

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Dhruti & Raghu Upender
1711 SEVIER ST

Appeal Case 2023-150

Map Parcel: 09402008501

Zoning Classification: RS5/OV-UZO

Council District: 6

ORDER

This matter came to be heard in public hearing on 12/21/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from maximum height requirements. The appellant is seeking to construct a 26.5' second story on 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.

Upon motion to approve by Mr. Bradford, properly seconded by Mr. Pepper:

Result: (2 in Favor -5 Against): The application is DENIED.

Ayes: Members Bradford and Pepper (Dec. 21, 2023)

Nays: Members Cole, Davis, and Karpynek (Dec. 21, 2023);
Members Lawless and Ransom (Jan. 4, 2024)

Absent: *Members Lawless and Ransom (Dec. 21, 2023)*

ENTERED THIS 8th DAY OF JANUARY, 2024.

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 reheard in public hearing on 1/4/2025, 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 based upon the irregular shape of the lot, and upon finding that the site plan does not disturb the contextual street setback and is appropriately tailored to retain the character of the subdivision.

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

UPON MOTION BY: Mr. Lawless

Seconded By: Ms. Karpynec

Result: (4-0)

Ayes: Members Davis, Karpynec, Lawless, and Ransom

Nays:

Abstaining:

Absent: Members Bradford, Cole, and Pepper

ENTERED THIS 8th DAY OF JANUARY, 2024.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: John Gore Appeal Case 2024-001
170 WINDSOR DR
Map Parcel: 13001005500
Zoning Classification: R10/OV-FLD Council District: 23

ORDER

This matter came to be heard in public hearing on 1/4/2024, before the Metropolitan Board of Zoning Appeals, upon application for a special exception. The appellant is seeking to construct a non-residential building for classrooms and offices.

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 17.16.040(A).

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED subject to the following conditions: updated circulation plan must be submitted to NDOT, and traffic ingress and egress along Windsor shall be right-turn only.

UPON MOTION BY: Mr. Lawless

Seconded By: Mr. Ransom

Result: (4-0)

Ayes: Members Davis, Karpynek, Lawless, and Ransom

Nays:

Abstaining:

Absent: Members Bradford, Cole, and Pepper

ENTERED THIS 8th DAY OF JANUARY, 2024.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: A New Leaf School Appeal Case 2024-002
374 HICKS RD
Map Parcel: 14200001900
Zoning Classification: R20 Council District: 22

ORDER

This matter came to be heard in public hearing on 1/4/2024, before the Metropolitan Board of Zoning Appeals, upon application for a special exception. The appellant is seeking to relocate the day care center (up to 25 students) temporarily.

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 17.16.170(C), providing for certain waivers as indicated below based upon finding that the use is accessory to an institution and that this location is intended as a temporary accommodation.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant’s request shall be GRANTED with waivers approved for the requirements for fencing around the playground perimeter and full perimeter landscape buffer along residential areas; and that approval is HEREBY limited to a period of no more than twelve (12) months.

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

Result: (4-0)
Ayes: Members Davis, Karpynec, Lawless, and Ransom
Nays:
Abstaining:
Absent: Members Bradford, Cole, and Pepper

ENTERED THIS 8th DAY OF JANUARY, 2024.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Sarah Martin Appeal Case 2024-004
1020B STAINBACK AVE (established)
Map Parcel: 08203034100
Zoning Classification: SP/OV-UZO Council District: 5

ORDER

This matter came to be heard in public hearing on 1/4/2024, 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 detached accessory dwelling 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:

- (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. Lawless Seconded By: Ms. Karpynec

Result: (4-0)
Ayes: Members Davis, Karpynec, Lawless, and Ransom
Nays:
Abstaining:
Absent: Members Bradford, Cole, and Pepper

ENTERED THIS 8th DAY OF JANUARY, 2024.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Trace Ventures Holdings, LLC Appeal Case 2024-005
319 HANCOCK ST
Map Parcel: 08207018100
Zoning Classification: SP/OV-UZO Council District: 5

ORDER

This matter came to be heard in public hearing on 1/4/2024, before the Metropolitan Board of Zoning Appeals, upon application for an Item D appeal. The appellant is seeking to construct an addition to a non-conforming 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:

- (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) Due to lack of a survey being conducted, the building permit was obtained upon erroneous information.

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

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

Result: (4-0)
Ayes: (Approval of Motion to Deny): Members Davis, Karpynec, Lawless, and Ransom
Nays:
Abstaining:
Absent: Members Bradford, Cole, and Pepper

ENTERED THIS 8th DAY OF JANUARY, 2024.