

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Simons Properties, LLC
3509 CHARLOTTE AVE

Appeal Case 2023-073

Map Parcel: 09213006300

Zoning Classification: CS/OV-UZO

Council District: 24

ORDER

This matter came to be heard in public hearing on 9/21/2023, before the Metropolitan Board of Zoning Appeals, upon application for special exception to eliminate front setback and reduce rear setback from 20' to 10'. The appellant is seeking to construct a 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 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. All other standards of 17.16.030.F shall be met, including 17.16.030.F.6 related to parking structures.
2. Parking shall not exceed the maximums established for the UZO.

UPON MOTION BY: Robert Ransom

Seconded By: Ross Pepper

Result: 6-0

Ayes: Robert Ransom, Ross Pepper, Ashonti Davis, Tom Lawless, Christina Karpyniec, Joseph Cole

Nays:

Abstaining:

Absent: Payton Bradford

ENTERED THIS 25th DAY OF SEPTEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: GSW Holdings LLC Appeal Case 2023-078
6304 JAMES CT
Map Parcel: 090084U00100CO
Zoning Classification: R8/OV-UZO Council District: 20

ORDER

This matter came before the Metropolitan Board of Zoning Appeals on 9/21/2023, upon application for a variance from street setback requirements to construct a two-family residential development.

Upon motion properly seconded, it is hereby ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be DEFERRED to 10/5/2023.

ENTERED THIS 25th DAY OF SEPTEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Roy M. Dale
411 COWAN ST

Appeal Case 2023-089

Map Parcel: 08210001500

Zoning Classification: OV-UDO/OV-UZO/OV-FLD/IG Council District: 5

ORDER

This matter came to be heard in public hearing on 9/21/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in setback requirements. The appellant is seeking to locate a temporary, portable concrete batch plant.

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: duration of temporary concrete batch plant land use shall not exceed three (3) years from entry of this Order.

UPON MOTION BY: Ross Pepper

Seconded By: Robert Ransom

Result: 6-0

Ayes: Ross Pepper, Robert Ransom, Ashonti Davis, Tom Lawless, Christina Karpynek, Joseph Cole

Nays:

Abstaining:

Absent: Payton Bradford

ENTERED THIS 25th DAY OF SEPTEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Sabia Construction Appeal Case 2023-090
3109 GRANNY WHITE PIKE
Map Parcel: 11805000700
Zoning Classification: R8/OV-UZO Council District: 18

ORDER

This matter came to be heard in public hearing on 9/21/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to reduce the street setback requirement from 48' to 40' for residential units with 10' additional allowance for covered front porches. The appellant is seeking to construct a two-family 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:

- (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 in part and denied in part: setback to be permitted to 38.5' for front porches.

UPON MOTION BY: Christina Karpynec

Seconded By: Tom Lawless

Result: 6-0

Ayes: Christina Karpynec, Tom Lawless, Ashonti Davis, Robert Ransom, Ross Pepper, Joseph Cole

Nays:

Abstaining:

Absent: Payton Bradford

ENTERED THIS 25th DAY OF SEPTEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: John Root Appeal Case 2023-092
1322 LITTLE HAMILTON AVE
Map Parcel: 10507016000
Zoning Classification: CS/OV-UZO Council District: 17

ORDER

This matter came before the Metropolitan Board of Zoning Appeals on 9/21/2023, upon application for a variance from street setback requirements to construct a two-family residential development.

Upon motion properly seconded, it is hereby ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be DEFERRED to 10/5/2023.

