

**MINUTES OF THE MEETING OF THE LOUISVILLE METRO BOARD OF ZONING
ADJUSTMENT
FEBRUARY 19, 2024**

A meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, February 19, 2024 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky

Board Members Present:

Sharon Bond, Chair
Richard Buttorff, Vice Chair
Lula Howard
Jan Horton

Board Members Absent:

Brandt Ford
Kimberly Leanhart
Yani Vozos

Staff Members Present:

Joe Haberman, Planning and Design Manager
Joel Dock, Planning and Design Supervisor
Laura Ferguson, Assistant County Attorney
Amy Brooks, Planner II
Molly Clark, Planner II
Jeremy Chesler, Planner I
Ethan Lett, Planner I
Heather Pollock, Planner I
Clare Stuber, Management Assistant

The following matters were considered:

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JANURARY 29, 2024 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:05:26 On a motion by Member Howard seconded by Member Horton, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the January 29, 2024 Board of Zoning Adjustment meeting.

The vote was as follows:

YES: Members Horton, Howard, Bond

ABSTAIN: Member Buttorff

ABSENT: Members Ford, Leanhart, Vozos

**BOARD OF ZONING ADJUSTMENT
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PUBLIC HEARING

CASE NO. 23-VARIANCE-0177

Request:	Variance to allow attached signs to exceed the maximum area permitted.
Project Name:	Attached Sign Variance
Location:	7407 Fegenbush Lane
Owner:	Mahant Fegenbush, LLC
Applicant:	Brian Morris, Highbrew Coffee Co
Representative:	N/A
Jurisdiction:	Louisville Metro
Council District:	23 – Jeff Hudson
Case Manager:	Heather Pollock, Planner I

A notice was posted on the property

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency testimony:

00:06:58 Joel Dock explained to the Board that the applicant had not delivered notice of the case within the required legal timeframe. Dock responded to questions from the Board Members (see recording for details).

The following spoke in favor of this request:
None

The following spoke in opposition:
None

Deliberation:

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00:07:27 Board deliberation.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** to date uncertain

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PUBLIC HEARING

CASE NO. 23-CUP-0287

Request:	Conditional Use Permit to allow a commercial dog kennel
Project Name:	Heel, Stay, Play, Dog Boarding
Location:	1421 Flat Rock Road
Owner:	Julie and Natalie Oliner
Applicant:	Julie and Natalie Oliner
Representative:	Land Design and Development, INC.
Jurisdiction:	Louisville Metro
Council District:	10 – Anthony Piagentini
Case Manager:	Molly Clark, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

00:08:00 Molly Clark provided the applicant's request for a continuance to the March 18, 2024 Board of Zoning Adjustment hearing to the Board. Clark responded to questions from Members (see recording for details).

The following spoke in favor of this request:

None

The following spoke in opposition:

None

Deliberation:

00:08:19 Board deliberation.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

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PUBLIC HEARING

CASE NO. 23-CUP-0287

Conditional Use Permit to allow a commercial kennel in the R-4 zoning district (LDC 4.2.17).

Waiver to eliminate the entire 25-foot property perimeter buffer area (LDC 10.2.4) (23-WAIVER- 0206).

00:08:23 On a motion by Member Howard, seconded by Member Buttorff, the following resolution, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** to March 18, 2024

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PUBLIC HEARING

CASE NO. 23-VARIANCE-0044

Request:	Variance to allow a fence to exceed the maximum height of 48 inches in the street side yard setback
Project Name:	Cherriville Rd. Fence Variance
Location:	9000 Cherriville Rd.
Owner:	Jose Rodriguez
Applicant:	Jose Rodriguez
Representative:	Jose Rodriguez
Jurisdiction:	Louisville Metro
Council District:	23 – Jeff Hudson
Case Manager:	Jeremy Chesler, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

00:09:16 Jeremy Chesler provided an overview of the request and presented a PowerPoint presentation. Chesler responded to questions from Members (see recording for details).

