



Louisville Metro Government

Old Jail Auditorium
514 W. Liberty Street
Louisville, KY 40202

Action Summary - Final Board of Zoning Adjustment

Monday, September 12, 2022

1:00 PM

Online Via Webex

Present: 4 - Board Member Yani Vozos, Board Member Sharon Bond, Board Member Richard Buttorff, and Board Member Lula Howard

Absent: 2 - Board Member Brandt Ford, and Board Member Kim Leanhart

Call To Order

Approval Of Minutes

1. [BOZA Minutes 08.29.22](#)

Approval of the minutes of the August 29, 2022 Board of Zoning Adjustment meeting.

A motion was made by Member Bond, seconded by Member Vozos, that the minutes from the meeting of the Board of Zoning Adjustment held on August 29, 2022 be approved. The vote was as follows:

Yes: 4 - Vozos, Bond, Buttorff, and Howard

Absent: 2 - Ford, and Leanhart

Public Hearing

2. [22-MCUP-0001](#)

Request: Modified Conditional Use Permit hearing in response to complaints related to excessive noise and explosions from the River Metals scrap metal processing facility

Project Name: River Metals Recycling

Location: 2110 Metal Ln, 2045 River Rd, 2114 Metal Ln, 2300 Metal Ln, 2255 Metal Ln, and 2601 River Green Cir.

Owner: River Metals Recycling, Inc.

Applicant: Planning Director

Jurisdiction: Louisville Metro

Council District: 4 - Jecorey Arthur

Case Manager: Chris French, AICP, Planning and Design Supervisor

A motion was made by Member Bond, seconded by Member Vozos, that this case be continued to a February 2023 Board of Zoning Adjustment meeting, with a specific date to be determined, for further updates on the vibration study to be presented to the Board. The vote was as follows:

Yes: 4 - Vozos, Bond, Buttorff, and Howard

Absent: 2 - Ford, and Leanhart

3. [21-VARIANCE-0134](#)

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

A motion was made by Member Vozos, seconded by Member Bond, that the requested Variance from Land Development Code Table 5.2.2 to allow an open unenclosed deck to encroach into the side yard and front yard setbacks be approved. The vote was as follows:

Yes: 4 - Vozos, Bond, Buttorff, and Howard

Absent: 2 - Ford, and Leanhart

4. [22-VARIANCE-0091](#)

Request: **TO BE CONTINUED TO THE OCTOBER 17, 2022 BOZA MEETING** - Variance to allow a private yard area to be less than the required 30% of the area of the lot
Project Name: Woodland Avenue Variance
Location: 2328 Woodland Avenue
Owner/Applicant: Robert A. Harris
Jurisdiction: Louisville Metro
Council District: 6 - David James
Case Manager: Heather Pollock, Planner I

A motion was made by Member Vozos, seconded by Member Bond, that the case be continued to the October 17, 2022 Board of Zoning Adjustment meeting. The vote was as follows:

Yes: 4 - Vozos, Bond, Buttorff, and Howard

Absent: 2 - Ford, and Leanhart

5. [22-VARIANCE-0100](#)

Request: Variance to allow a fence to exceed 42 inches in height in the street side yard setback

Project Name: Powell Avenue Variance

Location: 3646 Powell Avenue

Owner: Louisville Crashpads, LLC

Applicant: Daniel Most

Jurisdiction: Louisville Metro

Council District: 15 - Kevin Triplett

Case Manager: Heather Pollock, Planner I

A motion was made by Member Vozos, seconded by Member Howard, that the request be approved. The motion failed by the following vote:

Yes: 2 - Vozos, and Howard

No: 2 - Bond, and Buttorff

Absent: 2 - Ford, and Leanhart

A motion was made by Member Buttorff, seconded by Member Bond, that the case be continued to the October 17, 2022 Board of Zoning Adjustment meeting to allow the applicant to present a survey and illustrations of the project. The vote was as follows:

Yes: 4 - Vozos, Bond, Buttorff, and Howard

Absent: 2 - Ford, and Leanhart

6. [22-VARIANCE-0039](#)

Request: Variances and Waivers

Project Name: 1904 Frankfort Ave

Location: 1904 Frankfort Ave

Owner: Shree Hari Gopal 1007 LLC

Applicant: Shree Hari Gopal 1007 LLC

Representative: Civil Design Inc.

