



Action Summary
Board of Zoning Adjustment

Monday, December 6, 2021

1:00 PM

Online Via Webex

THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE

Call To Order

NOTE: Board Member Vozos joined the meeting at approximately 1:24 p.m. Board Member Vozos' video was unavailable, therefore, he did not vote on any of today's cases.

Present: 6 - Board Member Richard Buttorff, Board Member Kim Leanhart, Board Member Yani Vozos, Board Member Sharon Bond, Board Member Brandt Ford, and Board Member Lula Howard

Approval Of Minutes

1. [BOZA Minutes 11.15.21](#)

Approval of the Minutes from the November 15, 2021 Board of Zoning Adjustment meeting

A motion was made by Board Member Leanhart, seconded by Board Member Bond, that the Minutes from the November 15, 2021 Board of Zoning Adjustment meeting be APPROVED. The motion carried by the following vote:

Yes: 4 - Leanhart, Bond, Ford, and Howard

Absent: 1 - Vozos

Abstain: 1 - Buttorff

Business Session

2. [21-EXTENSION-0019](#)

Request: Extension of Expiration Date - **this case has been removed**
Project Name: Oxmoor Center East Out Parcel
Location: 7900 Shelbyville Road
Owner: WMB 2 LLC
Applicant: WMB 2 LLC
Representative: Frost Brown Todd
Jurisdiction: Louisville Metro
Council District: 7 - Paula McCraney
Case Manager: Dante St. Germain, AICP, Planner II

This case was removed from today's agenda. Therefore, no vote or action was taken.

3. [21-VARIANCE-0162](#)

Request: Variance to allow an accessory structure to encroach into the side yard and rear yard setbacks.

Project Name: Elmwood Avenue Variance

Location: 4069 Elmwood Avenue

Owner/Applicant: David Gambol

Jurisdiction: Louisville Metro

Council District: 7 - Paula McCraney

Case Manager: Heather Pollock, Planner I

A motion was made by Board Member Leanhart, seconded by Board Member Bond, that Case Number 21-VARIANCE-0162, Variance from St. Matthews Development Code section 4.6.C.2.b to allow an accessory structure to encroach into the side yard setback and section 4.6.C.2.d to encroach into the rear yard setback, be APPROVED. The motion carried by the following vote:

Yes: 4 - Leanhart, Bond, Ford, and Howard

No: 1 - Buttorff

Absent: 1 - Vozos

4. [21-MCUP-0009](#)

Request: Modified Conditional Use Permit to allow a hot water silo to be replaced by a pump house

Project Name: JBS Swift Hot Water Silo Replacement

Location: 1200 Story Ave

Owner/Applicant: Swift Eckrich, Inc.

Jurisdiction: Louisville Metro

Council District: 4 - Jecorey Arthur

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

A motion was made by Board Member Leanhart, seconded by Board Member Buttorff, that Case Number 21-MCUP-0009, Modification of Conditional Use Permit to allow the replacement of a hot water silo with a 330 square foot pump house, be APPROVED, SUBJECT to Conditions of Approval. The motion carried by the following vote:

Yes: 5 - Buttorff, Leanhart, Bond, Ford, and Howard

Not Voting: 1 - Vozos

Public Hearing

5. [21-VARIANCE-0148](#)

Request: **THIS CASE IS BEING CONTINUED**
 Variance to allow the private yard area to be less than the required 30% of the area of the lot.

Project Name: Gheens Avenue Variance
 Location: 524 Gheens Avenue
 Owner/Applicant: Isabel Mauriz
 Jurisdiction: Louisville Metro
 Council District: 21 - Nicole George
 Case Manager: Heather Pollock, Planner I

A motion was made by Board Member Buttorff, seconded by Board Member Bond, that Case Number 21-VARIANCE-0148 be CONTINUED to the January 10, 2022 Board of Zoning Adjustment meeting. The motion carried by the following vote:

Yes: 5 - Buttorff, Leanhart, Bond, Ford, and Howard

Not Voting: 1 - Vozos

6. [21-VARIANCE-0130](#)

Request: Variance to allow the private yard area to be less than the required 30% of the area of the lot

Project Name: Iroquois Avenue Variance
 Location: 630 Iroquois Avenue
 Owner/Applicant: Toni Wolz
 Jurisdiction: Louisville Metro
 Council District: 21 - Nicole George
 Case Manager: Heather Pollock, Planner I

A motion was made by Board Member Buttorff, seconded by Board Member Leanhart, that Case Number 21-VARIANCE-0130, 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 the lot, be APPROVED. The motion carried by the following vote:

Yes: 5 - Buttorff, Leanhart, Bond, Ford, and Howard

Not Voting: 1 - Vozos

7. [21-VARIANCE-0134](#)

Request: Variance to allow a porch to encroach into the front yard setback
 Project Name: Hoertz Avenue Variance
 Location: 1314 Hoertz Avenue
 Owner/Applicant: Katrina Miller
 Representative: Cliff Ashburner
 Jurisdiction: Louisville Metro
 Council District: 15 - Kevin Triplett
 Case Manager: Heather Pollock, Planner I

A motion was made by Board Member Bond, seconded by Board Member Leanhart, that Case Number 21-VARIANCE-0134 be CONTINUED to a Date Uncertain. The motion carried by the following vote:

Yes: 5 - Buttorff, Leanhart, Bond, Ford, and Howard

Not Voting: 1 - Vozos

8. [21-VARIANCE-0143](#)

Request: Variance to allow an addition to encroach into the required side yard setback
 Project Name: Mulberry Street Variance
 Location: 942 Mulberry Street
 Owner/Applicant: Alfred Pizzonia Jr.
 Jurisdiction: Louisville Metro
 Council District: 15 - Kevin Triplett
 Case Manager: Heather Pollock, Planner I

