

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

March 1, 2021

A meeting of the Louisville Metro Board of Zoning Adjustment was held on March 1, 2021 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

Members Present:

Lula Howard, Chair
Michael Seale, Vice Chair
Sharon Bond, Secretary
Richard Buttorff
Kimberly Leanhart

Members Absent:

Lindsey Jagoe

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Reverman, Planning & Design Assistant Director
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Zach Schwager, Planner I
Rachel Mandell, Planner I
Jon Crumbie, Planning & Design Coordinator
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 March 1, 2021 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

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FEBRUARY 15, 2021 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:05:55 On a motion by Member Bond, seconded by Vice Chair Seale, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the February 15, 2021 Board of Zoning Adjustment online meeting.

The vote was as follows:

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

Abstain: Member Leanhart

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES

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BUSINESS SESSION

CASE NUMBER 21-VARIANCE-0008

Request: Variance to allow an addition to encroach into the side yard setback
Project Name: Wynnewood Circle Variance
Location: 2248 Wynnewood Circle
Owner/Applicant: Susan Mueller
Jurisdiction: Northfield
Council District: 7 – Paula McCraney
Case Manager: Rachel Mandell, 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:

00:07:16 Rachel Mandell presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

00:10:21 Board Members' deliberation

00:10:34 On a motion by Member Leanhart, seconded by Member Bond, 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. 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 conforming with the design of other structures on the same block, and

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BUSINESS SESSION

CASE NUMBER 21-VARIANCE-0008

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the structure will be far enough from the property line to allow maintenance and construction to occur within the property boundaries. Additionally, the new construction will 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 variance is the minimum necessary to provide for a front-facing two car garage and there is adequate space remaining between the structure and property line; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0008 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow a principle structure to encroach into the required side yard setback (North Side Yard Requirement 6 ft., Request 3 ft., Variance 3 ft.).

The vote was as follows:

Yes: Members Bond, Leanhart, Vice Chair Seale, and Chair Howard

Abstain: Member Buttorff

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0005

Request: Variance to allow a private yard area to be less than the required 30% of the area of the lot and waivers to allow an accessory structure to be in the principal structure area and access from the primary street in a Traditional Neighborhood Form District

Project Name: Mayer Avenue Variance and Waivers

Location: 1014 Mayer Avenue

Owner: Jeffrey & Rebecca Hollkamp

Applicant: Rachel Harman – Concept Architects

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:

00:12:54 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).

00:28:34 Chris French responded to questions from the Board Members (see recording for detailed presentation).

00:31:11 Zach Schwager responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Rachel Harman, 1621 Windsor Place, Louisville, KY 40204
Jeffrey Hollkamp, 301 Mill Stream Pl., Louisville, KY 40222
Jeffrey Hollkamp (did not provide address)
John Brown, 1017 Mayer Ave., Louisville, KY 40217

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0005

Summary of testimony of those in favor:

00:32:41 Rachel Harman spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:45:45 Joe Haberman requested the property owner explain what is to be stored here because he is struggling with the use being a home occupation (see recording for detailed presentation).

00:46:07 Jeffrey Hollkamp (son) spoke in favor of the request (see recording for detailed presentation).

00:49:21 Jeffrey Hollkamp (father) spoke in favor of the request. Mr. Hollkamp and his son responded to questions from the Board Members (see recording for detailed presentation).

00:55:07 Chair Howard asked Mr. Haberman if his question was answered. Mr. Haberman stated it was, but staff still has concerns. Just because they're not running the business out of the building, they're still using it for a non-residential use and that's a concern. Mr. Haberman stated there's an extra concern that the garage, although an accessory structure, is not going to be used by the people occupying the principal structure (see recording for detailed presentation).

00:56:15 John Brown spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:01:35 Rachel Harman responded to questions from the Board Members (see recording for detailed presentation).

01:04:15 Emily Liu, Director, Planning & Design Services, stated she does not think the proposed use of this property is allowed (see recording for detailed presentation).

The following spoke in opposition of the request:

Jason McGrew, 1010 Mayer Ave., Louisville, KY 40217

Summary of testimony of those in opposition:

01:06:15 Jason McGrew spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0005

01:11:20 Rachel Harman spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

01:12:40 Mr. Hollkamp responded to questions from the Board Members (see recording for detailed presentation).

01:14:37 Board Members' deliberation

01:28:30 On a motion by Vice Chair Seale, seconded by Member Buttorff, the following resolution, based upon the testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 21-VARIANCE-0005 to the March 15, 2021 Board of Zoning Adjustment meeting to allow the applicant to revise the plan and have further discussion with staff.

