

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. The appellant is a member of the public who resides in the nearby surrounding area, and appealed the decision of the Zoning Administrator to allow a pedestrian fund contribution to be made by the property owner in lieu of constructing a sidewalk along Dozier Pl.

Following the public hearing on 4/20/2023, 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. The motion was seconded, and the following votes were cast on 4/20/2023:

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

The matter recurred on the 5/4/2023 meeting agenda for further consideration in accordance with Metropolitan Code of Laws Section 17.40.240. On 5/4/2023, Ms. Davis announced that she had reviewed the record and the public hearing in this matter, and cast her vote as "Nay."

The final votes as cast shall therefore stand as follows:

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

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be UPHELD; that the Zoning Administrator's decision was found to be in error, and, therefore, the Zoning Administrator's decision shall be and is hereby OVERTURNED.

ENTERED THIS 5th DAY OF May, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: JDG Investments, LLC
1042B SCOVEL ST

Appeal Case 2023-041

Map Parcel: 081162E00200CO

Zoning Classification: R6-A/OV-UZO/MDHA-PJ Council District: 19

ORDER

This matter came to be heard in public hearing on 5/4/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from side setback requirements for purposes of obtaining a use and occupancy certification for 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's request is premature in the absence of a site plan depicting the proposed placement of the detached accessory structure; and
- (4) The appellant's request is premature in the absence of an executed agreement by a properly licensed and bonded contractor who agrees to relocate the detached accessory structure as depicted in said site plan, and provides an anticipated date of completion of the relocation project.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be DEFERRED to June 15, 2023 for further consideration as herein provided.

UPON MOTION BY: Mr. Pepper

Seconded By: Ms. Davis

Ayes: Members Bradford, Cole, Davis, and Pepper

Nays: Mr. Lawless

Abstaining:

Absent: Ms. Karpynech

ENTERED THIS 5th DAY OF May, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: LaTosha Kerley Appeal Case 2023-046
733 MOORMANS ARM RD
Map Parcel: 05914006300
Zoning Classification: RS20 Council District: 2

ORDER

This matter came to be heard in public hearing on 5/4/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in street setback requirements. The appellant is seeking to construct a new residence at the same street setback as the previous home (92.5’).

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

ENTERED THIS 5th DAY OF May, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: SG Construction Appeal Case 2023-048
1007 & 1009 POTTER LN
Map Parcel: 083080X00100CO & 083080X00200CO
Zoning Classification: R10 Council District: 6

ORDER

This matter came to be heard in public hearing on 5/4/2023, before the Metropolitan Board of Zoning Appeals, upon application for variance from street setback requirements. The appellant is seeking to allow for a front porch on each structure, and seeks a 36’ and 38’ street setback, respectively for the two-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 satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code based upon the hardship imposed by the irregular shape of the lot, and upon finding no harm to neighboring properties.

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. Cole

Result: (5-0)
Ayes: Members Bradford, Cole, Davis, Lawless, and Pepper
Nays:
Abstaining:
Absent: Ms. Karpynec

ENTERED THIS 5th DAY OF May, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Jason Gullo Appeal Case 2023-049
2236 KLINE AVE
Map Parcel: 11804030200
Zoning Classification: R6/OV-IMP Council District: 17

ORDER

This matter came to be heard in public hearing on 5/4/2023, before the Metropolitan Board of Zoning Appeals, upon application for an Item D appeal for an addition to a non-conforming structure. The appellant is seeking to construct a 2nd floor and an attached 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 D of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED, provided the structure shall not encroach further into the side setback, and the garage entrance shall be flush with the façade of the existing structure.

UPON MOTION BY: Mr. Lawless

Seconded By: Mr. Bradford

Result: (4-0)

Ayes: Members Bradford, Cole, Lawless, and Pepper

Nays:

Abstaining:

Absent: Members Davis and Karpynec

ENTERED THIS 5th DAY OF May, 2023.