

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

**May 23, 2022**

A Special meeting of the Louisville Metro Board of Zoning Adjustment was held on May 23, 2022 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Members Present:**

Lula Howard, Chair  
Richard Buttorff, Vice Chair  
Sharon Bond, Secretary  
Brandt Ford  
Yani Vozos  
Kimberly Leanhart

**Staff Members Present:**

Joe Haberman, Planning & Design Manager  
Brian Davis, Planning & Design Manager  
Chris French, Planning & Design Supervisor  
Joel Dock, Planning & Design Coordinator  
Heather Pollock, Planner I  
Zach Schwager, Planner I  
Travis Fiechter, Legal Counsel  
Sue Reid, Management Assistant

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT  
SPECIAL MEETING MINUTES  
May 23, 2022**

**MAY 16, 2022 BOARD OF ZONING ADJUSTMENT MEETING MINUTES**

**00:03:37** On a motion by Member Ford, seconded by Vice Chair Buttorff, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Minutes of the May 16, 2022 Board of Zoning Adjustment meeting.

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 23, 2022**

**BUSINESS SESSION**

**22-VARIANCE-0043**

Request:	Variance to allow an existing accessory structure to encroach into the required side yard setback
Project Name:	Moran Variance
Location:	3615 Norbourne Blvd.
Owner/Applicant:	Matt Moran
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Chris French, AICP, Planning & Design Supervisor

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 5<sup>th</sup> 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:**

**00:04:32** Chris French presented the case and showed a slideshow presentation. Mr. French responded to questions from the Board Members (see recording for detailed presentation).

**00:09:54** On a motion by Member Vozos, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the signatures of the adjoining property owners, 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 detached garage has been located on the subject property for a number of years without incident, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the existing garage has been on the subject property for a number of years and appears to be in character with the surrounding area, and

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**BUSINESS SESSION**

**22-VARIANCE-0043**

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance because the existing detached garage has existed on the subject property for a number of years without incident. In addition, the adjacent property potentially impacted by the requested variance is owned by the applicant as well, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since the detached garage has existed on the subject property for a number of years and keeping the structure in its current location would not circumvent the zoning regulations; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0043 does hereby **APPROVE** Variance from Section 4.6.C.2.b of the St. Matthews Development Regulations to allow an existing accessory structure to encroach within the side yard setback (**Northeastern Side Yard Setback Requirement 6 ft., Request 0 ft., Variance 6 ft.**).

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0054**

Request:	Fence height
Project Name:	1111-1139 S. 7th Street
Location:	1111-1139 S. 7th Street
Owner/Applicant:	Literary Society of Saint Louis
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Joel Dock, AICP, Planning Coordinator

**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:**

**00:11:24** Joel Dock requested to continue this case to a date uncertain because the request has been withdrawn by staff since the variance is no longer necessary. Mr. Dock responded to questions from the Board Members (see recording for detailed presentation).

**00:12:45** On a motion by Member Leanhart, seconded by Vice Chair Buttorff, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 22-VARIANCE-0054 to a Date Uncertain.

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0049**

Request:	Variance for side setback
Project Name:	928 Franklin Street
Location:	928 Franklin Street
Owner/Applicant:	Regan Atkinson
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Joel Dock, AICP, Planning 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 5<sup>th</sup> 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:**

**00:14:02** Joel Dock presented the case and showed a slideshow presentation. Mr. Dock responded to questions from the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Benjamin Morrison, 1733 Fleming Road, Louisville, KY 40205

**Summary of testimony of those in favor:**

**00:18:01** Benjamin Morrison 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.

**00:20:00 Board Members' deliberation**

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**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0049**

**00:20:32** On a motion by Vice Chair Buttorff, 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 as it will not impede the safe movement of pedestrians or vehicles and will be constructed to comply with all building codes, and

**WHEREAS**, the Board further finds that the proposal will not alter the essential character of the general vicinity as it continues the current setback of the principal structure and it is located in an area where minimal setback from property lines and attached units are common, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as it is located to the rear of the property away from the public realm and maintains consistent setbacks to what is found in the area and on the subject site, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as it presents no adverse impacts to public safety, does not alter the character, and does not create a hazard or nuisance; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0049 does hereby **APPROVE** Variance from Land Development Code Section 5.2.2 to reduce the side yard setback from 3' to 0'.

