



Action Summary
Board of Zoning Adjustment

Monday, January 11, 2021

1:00 PM

Online Via Webex

Call To Order

- Present:** 5 - Board Member Lindsey Jagoe, Board Member Michael Seale, Board Member Sharon Bond, Board Member Richard Buttorff, and Board Member Kim Leanhart
- Absent:** 1 - Board Member Lula Howard

Approval Of Minutes

1. [BOZA Minutes 12.21.2020](#)

Approval of the minutes for the December 21, 2020 Board of Zoning Adjustment online meeting.

A motion was made by Board Member Seale, seconded by Board Member Buttorff, that the Minutes from the December 21,2020 Board of Zoning Adjustment meeting be APPROVED. The motion carried by the following vote:

Yes: 4 - Seale, Bond, Buttorff, and Leanhart

Absent: 1 - Howard

Abstain: 1 - Jagoe

Public Hearing

2. [20-VARIANCE-0155](#)

Request: Variance to allow a second story addition to an existing structure to encroach into the side yard setbacks

Project Name: Shelby Parkway Variance

Location: 714 Shelby Parkway

Owner: S&S Investments of Kentucky, Inc.

Applicant: Terrell Harris - TL Harris Construction

Jurisdiction: Louisville Metro

Council District: 4 - Barbara Sexton Smith

Case Manager: Zach Schwager, Planner I

A motion was made by Board Member Seale, seconded by Board Member Bond, that Case Number 20-VARIANCE-0155, Variance from Land Development Code Section 5.1.10.F to allow a second story addition to an existing structure to encroach into the required side yard setbacks, be APPROVED, SUBJECT to a Condition of Approval. The vote was as follows:

Yes: 5 - Jagoe, Seale, Bond, Buttorff, and Leanhart

Absent: 1 - Howard

3. [20-VARIANCE-0162](#)

Request: Variance to allow a fence in the front yard setback to exceed 42 inches in height
Project Name: Independence School Road Variance
Location: 10107 Independence School Road
Owner/Applicant: Lori Ann Jackson
Jurisdiction: Louisville Metro
Council District: 22 - Robin Engel
Case Manager: Rachel Mandell, Planner I

A motion was made by Board Member Seale, seconded by Board Member Bond, that Case Number 20-VARIANCE-0162, Variance from Land Development Code Section 4.4.3.1.a.i to allow a proposed fence to exceed the maximum fence height of 48 inches in the front yard setback, be APPROVED. The motion carried by the following vote:

Yes: 5 - Jagoe, Seale, Bond, Buttorff, and Leanhart

Absent: 1 - Howard

4. [20-VARIANCE-0166](#)

Request: Variance to allow a drive-thru lane to encroach into the required side yard setback
Project Name: Bardstown Road Variance
Location: 7701 & 7703 Bardstown Rd
Owner/Applicant: Newton Enterprises, LLC/Emily Estes
Jurisdiction: Louisville Metro
Council District: 22 - Robin Engel
Case Manager: Rachel Mandell, Planner I

A motion was made by Board Member Seale, seconded by Board Member Jagoe, that Case Number 20-VARIANCE-0166 be CONTINUED to a Date Uncertain. The motion carried by the following vote:

Yes: 5 - Jagoe, Seale, Bond, Buttorff, and Leanhart

Absent: 1 - Howard

5. [20-NONCONFORM-0027](#)

Request: Change in Nonconforming Use from a Restaurant to a Drug Store
 Project Name: Madison Street Change in Nonconformance
 Location: 947 E. Madison St.
 Owner: Madison Street Properties LLC
 Applicant: Scott Herrmann
 Jurisdiction: Louisville Metro
 Council District: 4 - Barbara Sexton Smith
 Case Manager: Rachel Mandell, Planner I

A motion was made by Board Member Jagoe, seconded by Board Member Buttorff, that Case Number 20-NONCONFORM-0027, Change in Nonconforming Use from a restaurant to a drug store, be APPROVED. The motion carried by the following vote:

Yes: 5 - Jagoe, Seale, Bond, Buttorff, and Leanhart

Absent: 1 - Howard

6. [20-CUP-0136](#)

Request: Conditional Use Permit to allow a potentially hazardous or nuisance use in an EZ-1 zoning district
 Project Name: Welders Supply
 Location: 340 Byrne Avenue
 Owner: Pettit HQ LLC
 Applicant: Larry Simpson - Welders Supply
 Representative: Kelli Jones - Sabak, Wilson & Lingo, Inc.
 Jurisdiction: Louisville Metro
 Council District: 15 - Kevin Triplett
 Case Manager: Zach Schwager, Planner I

A motion was made by Board Member Seale, seconded by Board Member Buttorff, that Case Number 20-CUP-0136, Conditional Use Permit to allow a potentially hazardous or nuisance use in an EZ-1 Zoning District (LDC 4.2.1) be APPROVED, SUBJECT to Conditions of Approval. The motion carried by the following vote:

Yes: 5 - Jagoe, Seale, Bond, Buttorff, and Leanhart

Absent: 1 - Howard

A motion was made by Board Member Seale, seconded by Board Member Buttorff, that Case Number 20-CUP-0136 (20-WAIVER-0103), Waiver from Land Development Code Section 10.2.4 to not provide the required property perimeter landscape buffer along the east property line, be APPROVED. The motion carried by the following vote:

Yes: 5 - Jagoe, Seale, Bond, Buttorff, and Leanhart

Absent: 1 - Howard

7. [20-CUP-0141](#)

Request: Conditional Use Permit to allow the construction of an accessory apartment

Project Name: Hager Accessory Apartment

Location: 105 Dorsey Way

Owner/Applicant: Edward Hager, III

Jurisdiction: Louisville Metro

Council District: 18 - Marilyn Parker

Case Manager: Jon E. Crumbie, Planning & Design Coordinator

A motion was made by Board Member Bond, seconded by Board Member Seale, that Case Number 20-CUP-0141, Condition Use Permit to allow an accessory apartment, be DENIED. The motion carried by the following vote:

Yes: 4 - Seale, Bond, Buttorff, and Leanhart

No: 1 - Jagoe

Absent: 1 - Howard

Adjournment