

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

June 15, 2020

A meeting of the Louisville Metro Board of Zoning Adjustment was held on June 15, 2020 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

Members Present:

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

Members Absent:

Richard Buttorff, Secretary

Staff Members Present:

Brian Davis, Planning & Design Manager
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Zach Schwager, Planner I
Jay Lockett, Planner I
Travis Fiechter, 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 June 15, 2020 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

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June 8, 2020 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:06:44 On a motion by Member Goatley, seconded by Member Seale, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the June 8, 2020 Board of Zoning Adjustment online meeting.

The vote was as follows:

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

Abstain: Vice Chair Leanhart

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
June 15, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0046

Request:	Variance to allow a structure to encroach into the front yard setback
Project Name:	Sanctuary Bluff Lane Variance
Location:	4119 Sanctuary Bluff Lane
Owner(s):	Ronald J. Biddle
Applicant:	Gary Shearer – GDS
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 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:

00:08:29 Chris French was sworn in, however, he advised the Case Managers would be presenting today. 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:

Robert DeWees, 6008 Brownsboro Park Blvd., Suite H, Louisville, KY 40207
Gary Shearer, 6620 Nightingale Bluff Ln., Louisville, KY 40241
Ronald Biddle, 6630 Nightingale Bluff Ln., Louisville, KY 40241
Dave Weinstein, 6621 Nightingale Bluff Ln., Louisville, KY 40241

Summary of testimony of those in favor:

00:19:36 Robert DeWees, Gary Shearer, and Ronald Biddle were all sworn in by Chair Howard (see recording for detailed presentation).

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CASE NUMBER 20-VARIANCE-0046

00:21:15 Gary Shearer spoke in favor of the request. Mr. Shearer explained the changes that have been made to the property and the variance request. Mr. Shearer responded to questions from the Board Members (see recording for detailed presentation).

00:29:00 Ron Biddle spoke in favor of the request (see recording for detailed presentation).

00:35:00 Dave Weinstein spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

Pamela Blair, 4117 Sanctuary Bluff Lane, Louisville, KY 40241

Summary of testimony of those in opposition:

00:38:49 Pamela Blair spoke in opposition of the request. Ms. Blair stated she objects to reopening an issue that has already been decided by this Board. Chair Howard advised even though this is the same property this is a new variance request. Travis Fiechter, Legal Counsel, asked staff to show the photos that were presented by Ms. Blair so the current variance could be discussed. Ms. Blair discussed the photos. Ms. Blair stated the house is so far forward and so high up they had to put six feet of dirt and all the water is running off toward her house. Ms. Blair stated hers is the only property that is directly affected by this property being so far forward. Ms. Blair stated her property is being damaged by the placement of this house. Ms. Blair stated the plan that was submitted was willfully not followed. Mr. Fiechter explained to Ms. Blair that if the Board denies this variance today that would only affect the area that is included in the variance and would not require the entire building to be moved (see recording for detailed presentation).

REBUTTAL:

01:15:03 Gary Shearer spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

01:17:39 **Board Members' deliberation**

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0046

01:18:30 On a motion by Member Turner, seconded by Member Jagoe, 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 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 is some variation in front yard setbacks for principal structures in the area, and

WHEREAS, the Board further finds that the requested variance will not adversely affect the public health, safety or welfare as the 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 allow an unreasonable circumvention of the zoning regulations as the applicant has made significant changes to the structure to reduce the encroachment into the front yard; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0046 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow a principle structure (including retaining wall) to encroach into the required front yard setback (**Building Requirement 30 ft., Request 27.42 ft., Variance 2.58 ft; Retaining Wall Requirement 30 ft., Request 15 ft., Variance 15 ft.**).

The vote was as follows:

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

No: Member Seale, and Vice Chair Leanhart

Absent: Member Buttorff

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June 15, 2020

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0079

Request: Variance and Waiver to allow a retaining wall and vehicle use area to encroach into the side setback and required buffer

Project Name: VA Quality Motors

Location: 7709 Beulah Church Rd

Owner(s): Vildan Ahmic

Applicant: Vildan Ahmic

Jurisdiction: Louisville Metro

Council District: 23 – James Peden

Case Manager: Jay Lockett, 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:

01:23:17 Jay Lockett presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Derek Triplett, 503 Washburn Ave., Louisville, KY 40222

Summary of testimony of those in favor:

01:29:19 Derek Triplett spoke in favor of the request and showed a Powerpoint presentation. Mr. Triplett responded to questions from the Board Members (see recording for detailed presentation).