The vote was as follows:

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

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0007

Request:	Variances to allow a principal structure to encroach into the required side and street side yard setbacks
Project Name:	S. 5th Street Variance
Location:	2901 S. 5th Street
Owner:	Detrick Houseal – H3 Properties, LLC
Applicant:	Charles Podgursky – C.R.P. and Assoc. Inc.
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
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:

01:30:35 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Charles Podgursky, 7321 New LaGrange Rd., #111, Louisville, KY 40222

Summary of testimony of those in favor:

01:33:55 Charles Podgursky 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.

01:38:09 Board Members' deliberation

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0007

01:38:31 On a motion by Member Leanhart, seconded by Member Bond, 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 other structures in the area encroach a similar distance into side and street side yard setbacks, 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 structure will be the same distance from the side and street side property lines as the original structure; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0007 does hereby **APPROVE** Variance from Land Development Code Section 5.1.10.F and Table 5.2.2 to allow a principal structure to encroach into the required side and street side yard setbacks (**Side Yard Requirement 2 ft., Request 1.65 ft., Variance 0.35 ft.; Street Side Yard Requirement 3 ft., Request 1.6 ft., Variance 1.4 ft.**).

The vote was as follows:

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

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0009

Request:	Variance to provide less than the required private yard area
Project Name:	Cherokee Road Variance
Location:	909 Cherokee Road
Owner/Applicant:	Home in the Highlands LLC/Charles Williams
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Armstrong
Case Manager:	Rachel Mandell, 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:

01:40:53 Rachel Mandell presented the case and showed a Powerpoint presentation. Ms. Mandell responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Charles Williams, 1626 Windsor Pl., Louisville, KY 40204

Summary of testimony of those in favor:

01:44:28 Charles Williams 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.

01:46:59 Board Members' deliberation

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0009

01:47:11 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. The structure will be constructed to comply with all building codes, including fire codes and over 2,200 SF of private yard area will be provided, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the addition and private yard area are located behind the existing principle structure and the Landmarks Commission has approved the design of the proposal, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed private yard area will provide ample open space and is not visible from Cherokee Road. Additionally, the new construction will 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 large lot size prompted the requirement to also provide a large quantity of private yard area square footage; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0009 does hereby **APPROVE** Variance from Land Development Code Section 5.4.1.D.2 to provide less than 30% private yard area (**Private Yard Area Requirement 2,435 SF, Request 2,218 SF, Variance 217 SF**).

The vote was as follows:

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

Absent: Member Jagoe

01:48:54 Meeting was recessed.

01:57:01 Meeting was reconvened.

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0010

Request:	Variances to allow a principal structure to encroach into the required side yard setbacks
Project Name:	Stone Wynde Drive Variance
Location:	4416 Stone Wynde Drive
Owner:	Tracey D. Millner
Applicant:	Kathy Matheny – Cardinal Surveying
Jurisdiction:	Louisville Metro
Council District:	25 – Amy Holton Stewart
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:

01:57:31 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:

Kathy Matheny, 9009 Preston Hwy., Louisville, KY 40219
Patrick Bissig, 9716 Holiday Dr., Louisville, KY 40272

Summary of testimony of those in favor:

02:02:24 Kathy Matheny spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:09:47 Patrick Bissig spoke in favor of the request (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0010

The following spoke in opposition of the request:

No one spoke.

02:12:30 Zach Schwager stated he had received an email in opposition in regard to the HOA bylaws regarding setbacks (see recording for detailed presentation).

02:14:36 Kathy Matheny stated they did reach out to the person who sent the email and they couldn't quite flesh out anything they could address. Ms. Matheny responded to questions from the Board Members (see recording for detailed presentation).

02:17:14 Board Members' deliberation

02:24:10 Public hearing was reopened to allow additional testimony from Ms. Matheny. Mr. Schwager also provided additional testimony (see recording for detailed presentation).

02:27:06 Board Members' deliberation

02:30:34 On a motion by Vice Chair Seale, seconded by Member Bond, 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 other structures in the area encroach a similar distance into side yard setbacks, 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 structure will be a similar distance to side property lines as other structures in the area; now, therefore be it

BOARD OF ZONING ADJUSTMENT MINUTES

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0010

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0010 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow a principal structure to encroach into the required side yard setbacks (**Side Yard Requirement 6 ft. [18 ft. total], Request 5 ft. [10 ft. total], Variance 1 ft. [8 ft. total]**).

