

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

October 2, 2023

A meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, October 2, 2023, at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky, and also via Webex.

Members Present:

Sharon Bond, Chair (arrived late)
Richard Buttorff, Vice Chair
Kimberly Leanhart
Jan Horton
Yani Vozos (arrived late)
Lula Howard
Brandt Ford

Members Absent:

None

Staff Members Present:

Joel Dock, Planning & Design Supervisor
Joe Haberman, Planning & Design Manager
Laura Ferguson, Legal Counsel
Mary Willis, Management Assistant
Jay Lockett, Planning Supervisor
Molly Clark, Planner II

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT
MEETING MINUTES**

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September 25, 2023, Board of Zoning Adjustment Meeting Minutes

The minutes from September 25, 2023, meeting will be approved at the October 16th Board of Zoning Adjustment Meeting.

**BOARD OF ZONING ADJUSTMENT
MEETING MINUTES**

October 2, 2023

Public Hearing

Case No. 23-VARIANCE-0119

Request:	Variance to exceed the maximum height
Project Name:	HoM Flats at Outer Loop
Location:	6001 Outer Loop
Owner:	Mive Property LLC
Applicant:	Magnus Capital Partners
Representative:	Magnus Capital Partners
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Jay Lockett, AICP, Planning 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 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:

00:04:31 Jay Lockett presented the case and showed a Power Point presentation. Lockett responded to questions from the Board members (see staff report and recording for detailed presentation.)

00:10:06 Joel Dock responded to Board Members questions (see recording for details)

The following spoke in support of the request:

Vishal Arora, 220 Lyon St NW Suite 500, Grand Rapids, MI 49503

Summary of testimony of those in support:

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00:11:16 Vishal Arora spoke in support of the request and presented a PowerPoint presentation. Arora responded to questions from Board Members (see recording for detailed presentation)

00:30:32 Jay Lockett responded to Board Member Howards question (see recording for details)

The following spoke in neutral of the request:

Joshua Watkins, 6105 Outer Loop, Louisville, KY 40219

Summary of testimony of those in neutral:

00:38:10 Joshua Watkins spoke as neutral to the request. Watkins asked if the fire department will have the capability to serve a building with a height of 45ft.

The following spoke in opposition to the request:

None

Rebuttal:

00:38:52 Vishal Arora spoke in rebuttal. Arora confirmed the fire department has the capability to handle the building and has spoken with the fire department about the development (see recording for detailed presentation)

00:40:05 Board Members' discussion

Variance from Land Development Code Table 5.3.1 to permit buildings to exceed the 35-foot maximum height by up to 10 feet.

00:40:48 On a motion by Member Howard, seconded by Member Buttorff, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect public health safety or welfare since the buildings will be constructed in accordance with all applicable building and fire safety codes. The greater height allows for a more efficient development pattern with more open space, and

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Public Hearing

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WHEREAS, the requested variance will not alter the essential character of the general vicinity since the tallest structures are setback significantly from adjacent single-family properties, with 2-story buildings located closest to the public streets. The adjacent properties facing Outer Loop are large religious institutional sites, and

WHEREAS, the requested variance will not adversely affect public health safety or welfare since the buildings will be constructed in accordance with all applicable building and fire safety codes, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations since the 4 story structures are located mainly interior to the site with significant setbacks from the single-family properties behind the site, and

WHEREAS, the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone, and

WHEREAS, the strict application of the provisions of the regulation would not deprive the applicant of reasonable use of the land, but would lead to a less efficient development pattern with less open space and more impervious surface, and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code Table 5.3.1 to permit buildings to exceed the 35-foot maximum height by up to 10 feet (Requirement 35ft., Request 45ft., Variance 10ft)

The vote was as follows:

YES: Members Leanhart, Horton, Howard, Vozos, Ford, Buttorff and Chair Bond
ABSENT: None

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Public Hearing

Case No. 23-CUP-0216

Request: A Conditional Use Permit to allow a rehabilitation home (LDC 4.2.31)
Project Name: Preston Street Rehabilitation Home
Location: 726 S Preston Street
Owner: WW Spralding Rest Home & Mary E Spralding
Applicant: Ladies and Gentlemen of Promise
Representative: Ryan Fenwick Law
Jurisdiction: Louisville Metro
Council District: 4 – Jecorey Arthur
Case Manager: Molly Clark, Planner II

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:

00:42:49 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Ryan Fenwick, 816 E Broadway, Louisville, KY 40204

Catherine Stone-Mahn, 2600 W. Broadway Suite 301, Louisville, KY 40210

Summary of testimony of those in support:

00:46:11 Ryan Fenwick spoke in support of the request and responded to questions from Board Members (see recording for detailed presentation)

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Public Hearing

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00:48:48 Catherine Stone-Mahn spoke in support of the request and responded to questions from the Board Members (see recording for detailed presentation)

The following spoke in opposition to the request:

None

00:50:14 Board Members' deliberation

Conditional Use Permit to allow a rehabilitation home (LDC) 4.2.31

00:51:35 On a motion by Member Howard, seconded by Member Leanhart, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the proposal consistent with applicable policies of the Comprehensive Plan, and

WHEREAS, the proposed use is compatible with surrounding development and land uses. The applicant is providing adequate parking for employees and residents. The existing building is commercial in nature and is compatible with surrounding non-residential developments. There are no proposed exterior changes, and

WHEREAS, the subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal. There are several bus stops located on E Broadway and S Preston St that are within walking distance of the subject site, and

WHEREAS, the proposed rehabilitation facility will have up to 24 residents and will provide services to both men and women. There are no other approved group housing conditional use permits within 1000 feet of the subject site. There will be 24-hour staff supervision including a psychiatrist, licensed clinical social workers, nurse practitioner, licensed nurses, licensed medical tech, alcohol/drug counselors and overnight monitors. The applicant is proposing 10 staff members per shift. There are no exterior changes being proposed. The applicant is also meeting parking regulations set forth in chapter 9 of the LDC. The subject site is located in C-2 Commercial which is a non-residential zoning district. House rules and management plan have been provided by the applicant; now, therefore be it

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RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow a rehabilitation home (LDC) 4.2.31 **SUBJECT** to the following Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a rehabilitation home use until further review and approval by the Board.
3. Prior to lawful commencement of the rehabilitation home use the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies.
4. Maximum full-time occupancy shall be limited to 24 residents.

The vote was as follows:

YES: Members Leanhart, Horton, Howard, Vozos, Ford, Buttorff and Chair Bond

ABSENT: None

Board Members training took place from 2:00PM-4:30PM. Board Members watched videos published by the American Planning Association, including roles and responsibilities and managing public meetings, which was followed by discussion.

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The meeting adjourned at approximately 04:30 p.m.

Chair

Secretary