

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Volunteer Builders, LLC
407, 411, & 415 31ST AVE S

Appeal Case 2023-050

Map Parcel: 10406029800, 10406029900, 10406034400
Zoning Classification: RS7.5/OV-UZO/OV-IMP Council District: 18

ORDER

This matter came before the Metropolitan Board of Zoning Appeals on 7/20/2023, upon a petition for rehearing filed by Ms. Charlotte Sappo of 409 32nd Ave. S., appealing an Order granting an application for a variance from street and rear setback requirements, as follows: reduction of 40' street setback to 10' for 415 31st Ave. S.; reduction of street setback to 15' for 411 31st Ave. S.; and reduction of street setback to 20' for 407 31st Ave. S.; and reduction of rear setback to 5' from Alley 606 for all three parcels in order to construct single-family homes on each parcel; said application having been granted by the Board on 6/15/2023.

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) The motion to rehear the case shall be granted.
- (2) The rehearing filing fee shall be waived.
- (3) The Metropolitan Codes Department shall be responsible to notice the new public hearing date as required pursuant to Section 17.40.720 and 17.40.730 of the Metropolitan Code.

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

UPON MOTION BY: Ms. Davis

Seconded By: Mr. Lawless

Result: (5-0)

Ayes: Members Bradford, Cole, Davis, Karpynek, and Lawless

Nays:

Abstaining:

Absent: Members Pepper and Ransom

ENTERED THIS 24TH DAY OF July, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Stephen & Amanda Jerkins Appeal Case 2023-067
8118 CLOVERLAND DR
Map Parcel: 17206003700
Zoning Classification: R20/OV-AIR Council District: 4

ORDER

This matter came to be heard in public hearing on 7/20/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to reduce the street setback from 74' to 70'. The appellant is seeking to add an addition to the existing 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.

Mr. Bradford made a motion to approve the application, which was properly seconded and TIED ON VOTES as follows: Ayes (3): Bradford, Karpy nec, and Lawless; Noes (2): Cole and Davis; Abstain (0); Absent (2): Pepper and Ransom.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be DEFERRED to the next regular scheduled meeting of the Metropolitan Board of Zoning Appeals on 8/17/2023, pursuant to Section 17.40.240 of the Metropolitan Code.

ENTERED THIS 24th DAY OF JULY, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Simons Properties, LLC Appeal Case 2023-073
3509 CHARLOTTE AVE
Map Parcel: 09213006300
Zoning Classification: CS/OV-UZO Council District: 24

ORDER

This matter came to be heard in public hearing on 7/20/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception to eliminate the street setback and to reduce the rear setback from 20' to 10 for a multi-family adaptive residential 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 the appellant sought this permit under Section 17.40.180 C of the Metropolitan Code; and that additional notice and a new community meeting would benefit with neighboring properties as well as the newly anticipated Council Member.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be DEFERRED to 9/21/2023, and re-noticed by the appellant.

UPON MOTION BY: Mr. Bradford

Seconded By: Ms. Davis

Result: (5-0)

Ayes: Members Bradford, Cole, Davis, Karpynek, and Lawles

Nays:

Abstaining:

Absent: Members Pepper and Ransom

ENTERED THIS 24th DAY OF JULY, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Jeff Hooper Appeal Case 2023-075
6201 HICKORY VALLEY RD & 156 DAVIDSON RD
Map Parcel: 11601001000, 11601001100
Zoning Classification: RS40 Council District: 23

ORDER

This matter came to be heard in public hearing on 7/20/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception to construct additions to certain existing structures and to construct new structures as shown and for variances from the lot area setback requirements to construct a new tennis center and guard house.

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 and 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 conditions: the site plan shall be incorporated as an exhibit to this Order, and reasonable sound mitigation measures shall be provided so as to minimize noise and disturbance of pickleball courts to surrounding residential properties.

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

Result: (5-0)
Ayes: Members Bradford, Cole, Davis, Karpynek, and Lawless
Nays:
Abstaining:
Absent: Members Pepper and Ransom

ENTERED THIS 24th DAY OF JULY, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Green Hills Child Development
3420 BELMONT BLVD

Appeal Case 2023-077

Map Parcel: 11712005300

Zoning Classification: R10

Council District: 25

ORDER

This matter came to be heard in public hearing on 7/20/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from setback requirements for purposes of constructing a 6' perimeter wall around the preschool parking lot.

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 location and safety considerations which are inherent to the current land use.

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

UPON MOTION BY: Ms. Davis

Seconded By: Mr. Lawless

Result: (5-0)

Ayes: Members Bradford, Cole, Davis, Karpynek, and Lawless

Nays:

Abstaining:

Absent: Members Pepper and Ransom

ENTERED THIS 24th DAY OF JULY, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Frank Debellis Appeal Case 2023-079
5420 KNOB RD
Map Parcel: 10307003100
Zoning Classification: RS 7.5 Council District: 24

ORDER

This matter came to be heard in public hearing on 7/20/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to reduce the street setback from 39’ to 27’. The appellant is seeking to construct a covered front porch.

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 conditions: the porch may not be converted later for use as conditioned interior space; and any encroachment beyond 30’ is subject to a plat amendment.

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

Result: 5-0
Ayes: Members Bradford, Cole, Davis, Karpynec, and Lawless
Nays:
Abstaining:
Absent: Members Pepper and Ransom

ENTERED THIS 24th DAY OF JULY, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Daniel Payne Christian Child Care Center
1501 STRAIGHTWAY AVE
Map Parcel: 07214010800
Zoning Classification: R6/OV-UZO
Appeal Case 2023-080
Council District: 7

ORDER

This matter came to be heard in public hearing on 7/20/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception to operate a daycare center.

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 GRANTED, subject to conditions that no more than 35 students may be permitted at this location and the appellant shall submit a circulation plan for pick up and drop off in order to satisfy NDOT that the operations of the daycare shall not impact the surrounding neighborhood and the abutting intersection.

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

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

ENTERED THIS 24th DAY OF JULY, 2023.