The following spoke in favor of this request:

Jose Ricardo, 9000 Cherriville Road Louisville, KY 40219

Summary of testimony of those in favor:

00:15:53 Jose Ricardo spoke (via translator) in favor of the request. Ricardo stated that the fence had already existed on the property when he bought it, and he is confused why it was now an issue. (see recording for details)

The following spoke in opposition:

Gerard Robalais, 5302 Amalfi Avenue Louisville, KY 40219

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Summary of testimony of those in opposition:

00:18:12 Gerard Robalais spoke in opposition of the request. Robalais stated that while the fence does not personally bother him, there are other issues on the property. Robalais stated that the fence is too close to the neighbor's property, and that there is a drain that leads into her property. Robalais stated that the fence is incomplete and put together with piecemeal material. Robalais is concerned about the privacy of himself and his neighbors. Robalais simply wants the fence to fall within compliance. Robalais answered questions from the Board. (see recording for details)

00:25:00 Joel Dock clarified for the Board that the opposition's concern was not a part of the variance request that had been docketed for hearing. (see recording for details)

Rebuttal:

00:32:05 Jose Ricardo spoke in rebuttal (see recording for details)

Deliberation:

00:34:44 Board deliberation.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Variance from Land Development Code (LDC), Section 4.4.3.A.1.a.i to allow a fence to exceed the maximum height of 48 inches (4') in the street side yard setback. (Requirement 48in (4'), Request 72in (6'), Variance 24in (2'))

00:44:10 On a motion by Member Howard, seconded by Member Buttorff, the following resolution, based on the staff analysis contained in the standard of review, in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare, because the fence does not inhibit the safe movement of pedestrians or motorists, and

WHEREAS, the fence does not negatively impact the overall character or esthetic of the general vicinity, as it fits the design and scale of structures in the area, including fences. Additionally, landscaping along the outside of the fence line prevents the appearance of a long, unbroken expanse of fence, and

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WHEREAS, the requested variance will not cause a hazard or nuisance to the public because the fence does not impede vision for pedestrians or motorists. There is green space between the edge of the pavement and the fence, including evergreen shrubbery which serves to visually break up the fence from the right of way, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations as it will not adversely affect public health or safety, will not alter the essential character, and will not cause any hazard or nuisance to the public, 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, however the variance does arise from the property being located on a corner and the difficulty to comply with regulations while also providing a private outdoor space, and

WHEREAS, the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the fence can be cut down to comply or moved out of the setback to comply, 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, rather the circumstance is the result of actions taken by a previous property owner. The applicant purchased the property without the knowledge that the fence does not comply with the Land Development Code, now, therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC), Section 4.4.3.A.1.a.i to allow a fence to exceed the maximum height of 48 inches (4') in the street side yard setback. **(Requirement 48in (4'), Request 72in (6'), Variance 24in (2')) ON CONDITION** that a minimum of six evergreen type trees be maintained approximately 8 to 10ft apart in perpetuity

The vote was as follows:

YES: Members Horton, Howard, Buttorff, Bond

ABSENT: Ford, Leanhart, Vozos

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PUBLIC HEARING

CASE NO. 23-VARIANCE-0165

Request:	Variance from LDC Section 5.1.12.A.2.a to allow the proposed building to encroach into the infill front yard setback
Project Name:	H&E Louisville
Location:	3650 Cane Run Road
Owner:	Tuffli Company
Applicant:	Tuffli Company
Representative:	McAdams Company
Jurisdiction:	Louisville Metro
Council District:	1 – Tammy Hawkins
Case Manager:	Ethan Lett, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

00:46:50 Ethan Lett provided an overview of the request and presented a PowerPoint presentation. Lett responded to questions from Members (see recording for details).

The following spoke in favor of this request:

Richard Veno, 421 Hillsborough Street Suite 500 Raleigh, North Carolina 27603

Summary of testimony of those in favor:

00:50:38 Richard Veno spoke in favor of the request. Veno explained to the Board the positive effects of the project. Veno answered questions by the Board. (see recording for details)

**The following spoke in opposition:
None**

Deliberation:

00:54:55 Board deliberation.