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0060**

Request:	Variance to exceed maximum fence height in rear and side yards
Project Name:	Fence Height
Location:	931 Schiller Avenue
Owner/Applicant:	Justin and Kelly Toon
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Joel Dock, AICP, Planning 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 5<sup>th</sup> 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:**

**00:21:35** Joel Dock presented the case and showed a slideshow presentation. Mr. Dock responded to questions from the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Kelly Toon, 931 Schiller Ave., Louisville, KY 40204

**Summary of testimony of those in favor:**

**00:24:39** Kelly Toon spoke in favor of the request and showed photographs to the Board Members. Ms. Toon 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 22-VARIANCE-0060**

**00:41:40     Board Members' deliberation**

**00:50:19**     On a motion by Member Leanhart, seconded by Member Ford, 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 as the increase in height does not impede the safe movement of pedestrians or vehicles, and

**WHEREAS**, the Board further finds that the proposed height will alter the essential character of the general vicinity as the height of fences located in side yards is more common to be less than 8' and constructed of wood or chain link. The height along the alley appears consistent with taller fences or walls at the alley, including accessory structures, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as it does not interfere with the movement of people or vehicles and no natural features are impacted

**WHEREAS**, the Board further finds that the requested variance will allow an unreasonable circumvention of the zoning regulations as the fence was/is capable of being constructed or modified to be within the height limits, especially along the side property lines; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0060 does hereby **DENY** Variance from Land Development Code Section 4.4.3 to allow a fence located in the rear and side yard setback to exceed the maximum height of 8' and be 8'6" in height.

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

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**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0030**

Request:	Variance to allow a private yard area to be less than the required 30% of the area of the lot and a Variance to allow an accessory structure to encroach into the rear yard setback.
Project Name:	Field Avenue Variance
Location:	2735 Field Avenue
Owner/Applicant:	Megan & David Schulte
Representative:	Charles Williams, Charlie Williams Design, INC
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Heather Pollock, 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 5<sup>th</sup> 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:**

**00:52:10** Heather Pollock presented the case and showed a slideshow presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

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

**Summary of testimony of those in favor:**

**00:56:57** Charlie 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.

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**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0030**

**01:00:24     Board Members' deliberation**

**01:01:10**     On a motion by Member Vozos, seconded by Member Ford, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**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:**

**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 structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested, and

**WHEREAS**, the Board further finds that the proposed garage will not alter the essential character of the general vicinity as it is going to be built with material that will be in character with the existing residence and surrounding residential neighborhood. There are other properties in the area that do not meet the private yard requirements, 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 occupy approximately the same location as the existing garage but will be larger. There is additional open space that cannot be counted towards the private yard calculation. If this area could be counted toward the private yard, then a variance would not be required; and

**Variance from Land Development Code Table 5.2.2 to allow an accessory structure to encroach into the rear yard setback:**

**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 and the Land Development Code, except where relief is requested, and

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**CASE NUMBER 22-VARIANCE-0030**

**WHEREAS**, the Board further finds that the proposed garage will not alter the essential character of the general vicinity as it is going to be built with material that will be in character with the existing residence and surrounding residential neighborhood. The proposed garage setback is similar to others 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 garage setback will be similar to the existing garage and others in the area; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0030 does hereby **APPROVE** 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 (**Private Yard Area Requirement 2,400 sq. ft., Request 1,338 sq. ft., Variance 1,062 sq. ft.**) and Variance from the Land Development Code Table 5.2.2 to allow an accessory structure to encroach into the rear yard setback (**Rear Yard Setback Requirement 5 ft., Request 3.08 ft., Variance 1.92 ft.**).

