

**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 6/15/2023, upon application for a variance from side setback requirements for a single-family dwelling, which application was previously heard in public hearing on 5/4/2023, and deferred to this date.

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 shown as a result of the questions surrounding the surveys and the resulting odd shape of the lot; the applicant having shown that said hardship was not created by their actions, and that there will be no harm to neighboring property.

Upon motion by Mr. Bradford, properly seconded, it is hereby, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant’s request shall be GRANTED, subject to the following conditions: the Board approves the variance for the dwelling only – no variance granted for the rear detached accessory structure.

Result: (7-0)  
Ayes: Members Bradford, Cole, Davis, Karpyneec, Lawless, Pepper, and Ransom  
Nays:  
Abstaining:  
Absent:

ENTERED THIS 20 DAY OF June, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Volunteer Builders, LLC Appeal Case 2023-050  
407, 411, & 415 31ST AVE S  
Map Parcel: 10406029900  
Zoning Classification: RS7.5/OV-UZO/OV-IMP Council District: 18

**ORDER**

This matter came to be heard in public hearing on 6/15/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from street and rear setback requirements, as follows: reduction of 40' street setback to 10' for 415 31<sup>st</sup> Ave. S.; reduction of street setback to 15' for 411 31<sup>st</sup> Ave. S.; and reduction of street setback to 20' for 407 31<sup>st</sup> 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.

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. Bradford

Seconded By: Mr. Cole

Result: (6-0)

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

Nays:

Abstaining:

Absent:

ENTERED THIS 20 DAY OF June, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Brandon Broyles Appeal Case 2023-054  
2001 STRAIGHTWAY AVE  
Map Parcel: 072140H00200CO  
Zoning Classification: R6/OV-UZO Council District: 7

**ORDER**

This matter came to be heard in public hearing on 6/15/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to reduce the rear setback requirement from 20’ to 10’ in order 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.

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: (6-0)

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

Nays:

Abstaining:

Absent:

ENTERED THIS 20 DAY OF June, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Simons Properties, LLC Appeal Case 2023-055  
625 W TRINITY LN  
Map Parcel: 07008014500  
Zoning Classification: OV-CDO/CL Council District: 2

**ORDER**

This matter came to be heard in public hearing on 6/15/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception from the street and side street setback requirements, as well as the maximum height requirements, 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: approve requests to reduce the setbacks by ten (10) additional feet along Free Silver Rd. (reducing setback from 15’ to 5’) and the alley (reducing setback from 20’ to 10’); approve request to increase the height control plane to 38’ along W. Trinity Ln., but no height control increase along alley or Free Silver Rd.

UPON MOTION BY: Ms. Karpynec Seconded By: Ms. Davis

Result: (7-0)  
Ayes: Members Bradford, Cole, Davis, Karpynec, Lawless, Pepper, and Ransom  
Nays:  
Abstaining:  
Absent:

ENTERED THIS 20 DAY OF June, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Premier Sign Appeal Case 2023-057  
115 GREAT CIRCLE RD  
Map Parcel: 07113000600  
Zoning Classification: MUG Council District: 2

**ORDER**

This matter came to be heard in public hearing on 6/15/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in sign requirements. The appellant is seeking to remove and replace existing 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: Mr. Bradford Seconded By: Mr. Cole

Result: (6-0)  
Ayes: Members Bradford, Cole, Davis, Karpynec, Pepper, and Ransom  
Nays:  
Abstaining:  
Absent:

ENTERED THIS 20 DAY OF June, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Joe Davis Appeal Case 2023-058  
516 VANTREASE RD  
Map Parcel: 05103002100  
Zoning Classification: RS20 Council District: 8

**ORDER**

This matter came to be heard in public hearing on 6/15/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from fence requirements. The appellant is seeking to allow for an already constructed fence.

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 property being located opposite from a cross street.

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

UPON MOTION BY: Seconded By:

Result: (4-3)  
Ayes: Members Bradford, Davis, Lawless, and Pepper  
Nays: Members Cole, Karpynec, and Ransom  
Abstaining:  
Absent:

ENTERED THIS 20 DAY OF June, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Chris Lawson Appeal Case 2023-062  
5128 STALLWORTH DR  
Map Parcel: 14616019000  
Zoning Classification: RS20 Council District: 26

**ORDER**

This matter came to be heard in public hearing on 6/15/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from street setback requirements. The appellant is seeking to construct a new covered front porch on the existing 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.

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: (6-0)

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

Nays:

Abstaining:

Absent:

ENTERED THIS 20 DAY OF June, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Mitch Meiss Appeal Case 2023-063  
4606B MEDORA ST  
Map Parcel: 06108014800  
Zoning Classification: RS20 Council District: 7

**ORDER**

This matter came to be heard in public hearing on 6/15/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in building height requirements. The appellant is seeking to build a 1,000 square foot detached accessory 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) No hardship has been demonstrated by the applicant.

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

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

Result: Motion to Deny (7-0)  
Ayes: Members Bradford, Cole, Davis, Karpynec, Lawless, Pepper, and Ransom  
Nays:  
Abstaining:  
Absent:

ENTERED THIS 20 DAY OF June, 2023.



**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Regal Homes Appeal Case 2023-064  
1032 & 1034 E TRINITY LN  
Map Parcel: 07205013400  
Zoning Classification: MUL-A/OV-UZO Council District: 5

**ORDER**

This matter came to be heard in public hearing on 6/15/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to the landscape buffer requirements. The appellant is seeking to construct a multi-family townhouse.

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 established for southerly property boundary being that a stormwater easement will not permit the C5 required masonry wall to be constructed.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant’s request shall be GRANTED, subject to the following conditions: approve the request to modify the buffer from C5 to B5 requirement along the southerly side; and deny the request to eliminate the landscape buffer along the westerly side, but modify BZA Rule 5A to permit the filing of a new application prior to the six (6) month waiting period if a new site plan is proposed therein.

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

Result: (5-1-1)  
Ayes: Members Bradford, Davis, Karpyneec, Lawless, and Pepper  
Nays: Member Cole  
Abstaining: Member Ransom  
Absent:

ENTERED THIS 20 DAY OF June, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Clint R. Doss Sr. Appeal Case 2023-066  
6012 CLARKSVILLE PIKE  
Map Parcel: 02100032000  
Zoning Classification: RS40 Council District: 1

**ORDER**

This matter came to be heard in public hearing on 6/15/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to reduce the street setback requirement from 75' to 40' in order 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.

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

UPON MOTION BY: Mr. Pepper

Result: (7-0)

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

Nays:

Abstaining:

Absent:

ENTERED THIS 20 DAY OF June, 2023.