: Member Buttorff, and Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES

May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0019

Request:	Variance to allow a principle structure to encroach into the required side yard setback and to provide less than 20% private yard area
Project Name:	East Ormsby Ave Variance
Location:	530 E Ormsby Ave
Owner:	CIU LLC
Applicant:	Eric Mueller
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Zach Schwager, Planner I

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

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

Agency testimony:

00:23:26 Joe Haberman 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:

Eric Mueller, 530 E. Ormsby Ave., Louisville, KY 40203

Summary of testimony of those in favor:

00:26:53 Eric Mueller spoke in favor of the request and responded to questions from the Board Members. Mr. Mueller provided justification for Standards A and C in the staff report as well as the private yard area (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES

May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0019

00:35:35 Joe Haberman responded to a question from Member Buttorff regarding a usage easement (see recording for detailed presentation).

00:38:10 Mr. Mueller stated he already has permission from all the neighbors (see recording for detailed presentation).

The following Spoke in opposition of the request:

No one spoke.

00:40:21 Board Members' deliberation

00:41:36 Public Hearing was reopened to allow additional testimony from Mr. Mueller (see recording for detailed presentation).

00:46:07 Board Members' deliberation

00:50:27 Public Hearing was reopened to allow testimony from the Case Manager, Zach Schwager and additional testimony from Mr. Mueller (see recording for detailed presentation).

00:56:03 Board Members' deliberation

00:57:47 On a motion by Member Goatley, seconded by Member Seale, 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 5.1.10.F to allow a principle structure to encroach into the required side yard setback:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that Standard A is found to be in compliance due to documentation on file provided by the applicant, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed structure to be constructed in the rear and will be in character with the design of several other additions in the neighborhood, and

BOARD OF ZONING ADJUSTMENT MINUTES

May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0019

WHEREAS, the Board further finds that Standard C is found to be in compliance due to documentation on file provided by the applicant, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed addition is slightly further away from the property line than the existing structure; and

Variance from Land Development Code Section 5.4.1.D.3 to provide less than 20% private yard area:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the structure will need to 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 addition is consistent with several other structures in the general area, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the addition will need to be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the lot is already substandard in nature; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0019 does hereby **APPROVE** Variance from Land Development Code Section 5.1.10.F to allow a principle structure to encroach into the required side yard setback (**East Side Yard Requirement 2.5 ft., Request 1 ft., Variance 1.5 ft.**), and Section 5.4.1.D.3 to provide less than 20% private yard area (**Private Yard Area Requirement 733 sq. ft., Request 412.5 sq. ft., Variance 320.5 sq. ft.**).

The vote was as follows:

Yes: Members Goatley, Jagoe, Seale, and Chair Howard

No: Members Buttorff, and Turner

Recused: Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES

May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-CAT3-0002

Request: Category 3 Development Plan with Variances and Waivers
Project Name: Beecher Terrace Phase III
Location: Parcels 014H00140000, 014H00170000, 014H00180000 and a portion of parcel 014H00010000
Owner(s): Louisville Metro Housing Authority
Applicant: Louisville Metro Housing Authority
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Jay Luckett, Planner I, AICP

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

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

Agency testimony:

01:03:38 Joe Haberman 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:

Missy Legel, 3404 Stony Spring Circle, Louisville, KY 40220

Summary of testimony of those in favor:

01:07:00 Missy Legel spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES

May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-CAT3-0002

The following spoke in opposition of the request:

No one spoke.

01:13:01 Board Members' deliberation

01:13:40 On a motion by Vice Chair Leanhart, seconded by Member Goatley, 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 5.2.1.C.6 to allow structures on a corner lot within the Downtown form district to exceed the 0 foot maximum setback within 50 feet of an intersection (applicable on all corners, variance up to 30 feet as shown on the development plan):

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare since the buildings will be constructed up to all applicable building codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the area has a mix of housing types and setbacks, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the overall development will provide for a mix of high quality housing to replace older housing on the site, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since the overall development will be high density residential development that is in keeping with the zoning district; and

Variance from Land Development Code Section 5.2.1.C.3 to allow a structure to exceed the 15 foot maximum setback by 5 feet for Building 20 as shown on the proposed development plan:

BOARD OF ZONING ADJUSTMENT MINUTES

May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-CAT3-0002

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare since the building will be constructed up to all applicable building codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the area has a mix of housing types and setbacks, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the overall development will provide for a mix of high quality housing to replace older housing on the site, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since the overall development will be high density residential development that is in keeping with the zoning district; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CAT3-0002 does hereby **APPROVE** (20-VARIANCE-0010) Variance from Land Development Code Section 5.2.1.C.6 to allow structures on a corner lot within the Downtown form district to exceed the 0 foot maximum setback within 50 feet of an intersection (applicable on all corners, variance up to 30 feet as shown on the development plan), and Variance from Land Development Code Section 5.2.1.C.3 to allow a structure to exceed the 15 foot maximum setback by 5 feet for Building 20 as shown on the proposed development plan.

