

MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT

November 15, 2021

A meeting of the Louisville Metro Board of Zoning Adjustment was held on November 15, 2021 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

Members Present:

Lula Howard, Chair
Sharon Bond, Secretary
Kimberly Leanhart
Brandt Ford
Yani Vozos (joined the meeting at approximately 1:13 p.m.)

Members Absent:

Richard Buttorff, Vice Chair

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Reverman, Planning & Design Assistant Director
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Brian Davis, Planning & Design Manager
Jon Crumbie, Planning & Design Coordinator
Molly Clark, Planner I
Zach Schwager, Planner I
Heather Pollock, Planner I
Tara Sorrels, Associate Planner
Laura Ferguson, Legal Counsel
Sue Reid, Management Assistant

On the recommendation of the Louisville Metro Department of Public Health & Wellness regarding congregate events and social distancing, and as permitted by Commonwealth of Kentucky Senate Bill 150, the November 15, 2021 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT MINUTES
November 15, 2021**

NOVEMBER 1, 2021 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:06:40 On a motion by Member Leanhart, seconded by Member Bond, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the November 1, 2021 Board of Zoning Adjustment online meeting.

The vote was as follows:

Yes: Members Bond, Leanhart, and Chair Howard

Abstain: Member Ford

Absent: Member Vozos, and Vice Chair Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
November 15, 2021

BUSINESS SESSION

CASE NUMBER 21-MCUP-0003

Request: Modified Conditional Use Permit to increase the proposed building square footage of a private institutional use (church) from 8,962 square feet to 9,824 square feet, in the R-4 single-family zoning district.

Project Name: Lakewood Baptist Church
Location: 13803 Shelbyville Road
Owner: Lakewood Baptist Church, Inc
Applicant: Richard Moore, P.E.
Representative: John Shaw, Chairman of Trustees
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini
Case Manager: Priscilla Bowman, Associate Planner

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency testimony:

00:08:19 Jon Crumbie presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

00:12:42 On a motion by Member Bond, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposed modification meets all applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that the proposed modification includes a 9,824 square foot addition to the existing church campus, which has been at this location

BOARD OF ZONING ADJUSTMENT MINUTES
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BUSINESS SESSION

CASE NUMBER 21-MCUP-0003

since 1986 and is compatible with surrounding land uses and the general character of the area, and

WHEREAS, the Board further finds that MSD and Transportation have stamped the plan, and

WHEREAS, the Board further finds that:

Private institutional uses, except for such uses specifically regulated elsewhere in this LDC, may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line and all off-street parking shall be at least 30 feet from any property line. **The requirement has been met.**
- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated. **Transportation has stamped the plan.**
- C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use. **Parking is located in front of the building. The applicant had submitted a letter requesting relief from this requirement (Relief from Requirement C was previously granted on August 17, 2020).**
- D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99). **The applicant has been informed of this requirement.**
- E. The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties. **The applicant has been informed of this requirement**, now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-MCUP-0003 does hereby **APPROVE** Modified Conditional Use Permit to increase the

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BUSINESS SESSION

CASE NUMBER 21-MCUP-0003

proposed building square footage of a private institutional use (church) from 8,962 square feet to 9,824 square feet in the R-4 single-family zoning district, **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a private institution until further review and approval by the Board.
3. The applicant shall submit a Minor Subdivision Plat application to Planning & Design Services to shift one property line containing approximately 0.855 acres. The Minor Subdivision Plat application must be submitted prior to the issuance of Certificate of Occupancy.

The vote was as follows:

Yes: Members Bond, Leanhart, Ford, and Chair Howard

Abstain: Member Vozos

Absent: Vice Chair Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
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BUSINESS SESSION

CASE NUMBER 21-MCUP-0005

Request: Modification of a Conditional Use Permit to allow parking in an R-4 single family zoning district
Project Name: Fern Valley Rd Off Street Parking
Location: 3609R Fern Valley Road
Owner/Applicant: Baptist Healthcare System INC.
Representative: Mike Hill, LD&D, INC
Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin
Case Manager: Heather Pollock, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency testimony:

00:15:22 Heather Pollock presented the case and showed a Powerpoint presentation. Ms. Pollock responded to questions from the Board Members (see staff report and recording for detailed presentation).

