

**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 to be heard in public hearing on 10/5/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from street setback requirements to reduce the setback from 50' to 40'.

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. Ransom                      Seconded By: Mr. Bradford

Result: 5-0

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

Nays:

Abstaining:

Absent: Members Cole and Davis

ENTERED THIS 10th DAY OF OCTOBER, 2023.



**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Jackson LeBeau  
517 BASSWOOD AVE

Appeal Case 2023-104

Map Parcel: 09011003900

Zoning Classification: R10

Council District: 20

**ORDER**

This matter came to be heard in public hearing on 10/5/2023, before the Metropolitan Board of Zoning Appeals, upon application for an Item D appeal. The appellant is seeking to expand the 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 D of the Metropolitan Code.
- (3) There is a potential for harmful impact to the surrounding properties if the Board were to grant the application.

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

UPON MOTION TO DENY BY: Mr. Bradford

Seconded By: Mr. Lawless

Result: 4-1

Ayes (voting in favor of denial of application): Members Bradford, Karpynek, Lawless,  
and Ransom

Nays: Mr. Pepper

Abstaining:

Absent: Members Cole and Davis

ENTERED THIS 10th DAY OF OCTOBER, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Greg Cummings Appeal Case 2023-110  
1402B SOUTH ST  
Map Parcel: 093133B00200CO  
Zoning Classification: R6-A/OV-UZO Council District: 17

**ORDER**

This matter came to be heard in public hearing on 10/5/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in street setback requirements. The appellant is seeking to construct a driveway.

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 NOT satisfied the standards for a variance under Section 17.40.370 of the Metropolitan Code insofar as the applicant failed to establish a hardship associated with the parcel that would support the application.

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

UPON MOTION TO DENY BY: Mr. Pepper                      Seconded By: Mr. Ransom

Result: 5-0

Ayes (voting in favor of denial of application): Members Bradford, Karpynec, Lawless, Pepper, and Ransom

Nays:

Abstaining:

Absent: Members Cole and Davis

ENTERED THIS 10th DAY OF OCTOBER, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Haojie Wang Appeal Case 2023-113  
2155 SADLER AVE  
Map Parcel: 10613017300  
Zoning Classification: R6/OV-IMP/OV-UZO Council District: 16

**ORDER**

This matter came to be heard in public hearing on 10/5/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to reduce the street setback from 50' to 20'. The appellant is seeking to construct a new 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.

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. Bradford

Result: 5-0

Ayes: Members Bradford, Karpyniec, Lawless, Pepper, and Ransom

Nays:

Abstaining:

Absent: Members Cole and Davis

ENTERED THIS 10th DAY OF OCTOBER, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Chris Benditzky Appeal Case 2023-114  
105 LINCOLN CT  
Map Parcel: 11613012400  
Zoning Classification: RS10 Council District: 23

**ORDER**

This matter came to be heard in public hearing on 10/5/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to increase the height of a detached accessory structure from 16' to 22.5'.

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. Ransom                      Seconded By: Mr. Bradford

Result: 5-0

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

Nays:

Abstaining:

Absent: Members Cole and Davis

ENTERED THIS 10th DAY OF OCTOBER, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Laura Gifford Appeal Case 2023-115  
1405 JEWEL ST  
Map Parcel: 07116010100  
Zoning Classification: RS5 Council District: 5

**ORDER**

This matter came to be heard in public hearing on 10/5/2023, before the Metropolitan Board of Zoning Appeals, upon application to expand an existing nonconforming structure. The appellant is seeking to expand the master bedroom and bath.

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.

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. Bradford

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

ENTERED THIS 10th DAY OF OCTOBER, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Bicentennial Builders, LLC Appeal Case 2023-116  
6011 HILL CIR  
Map Parcel: 103010J00100CO  
Zoning Classification: R6 Council District: 20

**ORDER**

This matter came to be heard in public hearing on 10/5/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in setback requirements. The appellant is seeking to construct a single family home.

Upon motion properly seconded it is so ORDERED by the Metropolitan Board of Zoning Appeals that the appellant’s request shall be DEFERRED, subject to the following conditions: refer to NDOT traffic engineer for recommendation.

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

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

ENTERED THIS 10th DAY OF OCTOBER, 2023.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Patrick Napier Appeal Case 2023-117  
1200 PHILLIPS ST  
Map Parcel: 081163E90000CO  
Zoning Classification: RM20/OV-UZO Council District: 21

**ORDER**

This matter came to be heard in public hearing on 10/5/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception to reduce the street setbacks from 30' to 15'. The appellant is seeking to construct 11 townhome units.

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 condition: the Urban Forester shall be consulted regarding the landscape plan, street trees, and tree placement on the parcel.

UPON MOTION BY: Mr. Pepper

Seconded By: Mr. Bradford

Result: 5-0

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

Nays:

Abstaining:

Absent: Members Cole and Davis

ENTERED THIS 10th DAY OF OCTOBER, 2023.