Jurisdiction: Louisville Metro

Council District: 9- Bill Hollander

Case Manager: Julia Williams, AICP, Planning Supervisor

A motion was made by Member Bond, seconded by Member Buttorff, that the case be continued to the October 17, 2022 Board of Zoning Adjustment meeting. The vote was as follows:

Yes: 4 - Vozos, Bond, Buttorff, and Howard

Absent: 2 - Ford, and Leanhart

7. [22-CAT3-0006](#)

Request: A Category 3 Development with Variances and Waivers
 Project Name: Proposed Warehouse Addition for Beecher Terrace Phase IV
 Location: 1200 W Jefferson Street
 Owner: Louisville Metro Housing Authority
 Applicant: Civil Design, INC
 Representative: Civil Design, INC.
 Jurisdiction: Louisville Metro
 Council District: 4 - Jecorey Arthur
 Case Manager: Molly Clark, Planner II

A motion was made by Member Buttorff, seconded by Member Vozos, that the requested Variance from Chapter 5.2.1.C.3 (22-VARIANCE-0055) for the front yard setback to exceed 15 ft from the right-of-way as shown on the development plan; AND the requested Variance from Chapter 5.2.1.C.6 (22-VARIANCE-0056) to allow all corner lots within the Downtown Form District to NOT maintain a zero foot setback from the street wall for at least 50 feet from the intersection along each street, or the width of the lot, whichever is less, be approved. The vote was as follows:

Yes: 4 - Vozos, Bond, Buttorff, and Howard

Absent: 2 - Ford, and Leanhart

A motion was made by Member Bond, seconded by Member Buttorff, that the requested Waiver from 5.2.1.C.2 (22-WAIVER-0067) to not provide the required 3 story street wall along all frontages of the proposed development, AND the requested Waiver from 5.8.1.C.1.B (22-WAIVER-0068) to not provide the required 84 inch wide sidewalks as shown on the development plan, be approved. The vote was as follows:

Yes: 4 - Vozos, Bond, Buttorff, and Howard

Absent: 2 - Ford, and Leanhart

A motion was made by Member Vozos, seconded by Member Buttorff, that the requested Category 3 Development Plan be approved. The vote was as follows:

Yes: 4 - Vozos, Bond, Buttorff, and Howard

Absent: 2 - Ford, and Leanhart

8. [22-CUP-0012](#)

Request: A Conditional Use Permit for a Private Institutional Use and Variances

Project Name: Activity Center for Muslim Community Center and Islamic School of Louisville

Location: 8215 Old Westport Road

Owner: Islamic School of Louisville

Applicant: R. Scott Whitaker

Representative: Said Abussalem

Jurisdiction: Louisville Metro

Council District: 7 - Paula McCraney

Case Manager: Chris French, Planning & Design Supervisor

A motion was made by Member Vozos, seconded by Member Bond, that the requested Conditional Use Permit to allow a private institutional use be approved. The vote was as follows:

Yes: 4 - Vozos, Bond, Buttorff, and Howard

Absent: 2 - Ford, and Leanhart

A motion was made by Member Vozos, seconded by Member Bond, that the requested Variance to allow a proposed addition to encroach within the required side and rear setback (22-VARIANCE-0115) – Table 5.3.2 AND a Variance to allow a proposed addition to be setback beyond the maximum setback requirement along Old Westport Road (22-VARIANCE-0115) – Table 5.3.2, be approved. The vote was as follows:

Yes: 4 - Vozos, Bond, Buttorff, and Howard

Absent: 2 - Ford, and Leanhart

9. [22-MCUP-0002](#)