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0032**

Request:	Variance to allow a structure to encroach into the side yard setback
Project Name:	Northwestern Parkway Variance
Location:	2028 Northwestern Parkway
Owner/Applicant:	Richard & Mary Thompson
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Heather Pollock, 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 5<sup>th</sup> 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:**

**01:03:38** Heather Pollock presented the case and showed a slideshow presentation. Ms. Pollock responded to questions from the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Mary Thompson, 2030 Northwestern Pkwy., Louisville, KY 40203

**Summary of testimony of those in favor:**

**01:07:14** Mary Thompson 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**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0032**

**01:08:55**      **Board Members' deliberation**

**01:09:02**      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; however, staff is concerned that the variance could adversely affect the adjacent property owner because construction and maintenance of the structure may require encroachment onto the adjacent property to the south; **the Board finds that the variance will not adversely affect the public health, safety or welfare based upon the testimony heard today**, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed use is a garage and the area has predominantly non-residential uses, 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 subject property is only 27.5 ft. in width; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0032 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a structure to encroach into the side yard setbacks (**North Side Yard Requirement 10 ft., Request 3.5 ft., Variance 6.5 ft.; South Side Yard Requirement 10 ft., Request 0 ft., Variance 10 ft.**).

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0038**

Request:	Variance to allow a structure to encroach into the front yard setback
Project Name:	Wolf Pen Branch Road Variance
Location:	6300 Wolf Pen Branch Road
Owner/Applicant:	Aaron Yarmuth
Representative:	Ben Schenck, De Leon & Primmer Architecture
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
Case Manager:	Heather Pollock, 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 5<sup>th</sup> 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:**

**01:11:10** Heather Pollock presented the case and showed a slideshow presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Ben Schenck, 117 S. Shelby St., Louisville, KY 40202

**Summary of testimony of those in favor:**

**01:14:22** Ben Schenck spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**01:18:20** Heather Pollock stated she had received an email right before this meeting from some interested parties and they stated they had spoken with the property owner and were satisfied with that meeting, so they planned not to come to this meeting (see recording for detailed presentation).

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**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0038**

**The following spoke in opposition of the request:**

No one spoke.

**01:18:57      Board Members' deliberation**

**01:19:31**      On a motion by Vice Chair Buttorff, seconded by Member Leanhart, 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 applicable building regulations and the Land Development Code, except where relief is requested, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed structure and its location on the lot will be in character with the surrounding residential neighborhood, 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 karst conditions restrict the ability to comply with the front yard setbacks; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0038 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 and Section 5.3.1.C.4 to allow a structure to encroach into the front yard setback (**Front Yard Setback Requirement 90 ft., Request 72 ft., Variance 18 ft.**).

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**



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**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0045**

Request:	Variance to allow an addition to encroach into the street side yard setback
Project Name:	River Bluff Road Variance
Location:	2201 River Bluff Road
Owner/Applicant:	William Feather
Jurisdiction:	City of Indian Hills
Council District:	16 – Scott Reed
Case Manager:	Heather Pollock, 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 5<sup>th</sup> 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:**

**01:20:52** Heather Pollock presented the case and showed a slideshow presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

William Feather, 2600 Frankfort Ave., Louisville, KY 40206

**Summary of testimony of those in favor:**

**01:23:51** William Feather spoke in favor of the request (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

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**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0045**

**01:25:21**      **Board Members' deliberation**

**01:25:40**      On a motion by Member Bond, seconded by Vice Chair 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 addition will be constructed to comply with all applicable building regulations and the Land Development Code, except where relief is requested, 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 built with material that will be in character with the existing residence and surrounding residential neighborhood, 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 property has a significant slope which restricts the ability to comply with the street side yard setbacks; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0045 does hereby **APPROVE** Variance from the City of Indian Hills Land Development Code Article 4.6.C.2.c to allow an addition to encroach into the street side yard setback (**Street Side Yard Requirement 30 ft., Request 22 ft., Variance 8 ft.**).