00:21:38 On a motion by Member Leanhart, seconded by Member Vozos, the following resolution, based upon the Standard of Review and Staff Analysis, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposed modification is consistent with the Comprehensive Plan, and

WHEREAS, the Board further finds that the proposed modification is compatible with surrounding uses and with the general character of the area, and

WHEREAS, the Board further finds that the proposed development is consistent with expectations for the property and does not substantially increase demands on public infrastructure and facilities. The proposed modification has received preliminary

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CASE NUMBER 21-MCUP-0005

approval from MSD, KYTC, Emergency Services, Urban Design, TARC, and Transportation Planning, and

WHEREAS, the Board further finds that:

An Off-Street Parking Area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the listed requirements.

- A. The area shall be located within 200 feet of the property on which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks).
- B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.
- C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.
- D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.
- E. The approval of all plans and specifications for the improvement, surfacing and drainage for said parking area will be obtained from the appropriate Director of Works prior to use of the parking area.
- F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for transportation planning prior to the public hearing of the Conditional Use Permit; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-MCUP-0005 does hereby **APPROVE** Modification of a Conditional Use Permit to allow parking in an R-4 single-family zoning district (LDC 4.2.39), **SUBJECT** to the following Conditions of Approval.

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Conditions of Approval:

1. The site shall be developed in strict accordance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Revised Landscape Plan shall be approved prior to requesting a parking lot permit. Installation of the plantings, as shown on the approved revised landscape plan, shall to be completed within one year of approval and prior to use of the parking lot.
3. The Conditional Use Permit shall be “exercised” as described in KRS 100.237 within two years of the Board’s vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for off-street parking without further review and approval by the Board.

The vote was as follows:

Yes: Members Bond, Leanhart, Ford, Vozos, and Chair Howard

Absent: Vice Chair Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0134

Request: Variance to allow a porch to encroach into the front yard setback
Project Name: Hoertz Avenue Variance
Location: 1314 Hoertz Avenue
Owner/Applicant: Katrina Miller
Representative: Cliff Ashburner
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Heather Pollock, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency testimony:

00:23:44 Heather Pollock stated the applicant has requested for this case to be continued to December 6, 2021 (see staff report and recording for detailed presentation).

Applicant testimony:

00:24:20 Cliff Ashburner (Dinsmore & Shohl, 101 S. Fifth St., Louisville, KY 40202) spoke on behalf of the applicant. Mr. Ashburner stated they have discovered through the survey that there is encroachment into the right-of-way, so Ms. Miller is working with Metro Public Works as well as her contractor to try to redesign the porch and remove the portions that are within the right-of-way, and they would like to continue the case to December 6th (see recording for detailed presentation).

00:26:29 Joe Haberman called for other speakers on this case and no one came forward to speak (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0134

00:27:22 On a motion by Member Vozos, seconded by Member Bond, the following resolution, based upon the testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 21-VARIANCE-0134 to the December 6, 2021 Board of Zoning Adjustment meeting.

The vote was as follows:

Yes: Members Bond, Leanhart, Ford, Vozos, and Chair Howard
Absent: Vice Chair Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0173

Request: Variance to allow a proposed garage to encroach into the required 5 ft rear setback
Project Name: Lynn Street Variance
Location: 719 Lynn Street
Owner: Swiss Village, LLC
Applicant: John Walters
Jurisdiction: Louisville Metro
Council District: 15 – Kevin Triplett
Case Manager: Molly Clark, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency testimony:

00:28:59 Molly Clark presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

John Campbell, Heritage Engineering, 642 S. 4th Street, Suite 100, Louisville, KY 40202

Summary of testimony of those in favor:

