

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

August 1, 2022

A meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, August 1, 2022 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky and also online via Webex.

NOTE: Due to lack of quorum, no actions were taken on any cases heard today.

Members Present:

Richard Buttorff, Vice Chair (acting Chair)
Sharon Bond, Secretary

Members Absent:

Lula Howard, Chair
Brandt Ford
Yani Vozos
Kimberly Leanhart

Staff Members Present:

Joe Reverman, Planning & Design Assistant Director
Joe Haberman, Planning & Design Manager
Brian Davis, Planning Manager
Chris French, Planning & Design Supervisor
Heather Pollock, Planner I
Joel Dock, Planning Coordinator
Laura Ferguson, Legal Counsel
Chris Cestaro, Management Assistant

The following cases were heard:

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July 25, 2022 Board of Zoning Adjustment Meeting Minutes

No action was taken due to lack of quorum.

BOARD OF ZONING ADJUSTMENT MINUTES

August 1, 2022

PUBLIC HEARING

Case No. 22-VARIANCE-0089

Request: Variance to reduce private yard area
Project Name: Logsdon Residence
Location: 3015 Taylor Blvd
Owner: William Logsdon
Applicant: Joel T. Gano
Jurisdiction: Louisville Metro
Council District: 3 - Keisha Dorsey
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 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:

00:03:13 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:07:54 In response to a question from Board Member Bond, Mr. Dock said the dwellings will have separate addresses.

00:08:12 In response to a question from Board Member Buttorff, Mr. Dock said this request will not affect parking (there are no parking requirements.) Street parking is available.

The following spoke in support of the request:

Joel Gano (applicant's representative), 927 Rosemary Drive, Louisville, KY 40213

William Logsdon, 3015 Taylor Blvd, Louisville, KY 40208

Summary of testimony of those in support:

00:08:46 Joel Gano, the applicant's representative, and William Logsdon, the applicant, presented the applicant's case (see recording for detailed presentation.)

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PUBLIC HEARING

Case No. 22-VARIANCE-0089

The following spoke in opposition to the request:

No one spoke.

Testimony was heard, but due to lack of quorum no action was taken.

BOARD OF ZONING ADJUSTMENT MINUTES

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PUBLIC HEARING

Case No. 22-VARIANCE-0094

Request: Variance to exceed maximum setback
Project Name: Parkside at Mt. Washington
Location: 8410 - 8422 Gateway Run Road
Owner: Ball Homes, LLC
Applicant: Ball Homes, LLC
Jurisdiction: Louisville Metro
Council District: 23 - James Peden
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 5th Street.)

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Agency testimony:

00:12:31 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) The request is for a total of seven variances across seven lots.

00:16:37 In response to questions from Board Member Bond, Mr. Dock reviewed the reasons for the variance requests (to avoid the sinkhole; and also to maintain the setback of the structures as the road curves.)

The following spoke in support of the request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Rocco Pigneri, Ball Homes LLC, 9931 Magisterial Drive, Louisville, KY 40223

Summary of testimony of those in support:

00:17:23 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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PUBLIC HEARING

Case No. 22-VARIANCE-0094

The following spoke in opposition to the request:

No one spoke.

Testimony was heard, but due to lack of quorum no action was taken.

BOARD OF ZONING ADJUSTMENT MINUTES

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PUBLIC HEARING

Case No. 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

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.)

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Agency testimony:

00:26:21 Heather Pollock presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation.)

00:31:48 In response to a question from Board Member Bond, Ms. Pollock said she believed the deck is being cut back about 8 feet to stay out of the right-of-way. The applicant can answer that question more specifically.

00:32:24 In response to a question from Board Member Buttorff, Ms. Pollock said staff still has the same concern regarding the character of the neighborhood.

The following spoke in favor of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th St #2500, Louisville, KY 40202

Summary of testimony of those in favor:

00:32:58 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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PUBLIC HEARING

Case No. 21-VARIANCE-0134

00:44:33 In response to questions from Board Member Bond, Mr. Ashburner said the proposal today is to not have any portion of the proposed deck in the right-of-way. It will be pulled back to the property line.

00:46:57 In response to a question from Board Member Buttorff, Mr Ashburner said his client may be willing to landscape/do plantings along the front façade of the proposed structure.

The following spoke in opposition of the request:

Ella and Rick Peters, 914 Lydia Street, Louisville, KY 40217

Summary of testimony of those in opposition:

00:47:37 Ella Peters asked if the decks shown in Mr. Ashburner's presentation were permitted and legal, and questioned the precedent set in the neighborhood. She said the proposed deck is not in character with the surrounding neighborhood; it is a permanent loss of greenspace; and there are potential drainage/erosion issues. She said decks will deteriorate over time, and if not maintained, can become an eyesore next to the street and the sidewalk. She said decks and wooden steps become slick with ice and snow. She said that, next door to 914 Lydia Street, is an unfinished home with an owner who does not take care of his property and dumps building materials in his front yard. She said this deck sets a bad precedent, particularly to others in the neighborhood who do not maintain their homes.

00:53:31 Rick Peters said the homes in this neighborhood are small, with only about 20 feet separating them. This proposal is out of character.

Rebuttal:

00:55:10 Mr. Ashburner delivered rebuttal (see recording for detailed presentation.)

Testimony was heard, but due to lack of quorum no action was taken.

