



## Action Summary Board of Zoning Adjustment

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Monday, February 15, 2021

1:00 PM

Online Via Webex

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### Call To Order

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

### Approval Of Minutes

1. [BOZA Min 02.01.21](#)

Approval of the Minutes from the February 1, 2021 Board of Zoning Adjustment Annual Meeting.

Approval of the Minutes from the February 1, 2021 Board of Zoning Adjustment Regular Meeting.

**A motion was made by Vice Chair Seale, seconded by Board Member Bond, that the Minutes from the 2/1/21 Board of Zoning Adjustment Annual Meeting be APPROVED. The motion carried by the following vote:**

- Yes:** 4 - Jagoe, Bond, Howard, and Seale
- Absent:** 1 - Leanhart
- Abstain:** 1 - Buttorff

**A motion was made by Vice Chair Seale, seconded by Board Member Bond, that the Minutes from the 2/1/21 Board of Zoning Adjustment Regular meeting be APPROVED. The motion carried by the following vote:**

- Yes:** 4 - Jagoe, Bond, Howard, and Seale
- Absent:** 1 - Leanhart
- Abstain:** 1 - Buttorff

### Business Session

2. [20-CUP-0141](#)

Request: Waive the 1 year rule to allow the applicant to submit a new plan for 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 Vice Chair Seale, seconded by Board Member Bond, that Case Number 20-CUP-0141, Request to Waive the 1 year rule to allow the applicant to submit a new plan for the construction of an accessory apartment, be APPROVED. The motion carried by the following vote:**

**Yes:** 5 - Jagoe, Bond, Buttorff, Howard, and Seale

**Absent:** 1 - Leanhart

**Public Hearing**

3. [20-VARIANCE-0166](#)

Request: Variance and waivers to allow a drive-thru lane to encroach into the required side yard setback, to not provide the 25ft landscape buffer area and to allow VUA to encroach into the parkway buffer area

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 Vice Chair Seale, seconded by Board Member Buttorff, that Case Number 20-VARIANCE-0166, Variance from Land Development Code Table 5.3.2 to allow a proposed drive thru lane to encroach into the required side yard setback, be APPROVED, SUBJECT to a Condition of Approval. The motion carried by the following vote:**

**Yes:** 5 - Jagoe, Bond, Buttorff, Howard, and Seale

**Absent:** 1 - Leanhart

**A motion was made by Vice Chair Seale, seconded by Board Member Buttorff, that Case Number 20-VARIANCE-0166 (20-WAIVER-0132), Waiver from 10.2.4 to not provide the 25 ft. landscape buffer area between a commercial use and residentially zoned property, and Waiver from 10.3.5.A.7 to allow vehicular use area to encroach into the required parkway buffer area be APPROVED. The motion carried by the following vote:**

**Yes:** 5 - Jagoe, Bond, Buttorff, Howard, and Seale

**Absent:** 1 - Leanhart

4. [20-VARIANCE-0179](#)

Request: Variance to allow an addition to an existing accessory structure to encroach into the required side yard setback

Project Name: Keswick Boulevard Variance

Location: 2407 Keswick Boulevard

Owner/Applicant: David Sullivan

Jurisdiction: Louisville Metro

Council District: 10 - Pat Mulvihill

Case Manager: Zach Schwager, Planner I

**A motion was made by Board Member Jagoe, seconded by Board Member Bond, that Case Number 20-VARIANCE-0179, Variance from Land Development Code Section 5.4.2.C.3.a to allow an addition to an existing accessory structure to encroach into the required side yard setback, be APPROVED. The motion carried by the following vote:**

**Yes:** 5 - Jagoe, Bond, Buttorff, Howard, and Seale

**Absent:** 1 - Leanhart

5. [21-VARIANCE-0003](#)

Request: Variance to allow a fence in the street side yard setback to exceed 48 inches in height in the Neighborhood Form District

Project Name: Lincoln Avenue Variance

Location: 1500 Lincoln Avenue

Owner: Good Measure Homes, LLC

Applicant: Michael Stevens - Good Measure Homes, LLC

Jurisdiction: Louisville Metro

Council District: 10 - Pat Mulvihill

Case Manager: Zach Schwager, Planner I

**A motion was made by Vice Chair Seale, seconded by Board Member Buttorff, that Case Number 21-VARIANCE-0003, Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence in the street side yard setback in a Neighborhood Form District to exceed 48 inches in height (Street Side Yard Requirement 48 in., Request (as amended and agreed to by the applicant) 60 in., Variance (as amended and agreed to by the applicant) 12 in.), be APPROVED. NOTE: This approval allows the fence at the rear property line to be 84 inches in height. The motion carried by the following vote:**

**Yes:** 5 - Jagoe, Bond, Buttorff, Howard, and Seale

**Absent:** 1 - Leanhart

6. [20-NONCONFORM-0034](#)

Request: Change in Nonconforming Use from a Pool Supply Company to Sixteen Dwelling Units

Project Name: Franklin Street Change in Nonconformance

Location: 935 Franklin St.

Owner: Hilltech Properties LTD

Applicant: Clifford Ashburner

Jurisdiction: Louisville Metro

Council District: 4 - Jecorey Arthur

Case Manager: Rachel Mandell, Planner I

**NOTE:** Board Member Jagoe left the meeting at approximately 3:30 p.m.

**A motion was made by Board Member Buttorff, seconded by Vice Chair Seale, that Case Number 20-NONCONFORM-0034, Change in nonconforming use from a pool supply company to sixteen dwelling units, be APPROVED. The motion carried by the following vote:**

**Yes:** 4 - Bond, Buttorff, Howard, and Seale

**Absent:** 2 - Jagoe, and Leanhart

7. [20-CUP-0160](#)

Request: Conditional Use Permit to allow short term rental of a dwelling unit in the TNZD that is the primary residence of the host

Project Name: Sreenivas short term rental

Location: 1386 South 6th Street

Owner/Applicant: Aruna Sreenivas

Jurisdiction: Louisville Metro

Council District: 6 - David James

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

**A motion was made by Board Member Bond, seconded by Board Member Buttorff, that Case Number 20-CUP-0160 be CONTINUED to a DATE UNCERTAIN. The motion carried by the following vote:**

**Yes:** 4 - Bond, Buttorff, Howard, and Seale

**Absent:** 2 - Jagoe, and Leanhart

8. [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

**A motion was made by Vice Chair Seale, seconded by Board Member Buttorff, that Case Number 20-APPEAL-0009 be CONTINUED to the March 1, 2021 Board of Zoning Adjustment meeting. The motion carried by the following vote:**

**Yes:** 4 - Bond, Buttorff, Howard, and Seale

**Absent:** 2 - Jagoe, and Leanhart

**Adjournment**