

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

September 28, 2020

A meeting of the Louisville Metro Board of Zoning Adjustment was held on September 28, 2020 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

Members Present:

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

Members Absent:

Kimberly Leanhart, Vice Chair

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Haberman, Planning & Design Manager
Brian Davis, Planning & Design Manager
Chris French, Planning & Design Supervisor
Jon Crumbie, Planning & Design Coordinator
Nia Holt, 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 September 28, 2020 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

SEPTEMBER 14, 2020 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:05:30 On a motion by Member Seale, seconded by Member Bond, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the September 14, 2020 Board of Zoning Adjustment online meeting.

The vote was as follows:

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

Absent: Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

BUSINESS SESSION

CASE NUMBER 20-VARIANCE-0121

Request:	Variance to allow a reduction in the required private yard area
Project Name:	Arterburn Avenue Variance
Location:	3125 Arterburn Avenue
Owner:	Bennie & Martina Abell
Applicant:	Tyler Abell
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:

00:06:57 Nia Holt presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Ms. Holt and Mr. French responded to questions from the Board Members (see recording for detailed presentation).

00:11:51 On a motion by Member Seale, seconded by Member Buttorff, 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 garage must be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the existing structure is the only one that faces Arterburn Avenue. The proposed garage will only be visible from the alley and the

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

BUSINESS SESSION

CASE NUMBER 20-VARIANCE-0121

adjoining properties on the alley. The proposed garage will also be similar in size and scale compared to surrounding accessory structures, and

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the subject property is smaller than the surrounding properties; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0121 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 the lot (**Private Yard Area Requirement 995 sq. ft., Request 0 ft., Variance 995 sq. ft.**).

The vote was as follows:

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

Absent: Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-MVARIANCE-0002

Request:	Variance from Section 4.6 to allow a structure to encroach into the required front yard setback in the R-4 Single Family Residential Zoning District
Project Name:	Stonehaven Variance
Location:	401 Stonehaven Commons Lane
Owner(s):	The Louis Partnership Inc.
Applicant:	Louis Hunter
Jurisdiction:	City of St. Matthews
Council District:	7 – Paula McCraney
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:

00:13:39 Nia Holt presented the case and showed a Powerpoint presentation. Ms. Holt responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Hunter Louis, 4050 Westport Rd., Louisville, KY 40207

Summary of testimony of those in favor:

00:20:16 Hunter Louis 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
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-MVARIANCE-0002

00:24:50 **Board Members' deliberation**

00:25:41 On a motion by Member Seale, seconded by Member Buttorff, 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 request will not adversely affect the public health, safety or welfare as all building codes and safety regulations will be met on the subject site, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the size, placement, and shape of residential structures in the area are a function of the size and shape of their lot. The material and character of the proposed structure appear to be consistent with the design of the existing, nearby residences, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the structure will be constructed to comply with building 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-0002 does hereby **APPROVE** Modified Variance from City of St. Matthews Land Development Code Section 4.6 to allow a structure to encroach into the required front yard setback in the R-4 Single Family Residential Zoning District (**Front Yard Requirement 30 ft., Request 14 ft., Variance 16 ft**), **SUBJECT** to the following Condition of Approval.

Condition of Approval:

1. The applicant shall submit a Minor Subdivision Plat application to Planning & Design services for review and approval to shift the 24 ft. building limit line along Stonehaven Commons Court. The approved minor plat shall be recorded with the Jefferson County Clerk prior to issuance of building permits.

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-MVARIANCE-0002

The vote was as follows:

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

Absent: Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0076

Request:	Variance to allow an accessory structure to encroach into the rear yard setback
Project Name:	Grandview Avenue Variance
Location:	3400 Grandview Avenue
Owner/Applicant:	Gregory T. Schanding
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:

00:27:48 Nia Holt 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:

Greg Schanding, 3400 Grandview Ave., Louisville, KY 40207

Summary of testimony of those in favor:

00:31:12 Greg Schanding 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:

Kenan Stratman, St. Matthews Public Works, 3940 Grandview Ave., Louisville, KY

Summary of testimony of those in opposition:

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0076

00:35:29 Kenan Stratman spoke in opposition of the request. Mr. Stratman stated the overhang would extend into the right-of-way. Mr. Stratman responded to questions from the Board Members (see recording for detailed presentation).

00:37:32 Joe Haberman stated staff's understanding was that the building would be located entirely on the applicant's property. Mr. Haberman stated we can't allow something that would go into the right-of-way (see recording for detailed presentation).

00:38:13 Mr. Schanding stated he had the property surveyed for another improvement he made, and the stakes were right in the fence shown in the photos. Mr. Schanding stated the intent was to keep the entire improvement within his property line (see recording for detailed presentation).

00:39:51 Mr. Stratman responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

00:40:35 Mr. Schanding spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

00:43:00 Joe Haberman stated we need to clarify if the overhang will be one hundred percent on his property, and does St. Matthews have any approval of this particular application. The Board makes decisions on variances for the City of St. Matthews, but if it extends into the right-of-way that absolutely would be their jurisdiction, so we need to make sure everyone understands what needs the City's approval and what doesn't (see recording for detailed presentation).