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**01:26:58**      **Meeting was recessed.**

**01:27:15**      **Meeting was reconvened.**

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**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0048**

Request:	Variance to allow a fence to be taller than the maximum height permitted in the rear yard setback
Project Name:	Cressbrook Drive Variance
Location:	605 Cressbrook Drive
Owner/Applicant:	Michael Payne
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Heather Pollock, 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 5<sup>th</sup> 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:**

**01:27:36** Heather Pollock presented the case and showed a slideshow presentation. Ms. Pollock responded to questions from the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Michael Payne, 605 Cressbrook Dr., Louisville, KY 40206  
Ross Liby, 602 Briar Hill Rd., Louisville, KY 40206

**Summary of testimony of those in favor:**

**01:35:11** Michael Payne spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**01:41:02** Ross Liby spoke in favor of the request and provided photographs to the Board Members. Mr. Liby responded to questions from the Board Members (see recording for detailed presentation).

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**CASE NUMBER 22-VARIANCE-0048**

**01:45:23** Michael Payne responded to questions from the Board Members (see recording for detailed presentation).

**01:46:54** Heather Pollock responded to questions from the Board Members (see recording for detailed presentation).

**01:49:07** Michael Payne responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke neither for nor against the request:**  
Julie Blankenbaker, 600 Briar Hill Rd., Louisville, KY 40206

**Summary of testimony of those neither for nor against:**

**01:57:29** Julie Blankenbaker spoke neither for nor against 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.

**REBUTTAL:**

**02:04:40** Michael Payne spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

**02:15:32 Board Members' deliberation**

**02:19:27** On a motion by Member Vozos, seconded by Member Ford, 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 fence

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**CASE NUMBER 22-VARIANCE-0048**

must be constructed to comply with all applicable building regulations and the Land Development Code, except where relief is requested, and

**WHEREAS**, the Board further finds that the requested variance may alter the essential character of the general vicinity as there does not appear to be any fences in the area that exceed 96 inches in height. However, the design of this fence along with its neutral color reduce the impact of its height, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because the fence is located in the rear and side yards with no access to the public and must be constructed to comply with all building codes, and

**WHEREAS**, the Board further finds that the requested variance may allow an unreasonable circumvention of the zoning regulations as the fence is not a standard height for a privacy fence; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0048 does hereby **APPROVE** 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 rear and side yard setback (**Rear and Side Yard Fence Height Requirement 96 in., Request 100 in., Variance 4 in.**), **SUBJECT** to the following Condition of Approval.

Condition of Approval:

1. The design of the fence shall be maintained as presented to the Board on May 23, 2022.

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0169**

Request:	Variance to allow a fence in the front yard setback to exceed the maximum height allowance
Project Name:	Princess Way Variance
Location:	6000 Princess Way
Owner:	Silver Lining Investments, LLC
Applicant:	Robert Thomas
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
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 5<sup>th</sup> 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:**

**02:23:22** Zach Schwager presented the case and showed a slideshow presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

No one spoke.

**02:26:08** **NOTE:** Chair Howard called for the applicant, however, the applicant was not present to speak (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**02:27:37** **Board Members' deliberation**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0169**

**02:30:17** A motion was made by Member Ford, seconded by Vice Chair Buttorff, that Case Number 20-VARIANCE-0169 be **DEFERRED** to the June 27, 2022 Board of Zoning Adjustment meeting. The motion **FAILED** by the following vote:

**Yes: Members Ford, Vozos, and Vice Chair Buttorff**

**No: Members Bond, Leanhart, and Chair Howard**

**02:33:16** A motion was made by Member Ford that Case Number 20-VARIANCE-0169 be **DENIED**. This motion was **RESCINDED** by Member Ford.

**02:35:32** On a motion by Member Ford, seconded by Vice Chair Buttorff, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **DEFER** Case Number 20-VARIANCE-0169 to the June 27, 2022 Board of Zoning Adjustment meeting.