Request: Modified Conditional Use Permit for the expansion of a community center in the Traditional Neighborhood Zoning District (TNZD)

Project Name: Cabbage Patch Settlement House

Location: 1421 S. 6th Street

Owner: Cabbage Patch Settlement House

Applicant: Cabbage Patch Settlement House

Jurisdiction: Louisville Metro

Council District: 6 - David James

Case Manager: Joel Dock, AICP, Planning Coordinator

A motion was made by Member Buttorff, seconded by Member Bond, that the requested Modified Conditional Use Permit for the expansion of a community center in the Traditional Neighborhood Zoning District (TNZD) be approved. The vote was as follows:

Yes: 4 - Vozos, Bond, Buttorff, and Howard

Absent: 2 - Ford, and Leanhart

10. [22-CUP-0203](#)

Request: Conditional use permit for Child Care Center (LDC 4.2.19)
Project Name: Sleepy Dreams Daycare
Location: 4925 Applegrove lane
Owner: Gray Anchor Homes, LLC
Applicant: Amanda Fletcher
Jurisdiction: Louisville Metro
Council District: 2 - Barbara Shanklin
Case Manager: Joel Dock, AICP, Planning Coordinator

A motion was made by Member Vozos, seconded by Member Bond, that the requested Conditional Use Permit for Child Care Center (LDC 4.2.19) be approved. The vote was as follows:

Yes: 4 - Vozos, Bond, Buttorff, and Howard

Absent: 2 - Ford, and Leanhart

11. [22-CUP-0147](#)

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: Central Avenue Short Term Rental
Location: 923 Central Avenue
Owner: Helu Group, LLC
Applicant: Ericka Bibb
Jurisdiction: Louisville Metro
Council District: 3 - Keisha Dorsey
Case Manager: Heather Pollock, Planner I

A motion was made by Member Bond, seconded by Member Buttorff, that the requested Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in the R-6 Multi-Family Zoning District and Traditional Neighborhood Form District be approved. The vote was as follows:

Yes: 3 - Bond, Buttorff, and Howard

No: 1 - Vozos

Absent: 2 - Ford, and Leanhart

12. [22-CUP-0160](#)

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: Stoll Avenue Short Term Rental

Location: 134 Stoll Avenue

Owner: Rachel Ann Oittinen

Applicant: Rachel Ann Oittinen

Jurisdiction: Louisville Metro

Council District: 9 - Bill Hollander

Case Manager: Chris French, Planning & Design Supervisor

A motion was made by Member Bond, seconded by Member Buttorff, that the requested Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in an R-5 zoning district and Traditional Neighborhood Form District be denied. The vote was as follows:

Yes: 4 - Vozos, Bond, Buttorff, and Howard

Absent: 2 - Ford, and Leanhart

13. [22-CUP-0172](#)

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: Taylor Avenue Short Term Rental

Location: 1633 Taylor Avenue

Owner: Brandon Cayot

Applicant: Brandon Cayot

Jurisdiction: Louisville Metro

Council District: 10 - Pat Mulvihill

Case Manager: Heather Pollock, Planner I

A motion was made by Member Bond, seconded by Member Buttorff, that the requested Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in the R-5 Single Family Zoning District and Neighborhood Form District be denied. The vote was as follows:

Yes: 4 - Vozos, Bond, Buttorff, and Howard

Absent: 2 - Ford, and Leanhart

14. [22-CUP-0176](#)

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: Terrier Lane Short Term Rental

Location: 3500 Terrier Lane

Owner: Michael Keith Kimble, Jr.

Applicant: Michael Kimble

Jurisdiction: Louisville Metro

Council District: 26 - Brent Ackerson

Case Manager: Heather Pollock, Planner I

A motion was made by Member Vozos, seconded by Member Buttorff, that the requested Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in the R-5 Single Family Zoning District and Neighborhood Form District be approved. The vote was as follows:

Adjournment

The meeting adjourned at 6:32 p.m.