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Variance from Land Development Code Section 5.1.12.A.2.a to allow the proposed building to encroach into the infill front yard setback (Requirement 109.0ft, Request 62.0ft, Variance 47.0ft)

00:55:08 On a motion by Member Howard, seconded by Member Buttorff, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety, or welfare since the encroachment will not hinder vision clearance for vehicles entering or exiting either the subject site or adjacent sites, and the proposed setback does not prohibit the provision of a 35-foot verge between the sidewalk and the roadway to protect pedestrians, and

WHEREAS, the requested variance will not alter the essential character of the general vicinity since the principal structures of developed lots in the area have been constructed at varying distances from the roadway. The proposed setback on the subject site is the near the average setback of structures on neighboring sites, so the proposed setback on the subject site is not out of pattern with the character of established development, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public since the encroachment will not hinder vision clearance for vehicles entering or exiting either the subject site or adjacent sites, the proposed setback does not prohibit the provision of a 35-foot verge between the sidewalk and the roadway to protect pedestrians, and the required landscape buffers will still be provided, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations since the proposed building placement is more consistent with the character of established development in this area, and

WHEREAS, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity since the proposed structure's setback line must fall within the range of the two nearest lots containing principal structures, and these structures are set back a significantly greater distance than other structures in the vicinity, and

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the

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applicant as compliance with the regulation effectively reduces the buildable area of the lot as well as the maneuvering space needed for the development's proposed use, and

WHEREAS, the circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulations. The two nearest lots within the block face already contained principal structures when this proposal was submitted, now, therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code Section 5.1.12.A.2.a to allow the proposed building to encroach into the infill front yard setback **(Requirement 109.0ft, Request 62.0ft, Variance 47.0ft)**

The vote was as follows:

YES: Members Horton, Howard, Buttorff, Bond

ABSENT: Members Ford, Leanhart, Vozos

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PUBLIC HEARING

CASE NO. 23-VARIANCE-0174

Request:	Variance to allow changing image sign to be greater than 30% of the total sign. Waiver to allow a changing image sign within 300 ft. of residential uses.
Project Name:	Freestanding Sign Variance
Location:	1818 Rangeland Road
Owner:	Roman Catholic Bishop of Louisville
Applicant:	St. Ignatius Martyr Catholic Church
Representative:	Paul Nee, Smart LED Signs
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Heather Pollock, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

00:57:18 Heather Pollock provided an overview of the request and presented a PowerPoint presentation. Pollock responded to questions from Members (see recording for details).

The following spoke in favor of this request:

Paul Nee, 9952 Bunsen Way Louisville, KY 40299

Deacon Lucio Caruso, 105 Chipping Way Apartment 3 Louisville, KY 40222

Summary of testimony of those in favor:

01:02:40 Paul Nee spoke in favor of the request. Nee explained the need for the proposed sign and the proportions of the sign. Nee stated the allowances that he had taken to be conscious of the neighbors and traffic. Nee answered questions from the Board (see recording for details)

01:08:34 Lucio Caruso spoke in favor of the request. Caruso stated his need for the sign as well as all the outreach programs that his church offers (see recording for details)

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**The following spoke in opposition:
None**

Deliberation:

01:11:30 Board deliberation.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Variance of Land Development Code (LDC), Section 8.2.1.D.4 to allow a changing image sign to exceed the maximum area permitted.

01:12:23 On a motion by Member Horton, seconded by Member Buttorff, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety and welfare and will not cause a hazard or a nuisance to the public, nor will it allow an unreasonable circumvention of the requirements of the zoning regulations as the sign will not impact the safe movement of pedestrians and vehicles. The overall sign size is half the maximum permitted and the requested size of the changing image sign will facilitate the readability and regular updates to services, and

WHEREAS, the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or in the same zone as there is a mix of industrial, residential, and institutional uses in the area. However, the size of the sign is consistent with the development on site, and

WHEREAS, strict application of the regulations would create an unnecessary hardship on the applicant as the proposed sign is in character with the existing development on the site and reducing the area to meet the requirements would reduce the readability of the proposed changing image sign, and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations as work has not begun on the proposed sign for which the variance is being requested, now, therefore be it;

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CASE NO. 23-VARIANCE-0174

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance of Land Development Code (LDC), Section 8.2.1.D.4 to allow a changing image sign to exceed the maximum area permitted

The vote was as follows:

YES: Members Horton, Howard, Buttorff, Bond

ABSENT: Members Ford, Leanhart, Vozos

Waiver of LDC Section 8.2.1.D.6 to allow a changing image sign within 300 ft. of residential uses.