The vote was as follows:

Yes: Members Bond, Vice Chair Seale, and Chair Howard

Abstain: Member Buttorff

Recuse: Member Leanhart

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
March 1, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0012

Request:	Variance to allow an addition to a principal structure to encroach into the required side yard setback
Project Name:	Deerwood Avenue Variance
Location:	1936 Deerwood Avenue
Owner:	Monica Schroeder
Applicant:	Charles Podgursky – C.R.P. and Assoc. Inc.
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers Armstrong
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:

02:32:44 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:

Charles Podgursky, 7321 New LaGrange Rd., #111, Louisville, KY 40222

Summary of testimony of those in favor:

02:35:56 Charles Podgursky spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:36:40 Mr. Schwager responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0012

The following spoke in opposition of the request:

No one spoke.

02:38:09 Board Members' deliberation

02:38:54 On a motion by Member Leanhart, seconded by Vice Chair 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 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, 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 have the same setback 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 addition will be 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 21-VARIANCE-0012 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow an addition to an existing principal structure to encroach into the required side yard setback (**Side Yard Requirement 3 ft., Request 0.21 ft., Variance 2.79 ft.**).

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
March 1, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0017

Request:	Variance to allow an addition to a principal structure to encroach into the required rear yard setback
Project Name:	Breckenridge Lane Variance
Location:	2960 Breckenridge Lane
Owner:	Dineshkumar Patel – V&P Investments, LLC
Applicant:	David Garber – Garber-Chilton Engineers
Jurisdiction:	Louisville Metro
Council District:	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:

02:40:47 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:

David Garber, 2249 Commerce Pkwy., Suite 2, LaGrange, KY 40031

Summary of testimony of those in favor:

02:46:17 David Garber 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 21-VARIANCE-0017

02:54:06 Board Members' deliberation

02:54:28 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 existing structure encroaches further into the rear yard setback than the proposed addition, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the existing structure encroaches further into the rear yard setback than the proposed addition, 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 existing structure encroaches further into the rear yard setback than the proposed addition; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0017 does hereby **APPROVE** Variance from Land Development Code Section 5.3.3.C.2.b to allow a principal structure to encroach into the required rear yard setback (**Rear Yard Requirement 50 ft., Request 20.2 ft., Variance 29.8 ft.**).

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES

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PUBLIC HEARING

CASE NUMBER 20-APPEAL-0009

Request: Appeal of an administrative decision concerning nonconforming rights for the rear portion of the building to be used as multi-family

Project Name: West Chestnut Street Appeal

Location: 2601 West Chestnut Street

Owner(s): Jean Manganero

Appellant: Katheryn Higgins

Jurisdiction: Louisville Metro

Council District: 5 – Donna Purvis

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:

02:58:34 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie stated it should be noted that the appellant is a third party and is not the property owner and does not represent the property owner. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in opposition of the appeal:

Nick Pregliasco, 1000 N. Hurstbourne Pkwy., 2nd Floor, Louisville, KY 40222

Summary of testimony of those in opposition:

03:05:18 Nick Pregliasco spoke in opposition of the appeal. Mr. Pregliasco stated this property was built as six residential units and has been used as six residential units. Mr. Pregliasco responded to questions from the Board Members (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 20-APPEAL-0009

The following spoke neither for nor against the appeal:

No one spoke.

The following spoke in favor of the appeal:

Thomas Hurst, 4898 Brownsboro Rd., Louisville, KY 40207

Katheryn Higgins, 2605 W. Chestnut St., Louisville, KY 40211

Martina Kunnecke, 311 Northwestern Pkwy., Louisville, KY 40212

Summary of testimony of those in favor of the appeal:

03:10:44 Thomas Hurst, attorney for the appellant, spoke in favor of the appeal. Mr. Hurst thanked the Board for continuing this case until today. Mr. Hurst provided background information for his client as it relates to her memory of what has gone on in this neighborhood from about the 1950's on. Mr. Hurst stated his client's recollection is that there were commercial businesses operating at this location. Mr. Hurst stated their position is that what is being used now is not what was being used in 1971. Mr. Hurst responded to questions from the Board Members (see recording for detailed presentation).

03:23:53 Katheryn Higgins was sworn in, but lost connectivity (see recording for detailed presentation).

03:26:42 Mr. Hurst responded to questions from the Board Members (see recording for detailed presentation).

