

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: George Brandt Appeal Case 2023-137
128 VOSSLAND DR
Map Parcel: 12904001300
Zoning Classification: RS20 Council District: 23

ORDER

This matter came to be heard in public hearing on 12/7/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in street setback requirements to apply the 90' platted setback instead of the 113' calculated contextual setback. The appellant is seeking to construct a detached 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: Mr. Bradford

Seconded By: Mr. Lawless

Result: (7-0)

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

Nays:

Abstaining:

Absent:

ENTERED THIS 8th DAY OF DECEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Scott McAnally Appeal Case 2023-138
5501 MEADOWCREST LN
Map Parcel: 10307005600
Zoning Classification: RS7.5 Council District: 24

ORDER

This matter came to be heard in public hearing on 12/7/2023, before the Metropolitan Board of Zoning Appeals, upon application for variances to reduce the side street/garage (15') and rear setback (16') requirements. The appellant is seeking to construct 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.
- (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. Lawless

Result: (7-0)

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

Nays:

Abstaining:

Absent:

ENTERED THIS 8th DAY OF DECEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Renewed by You, Inc. Appeal Case 2023-139
3598, 3600 CLARKSVILLE PIKE
Map Parcel: 06912006600
Zoning Classification: OR20 & R10/OV-CDO Council District: 2

ORDER

This matter came to be heard in public hearing on 12/7/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception. The appellant is seeking to construct a new daycare for up to 75 children.

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 and Section 17.16.170 C.

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. Lawless

Result: (7-0)

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

Nays:

Abstaining:

Absent:

ENTERED THIS 8th DAY OF DECEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Yating Hu Appeal Case 2023-141
806 CHEROKEE AVE
Map Parcel: 07112034200
Zoning Classification: RM15-A-NS Council District: 5

ORDER

This matter came to be heard in public hearing on 12/7/2023, before the Metropolitan Board of Zoning Appeals, upon application for variances to reduce side setbacks (to 5') and driveway width (to 15'). The appellant is seeking to construct four dwelling 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 B of the Metropolitan Code.
- (3) The appellant has failed to establish a hardship which justifies the request.

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. Lawless

Result: (4-2)

Ayes: Members Cole, Lawless, Pepper, and Ransom

Nays: Members Bradford and Karpyneec

Abstaining: Ms. Davis

Absent:

ENTERED THIS 8th DAY OF DECEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Adam Guth & Khristyne Baltodano Appeal Case 2023-143
4701 LOVEWOOD DR
Map Parcel: 06108008700
Zoning Classification: RS10 Council District: 7

ORDER

This matter came to be heard in public hearing on 12/7/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in setback and visibility requirements. The appellant is seeking to allow for a 48’ enclosed fence around the perimeter of the front yard.

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 failed to establish a hardship which would justify the request, and safety concerns were substantiated by testimony and comments submitted by neighbors, the Council Member, and NDOT due to visibility obstruction caused by the height, enclosure rate, and location of the fence.

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

UPON MOTION to DENY by Ms. Karpynec

Seconded By: Mr. Cole

Result: (5-2)

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

Nays: Members Davis and Lawless

Abstaining:

Absent:

ENTERED THIS 8th DAY OF DECEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Martin Quinn Appeal Case 2023-144
911 WINSTON PL
Map Parcel: 11814001400
Zoning Classification: RS10/OV-COD Council District: 25

ORDER

This matter came to be heard in public hearing on 12/7/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in setback requirements from 10' to 0.5'. The appellant is seeking to allow the use of a storage building shed.

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. Lawless

Result: (7-0)

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

Nays:

Abstaining:

Absent:

ENTERED THIS 8th DAY OF DECEMBER, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Dean Patel Appeal Case 2023-145
631 (and unnumbered) OLD LEBANON DIRT RD
Map Parcel: 08600022800 & 08600004200
Zoning Classification: RS15 Council District: 12

ORDER

This matter came to be heard in public hearing on 12/7/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception. The appellant is seeking to construct a cultural 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 and Section 17.16.170 B.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED, subject to the following conditions: subject to NDOT's approval of supplemental traffic study.

UPON MOTION BY: Mr. Bradford

Seconded By: Mr. Lawless

Result: (7-0)

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

Nays:

Abstaining:

Absent:

ENTERED THIS 8th DAY OF DECEMBER, 2023.