

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Will and Lauren Pendleton  
1713 WARFIELD DR

Appeal Case 2023-017

Map Parcel: 13103017700

Zoning Classification: RS10

Council District: 25

**ORDER**

This matter was before the Metropolitan Board of Zoning Appeals on 3/2/2023, upon a pending motion for approval of an application for a variance in garage height requirements to permit a 23 foot detached garage that was previously deferred from 2/16/2023.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 B of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code due to the hardship presented by the slope of the lot.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED.

UPON MOTION BY: Mr. Bradford

Seconded By: Mr. Pepper

Result: Approved (4-3)

Ayes: Members Bradford, Cole, Newton, & Pepper

Nays: Members Davis, Karpynec, Lawless

ENTERED THIS 6<sup>th</sup> DAY OF MARCH, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Brad Copeland Appeal Case 2023-018  
820B WOODLAND ST  
Map Parcel: 08216008500  
Zoning Classification: MUL-A/UZO/MDHA-EB Council District: 6

**ORDER**

This matter came to be heard in public hearing on 3/2/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from rear setback requirements. The appellant is seeking to use an existing detached structure as a residential dwelling.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 B of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED.

UPON MOTION BY: Mr. Pepper

Seconded By: Mr. Newton

Result: 7-0

Ayes: Members Bradford, Cole, Davis, Lawless, Karpyne, Newton, & Pepper

Nays:

Abstaining:

Absent:

ENTERED THIS 6<sup>th</sup> DAY OF MARCH, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Mary Dale Crozier Appeal Case 2023-019  
108 BROOKFIELD AVE  
Map Parcel: 12908011800  
Zoning Classification: RS20 Council District: 34

**ORDER**

This matter came to be heard in public hearing on 3/2/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from street setback requirement. The appellant is seeking to build a portico over the front entrance of the home.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 B of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant’s request shall be GRANTED.

UPON MOTION BY: Mr. Pepper Seconded By: Mr. Newton

Result: 7-0  
Ayes: Members Bradford, Cole, Davis, Karpynec, Lawless, Newton, & Pepper  
Nays:  
Abstaining:  
Absent:

ENTERED THIS 6<sup>th</sup> DAY OF MARCH, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Seven Hills Club Inc  
1313 HILDRETH DR  
Map Parcel: 13114009900, 100, 102  
Zoning Classification: RS-40  
Appeal Case 2023-020  
Council District: 34

**ORDER**

This matter came to be heard in public hearing on 3/2/2023, before the Metropolitan Board of Zoning Appeals, upon application for an Item A Appeal challenging the Zoning Administrator's Interpretation requiring approval of the permit via special exception. The appellant is seeking to construct a bubble cover over the tennis court.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 A of the Metropolitan Code.
- (2) The Zoning Administrator correctly opined that the proposed use may be permitted if approved by the Zoning Appeals Board; and that the zoning for the proposed use is therefore contingent upon approval of the Board via special exception.

Upon the proof and arguments before the Board, it is hereby ORDERED by the Metropolitan Board of Zoning Appeals that the Zoning Administrator did not err in finding that the permit is subject to an application for use by special exception.

The Zoning Administrator's interpretation shall therefore be UPHELD.

UPON MOTION BY: Ms. Davis

Seconded By: Ms. Karpynec

Result: 5-1-1

Ayes: Members Cole, Davis, Karpynec, Lawless, & Newton

Nays: Member Pepper

Abstaining:

Absent: Member Bradford

ENTERED THIS 6<sup>th</sup> DAY OF MARCH, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: James Dillard Appeal Case 2023-021  
607B W DUE WEST AVE  
Map Parcel: 05106005800  
Zoning Classification: MUG-A Council District: 8

**ORDER**

This matter came to be heard in public hearing on 3/2/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from office or commercial requirements within the MUG-A District. To construct a new four story multi-family development.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 B of the Metropolitan Code.
- (3) The appellant has NOT satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant’s request shall be DENIED.

UPON MOTION BY: Mr. Pepper Seconded By: Ms. Davis

Result: 6-1  
Ayes: Member Newton  
Nays: Members Bradford, Cole, Davis, Karpynec, Lawless, & Pepper  
Abstaining:  
Absent:

ENTERED THIS 6<sup>th</sup> DAY OF MARCH, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Jorge Flores Appeal Case 2023-024  
4904 CYPRESS DR  
Map Parcel: 14813013500  
Zoning Classification: RS10 Council District: 30

**ORDER**

This matter came to be heard in public hearing on 3/2/2023, before the Metropolitan Board of Zoning Appeals, upon application for addition to a non-conforming residence to construct a 50' x 15' covered front porch to the existing residence.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 D of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the applicant's request shall be GRANTED, subject to the following conditions: the front porch approved per application shall not be enclosed at any time henceforth.

UPON MOTION BY: Mr. Pepper

Seconded By: Mr. Newton

Result: 7-0  
Ayes: Members Bradford, Cole, Davis, Karpynec, Lawless, Newton, & Pepper  
Nays:  
Abstaining:  
Absent:

ENTERED THIS 6<sup>th</sup> DAY OF MARCH, 2023.