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PUBLIC HEARING

Case No. 22-VARIANCE-0076

NOTE: This case was heard out of order. It was heard immediately following Case No. 22-VARIANCE-0094.

Request:	Variance to allow an addition to encroach into the side yard setback; and a variance to allow a private yard area to be less than the required 20% of the area of the lot
Project Name:	S. Hancock Street Variance
Location:	913 S. Hancock Street
Owner/Applicant:	Aimee Overly
Jurisdiction:	Louisville Metro
Council District:	4 - Jecorey Arthur
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 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:

00:24:13 Heather Pollock said the case has been requested to be continued to the **August 29, 2022** Board of Zoning Adjustment hearing.

Due to lack of quorum, no vote was taken; however, the case has been continued to the August 29, 2022 Board of Zoning Adjustment hearing.

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PUBLIC HEARING

Case No. 22-VARIANCE-0081

Request: Variance to allow an accessory structure to encroach into the rear yard setback.
Project Name: Michael Edward Drive Variance
Location: 9300 Michael Edward Drive
Owner/Applicant: Kevin Reid
Jurisdiction: Louisville Metro
Council District: 22 - Robin Engel
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 5th Street.)

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Agency testimony:

00:59:08 Heather Pollock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation).

01:02:45 In response to a question from Board Member Bond, Ms. Pollock said the staff report should have deleted Standard A as it does not apply. Otherwise, she said the staff report finds that the proposal meets Standards B, C, and D.

01:03:19 Board Member Buttorff and Ms. Pollock discussed the setback requirements for front vs. back yards. The variance request may be for 5 feet instead of 6 feet.

The following spoke in favor of the request:

Robin M. Reid and Kevin Reid, 9300 Michael Edward Drive, Louisville, KY 40291

David Howell, 10605 Seatonville Road, Louisville, KY 40291

Summary of testimony of those in favor:

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Case No. 22-VARIANCE-0081

01:04:53 Robin Reid, the applicant, said the encroachments were discovered after the building process had already started. See recording for detailed presentation and discussion.

01:09:48 In response to a question from Joe Reverman, Assistant Director of Planning & Design Services, Ms. Reid said that, according to a survey she had done, the garage as it is now is 1-foot, 1-inch inside their property. There will be no eaves or overhang from the roof.

01:10:57 In response to questions from Board Member Buttorff, Ms. Reid discussed how the whole situation arose (see recording for detailed discussion.) She said the permit was granted based on the LOJIC map provided by Permitting.

01:12:15 David Howell, the builder, said he was told it was a setback from the side, not the rear. The side setback is 2 feet. He said the existing structure is located 1 foot onto the homeowner's property. The permit was obtained based on the same LOJIC map. He said it would "cost a couple thousand" to move the garage one foot.

The following spoke in opposition to the request:

No one spoke.

Testimony was heard, but due to lack of quorum no action was taken.

**** Note: After the meeting, staff determined that the advertised variance request was incorrectly noted as a side yard. This case will be heard at a later meeting as a variance request to a required rear yard setback.**

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PUBLIC HEARING

Case No. 22-VARIANCE-0082

Request: Variance to allow a side landing and stairs to encroach into the side yard setback
Project Name: S. Hancock Street Variance
Location: 1039 S. Hancock Street
Owner/Applicant: River City Housing INC
Representative: Kimberly Goode, River City Housing INC
Jurisdiction: Louisville Metro
Council District: 6 - David James
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 5th Street.)

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Agency testimony:

01:15:49 Heather Pollock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Kimberly Goode, Vice President of River City Housing, 120 Webster Street Suite 325, Louisville, KY 40206

Summary of testimony of those in favor:

01:18:51 Kimberly Goode read a letter of support from the Shelby Park Neighborhood Association into the record. In response to questions from Board Member Buttorff, Ms. Goode discussed River City Housing and its goals. See recording for detailed presentation.

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

Case No. 22-VARIANCE-0082

Testimony was heard, but due to lack of quorum no action was taken.

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PUBLIC HEARING

Case No. 22-CUP-0083

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: Henry Firpo Short Term Rental
Location: 721 & 723 Henry Firpo Street
Owner: ParsII On Firpo, LLC
Applicant: Conner Parsons
Jurisdiction: Louisville Metro
Council District: 4- Jecorey Arthur
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 5th Street.)

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Agency testimony:

01:21:48 Heather Pollock presented the case and showed a Powerpoint 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:

Connor Parsons, 2523 Windell Avenue, Louisville, KY 40205

Summary of testimony of those in favor:

01:25:07 Connor Parsons, the applicant, presented his case (see recording for detailed presentation.)

01:31:40 In response to a question from Board Member Bond, Ms. Pollock said both units in the duplex could be short term rentals. There is not an issue with the 600-foot rule if both short term rentals are located on the same property.

01:32:42 Board Member Buttorff and Mr. Parsons discussed short-term rentals in general, and specifically in this area (see recording.)

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Case No. 22-CUP-0083

01:35:18 Board Member Bond and Mr. Parsons discussed parking.

Testimony was heard, but due to lack of quorum no action was taken.

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01:36:06 Prior to adjournment, Joe Haberman discussed BOZA hearing officer duties and how the next meeting could be conducted to address the lack of quorum today.

The meeting adjourned at approximately 2:38 p.m.

Chair

Secretary