01:13:38 On a motion by Member Horton, seconded by Member Buttorff, the following resolution, based on the analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the waiver will not adversely affect adjacent property owners or residents, as not all of adjacent uses are residential and the changing image sign will not be directly facing the multi-family residences across Rangeland Road. The sign will have auto-dimming features and can be turned off when the business is closed at night. The waiver approved on condition that the signed be turned off between 11 PM and 6 AM, and

WHEREAS, the waiver will not violate Community Form Goal 1 number 14: Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot developments, minimize the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials). The proposed sign is compatible with this guideline, it will be monument style and will be smaller than the maximum size permitted, which will reduce the impact of the changing image sign, and

WHEREAS, the extent of the waiver of the regulations is the minimum necessary to afford relief to the applicant as the sign location is approximately 85 feet from residentially used property across Rangeland Road, and

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WHEREAS, the applicant has incorporated other design measures that compensate for non-compliance with the requirements to be waived as the sign will have auto dimming features and can be turned off at night when the business is closed and it will not be directly facing the nearby residential uses, this will mitigate the impact the changing image sign has, now, therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Waiver of LDC Section 8.2.1.D.6 to allow a changing image sign within 300 ft. of residential uses **ON CONDITION** that the sign be turned off between the hours of 11 P.M. and 6 A.M.

The vote was as follows:

YES: Members Horton, Howard, Buttorff, Bond

ABSENT: Members Ford, Leanhart, Vozos

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PUBLIC HEARING

CASE NO. 23-VARIANCE-0183

Request:	Variance to allow an attached sign to exceed the maximum area permitted.
Project Name:	Attached Apartment Sign
Location:	13645 Elanna Avenue
Owner:	Terra Owner, LLC
Applicant:	Sally Judah, Jefferson Development Group
Representative:	Nick Pregliasco, Bardenwerper, Talbott, and Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	19- Anthony Piagentini
Case Manager:	Heather Pollock, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

01:14:53 Heather Pollock provided an overview of the request and presented a PowerPoint presentation. Pollock responded to questions from Members (see recording for details).

The following spoke in favor of this request:

Nick Pregliasco, 1000 North Hurstbourne Parkway Louisville, KY 40222

Summary of testimony of those in favor:

01:18:30 Nick Pregliasco spoke in favor of the request. Pregliasco presented a Power Point presentation to explain the project. (see recording for details)

The following spoke in opposition:

None

Deliberation:

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PUBLIC HEARING

CASE NO. 23-VARIANCE-0183

01:23:49 Board deliberation.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Variance of Land Development Code (LDC), Section 8.3.2, Table 8.3.1 to allow an attached residential sign to exceed the maximum area permitted.

01:23:55 On a motion by Member Buttorff, seconded by Member Horton, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety and welfare and will not cause a hazard or a nuisance to the public, nor will it allow an unreasonable circumvention of the requirements of the zoning regulations as the sign will not impact the safe movement of pedestrians and vehicles. The proposed sign area is modest compared to the scale of the multi-building residential development on the subject site, and

WHEREAS, the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or in the same zone as the subject site is of a similar scale and use to adjacent properties. The proposed signage is not inconsistent with others in the area, and

WHEREAS, strict application of the regulations would deprive the applicant of reasonable use of the land as the proposed sign is reasonable in size compared to existing development on the site and other signage in the surrounding area, and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations as work has not begun on the proposed sign for which the variance is being requested, now, therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance of Land Development Code (LDC), Section 8.3.2, Table 8.3.1 to allow an attached residential sign to exceed the maximum area permitted and be 38 sq. ft.

