

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Carrie Stevenhagen Appeal Case 2023-028
100 A&B McKENNEL DR
Map Parcel: 072154N00100CO
Zoning Classification: R6/OV-UZO/OV-COD Council District: 7

ORDER

This matter came before the Metropolitan Board of Zoning Appeals, after the matter was previously heard in public hearing on 3/16/2023, and was granted in part and deferred in part at that time. This matter was before the Board upon an Item A appeal challenging the Zoning Administrator's interpretation of "abutting" properties for calculating height and building lot coverage in the Contextual Overlay District, as well as a variance from the requirement that garage doors shall face the side or rear of the lot. The applicant is seeking to construct front-facing garages. The question as to the Item A appeal was decided on 3/16/2023, said Order having been previously entered, and the question before the Board on 4/6/2023 was only upon the variance.

Based upon the entire record, the Board previously moved to APPROVE the variance, and to find that the appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code based upon the undue hardship that would result from requiring the applicant to deconstruct and move the garage doors as framed.

Ms. Karpy nec was absent on 3/16/2023, and on 4/6/2023 indicated that she had reviewed the entire record, and voted "AYE" on the motion to approve the variance. Therefore, it is hereby ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request for a variance to permit front-facing garages shall be GRANTED.

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

Result: (4-3)
Ayes: Bradford, Karpy nec, Newton, and Pepper
Nays: Cole, Davis, and Lawless

ENTERED THIS 11TH DAY OF APRIL, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Ireland Street Partners, LLC Appeal Case 2023-031
915 & 923 12TH AVE N
Map Parcel: 09204017800
Zoning Classification: RM20/OV-UZO Council District: 19

ORDER

This matter came to be heard in public hearing on 4/6/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception to determine street setback. The appellant is seeking to construct a multifamily 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 C of the Metropolitan Code.

Mr. Lawless moved to defer the case to 4/20/2023 and to hold another public hearing, which motion was seconded by Ms. Davis and approved by the following vote:

Result: 4-0
Ayes: Members Cole, Davis, Karpynek, and Lawless
Nays:
Abstaining:
Absent: Members Bradford, Newton, and Pepper

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

ENTERED THIS 11TH DAY OF APRIL, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Alex Crow Appeal Case 2023-033
135 KINGSTON ST
Map Parcel: 07103011500
Zoning Classification: RS5/RS10/OV-FLD Council District: 5

ORDER

This matter came to be heard in public hearing on 4/6/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from street and side setback requirements. The appellant is seeking to construct a single family 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 based upon the water features and right of way that limit buildable area on 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. Lawless

Seconded By: Ms. Karpynec

Result: (4-0)

Ayes: Members Cole, Davis, Karpynec, and Lawless

Nays:

Abstaining:

Absent: Members Bradford, Newton, and Pepper

ENTERED THIS 11TH DAY OF APRIL, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Brian & Jennifer Evans Appeal Case 2023-034
913 NEARTOP DR
Map Parcel: 10314005700
Zoning Classification: RS40 Council District: 24

ORDER

This matter came to be heard in public hearing on 4/6/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from street setback requirements. The appellant is seeking to reduce the street setback from 96 feet to 85.5 feet to construct a single family 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 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 based upon the water features that limit buildable area on the lot.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant’s request shall be GRANTED subject to the following condition: new trees shall be planted in consultation with Metropolitan Urban Forester.

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

Result: (4-0)
Ayes: Members Cole, Davis, Karpynec, and Lawless
Nays:
Abstaining:
Absent: Members Bradford, Newton, and Pepper

ENTERED THIS 11TH DAY OF APRIL, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Keith Dowd Appeal Case 2023-037
2914A FELICIA ST
Map Parcel: 092100T00100CO
Zoning Classification: OV-UZO/MUL-A Council District: 21

ORDER

This matter came to be heard in public hearing on 4/6/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to permit a wood fence in lieu of the masonry wall required for landscape buffer C5. The appellant is seeking to construct a single family 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 subject to the following condition: Applicant shall still be required to construct a C5 landscape buffer, with the exception that a wooden fence shall be constructed in lieu of the masonry wall otherwise required by Code.

UPON MOTION BY: Mr. Lawless Seconded By: Ms. Karpynech

Result: (4-0)
Ayes: Members Cole, Davis, Karpynech, and Lawless
Nays:
Abstaining:
Absent: Members Bradford, Newton, and Pepper

ENTERED THIS 11TH DAY OF APRIL, 2023.