The following Spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0079

01:45:33 Board Members' deliberation

01:46:05 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 Section 5.3.1.C.5 and table 5.3.2 to allow a building and vehicle use area to encroach into the 50 foot non-residential to residential setback by up to 40 feet:

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 already exists within the setback, and all site updates will meet 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 structure was built long before the form district regulations mandated the current setback requirements, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since adequate screening and planting will be provided on the subject site, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as it will allow for the re-use of a vacant commercial structure, and

WHEREAS, the Board further finds that the applicant's justification statement adequately justifies this request; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0079 does hereby **APPROVE** Variance from Land Development Code Section 5.3.1.C.5 and Table 5.3.2 to allow a building and vehicle use area to encroach into the 50 foot non-residential to residential setback by up to 40 feet.

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CASE NUMBER 19-VARIANCE-0079

The vote was as follows:

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

Absent: Member Buttorff

01:48:22 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 10.2.4 to allow a retaining wall and vehicle use area to encroach into the 25-foot property perimeter Landscape Buffer Area by up to 15 feet:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners since all required screening and plantings will be provided on the subject site, 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 allow for the adaptive re-use of an existing commercial site within a Planned Development District, 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 all other required buffers will be provided on the subject 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 as the structure already exists and complying with the regulation would require significantly altering the building configuration, and

WHEREAS, the Board further finds that the applicant's justification statement adequately justifies this request; now therefore be

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0079

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0079 (19-WAIVER-0085) does hereby **APPROVE** Waiver from Land Development Code Section 10.2.4 to allow a retaining wall and vehicle use area to encroach into the 25-foot property perimeter Landscape Buffer Area by up to 15 feet.

The vote was as follows:

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

Absent: Member Buttorff

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0017

Request:	Variance to allow a principal structure to encroach in the required side yard setbacks
Project Name:	Saint Anthony Variance
Location:	1416 Saint Anthony Place
Owner(s):	Marian Cochiasue
Applicant:	Matt Eldridge
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

01:54:22 Zach Schwager presented the case on behalf of the Case Manager 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:

Chris Eldridge, 931 East Main Street, Louisville, KY
Matt Eldridge, 931 East Main Street, Louisville, KY

Summary of testimony of those in favor:

02:01:22 Chris Eldridge spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:03:10 Matt Eldridge spoke in favor of the request (see recording for detailed presentation).

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CASE NUMBER 20-VARIANCE-0017

02:03:57 Chris Eldridge spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:06:01 Zach Schwager explained which side of the property that staff found did not meet Standard of Review A (see recording for detailed presentation).

The following spoke in opposition of the request:

Alan Abbott, 1422 Saint Anthony Place, Louisville, KY

Summary of testimony of those in opposition:

02:09:34 Alan Abbott spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

02:12:21 Matt Eldridge spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

02:16:01 Board Members' deliberation

02:18:00 On a motion by Member Seale, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, and the applicant's justification statement, 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 on the west side yard the variance could adversely affect the adjacent property owner because construction and maintenance of the structure may require encroachment onto the neighboring property. **The Board finds that the applicant's justification and testimony address this standard**, and

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WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the structure will be similar in size and scale compared to surrounding structures, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as it is an existing structure and the addition 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 proposed structure will be the same distance from the side property lines as the existing footprint; now, and

WHEREAS, the Board further finds that the applicant's justification statement adequately justifies this request; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0017 does hereby **APPROVE** Variance from Land Development Code Table 5.1.10.F to allow a principle structure to encroach into the required side yard setbacks (**East Side Yard Requirement 2.5 ft., Request 2.115 ft., Variance 0.385 ft.; West Side Yard Requirement 2.5 ft., Request 0.385 ft., Variance 2.115 ft.**).