The vote was as follows:

YES: Members Horton, Howard, Buttorff, Bond

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ABSENT: Members Ford, Leanhart, Vozos

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PUBLIC HEARING

CASE NO. 24-VARIANCE-0007

Request:	Variances for a structure to encroach into the required side and rear yard setbacks and to allow a private yard area to be less than the required 20 % of the area of the lot.
Project Name:	Deerwood Avenue Variances
Location:	1915 Deerwood Avenue
Owner:	Matthew and Jenna Reed
Applicant:	Charles Williams, Charles Williams Design Inc.
Representative:	Charles Williams, Charles Williams Design Inc.
Jurisdiction:	Louisville Metro
Council District:	8- Ben Reno-Weber
Case Manager:	Amy Brooks, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

01:24:31 Amy Brooks provided an overview of the request and presented a PowerPoint presentation. Brooks responded to questions from Members (see recording for details).

The following spoke in favor of this request:

Charles Williams, 1626 Windsor Place Louisville, KY 40204

Summary of testimony of those in favor:

01:29:44 Charles Williams spoke in favor of the request. (see recording for details)

**The following spoke in opposition:
None**

Deliberation:

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PUBLIC HEARING

CASE NO. 24-VARIANCE-0007

01:30:33 Board deliberation.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Variance from the Land Development Code (LDC), Section 5.2.2 to allow a structure to encroach into the side yard setbacks. (Requirement 3.0ft, Request 1.5ft, Variance 1.5ft)

01:31:08 On a motion by Member Howard, seconded by Member Horton, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare, because an encroachment into the required side yard setbacks does not impede the safe movement of vehicles or pedestrians, and

WHEREAS, the requested variance will not alter the essential character of the general vicinity as the proposed addition is complementary to the established built environment within this area where placement near side property lines is commonplace, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because the structure will be so inset on the property that the proposal will not be highly visible from the public view. In fact, the rear portion of the home and the garage addition are surrounded by a wooden privacy fence helps to screen them from the abutting property negating potential nuisance, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations because the structure is to be located in a neighborhood where minimal setbacks from the side property lines are commonplace. In addition, the proposed addition and covered porch stay within the existing footprint of the home, as such, will not encroach any further into the side setbacks than the home currently does, and

WHEREAS, the requested variance does arise from special circumstances which do not generally apply to the land in the general vicinity or the same zone as the lot is both shallow and narrow with established setback patterns that are not addressed by the prescribed regulations, and

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CASE NO. 24-VARIANCE-0007

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the narrowness of the property make strict conformance to the prescribed regulations difficult, 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 as the applicant has not begun construction, now, therefore be it;

Variance from LDC, Section 5.2.2 to allow a structure to encroach into the required rear yard setback. (Requirement 3.0ft, Request 2.78ft, Variance .22ft)

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare, because an encroachment into the required rear yard setback will not impede the safe movement of vehicles or pedestrians along the adjacent alleyway, and

WHEREAS, the proposed structure will not alter the essential character of the general vicinity because this request is compatible with the already established pattern of rear garages along the alleyway, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because the structure will not impact sightlines or the movement of vehicles along the rear alleyway, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations because the placement of the garage is to be located in a location where there is an established pattern of garages encroaching into the rear setback along the adjacent alleyway, and

WHEREAS, the requested variance does arise from special circumstances which do not generally apply to the land in the general vicinity or the same zone as the established pattern of rear yard setbacks present in this area are not accommodated for the in the prescribed regulations, and

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because there are existing conditions within the neighborhood that support a reduced accessory use area along the adjacent alleyway, 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 as the applicant has not begun construction, and,

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PUBLIC HEARING

CASE NO. 24-VARIANCE-0007

Variance from Land Development Code section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of the lot. (Requirement 697ft, Request 350sqft, 347sqft)

WHEREAS, the requested variance will not adversely affect the public health, safety, or welfare, because a reduction in the private yard area will have no impact on the safe movement of peoples or vehicles. In addition, the structure will be enclosed that minimizes the view from adjoining properties.