**The vote was as follows:**

**Yes: Members Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**No: Members Bond, and Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0050**

Request:	Variance to allow a deck to encroach into the required street side yard setback
Project Name:	Hughes Road Variance
Location:	3710 Hughes Road
Owner:	Sara & Christopher Taylor
Applicant:	Chris Taylor
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 5<sup>th</sup> 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:**

**02:36:44** Zach Schwager presented the case and showed a slideshow presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Chris Taylor, 3710 Hughes Road, Louisville, KY 40207

**Summary of testimony of those in favor:**

**02:39:12** Chris Taylor 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**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0050**

**02:41:06      Board Members' deliberation**

**02:41:07**      On a motion by Member Leanhart, seconded by Vice Chair 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 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 there is another similar addition at the intersection of Hughes Road and Macon Avenue, 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 addition is a similar distance as other additions in the vicinity; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0050 does hereby **APPROVE** Variance from City of St. Matthews Development Code Section 4.7.C.2.c to allow a structure to encroach into the required street side yard setback (**Street Side Requirement 25 ft., Request 18 ft., Variance 7 ft.**), **SUBJECT** to the following Condition of Approval.

Condition of Approval:

1. A minor subdivision plat shall be approved by Planning & Design Services and recorded with the Jefferson County Clerk's Office prior to the issuance of building permits.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0050**

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0052**

Request:	Variance to allow a second story addition to encroach into the required side yard setback
Project Name:	Sylvia Street Variance
Location:	1125 Sylvia Street
Owner/Applicant:	Richard Burnette
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 5<sup>th</sup> 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:**

**02:43:14** Zach Schwager presented the case and showed a slideshow 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:**

Richard Burnette, 11200 Sewell Drive., Louisville, KY 40291

**Summary of testimony of those in favor:**

**02:45:34** Richard Burnette 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**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0052**

**02:48:07      Board Members' deliberation**

**02:48:23**      On a motion by Member Bond, seconded by Vice Chair 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 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 there is another two-story structure four lots to the west and multiple other two-story residential 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 addition will have the same setback as the existing structure; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0052 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a second story addition to encroach into the required side yard setback (**West Side Yard Requirement 3 ft., Request 0.6 ft., Variance 2.4 ft.**).

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0057**

Request:	Variance to allow a garage addition to encroach into the required street side yard setback
Project Name:	Dunvegan Road Variance
Location:	5101 Dunvegan Road
Owner:	KLGWA, LLC
Applicant:	Daniel Grimm – Grimm Architects
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
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 5<sup>th</sup> 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:**

**02:51:07** Zach Schwager presented the case and showed a slideshow presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Lindsay Attkisson, 5101 Dunvegan Road, Louisville, KY 40222

**Summary of testimony of those in favor:**

**02:53:26** Lindsay Attkisson 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**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0057**

**02:58:31      Board Members' deliberation**

**02:58:42**      On a motion by Member Leanhart, seconded by Vice Chair 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 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 there is another similar and more odious addition at the intersection of Regal Road and Innes Trace Road, 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 addition is a similar distance as other additions in the vicinity; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0057 does hereby **APPROVE** Variance from the Land Development Code Table 5.3.1 to allow a structure to encroach into the required street side yard setback **(Street Side Requirement 25 ft., Request 14 ft. 8 in., Variance 10 ft. 4 in.)**, **SUBJECT** to the following Condition of Approval.

Condition of Approval:

1. A minor subdivision plat shall be approved by Planning & Design Services and recorded with the Jefferson County Clerk's Office prior to the issuance of building permits.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0057**

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0061**

Request:	Variances to allow an addition to an existing commercial structure to exceed the maximum front yard setback and encroach into the minimum required rear yard setback
Project Name:	Varanese Variances
Location:	2106 Frankfort Avenue
Owner:	Varanese Properties, LLC
Applicant:	Mike Pluta – MRP Associates, LLC
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 5<sup>th</sup> 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:**

**03:00:27** Zach Schwager presented the case and showed a slideshow presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Mike Pluta, 2919 White Plains Road, Louisville, KY 40218

**Summary of testimony of those in favor:**

**03:03:12** Mike Pluta 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**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0061**

**03:04:42      Board Members' deliberation**

**03:05:02**      On a motion by Vice Chair Buttorff, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**Variance to allow an addition to an existing commercial structure to exceed the maximum front yard setback:**