ENTERED THIS 25th DAY OF SEPTEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Blaine Bonadies Appeal Case 2023-093
4300 WYOMING AVE
Map Parcel: 10304007000
Zoning Classification: RS7.5/OV-UZO Council District: 24

ORDER

This matter came to be heard in public hearing on 9/21/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in rear setback requirements. The appellant is seeking to construct an additional floor to an existing 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: Ms Davis

Seconded By: Mr. Lawless

Result: 6-0

Ayes: Members Cole, Davis, Karpynek, Lawless, Pepper, and Ransom

Nays:

Abstaining:

Absent: Mr. Bradford

ENTERED THIS 25th DAY OF SEPTEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Daniel Whitley Appeal Case 2023-095
1105 HADLEY AVE
Map Parcel: 04415032200
Zoning Classification: R6/OV-AIR Council District: 11

ORDER

This matter came to be heard in public hearing on 9/21/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception. The appellant is seeking to construct a new 12,119 square foot sanctuary and fellowship hall.

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.

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

Result: 6-0
Ayes: Members Cole, Davis, Karpyne, Lawless, Pepper, and Ransom
Nays:
Abstaining:
Absent: Mr. Bradford

ENTERED THIS 25th DAY OF SEPTEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Betsy Shackelford Appeal Case 2023-096
2828 PATRIOT WAY
Map Parcel: 10800033600
Zoning Classification: MUL/OV-AIR Council District: 15

ORDER

This matter came to be heard in public hearing on 9/21/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in the number and size of allowed signs. The appellant is seeking to erect 3 wall signs and 1 building sign.

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: Ms. Davis Seconded By: Mr. Lawless

Result: 6-0
Ayes: Members Cole, Davis, Karpyne, Lawless, Pepper, and Ransom
Nays:
Abstaining:
Absent: Mr. Bradford

ENTERED THIS 25th DAY OF SEPTEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Steve Watson Appeal Case 2023-097
910, 912, & 914 SMILEY ST; 212 Myrtle St.
Map Parcel: 082122C00200CO, 082122C00100CO, 082122C00300CO, 2122C00400CO
Zoning Classification: RM20/OV-UZO Council District: 5

ORDER

This matter came to be heard in public hearing on 9/21/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception. The appellant is seeking to construct three additional units to the 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 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.

UPON MOTION BY: Ross Pepper

Seconded By: Christina Karpynec

Result: 4-2

Ayes: Ross Pepper, Christina Karpynec, Robert Ransom, Joseph Cole

Nays: Tom Lawless, Ashonti Davis

Abstaining:

Absent: Payton Bradford

ENTERED THIS 25th DAY OF SEPTEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Jonathon Berry Appeal Case 2023-100
536 BONERWOOD DR
Map Parcel: 14710018500
Zoning Classification: RS10/OV-AIR Council District: 27

ORDER

This matter came to be heard in public hearing on 9/21/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to reduce street setback from 48' to 40'. The appellant is seeking to add an additional dwelling space 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.
- (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: Ms. Davis Seconded By: Mr. Lawless

Result: 6-0
Ayes: Members Cole, Davis, Karpyne, Lawless, Pepper, and Ransom
Nays:
Abstaining:
Absent: Mr. Bradford

ENTERED THIS 25th DAY OF SEPTEMBER 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Ryan Campbell Appeal Case 2023-101
504 DILLARD CT
Map Parcel: 16004014300
Zoning Classification: RS20 Council District: 26

ORDER

This matter came to be heard in public hearing on 9/21/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to reduce rear setback from 20' to 16'. The appellant is seeking to construct an attached garage with a bedroom and office.

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: Ms. Davis

Seconded By: Mr. Lawless

Result: 6-0

Ayes: Members Cole, Davis, Karpyne, Lawless, Pepper, and Ransom

Nays:

Abstaining:

Absent: Mr. Bradford

ENTERED THIS 25th DAY OF SEPTEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Alex Crow Appeal Case 2023-102
135 KINGSTON ST
Map Parcel: 07103011500
Zoning Classification: RS5, R10, Flood Overlay Council District: 5

ORDER

This matter came to be heard in public hearing on 9/21/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to all parking within the public right-of-way. 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 appellant's showing of a hardship presented by a majority of the lot being non-buildable in floodplain and stream buffers.