WHEREAS, the proposed private yard area reduction will not alter the essential character of the general vicinity as many properties in the area seemingly have reduced private yard areas, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because a reduced private area does not have an immediate impact on adjoining properties, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations as the structures will comply will all other regulations, except where relief is requested, and there are other properties within the block that have seemingly reduced open space between the principal and accessory use areas, and

WHEREAS, the requested variance does arise from special circumstances which do not generally apply to the land in the general vicinity or the same zone as the lot is narrow and has limited space between the principal structure and the rear of the lot, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as there is limited open space on the parcel between the principal structure and accessory uses areas, 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. The applicant has not started construction on the garage and has requested a variance, now, therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **(1)** Variance from LDC, Section 5.2.2 to allow a structure to encroach into the required rear yard setback. **(Requirement 3.0ft, Request 2.78ft, Variance .22ft)** and **(2)** Variance from the Land Development Code (LDC), Section 5.2.2 to allow a structure to encroach into the side yard setbacks. **(Requirement 3.0ft, Request 1.5ft, Variance 1.5ft)** **(3)** Variance from the Land Development Code (LDC), Section 5.2.2 to allow a

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structure to encroach into the side yard setbacks. **(Requirement 697sqft, Request 350sqft, Variance 347sqft)**

The vote was as follows:

YES: Members Horton, Howard, Buttorff, Bond

ABSENT: Members Ford, Leanhart, Vozos

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PUBLIC HEARING

CASE NO. 24-VARIANCE-0011

Request:	Variance for a principal structure to encroach into the required side yard setback.
Project Name:	Charles Street Variance
Location:	944 Charles Street
Owner:	Kyle Tavares
Applicant:	Richard Benningfield, Benningfield Remodeling LLC
Representative:	Richard Benningfield, Benningfield Remodeling LLC
Jurisdiction:	Louisville Metro
Council District:	15- Jennfier Chappell
Case Manager:	Amy Brooks, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

01:33:38 Amy Brooks provided an overview of the request and presented a PowerPoint presentation. (see recording for details).

The following spoke in favor of this request:

Richard Benningfield, 13501 Bearcamp Road Louisville, KY 40272

Summary of testimony of those in favor:

01:37:32 Richard Benningfield spoke in favor of the request. Benningfield answered questions from the Board (see recording for details)

The following spoke in opposition:

None

Deliberation:

01:38:54 Board deliberation.

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CASE NO. 24-VARIANCE-0011

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Variance from the Land Development Code (LDC), Section 5.2.2.C (Table 5.2.2) to allow a principal structure to encroach into the required side yard setback. (Requirement 3ft, Request 0ft, Variance 3ft)

01:39:13 On a motion by Member Horton, seconded by Member Buttorff, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare, because any encroachment of the home into the side setback does not impede the safe movement of vehicles or pedestrians or encroach upon adjacent property or right-of-way. The applicant has obtained the adjacent property owners' signatures. These signatures verify that the adjoining property owners have seen drawings of the proposed addition and have no objection to the planned construction or variance, and

WHEREAS, the requested variance will not alter the essential, visual character of the general vicinity as the proposed second-floor dormer complements the existing pattern of the surrounding residential neighborhood. There are other principal structures near the subject site that are built within close proximity to adjacent property lines, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because a reduction in the minimum required side setbacks do not impact the safe movement of people or vehicles along the adjacent public right of way, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations because the home is located in a neighborhood with compacted lot sizes where reduced side yard setbacks are commonplace. In addition, the proposed addition on the northwestern property line will stay within the existing footprint of the home, and as such, will not encroach any further into the side setback than the home currently does, and

WHEREAS, the requested variance does not arise from special circumstances which do generally apply to the land in the general vicinity or the same zone as the lot is similar in size and shape to the surrounding properties, and

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WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the narrow width of the property makes conforming to the prescribed side yard setback standards more difficult, 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. The applicant has not started construction on the addition and has requested a variance, now, therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from the Land Development Code (LDC), Section 5.2.2.C (Table 5.2.2) to allow a principal structure to encroach into the required side yard setback. **(Requirement 3ft, Request 0ft, Variance 3ft)**

The vote was as follows:

YES: Members Horton, Howard, Buttorff, Bond

ABSENT: Members Ford, Leanhart, Vozos

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PUBLIC HEARING

CASE NO. 23-CUP-0235

Request:	Continued from the February 5, 2024, Board of Zoning Adjustment Meeting. Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner.
Project Name:	Short Term Rental
Location:	2821 Grinstead Dr
Owner:	Jeremiah and Catherine Rhoden
Applicant:	Jeremiah Rhoden
Representative:	Jeremiah Rhoden
Jurisdiction:	Louisville Metro
Council District:	9- Andrew Owen
Case Manager:	Amy Brooks, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

01:40:43 Amy Brooks provided an overview of the request and presented a PowerPoint presentation. (see recording for details).