The vote was as follows:

Yes: Members Buttorff, Turner, Goatley, Jagoe, Seale, Vice Chair Leanhart, and Chair Howard

01:16:25 On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Waiver from Land Development Code Section 5.2.1.C.2 to not maintain a minimum 3-story street wall along all frontages within the development:

BOARD OF ZONING ADJUSTMENT MINUTES

May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-CAT3-0002

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners since there are multiple building frontages and pedestrian connections. The overall development will be a medium- density mix of high quality housing that is in keeping with the area, and

WHEREAS, the Board further finds that new development and redevelopment should be compatible with the scale and site design of nearby existing development and with the pattern of development within the form district. The development will be compatible with other development in the area, and

WHEREAS, the Board further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there is a development pattern proposed for the site that is consistent with the development pattern of the area, 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 the development pattern required would not be in keeping with the residential development that is proposed to meet housing needs in the area; and

Waiver from Land Development Code Section 5.8.1.C.1.b to not provide sidewalks at least 84 inches wide in the Downtown form district (applicable to all sidewalks within the development):

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners, as there will still be quality sidewalks and street trees on all roadways within and around the development, and

WHEREAS, the Board further finds that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. New development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver would not violate the Comprehensive Plan, as the whole site will have pedestrian connections that integrate into the surrounding area, and

BOARD OF ZONING ADJUSTMENT MINUTES

May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-CAT3-0002

WHEREAS, the Board further finds that the extent of the regulation is the minimum necessary to afford relief to the applicant, as 6 foot wide sidewalks will be provided adjacent to all rights-of-way in and around the development site, and

WHEREAS, the Board further finds that the strict application of the provisions of this regulation as would create an unnecessary hardship on the applicant, as the required sidewalk widths are beyond what is necessary to serve the residential use proposed; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CAT3-0002 does hereby **APPROVE** (20-WAIVER-0013) Waiver from Land Development Code Section 5.2.1.C.2 to not maintain a minimum 3-story street wall along all frontages within the development, and (20-WAIVER-0014) Waiver from Land Development Code Section 5.8.1.C.1.b to not provide sidewalks at least 84 inches wide in the Downtown form district (applicable to all sidewalks within the development).

The vote was as follows:

Yes: Members Buttorff, Turner, Goatley, Jagoe, Seale, Vice Chair Leanhart, and Chair Howard

01:18:21 On a motion by Vice Chair Leanhart, seconded by Member Goatley, 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 the proposed development plan conforms to Plan 2040; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CAT3-0002 does hereby **APPROVE** Category 3 Development Plan.

BOARD OF ZONING ADJUSTMENT MINUTES
May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-CAT3-0002

The vote was as follows:

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Seale, Vice Chair Leanhart,
and Chair Howard**

BOARD OF ZONING ADJUSTMENT MINUTES

May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-MVARIANCE-0001

Request: Modified variance for a deck to encroach into the street side yard setback
Project Name: Colonial Drive Modified Variance
Location: 201 Colonial Drive
Owner/Applicant: Dale Dueffert
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 5th Street.)

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

Agency testimony:

01:20:42 Joe Haberman 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:

Dale Dueffert, 201 Colonial Drive, Louisville, KY 40207

Summary of testimony of those in favor:

01:23:27 Dale Dueffert 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

May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-MVARIANCE-0001

01:27:28 Board Members' deliberation

01:27:41 On a motion by Member Buttorff, seconded by Member Turner, 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 as the structure will need to 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 is a similar deck that encroaches into the street side yard setback on Colonial Drive. Also, the deck existed prior to the variance request, which was submitted after the applicant began construction on the new deck, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the deck will be built to comply with building and fire codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the required setback does not meet the existing conditions of the subject property or surrounding properties; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-MVARIANCE-0001 does hereby **APPROVE** Modified Variance from City of St. Matthews Development Code Section 4.7.C.2.c to allow a structure to encroach into the required street side yard setback.