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

UPON MOTION BY: Ashonti Davis

Seconded By: Tom Lawless

Result: 6-0

Ayes: Ashonti Davis, Tom Lawless, Christina Karpynech, Robert Ransom, Ross Pepper, Joseph Cole

Nays:

Abstaining:

Absent: Payton Bradford

ENTERED THIS 25th DAY OF SEPTEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Premier Sign Appeal Case 2023-105
730 NASHBORO BLVD
Map Parcel: 13500030500
Zoning Classification: MP6/OV-AIR/OV-RES Council District: 29

ORDER

This matter came to be heard in public hearing on 9/21/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in sign requirements. The appellant is seeking to place a large sign.

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: Ms. Davis

Seconded By: Mr. Lawless

Result: 6-0
Ayes: Members Cole, Davis, Karpynec, Lawless, Pepper, and Ransom
Nays:
Abstaining:
Absent: Mr. Bradford

ENTERED THIS 25th DAY OF SEPTEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Jon Cooper on behalf of M2 Development Partners, LLC Appeal Case 2023-106
310 17TH AVE N, 1641, 1643 Patterson St. & Patterson St. (unnumbered)
Map Parcel: 092120125000, 92120126000, 92120127000, & 9212012800
Zoning Classification: MUI-A/OV-UZO Council District: 19

ORDER

This matter came to be heard in public hearing on 9/21/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception in height requirements to allow an additional 24' above existing height control plane and variance from requirement for parking access to be from rear alley. The appellant is seeking to construct a 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 C of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the conditions for a special exception under Section 17.16.150. The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code based upon the steep grade and narrow width of the alley.

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

Increased activation of 17th Street at pedestrian level that include 2 human scale design elements featured in façade between 1 and 10 feet, windows that view an active interior space (a lit display extending at least 3 feet behind the window is permitted but continuous glass frontage is not permitted) , first floor glazing shall meet the standards of A District requirement of 40 percent, a prominent well defined entrance with pedestrian scale articulation.

UPON MOTION BY: Mr. Pepper

Seconded By: Ms. Karpynec

Result: 5-1

Ayes: Members Cole, Davis, Karpynec, Pepper, and Ransom

Nays: Mr. Lawless

Abstaining:

Absent: Mr. Bradford

ENTERED THIS 25th DAY OF SEPTEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Jon Michael on behalf of Bemsee, LLC Appeal Case 2023-107
503 SPRUCE ST
Map Parcel: 09211005100
Zoning Classification: OR20/OV-UZO Council District: 21

ORDER

This matter came to be heard in public hearing on 9/21/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in setback requirements. The appellant is seeking to construct an addition to the building.

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 irregular shape 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. Ransom

Seconded By: Mr. Lawless

Result: 6-0

Ayes: Members Cole, Davis, Karpynek, Lawless, Pepper, and Ransom

Nays:

Abstaining:

Absent: Mr. Bradford

ENTERED THIS 25th DAY OF SEPTEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Anna Hale Sitzler Appeal Case 2022-125
135 46TH AVE N 2023-128
Map Parcel: 10304047100
Zoning Classification: RS, UZO Council District: 24

ORDER

This matter came before the Metropolitan Board of Zoning Appeals on 9/21/2022, upon a staff request to rescind an Order approving an application for an addition to a non-conforming structure, as a result of the subsequent demolition of said prior-existing residential structure.

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 Board, through its staff, shall provide notice of a new public hearing pursuant to Section 17.40.720 of the Metropolitan Code, and hear the request anew as an application for setback variances for a new residential structure.

Upon motion by Mr. Pepper, properly seconded, it is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that this matter shall be deferred and noticed for public hearing on October 19, 2023.

Ayes: Members Cole, Davis, Karpynek, Lawless, Pepper, and Ransom
Nays:
Abstaining:
Absent: Mr. Bradford

ENTERED THIS 25th DAY OF SEPTEMBER, 2023.