The following spoke in favor of this request:

Nick Pregliasco, 1000 North Hurstbourne Parkway Louisville, KY 40222

Summary of testimony of those in favor:

01:42:45 Nick Pregliasco spoke in favor of the request. Pregliasco presented a Power Point presentation. Pregliasco answered questions from Members (see recording for details)

The following spoke in opposition:

None

Deliberation:

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01:47:26 Board deliberation.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Conditional Use Permit to allow short term rental (STR) of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63).

01:47:48 On a motion by Member Horton, seconded by Member Howard, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the proposal does not conflict with applicable policies of the Comprehensive Plan, and

WHEREAS, the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance since no changes to the exterior of the property are being proposed which reduce compatibility with the historic area, and

WHEREAS, necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation adequate to serve the proposed use are available, and

WHEREAS, the applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit. The proposed short-term rental will not be located closer than 600 feet to any other short-term with an approved conditional use permit or those OR, OR-1 OR-2 properties that are non-conforming to current regulations requiring owner occupancy. The single-family home on the property has three bedrooms that will limit the maximum occupancy to eight short term rental guests Although there are no parking minimums in Traditional Neighborhood, there is an existing driveway that will be available for guest use to mitigate increased parking demands that may be generated, now, therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow short term rental (STR) of a dwelling unit

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that is not the primary residence of the owner (LDC 4.2.63). subject to the following Conditions of Approval:

1. The conditional use permit for this short term rental approval shall allow up to three bedrooms (with a maximum of eight guests at any one time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.
2. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void

The vote was as follows:

YES: Members Horton, Howard, Buttorff, Bond

ABSENT: Members Ford, Leanhart, Vozos

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CASE NO. 23-CUP-0063

Request:	Conditional Use Permit for a private institutional use.
Project Name:	Kenwood Church of Christ Addition
Location:	5424 Bruce Avenue
Owner:	Kenwood Church of Christ Inc
Applicant:	Joel T. Gano, Archstyle INC
Representative:	Joel T. Gano, Archstyle INC
Jurisdiction:	Louisville Metro
Council District:	25- Khalil Batshon
Case Manager:	Amy Brooks, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

01:49:21 Amy Brooks provided an overview of the request and presented a PowerPoint presentation. (see recording for details).

**The following spoke in favor of this request:
None**

**The following spoke in opposition:
None**

Deliberation:

01:53:18 Board deliberation.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Conditional Use Permit for private institutional use (LDC 4.2.65).

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01:54:22 On a motion by Member Howard, seconded by Member Buttorff, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040, and

WHEREAS, the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance. The site is located in an area that is surrounded by residentially zoned properties. To mitigate the impact on the neighborhood, the church will be providing screening, and there is existing tree canopy and intensive vegetation within the site and along the western and northern property lines, and

WHEREAS, all necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation are adequate to serve the proposed use, and

WHEREAS, the existing buildings and proposed addition will not be located closer than 30 feet to the any of the property lines adjacent to residential properties. In fact, the subject site has an existing tree canopy and extensive vegetation that provides buffering and screening to mitigate the impact of the use on the properties to the north and west of the subject site. While the existing car parking is in close proximity to the surrounding residential properties and the public street, the proposed addition will not generate any new parking requirements that would increase the impact on neighboring properties. In fact, the applicant has proposed to provide a privacy fence on the southern property line to screen the lot from the residential uses. Additionally, the proposal would not appear to create any impact beyond what is typical for churches and other private institutions, such as pick-up/drop-off or church-related activities, now, therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit for private institutional use (LDC 4.2.65). including relief from items 'A' and 'C' of the listed standards 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

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exercised, the site shall not be used for a private institutional use until further review and approval by the Board.

3. The proposed 6' wooden privacy fence on the southern property line shall be maintained. If the existing fence is ever removed, it shall be replaced at the property owner's expense. Any fences used for screening shall be constructed of wood or other weatherproof, durable materials intended for exterior use; no chain link is allowed. Additionally, the finished side of the fence must face outward towards the residential properties.