00:44:11 **Board Members' deliberation** (Member Seale stated he has reviewed this case very carefully, and he understands what Mr. Schanding is wanting to do. Member Seale stated if the City wanted to make any improvements to the alley he can't see how anything could be allowed to come up to the zero line where the alley is and he would be against approving it. Chair Howard stated that based upon Member Seale's comments, she would close the public hearing. The Board Members continued deliberation (see recording for detailed presentation).

00:50:54 Public Hearing was reopened to allow for discussion with Mr. Stratman and Mr. Shandling (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0076

00:56:52 **Board Members' deliberation**

00:57:57 Public Hearing was reopened to confirm a continuation date with Mr. Schanding (see recording for detailed presentation).

00:59:03 **Board Members' deliberation**

00:59:27 On a motion by Member Seale, seconded by Member Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 20-VARIANCE-0076 to the October 19, 2020 Board of Zoning Adjustment meeting.

The vote was as follows:

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

Absent: Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0079

Request:	Variance to allow principal structures to encroach into the required side yard setbacks
Project Name:	Logan Variance
Location:	802 Logan Street
Owner(s):	Cynthia Lee Staudter
Applicant:	Cynthia Lee Staudter
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:

01:00:48 Nia Holt presented the case and showed a Powerpoint presentation. Ms. Holt responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Cynthia Lee Staudter, 3419 Pinnacle Gardens Drive, Louisville, KY 40245

Summary of testimony of those in favor:

01:05:24 Cynthia Lee Staudter 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
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0079

01:17:03 **Board Members' deliberation**

01:19:38 Public Hearing was reopened to allow discussion with Ms. Staudter regarding obtaining a letter from the adjoining property owner to satisfy Standard A (see recording for detailed presentation).

01:30:25 **Board Members' deliberation**

01:30:55 On a motion by Member Buttorff, seconded by Member Bond, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 20-VARIANCE-0079 to the October 19, 2020 Board of Zoning Adjustment meeting.

The vote was as follows:

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

Absent: Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0082

Request:	Variance to allow an accessory structure to encroach into the side yard setback
Project Name:	Browns Lane Variance
Location:	405 Browns Lane
Owner/Applicant:	Leslie R. Williams
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander and 26 – Brent Ackerson
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:

01:33:07 Nia Holt 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:

Leslie Williams, 405 Browns Lane, Louisville, KY 40207

Summary of testimony of those in favor:

01:38:02 Leslie Williams spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke neither for nor against the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0082

01:42:14 Board Members' deliberation

01:43:19 On a motion by Member Bond, seconded by Member Buttorff, 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 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 the proposed garage will mostly be on the same footprint as the existing structure, and

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

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0082 does hereby **APPROVE** Variance from City of St. Matthews Development Code Section 9.2.P to allow an accessory structure to encroach into the required side yard setback (**Side Yard Requirement 2 ft., Request 0.6 ft., Variance 1.4 ft.**).

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0094

Request:	Variance from Section 5.1.12. to allow a structure to encroach into the required front yard setback on an infill lot
Project Name:	Rosewood Variance
Location:	1613 Rosewood Avenue
Owner(s):	Nicholas & Sanela Graziose
Applicant:	Beverly Baker
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.

THIS CASE WAS WITHDRAWN. THEREFORE, NO VOTE OR ACTION WAS TAKEN.

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0100

Request:	Variance from Section 5.1.10.F to allow a principal structure to encroach into the required side yard setback
Project Name:	S. Preston Variance
Location:	1903 S. Preston Street
Owner(s):	Apex Properties of Louisville, LLC
Applicant:	Derek Schroering
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
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:

01:45:52 Nia Holt presented the case and showed a Powerpoint presentation. Ms. Holt responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Derek Schroering, 1225 Union Ave., Louisville, KY 40213

Summary of testimony of those in favor:

01:48:33 Derek Schroering spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0100

01:50:21 Board Members' deliberation

01:50:59 On a motion by Member Bond, 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, because the proposed deck 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 proposed deck will be of similar design to other structures in the area, and

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed deck will only be one foot less than the required setback requirement; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0100 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 (**South Side Yard Requirement 2 ft., Request 1 ft., Variance 1 ft.**).

The vote was as follows:

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

Absent: Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0087

Request:	Conditional Use Permit to allow a solid waste management facility
Project Name:	RePak Recycling
Location:	1400 Southwestern Parkway
Owner/Applicant:	RePak Recycling, LLC
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

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

01:53:20 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie stated a landscape and tree canopy plan will be submitted and approved before the issuance of a building permit. Mr. Crumbie responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

John Talbott, 1000 N. Hurstbourne Pkwy., 2nd Floor, Louisville, KY
Kent Gootee, 5151 Jefferson Blvd., Louisville, KY
Toby Vonberg, 1400 Southwestern Pkwy., Louisville, KY (was sworn in, but did not speak)

Summary of testimony of those in favor:

01:58:41 John Talbott spoke in favor of the request and showed a Powerpoint presentation. Mr. Talbott provided justification through his testimony for the request for relief from Standard 4B (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0087

02:14:24 Kent Gootee spoke in favor of the request. Mr. Gootee reviewed the site plan and spoke briefly about landscaping (see recording for detailed presentation).

