

**MINUTES  
LOUISVILLE ZONING BOARD OF APPEALS  
APRIL 12, 2022**

Louisville Zoning Board of Appeals met in regular session with Chairman Casar presiding.

The Pledge of Allegiance was led by Chairman Casar.

**MEMBERS PRESENT**

John Phillippi  
Mark Sigler  
Bruce Barth  
Daniel Casar  
Dan Harrison

**CITY PERSONNEL PRESENT**

Tom Pukys, City Manager  
Pat Fallot, Mayor-Council Member  
Joanie Aljancic, Council Member  
Tiffany Justice, City Clerk  
Magan Denzer, Deputy City Clerk

The Certificate of Open Meeting was presented.

**MINUTES OF THE JANUARY 11, 2022 MEETING**

Chairman Casar declared the minutes of the January 11, 2022 meeting approved as presented by unanimous consent.

Chairman Casar swore in those in attendance planning to speak before the board.

**NEW BUSINESS**

**AB 22-02 ERIC & JULIE STOKES, PROPERTY OWNERS, 1755 VANTAGE DR, FOR A VARIANCE OF SECTION 1157.28(A)(2) FOR A SWIMMING POOL LOCATED IN A SIDE YARD.**

**EXISTING CONDITION**

- The property owners are requesting to install an above ground swimming pool in a side yard.
- The side yard is a vacant lot adjacent to their existing home.

- The property owners will need to consolidate the house lot and vacant lot prior to permits being issued.

### ZONING

Parcel: R-1  
North: R-1  
South: R-1  
East: R-1  
West: R-1

### BACKGROUND INFORMATION

- Section 1157.28(A)(2) of the Louisville Zoning Code states that “The pool must be located in the rear yard provided that it shall not be located closer than ten feet to any property line or easement.”
- The proposed swimming pool meets other setback requirements from property lines.
- Neighboring property owners have been notified of the variance request.

### DISCUSSION

- Variances are intended to alleviate a situation in which, for no public reason, zoning for an area more stringently burdens one parcel of land than others. *Zoning does not burden this lot more than other similarly situated lots.*
- Conditions justifying a variance arise from the characteristics of the property itself, not the personal situation of the owner. *The proposed location for the swimming pool is on a vacant residential lot.*
- The standard to use in determining the merits of an area variance is whether the denial of the variance would result in “practical difficulties” for the property owner.

The following questions need to be examined in considering an area variance:

1. Can there be a beneficial use of the property without the variance? *Yes, the lot is developed for residential use.*
2. Is the variance substantial? *The applicant is proposing to install a pool in the side yard.*
3. Will the essential character of the neighborhood be substantially altered, or adjoining properties suffer a substantial detriment? *The lot is located in a residential district where pools are intended to be in the rear of the primary structure.*
4. Did the property owner purchase the property with knowledge of the zoning restriction? *Unknown.*
5. Can the problem be solved by some other manner other than the granting of a variance? *The pool could be constructed in a permitted location.*

Eric & Julie Stokes, property owners, were present for meeting.

Mr. Stokes stated that their home was purchased first, and then they later bought the vacant lot so a house would not be built next to them. The vacant lot is at the end of the development. Mr. Stokes stated that he does not want to consolidate his lots, in case he wants to sell the vacant lot in the future.

Member Phillippi reported the city code states that the lots will need to be consolidated since there is no principal use on the vacant lot.

Member Sigler suggested that the lots could be consolidated and then if the pool is ever taken down, split the lots again.

Mr. Stokes stated his neighbors are present in support of the proposed pool.

Members discussed a fence and Mr. Stokes stated there would not be a fence immediately, but the pool would have a locking ladder, with a fence possibly installed later.

Members discussed the option of an additional variance being requested to allow the pool on a separate lot without consolidating the lots.

Mrs. Stokes addressed members and stated that part of the pool would be on their house lot. The drawing provided for meeting does not represent this. The Stokes do not want the additional fees to complete a consolidation, and the surveyor told them the process would take months, so they would be unable to have the pool this summer.

Member Sigler explained that members must be careful in setting a precedence, and the need to protect other codes that are in place. The city does not want pools to be constructed on vacant lots.

Members discussed an additional variance for the pool to be on separate lot, and if it could be done tonight or at the next meeting. Deputy Clerk Denzer reported that a separate legal notice would need to be sent out due to variance request being a different section of code.

MEMBER SIGLER MOVED, MEMBER HARRISON SECONDED, and the motion carried to approve the zoning variance for the pool in the side yard, if the lots are consolidated or property owners apply for another variance for an accessory use on a lot without the main structure. The vote: All yea.

Having no further business, the meeting was adjourned.

Respectfully submitted,

Magan Denzer  
Deputy City Clerk