The vote was as follows:

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

Absent: Member Buttorff

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CASE NUMBER 20-VARIANCE-0047

Request:	Variance to allow a reduction in the minimum side yard requirement.
Project Name:	S. Hubbards Variance
Location:	313 S. Hubbards Ln
Owner(s):	Howard Hardin
Applicant:	Kathy Matheny
Jurisdiction:	City of St. Matthews
Council District:	26 – Brent Ackerson
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:

02:24:25 Zach Schwager presented the case on behalf of the Case Manager 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:

Kathy Matheny, 9009 Preston Highway, Louisville, KY 40219

Summary of testimony of those in favor:

02:31:19 Kathy Matheny spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0047

02:40:23 Board Members' deliberation

02:41:11 On a motion by Member Goatley, seconded by Member Seale, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the applicant's justification, 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 requested variance will not alter the essential character of the general vicinity, as the proposed garage will be of a similar design as other garages or additions in the surrounding area. However, there does not appear to be any other structures built beyond the building limit line in the area, 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 3 ft difference on the Southwest side from the dimensional requirement and the minimum total setback is already met, and

WHEREAS, the Board further finds that the applicant's justification statement adequately justifies this request; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0047 does hereby **APPROVE** Variance from Land Development Code Section 4.6.C.2.b to allow a reduction in the minimum side yard requirement (**West Side Yard Requirement 6' min., 18' total, Request 3.30', Variance 2.70'**), **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The applicant shall record the minor plat prior to commencement of any construction.

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CASE NUMBER 20-VARIANCE-0047

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0051

Request: Variance to allow a private yard area to be less than the required 20% of the area of a lot and a fence in the street side yard to exceed 42 inches in height.

Project Name: Princeton Variance

Location: 1800 Princeton Dr

Owner(s): Mary Sullivan

Applicant: Mary Sullivan

Jurisdiction: Louisville Metro

Council District: 8 – Brandon Coan

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:

02:44:00 Zach Schwager presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

NOTE: Due to technical difficulties, Item #7 on today's agenda was heard at this time. See page 19 of these minutes.

The following spoke in favor of the request:

Mary Sullivan, 1800 Princeton Dr., Louisville, KY 40205
Mary Jackson, 6901 Sprigleaf Circle, Louisville, KY 40241

Summary of testimony of those in favor:

03:13:34 Mary Sullivan spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0051

03:19:26 Mary Jackson spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

03:21:32 Board Members' deliberation

03:22:19 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 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 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 the proposed addition will be of a similar design as the existing structure and of other homes in the surrounding area, 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 40% reduction of the existing private yard area and the front yard takes up a large portion of the lot due to its topography; and

Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence in the street side yard in a Traditional Neighborhood Form District to exceed 42 inches in height:

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CASE NUMBER 20-VARIANCE-0051

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 fence is not within the sight triangle and does not interfere with vision clearance at either intersections, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there a few fences in either a front or street side yard setback with a similar height in the area, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the fence will not obstruct sight lines or create a hazard for motorists or pedestrians at the intersection, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the fence will be of similar design to other fences in the area and will only occupy a small portion of the street side yard; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0051 does hereby **APPROVE** 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 (**Requirement 915 sf, Request 483 sf, Variance 432 sf**), and Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence in the street side yard in a Traditional Neighborhood Form District to exceed 42 inches in height (**Requirement 42 in., Request 72 in., Variance 30 in.**).

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0052

Request: Variance to allow an addition to an existing structure to encroach into the side yard setback
Project Name: S. Shelby Street Variance
Location: 1535 S. Shelby Street
Owner(s): Erika Bradshaw Vormbrock
Applicant: Drew Vail – Servpro of Bullitt & N. Nelson Co.
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Zach Schwager, Planner I

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

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

Agency testimony:

02:54:56 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).

02:57:53 Joe Haberman responded to a question from Chair Howard regarding Standard of Review A (see recording for detailed presentation).

The following spoke in favor of the request:

Drew Vail, 270 Marses Court, Mt. Washington, KY 40047

Summary of testimony of those in favor:

03:00:44 Drew Vail spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0052

The following spoke in opposition of the request:

No one spoke.

03:08:12 Board Members' deliberation

03:09:17 Public Hearing was reopened to allow Mr. Vail an opportunity to respond to a question from Chair Howard (see recording for detailed presentation).

