

**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 4/20/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception to reduce the street setbacks from 30' per each blockface to 20' along 12th Ave. N. and 22.5' along Ireland St. 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.
- (3) The appellant HAS satisfied all of the conditions for a special exception under Section 17.16.150.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant’s request shall be GRANED, subject to the following conditions: approval of landscape plan by Urban Forester.

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

Result: (6-0)  
Ayes: Members Bradford, Cole, Karpyneec, Lawless, Newton, and Pepper  
Nays:  
Abstaining:  
Absent: Ms. Davis

ENTERED THIS 24TH DAY OF APRIL, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: James Fineman Appeal Case 2023-032  
3838 & 3840 DR. WALTER S DAVIS BLVD.  
Map Parcel: 091040H00100CO  
Zoning Classification: CS/OV-UZO/OV-FLD Council District: 21

**ORDER**

This matter came to be heard in public hearing on 4/20/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception to allow permit a two-family dwelling and to waive the landscape buffer requirements.

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/C of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the conditions for a special exception under Section 17.16.150.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant’s request shall be GRANTED, subject to the following conditions:

- 1. Fifty feet along the northern property line is to remain undisturbed to protect the existing vegetation.
- 2. Impervious parking pad and entrance shall not exceed 1500 square feet.
- 3. Applicant agrees to contact Metro Parks within 10 days of issuance of this order and ask whether greenway easement, access agreement, or similar right of way dedication is requested. Metro Parks must assert and initiate good faith negotiations for acceptance of public access prior to issuance of building permits T2023008866, T2023008869 in order to ensure construction site plan approvals and permit sign-offs have appropriate contingencies for any such public access area.

UPON MOTION BY: Mr. Lawless

Seconded By: Mr. Bradford

Result: (6-0)

Ayes: Members Bradford, Cole, Karpynec, Lawless, Newton, and Pepper

Nays:

Abstaining:

Absent: Ms. Davis

ENTERED THIS 24TH DAY OF APRIL, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Andy Brashier Appeal Case 2023-035  
900 WEDGEWOOD AVE  
Map Parcel: 10509036400  
Zoning Classification: R8/OV-UZO Council District: 17

**ORDER**

This matter came to be heard in public hearing on 4/20/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from the side setback requirements to construct a rear privacy fence abutting pedestrian sidewalk.

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 on the irregular shape of 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: an increased-visibility mirror shall be affixed to the exterior of the fence at the corner nearest to the sidewalk in order to enhance drive aisle visibility of the southerly portion of the sidewalk.

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

Result: (6-0)  
Ayes: Members Bradford, Cole, Karpynec, Lawless, Newton, and Pepper  
Nays:  
Abstaining:  
Absent: Ms. Davis

ENTERED THIS 24TH DAY OF APRIL, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: David Malone Appeal Case 2023-036  
202 ROLLING MILL RD.  
Map Parcel: 05413011300  
Zoning Classification: RS30/OV-RAS Council District: 11

**ORDER**

This matter came to be heard in public hearing on 4/20/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to reduce the rear setback from 20' to 10' and the side setback from 15' to 12' as well as a variance from the residential accessory structure overlay requirement to place a detached garage behind the principal 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 based on the hardships presented by the irregular shape of the lot; the existence of several mature trees on the lot; and the existing placement of the principal dwelling 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 conditions: detached garage must meet all contextual street setback requirements so as not to be placed any closer to the street than the principal residence; must comply with all remaining provisions of Residential Accessory Structure Overlay guidelines including height, use, and building materials; and doors for entry of vehicles into the garage shall not face the street.

UPON MOTION BY: Mr. Newton

Seconded By: Mr. Cole

Result: (6-0)

Ayes: Members Bradford, Cole, Karpynec, Lawless, Newton, and Pepper

Nays:

Abstaining:

Absent: Ms. Davis

ENTERED THIS 24TH DAY OF APRIL, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Roberto Gutierrez Appeal Case 2023-038  
2116 24TH AVE. N.  
Map Parcel: 08106029200  
Zoning Classification: RM15-A-NS/OV-UZO Council District: 2

**ORDER**

This matter came to be heard in public hearing on 4/20/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to waive height requirements set forth at Table 17.12.020D Note 3.f. The appellant is seeking to construct 4 townhomes.