**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 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 Historic Landmarks and Preservation Commission staff approved the 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 meets the setback requirement and the proposed addition is in the only possible location on site; and

**Variance to allow an addition to an existing commercial structure to encroach into the minimum required rear yard setback:**

**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 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 Historic Landmarks and Preservation Commission staff approved the addition, and

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0061**

**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 have a similar rear yard setback as the existing structure; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0061 and 22-VARIANCE-0062 does hereby **APPROVE** Variances to allow an addition to an existing commercial structure to exceed the maximum front yard setback and encroach into the minimum required rear yard setback (**Front Yard Requirement 15 ft., Request 21 ft. 6 in., Variance 6 ft. 6 in.; Rear Yard Requirement 5 ft., Request 9 in., Variance 4 ft. 3 in.**).

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0040**

Request:	Variance to allow an addition to encroach into the required side yard setback
Project Name:	Village Drive Variance
Location:	2311 Village Drive
Owner:	Paula J. Vissing
Applicant:	Mary Jackson
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers Armstrong
Case Manager:	Chris French, AICP, Planning & Design Supervisor

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 5<sup>th</sup> 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:**

**03:06:37** Chris French presented the case and showed a slideshow presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Mary Jackson, 6901 Sprig Leaf Circle, Louisville, KY 40241

**Summary of testimony of those in favor:**

**03:08:53** Mary Jackson 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**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0040**

**03:10:33      Board Members' deliberation**

**03:10:43**      On a motion by Member Leanhart, seconded by Member Ford, 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, and welfare, because the proposed structure must be constructed to comply with all building codes, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity because the existing structure is up to 4 feet off the side property line and the proposed addition will be setback 4 feet 4 inches from the side property line and is located at the rear of 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 cause a hazard or nuisance to the public because the proposed addition will be setback further from the side property line than the existing structure; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0040 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow an addition to encroach into the side yard setback (**Southwestern Side Yard Setback Requirement 6 ft., Request 4 ft. 4 in., Variance 1 ft. 8 in.**).

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0042**

Request:	Variance to allow an accessory structure to encroach into the required side yard setback
Project Name:	Huff Variance
Location:	3708 Nanz Avenue
Owner:	Alexandra P. Huff
Applicant:	Scott A. Huff
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Chris French, AICP, Planning & Design Supervisor

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 5<sup>th</sup> 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:**

**03:12:17** Chris French presented the case and showed a slideshow presentation. Mr. French responded to questions from the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**  
Scott Huff, 3708 Nanz Ave., Louisville, KY 40207

**Summary of testimony of those in favor:**

**03:15:10** Scott Huff 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**  
**May 23, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0042**

**03:17:21      Board Members' deliberation**

**03:17:47**      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, and welfare, because the proposed structure must be constructed to comply with all building codes; however, staff is concerned that the variance could adversely affect the adjacent property owner because construction and future maintenance of the accessory structure may require encroachment onto the adjacent property, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as since the proposed accessory structure replaces a previous accessory structure that was located the same distance from the property line, 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. In addition, the proposed accessory structure replaces an existing accessory structure that was setback the same distance from the side property line as the proposed accessory structure, and

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

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0042 does hereby **APPROVE** Variance from Section 4.6.C.2.b of the St. Matthews Development Regulations to allow an accessory structure to encroach within the side yard setback (**Northeastern Side Yard Setback Requirement 6 ft., Request 0 ft., Variance 6 ft.**), with **RELIEF** from Standard A because the applicant has submitted a letter from the adjoining property owner allowing access for construction and maintenance.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 23, 2022**

**PUBLIC HEARING**

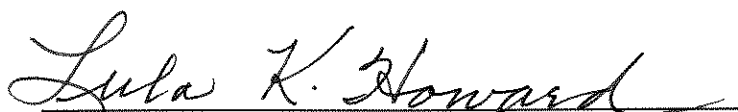
**CASE NUMBER 22-VARIANCE-0042**

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 23, 2022**

The meeting adjourned at approximately 4:50 p.m.

  
Chair

  
Secretary