03:34:00 Ms. Higgins spoke in favor of the appeal. Ms. Higgins stated she was born in 1958 and lived at 2605 West Chestnut until she purchased her own home. Ms. Higgins stated she was always in that house because her family resided there. Ms. Higgins stated she was in high school from 1971 through 1975 and there were not apartments there. Ms. Higgins responded to questions from Mr. Pregliasco regarding her residency. Ms. Higgins stated she is in both houses every day, and she owns both houses (see recording for detailed presentation).

03:40:22 Mr. Hurst stated both the real estate record and Ms. Higgins' personal testimony very clearly establishes that she has an intimate knowledge of that neighborhood particularly in the period that is in question which is 1971. Mr. Hurst stated she continues to own the house now but was there full time as a high school student every day, so her knowledge of the use of that property at the time in question is still based on absolute first-hand knowledge (see recording for detailed presentation).

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CASE NUMBER 20-APPEAL-0009

03:41:14 Ms. Higgins stated this is her neighborhood and her home. Ms. Higgins stated she has a respect for her home and that's why she has not left and why she has not sold (see recording for detailed presentation).

03:41:17 Martina Kunnecke spoke in favor of the appeal and responded to questions from the Board Members (see recording for detailed presentation).

03:47:16 Ms. Higgins responded to questions from the Board Members (see recording for detailed presentation).

03:48:01 Mr. Pregliasco spoke regarding compliance. Mr. Pregliasco stated once the application for a transitional home was denied there were no new persons brought in at that point. Mr. Pregliasco stated there's only one resident in the front building left. Mr. Pregliasco responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

03:55:38 Jon Crumbie spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

03:56:16 Chair Howard stated she knows that in the rear building at least after 1971 there was a beauty shop. Chair Howard stated she doesn't know if she should vote or not (see recording for detailed presentation).

03:57:24 Travis Fiechter, Legal Counsel, stated he does not think an abstention would be necessary (see recording for detailed presentation).

04:03:07 Mr. Crumbie continued rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

04:04:45 Joe Haberman responded to a question from Member Buttorff regarding the layout of the six units (see recording for detailed presentation).

04:10:07 Board Members' deliberation

04:23:53 Public Hearing was reopened to allow a response from Ms. Higgins to questions from the Board Members. Staff and Board Members discussed the addresses in question (see recording for detailed presentation).

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March 1, 2021

PUBLIC HEARING

CASE NUMBER 20-APPEAL-0009

04:37:27 Meeting was recessed.

04:42:24 Meeting was reconvened.

04:42:24 Board Members discussed the case (see recording for detailed presentation).

04:46:33 Ms. Higgins and Mr. Hurst responded to questions from the Board Members (see recording for detailed presentation).

04:58:53 Board Members' deliberation

05:04:50 On a motion by Vice Chair Seale, seconded by Member Bond, the following resolution, based upon the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the use of the property (residential units) did not continue to the present day, and

WHEREAS, the Board further finds that uses which occurred after 1971 included a beauty parlor and shoe repair which has been corroborated by the appellant; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-APPEAL-0009 does hereby **OVERTURN STAFF DECISION** and **APPROVE** the appeal.

The vote was as follows:

Yes: Members Bond, Leanhart, Vice Chair Seale, and Chair Howard

No: Member Buttorff

Absent: Member Jagoe

05:10:25 The Board Members discussed further action and after additional discussion Vice Chair Seale requested to withdraw his previous motion. Board Member Bond agreed to withdraw the previous motion.

BOARD OF ZONING ADJUSTMENT MINUTES
March 1, 2021

PUBLIC HEARING

CASE NUMBER 20-APPEAL-0009

05:20:16 A motion was made by Vice Chair Seale, seconded by Member Bond, to **WITHDRAW** the previous motion.

The vote was as follows:

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

Absent: Member Jagoe

05:23:15 On a motion by Vice Chair Seale, seconded by Member Bond, the following resolution, based upon the original staff analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds the evidence to be sufficient to grant nonconforming rights for **FOUR** of the units in the rear building, and

WHEREAS, the Board further finds that **TWO** of the units in the rear building were used for non-residential use; now therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-APPEAL-0009 does hereby **APPROVE** nonconforming rights for **FOUR** of the units in the rear building.

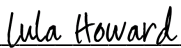
The vote was as follows:


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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
March 1, 2021

The meeting adjourned at approximately 6:30 p.m.

DocuSigned by:

3466F7FEAC7453...
Chair

DocuSigned by:

...
Secretary