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. Lawless

Seconded By: Mr. Bradford

Result: (6-0)

Ayes: Members Bradford, Cole, Karpynech, Lawless, Newton, and Pepper

Nays:

Abstaining:

Absent: Ms. Davis

ENTERED THIS 24TH DAY OF APRIL, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Jaclyn Kole Appeal Case 2023-039  
1703 17TH AVE. N.  
Map Parcel: 08111017400  
Zoning Classification: RS5/OV-UZO/OV-DDU Council District: 21

**ORDER**

This matter came to be heard in public hearing on 4/20/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from maximum elevation requirements for rear detached accessory structures. The appellant is seeking to construct a detached art studio.

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. Lawless Seconded By: Mr. Bradford

Result: (6-0)  
Ayes: Members Bradford, Cole, Karpynec, Lawless, Newton, and Pepper  
Nays:  
Abstaining:  
Absent: Ms. Davis

ENTERED THIS 24TH DAY OF APRIL, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Sarah Ramsden Appeal Case 2023-040  
2823 GALLATIN PIKE  
Map Parcel: 07210005900  
Zoning Classification: MUL-A/OV-UDO/OV-UZO Council District: 5

**ORDER**

This matter came to be heard in public hearing on 4/20/2023, before the Metropolitan Board of Zoning Appeals, upon application for an Item A appeal of the Zoning Administrator's ruling regarding construction of sidewalks on this parcel, which is a corner lot. The property owner is seeking to contribute to the pedestrian fund in lieu of constructing a sidewalk along Dozier Pl.

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.

Thereupon, Mr. Lawless moved to find that the Zoning Administrator did not err in approving the property owner's application to contribute to the pedestrian fund in lieu of constructing a sidewalk along Dozier Pl. Said motion was properly seconded by Mr. Pepper, and TIED ON VOTES as follows:

Ayes: Members Lawless, Newton, and Pepper  
Nays: Members Bradford, Cole, and Karpynec  
Absent: Ms. Davis

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be DEFERRED to the next regular meeting on May 4, 2023 for further consideration pursuant to Metropolitan Code of Laws Section 17.40.240.

ENTERED THIS 24TH DAY OF APRIL, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: JDG Investments, LLC Appeal Case 2023-041  
1042B SCOVEL ST  
Map Parcel: 081162E00200CO  
Zoning Classification: R6-A/OV-UZO/MDHA-PJ Council District: 19

**ORDER**

This matter came before the Metropolitan Board of Zoning Appeals on 4/20/2023, upon application for a variance from side setback requirements to permit the use and occupancy of a single-family dwelling.

Counsel for the opposing parties, Blake and Patty Fuson, moved to defer the public hearing to the next regular meeting on May 4, 2023.

Thereupon, Mr. Bradford moved to defer the public hearing to May 4, 2023, which motion was properly seconded by Mr. Lawless and approved by the following vote (4-2):

- Ayes: Members Bradford, Cole, Lawless, and Pepper
- Nays: Members Karpynec and Newton
- Absent: Ms. Davis

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

ENTERED THIS 24TH DAY OF APRIL, 2023.



**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Daniel Scobey Appeal Case 2023-042  
2425 CABIN HILL RD  
Map Parcel: 07316004100  
Zoning Classification: RS15 Council District: 15

**ORDER**

This matter came to be heard in public hearing on 4/20/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to reduce the rear setback from 20' to 10' and the side setback from 10' to 5' for purposes of constructing a detached garage.

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. Lawless Seconded By: Mr. Bradford

Result: (6-0)  
Ayes: Members Bradford, Cole, Karpynec, Lawless, Newton, and Pepper  
Nays:  
Abstaining:  
Absent: Ms. Davis

ENTERED THIS 24TH DAY OF APRIL, 2023.