The vote was as follows:

Yes: Members Buttorff, Turner, Goatley, Jagoe, Seale, Vice Chair Leanhart, and Chair Howard

BOARD OF ZONING ADJUSTMENT MINUTES

May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0026

Request: Variance to allow a principle structure to encroach into the side yard setback
Project Name: Camp Street Variance
Location: 426 Camp Street
Owner(s): Danielle Shaw
Applicant: Gregg Kelley
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Zach Schwager, Planner I

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

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

01:29:15 Chair Howard announced this case and stated there is a request for this case to be continued to May 18, 2020.

01:29:38 On a motion by Member Goatley, seconded by Member Turner, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 20-VARIANCE-0026 to the May 18, 2020 Board of Zoning Adjustment online meeting.

The vote was as follows:

Yes: Members Buttorff, Turner, Goatley, Jagoe, Seale, Vice Chair Leanhart, and Chair Howard

BOARD OF ZONING ADJUSTMENT MINUTES

May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0030

Request:	Variances to allow a new single-family residence to encroach into the required front and rear setbacks and the private yard area and a waiver to allow parking in the Principle Structure Area
Project Name:	E. Chestnut Street Variances and Waiver
Location:	941 E. Chestnut Street
Owner:	Daniel Hofmann
Applicant:	Daniel Hofmann
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Zach Schwager, Planner I

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

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

Agency testimony:

01:31:27 Joe Haberman presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. Haberman responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Kathlyn Lewis, 1148 S. Brook Street, Louisville, KY 40202

Summary of testimony of those in favor:

01:37:00 Kathlyn Lewis spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0030

The following spoke in opposition of the request:

No one spoke.

01:44:41 Board Members' deliberation

01:45:09 On a motion by Member Seale, seconded by Vice Chair Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Variance from Land Development Code Table 5.2.2 to allow a proposed principle structure to encroach into the required front and rear setbacks:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the structure will 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 is a variety of development and land uses in the area including single-family, multi-family, commercial, and industrial, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed structure will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the lot is irregular in shape and is smaller in size, which does not allow much space for development; and

Variance from Land Development Code Section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as

BOARD OF ZONING ADJUSTMENT MINUTES
May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0030

the structure will 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 is a variety of development and land uses in the area including single -family, multi-family, commercial, and industrial, and

WHEREAS, the Board further finds that the requested variance will not adversely affect the public health, safety or welfare as the structure will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the lot is irregular in shape and is smaller in size, which does not allow much space for development; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0030 does hereby **APPROVE** (20-VARIANCE-0030) Variance from Land Development Code Table 5.2.2 to allow a proposed principle structure to encroach into the required front and rear setbacks (**Front Yard Requirement 15 ft., Request 5.5 ft., Variance 9.5 ft.; Rear Yard Requirement 5 ft., Request 3 ft., Variance 2 ft.**), and (20-VARIANCE-0031) Variance from Land Development Code Section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot (**Private Yard Area Requirement 701 sq. ft., Request 0 sq. ft., Variance 701 sq. ft.**).

The vote was as follows:

Yes: Members Buttorff, Turner, Goatley, Jagoe, Seale, Vice Chair Leanhart, and Chair Howard

01:48:09 On a motion by Member Seale, seconded by Vice Chair Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Waiver from Land Development Code Section 5.4.1.C.2 to allow parking in the principle structure area:

BOARD OF ZONING ADJUSTMENT MINUTES

May 4, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0030

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners as the proposed parking underneath the structure will reduce on-street parking in the area, and

WHEREAS, the Board further finds that the waiver does not violate specific guidelines of Plan 2040 as Plan 2040 states that revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces. The proposed parking area does not violate specific guidelines of Plan 2040 because while there is alley access, it is on the side and the applicant is using the alley to access the lot; however, the only room for parking is underneath the proposed structure as the lot is smaller in size compared to others in the area, 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 as the property is smaller in irregular in shape and smaller in size compared to other lots in the area, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the subject property is irregular in shape and size compared to surrounding properties; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0030 does hereby **APPROVE** (20-WAIVER-0025) Waiver from Land Development Code Section 5.4.1.C.2 to allow parking in the principle structure area.

The vote was as follows:

Yes: Members Buttorff, Turner, Goatley, Jagoe, Seale, Vice Chair Leanhart, and Chair Howard

BOARD OF ZONING ADJUSTMENT MINUTES
May 4, 2020

01:50:12 Prior to adjournment, staff and the Board Members discussed adding additional meetings to the calendar. The Board Members, by general consensus, agreed to add June 8, 2020 as an additional Board of Zoning Adjustment meeting.

The meeting adjourned at approximately 3:00 p.m.

DocuSigned by:

Lula Howard

Chair

SP7897FEAC7453...

DocuSigned by:

Rick Buttonff

Secretary

SP7897FEAC7453...