

**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 Luckett, 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 Luckett presented the case and showed a Power Point presentation. Luckett 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:

**BOARD OF ZONING ADJUSTMENT
MEETING MINUTES**

October 2, 2023

Public Hearing

Case No. 23-VARIANCE-0119

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 Luckett 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

**BOARD OF ZONING ADJUSTMENT
MEETING MINUTES**

October 2, 2023

Public Hearing

Case No. 23-VARIANCE-0119

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