A motion was made by Board Member Leanhart, seconded by Board Member Buttorff, the Case Number 21-VARIANCE-0143, Variance from Land Development Code table 5.2.2 to allow a principal structure to encroach into the side yard setback, be APPROVED, with RELIEF from Standard A. The motion carried by the following vote:

Yes: 5 - Buttorff, Leanhart, Bond, Ford, and Howard

Not Voting: 1 - Vozos

9. [21-VARIANCE-0144](#)

Request: Variance to allow a fence to exceed the maximum height in the side yard

Project Name: Wainwright Avenue Variance

Location: 546 Wainwright Avenue

Owner/Applicant: Weilun Wang

Jurisdiction: Louisville Metro

Council District: 15 - Kevin Triplett

Case Manager: Heather Pollock, Planner I

A motion was made by Board Member Buttorff, seconded by Board Member Leanhart, that Case Number 21-VARIANCE-0144, Variance from Land Development Code section 4.4.3.A.1.a.ii to allow a fence to exceed 96 inches in height in the side yard setback, be APPROVED, with RELIEF from Standard B and Standard D. The motion carried by the following vote:

Yes: 5 - Buttorff, Leanhart, Bond, Ford, and Howard

Not Voting: 1 - Vozos

10. [21-VARIANCE-0152](#)

Request: Variance to exceed the required 80 FT Front Yard Setback

Project Name: Ace Hardware Store

Location: 14004 Shelbyville Road

Owner/Applicant: Beckshell, LLC.

Jurisdiction: Louisville Metro

Council District: 11 - Kevin Kramer

Case Manager: Molly Clark, Planner I

A motion was made by Board Member Bond, seconded by Board Member Buttorff, that Case Number 21-VARIANCE-0152, Variance from Land Development Code Table 5.3.2 for non-residential setbacks to allow a structure to exceed the 80 ft maximum front yard setback, be APPROVED, SUBJECT to a Condition of Approval. The motion carried by the following vote:

Yes: 5 - Buttorff, Leanhart, Bond, Ford, and Howard

Not Voting: 1 - Vozos

11. [21-VARIANCE-0153](#)

Request: Variance to exceed permitted area for attached sign
 Project Name: Jewish Community Center
 Location: 3600 Dutchmans Lane
 Owner/Applicant: Jewish Community Center of Louisville
 Jurisdiction: Louisville Metro
 Council District: 8 - Cassie Chambers Armstrong
 Case Manager: Beth Jones, AICP, Planner II

A motion was made by Board Member Leanhart, seconded by Board Member Buttorff, that Case Number 21-VARIANCE-0153, VARIANCE to permit an attached sign to exceed the permitted size in a Neighborhood form district, be APPROVED. The motion carried by the following vote:

Yes: 5 - Buttorff, Leanhart, Bond, Ford, and Howard

Not Voting: 1 - Vozos

12. [21-CUP-0130](#)

Request: Conditional Use Permit to allow a rehabilitation home
 Project Name: Divine Steps
 Location: 3240 Herman Street
 Owner/Applicant: Carlos and Lucretia Garrett
 Jurisdiction: Louisville Metro
 Council District: 5 - Donna Purvis
 Case Manager: Jon E. Crumbie, Planning & Design Coordinator

A motion was made by Board Member Leanhart, seconded by Board Member Bond, that Case Number 21-CUP-0130, Conditional Use Permit to allow a rehabilitation home, be APPROVED, with Relief from Standard 4F, and SUBJECT to Conditions of Approval. The motion carried by the following vote:

Yes: 5 - Buttorff, Leanhart, Bond, Ford, and Howard

Not Voting: 1 - Vozos

13. [21-WAIVER-0146](#)

Request: Waiver to eliminate the required property perimeter landscape buffer area
 Project Name: Divine Steps
 Location: 3240 Herman Street
 Owner/Applicant: Carlos and Lucretia Garrett
 Jurisdiction: Louisville Metro
 Council District: 5 - Donna Purvis
 Case Manager: Jon E. Crumbie, Planning & Design Coordinator

A motion was made by Board Member Leanhart, seconded by Board Member Buttorff, that Case Number 21-WAIVER-0146, Waiver from Land Development Code Section 10.2.4. to eliminate the required property perimeter landscape buffer area, be APPROVED. The motion carried by the following vote:

Yes: 5 - Buttorff, Leanhart, Bond, Ford, and Howard

Not Voting: 1 - Vozos

14. [21-CUP-0179](#)

Request: Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host

Project Name: Clarks Lane Short Term Rental

Location: 829 Clarks Lane

Owner: PASSAFIUME DEV CO

Applicant: Paul Passafiume

Jurisdiction: Louisville Metro

Council District: 15 - Kevin Triplett

Case Manager: Zach Schwager, Planner I

A motion was made by Board Member Bond, seconded by Board Member Leanhart, that Case Number 21-CUP-0179, Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63), be APPROVED, SUBJECT to a Condition of Approval. The motion carried by the following vote:

Yes: 5 - Buttorff, Leanhart, Bond, Ford, and Howard

Not Voting: 1 - Vozos

15. [21-CUP-0180](#)

Request: Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host

Project Name: Ashland Avenue Short Term Rental

Location: 901 Ashland Avenue

Owner/Applicant: Vyacheslav Furs

Jurisdiction: Louisville Metro

Council District: 21 - Nicole George

Case Manager: Zach Schwager, Planner I

A motion was made by Board Member Bond, seconded by Board Member Buttorff, that Case Number 21-CUP-0180, Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63), be APPROVED, SUBJECT to a Condition of Approval. The motion carried by the following vote:

Yes: 5 - Buttorff, Leanhart, Bond, Ford, and Howard

Not Voting: 1 - Vozos

Adjournment