02:15:19 John Talbott continued his testimony and responded to questions from the Board Members (see recording for detailed presentation).

02:21:47 Joe Haberman spoke regarding enforcement of conditions (see recording for detailed presentation).

02:22:35 John Talbott stated this CUP would be limited, and the way they applied it is already restricted to the indoor recycling facility. Mr. Talbott responded to questions from the Board Members (see recording for detailed presentation).

02:26:45 Kent Gootee spoke again regarding landscaping requirements. Mr. Gootee responded to questions from the Board Members (see recording for detailed presentation).

02:28:09 John Talbott and Mr. Gootee stated they would comply with what is required (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

02:32:14 Board Members' deliberation

02:33:16 On a motion by Member Jagoe, 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 proposal meets all applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses, and

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0087

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

WHEREAS, the Board further finds that:

Solid Waste Management Facilities, including composting facilities, construction/ demolition debris facilities, firewood production and sales, indoor recycling facilities, outdoor recycling facilities, and solid waste transfer stations may be permitted subject to the conditions and in the zoning districts listed in the following sub-sections. In addition, the following conditions apply to all of these types of facilities:

- A. All of the facilities referenced in this sub-section 4.2.46 are required to have a license to operate from the Jefferson County Waste Management District (SWR 20.0). **RePak currently holds a license from Jefferson County Waste Management District that will be transferred to the new location.**
 - B. A specific written or site plan for vehicle cleaning facilities to prevent the tracking of mud, dirt or other debris onto any public roadway shall be reviewed and approved by the Director of Works before public hearing. **The applicant is asking for relief since the company obtains its materials from third party trucking companies, those companies are responsible for cleaning and maintaining their trucks so vehicle cleaning facilities will not be provided on site.**
 - C. A continuous fence a minimum of 6 feet high shall be placed along the boundaries of all work and storage areas and provided with gates of the same construction as the fence which shall always remain locked when active operations are not taking place and shall be properly maintained until all operations are completed. **The entire site will be enclosed by a 6' high fence with gates to be locked when active operations are not taking place.**
 - D. When adjoining any residential zoning district, the facility may not be operated on Sunday or earlier than 7:00 a.m. or later than 6:00 p.m. on any other day. **Normal operating hours are from 7:30 a.m. to 4:30 p.m.**
 - E. In addition to these conditions, the following conditions apply to the respective category.
3. Indoor Recycling Facilities, if not in conflict with other laws or ordinances, may be located in the M-2, M-3 and EZ-1 Industrial Districts upon granting of a Conditional Use Permit after the location and nature of such use have been approved by the Board of Zoning Adjustment. The Board of Zoning Adjustment shall review the Comprehensive Plan, the plans and statements of the applicant and shall not permit

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0087

such buildings, structures, or uses until it has been shown that the public health, safety, and general welfare will be properly protected, and that necessary safe guards will be provided for the protection of surrounding property and person. Recycling and/or storage of the following materials:

Glass and glass products

Paper and paper board and fiber Non-ferrous metals

Ferrous metals (limited to food and beverage containers) Wallboard

Plastic and rubber products, and Insulation; may be permitted when developed in compliance with the following conditions:

- a. The operation including loading and unloading operations is completely enclosed in building(s) approved for such purposes by all applicable fire protection authorities. **Recycling activities will be conducted entirely indoors (primarily aluminum cans, and much smaller quantities of cardboard, plastic pallets, steel and red metals).**
- b. The operation will not have or require any fire, smelting, fumes, chemicals or other toxic materials, hazardous waste or by-products, and the use and site shall conform to such other requirements and conditions as the Board in the exercise of sound discretion may require for the protection of surrounding property, persons, and neighborhoods values. **The operation will not have or require any fire, smelting, fumes, chemicals or other toxic materials, hazardous waste or by-products.**
- c. The building(s) shall be a minimum of 200 feet or a lesser distance if approved by the Board of Zoning Adjustment from any surrounding residential district(s). The Board may substitute additional screening requirements for a reduction of the 200-foot setback. **The subject site is not located adjacent to any residential zoning district. Its adjoining neighbors are MSD and an Ashland Oil refinery;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0087, does hereby **APPROVE** Conditional Use Permit to allow a solid waste management facility, with **RELIEF** from Standard 4B based on the fact that the materials being recycled at the facility are not likely to track mud, dirt, or other debris into the public roadway or on site and also that the site material is asphalt and would therefore make it less likely to track mud, dirt, or other debris into the public roadway, and **SUBJECT** to the following Conditions of Approval.

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0087

Conditions of Approval:

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

The vote was as follows:

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

Absent: Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
September 28, 2020

02:36:06 Prior to adjournment, Joe Haberman advised the Board Members that they might see some meeting notices for Boarding House changes to the LDC, and to let him know individually if they have any questions.

The meeting adjourned at approximately 3:40 p.m.

DocuSigned by:

Lula Howard

315657FEAC7453...

Chair

DocuSigned by:

Rick Buttorff

315657FEAC7453...

Secretary