The vote was as follows:

YES: Members Horton, Howard, Buttorff, Bond

ABSENT: Members Ford, Leanhart, Vozos

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CASE NO. 23-CUP-0356

Request:	Conditional Use Permit to allow a Transitional Home
Project Name:	1 st Step Recovery
Location:	3000 S 5 th Street
Owner:	S 5 th Street, LLC
Applicant:	Steven Aldridge
Representative:	Steven Aldridge
Jurisdiction:	Louisville Metro
Council District:	3 – Shameka Parrish Wright
Case Manager:	Molly Clark, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Board received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

01:56:47 Molly Clark provided an overview of the request and presented a PowerPoint presentation. Clark responded to questions from Members (see recording for details).

The following spoke in favor of this request:

Barry Willard, 3000 South 5th Street Louisville, KY 40208

Steven Aldridge, 3000 South 5th Street Louisville, KY 40208

Billy Howard, 3035 Crums Lane Louisville, KY 40216

Heather Patton, 3000 South 5th Street Louisville, KY 40208

Summary of testimony of those in favor:

02:03:22 Barry Willard spoke in favor of the request. Willard stated the importance of the subject property to him personally. (see recording for details)

02:04:45 Steven Aldridge spoke in favor of the request. Aldridge stated his history with running transitional homes. Aldridge answered questions from the Board. (see recording for details)

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02:09:24 Billy Howard spoke in favor of the request. Howard explained his relationship with the applicant and all the work that went into the subject property. (see recording for details)

02:12:45 Heather Patton spoke in favor of the request. Patton explained that she grew up in the neighborhood and knew that the area needs a program like this. Patton answered questions from Members. (see recording for details)

The following spoke in opposition:

Ann Ramser, 307 East Kenwood Drive Louisville, KY 40214

Summary of testimony of those in opposition:

02:20:27 Ann Ramser spoke in opposition of the request. Ramser stated that she was confused about the adjoining property's purpose. (see recording for details)

Rebuttal:

02:26:17 Steven Aldridge spoke in rebuttal. Aldridge addressed opposition's concerns. Aldridge explained the difference between the subject property and a nearby property with a Conditional Use Permit. (see recording for details)

Deliberation:

02:27:55 Board deliberation.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Conditional Use Permit to allow a transitional home (4.2.65).

02:30:48 On a motion by Member Buttorff, seconded by Member Horton, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

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

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WHEREAS, the proposed use is compatible with surrounding development and land uses as the existing structure will remain residential in character and will not negatively impact physical compatibility within the area. The proposed land use provides residential accommodation for men participating in a transitional housing program, and

WHEREAS, the subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal. Transit service is available, and the subject property is in a walkable area, and

WHEREAS, the applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit, except where relief is requested and adequately justified. The proposed home is residential in character and can operate as multi-family apartments should the transitional home chooses to no longer operate. The proposed transitional home will have up to 24 male residents and 14 employees. The proposed home will have 5 bedrooms. The transitional home will offer services such as counseling, individual and group therapy, life skills and vocational training, relapse prevention programs, outpatient and aftercare services, job training and placement. There is one other group home conditional use permit within 1000 feet therefore relief is needed from standard "D." The other group housing conditional use permit within 1000 feet is under case number 15CUP1004 that was approved for a boarding home. The boarding house use is a different use that serves a different population; therefore, relief is justified. The proposed transitional home will also be closer than 30 feet to all property lines therefore relief is needed from item "F." The applicant is proposing the transitional home in an existing building on a lot that is only 50 feet wide. The applicant does not have enough room on the property to meet item "F" 30-foot setback requirement. There is off-street parking available to the rear of the lot (along Heywood Avenue) and on-street parking along South 5th Street and Heywood Avenue. A license will be required for the proposed transitional home, now, therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow a transitional home (4.2.65) including relief from items 'D' and 'F' of the listed standards, 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 transitional home until further review and approval by the Board.

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The vote was as follows:

YES: Members Horton, Howard, Buttorff, Bond

ABSENT: Members Ford, Leanhart, Vozos

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ADJOURNMENT

The meeting adjourned at approximately 03:53 p.m.

Chair

Planning Director