03:10:00 Board Members' deliberation

03:10:02 On a motion by Member Seale, 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, 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 neighboring property. **The Board has determined this Standard has been met since there is no opposition from the adjoining neighbor, or anyone else;** and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the structure will be similar in size and scale compared to surrounding structures, and

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

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

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0052

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0052 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 (**Requirement 2.25 ft., Request 0.6 ft., Variance 1.65 ft.**).

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

NOTE: Chair Howard recalled Item #6 on today's agenda; please see page 16 of these minutes.

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0053

Request:	Variance for an addition to an existing structure to encroach into the side yard setback and to allow a private yard area to be less than the required 30% of the area of a lot
Project Name:	Weisser Avenue Variance
Location:	112 Weisser Avenue
Owner(s):	Teresa F. Boome & Jonathan P. Boome
Applicant:	Will Ready
Jurisdiction:	Louisville Metro
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:

03:25:26 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:

Will Ready, 142 North Bayley Ave., Louisville, KY 40206

Summary of testimony of those in favor:

03:35:45 Will Ready spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 20-VARIANCE-0053

The following spoke in opposition of the request:

Bob Vice, 2303 River Road, Louisville, KY

Clark Welch, 127 South Crestmoor Ave., Louisville, KY 40206

Summary of testimony of those in opposition:

03:45:05 Bob Vice (attorney for the adjoining property owner) spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

03:51:58 Clark Welch spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

03:56:16 Will Ready spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

04:02:42 Board Members' deliberation

04:04:08 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 principle structure to encroach into the required side yard setback:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that there is ample area to move the building two and a half feet so it complies with the setback requirement and there should be no need for this variance; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0053 does hereby **DENY** Variance from Land Development Code

BOARD OF ZONING ADJUSTMENT MINUTES
June 15, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0053

Table 5.2.2 to allow a principle structure to encroach into the required side yard setback.

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

04:08:24 NOTE: Zach Schwager provided clarification regarding calculation of the private yard area and responded to questions from the Board Members. Mr. Haberman also provided clarification on possible actions the Board could take (see recording for detailed presentation).

04:18:06 On a motion by Member Seale, seconded by Member Turner, the following resolution, based upon the testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0053, Variance from Land Development Code Section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of a lot, does hereby **CONTINUE** the case to the June 29, 2020 Board of Zoning Adjustment Special Meeting, with the understanding that the variance for the side yard setback has already been denied and will not be part of this request.

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
June 15, 2020

PUBLIC HEARING

CASE NUMBER 20-NONCONFORM-0008

Request:	Change in nonconforming use from a contractor's shop to a greenhouse, wholesale.
Project Name:	Beechwood Change in Nonconformance
Location:	702 Beechwood Rd
Owner/Applicant:	Sean Sinnott
Jurisdiction:	Louisville Metro
Council District:	7– Paula McCraney
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:

04:24:11 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

04:26:13 Chris French reviewed the Standard of Review for Change in Nonconforming Use (see recording for detailed presentation).

The following spoke in favor of the appeal:
Sean Sinnott (did not provide address)

Summary of testimony of those in favor:

04:27:17 Sean Sinnott spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 20-NONCONFORM-0008

The following spoke in opposition of the request:

No one spoke.

04:34:22 Board Members' deliberation

04:35:34 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:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the new nonconforming use is in the same or more restrictive classification of the first 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 20-NONCONFORM-0008 does hereby **APPROVE** Change in Nonconforming Use from a contractor's shop and storage yard to a greenhouse, wholesale.

The vote was as follows:


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

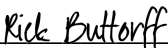
Absent: Members Buttorff, and Jagoe

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04:37:54 Prior to adjournment, Chair Howard stated that she will be appointing a committee to work with staff regarding variances for side yard setbacks on narrow lots when encroachment onto adjoining properties for maintenance is necessary. Chair Howard stated she would like to appoint Member Seale and Member Buttorff to this committee. There was discussion regarding this issue (see recording for detailed presentation).

The meeting adjourned at approximately 5:51 p.m.

DocuSigned by:

Chair 16B6F7FEAC7453...

DocuSigned by:

Secretary 9D2056AA1346433...