00:32:59 John Campbell spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

00:38:40 Board Members' deliberation

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0173

00:39:22 On a motion by Member Leanhart, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare because the proposed garage will not be located in the sight distance triangle within the existing alley or Lynn Street, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity because there are multiple houses in the area with detached garages located at the alley, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the proposed garage is being located outside of the sight distance triangle for the existing alley and Lynn Street. It is also being located off an alley where all the other detached garages in the area are located, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations because the original approved plan had covered parking located in this portion of the development. The applicant is just proposing garages instead of a carport structure; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0173 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a proposed garage to encroach into the required 5 ft. rear yard setback (**Requirement 5 ft., Request 1.5 ft., Variance 3.5 ft**), **SUBJECT** to the following Condition of Approval.

Condition of Approval:

1. Approved on condition that the Revised Detailed District Development Plan under case number 21-DDP-0002 is approved at the November 17th, 2021 Development Review Committee.

The vote was as follows:

Yes: Members Bond, Leanhart, Ford, Vozos, and Chair Howard
Absent: Vice Chair Buttorff

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0125

Request: Variance to allow a proposed structure to encroach into the side yard setback
Project Name: Warren Electric Variance
Location: 930 South Preston Street
Owner/Applicant: Scouis, LLC
Representative: Greg Zimmerer, Milestone Design
Jurisdiction: Louisville Metro
Council District: 4 – Jecorey Arthur
Case Manager: Heather Pollock, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency testimony:

00:43:00 Heather Pollock presented the case and showed a Powerpoint presentation. Ms. Pollock responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Mark Madison, Milestone Design Group, 108 Daventry Lane, Louisville, KY 40223

Summary of testimony of those in favor:

00:48:44 Mark Madison spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0125

00:54:03 **Board Members' deliberation**

00:55:38 On a motion by Member Vozos, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the proposed structure must be constructed to comply with all building codes, including fire codes; however, staff is concerned that the variance could adversely affect the adjacent property owner because construction and maintenance of the structure may require encroachment onto the property; **the applicant provided a consent letter from the adjoining property owner which would allow relief for this standard**, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed building matches similar placements of structures in the area, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the subject property is small compared to other non-residentially used properties in the area. Additionally, it matches the pattern of building to the property line seen in other non-residential structures in the area; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0125 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a principal structure to encroach into the side yard setback (**Side Yard Requirement 10 ft., Request 1 ft., Variance 9 ft.**).

The vote was as follows:

Yes: Members Bond, Leanhart, Ford, Vozos, and Chair Howard

Absent: Vice Chair Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0138

Request: Variance to allow a fence to exceed maximum height in the street side yard
Project Name: Carmil Drive Fence Variance
Location: 8401 Carmil Drive
Owner/Applicant: Yenny Lamazares
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: Heather Pollock, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency testimony:

00:57:59 Heather Pollock presented the case and showed a Powerpoint presentation. Ms. Pollock responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Yenny Lamazares, 8401 Carmil Drive, Louisville, KY 40291
Christina Little, 7714 Annalisa Drive, Louisville, KY 40291

Summary of testimony of those in favor:

01:04:08 Yenny Lamazares spoke in favor of the request (see recording for detailed presentation).

01:07:32 Christina Little spoke in favor of the request (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0138

The following spoke in opposition of the request:

No one spoke.

01:10:25 Ms. Pollock responded to a question from Member Bond regarding telephone calls she had received in opposition. Ms. Lamazares stated regarding the character of the neighborhood, she had submitted pictures of several other properties in the area that have similar fences (see recording for detailed presentation).

01:13:50 Board Members' deliberation

01:15:22 On a motion by Member Leanhart, seconded by Member Vozos, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there are other fences in the area that exceed 48 inches in height in street side yards, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes. A survey was provided, and the fence is within the property lines, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the fence is standard height for a privacy fence; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0138 does hereby **APPROVE** Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence to exceed 48 inches in height in the street side yard setback (**Side Yard Fence Height Requirement 48 in., Request 72 in., Variance 24 in.**).

**BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0138

The vote was as follows:

**Yes: Members Bond, Leanhart, Ford, Vozos, and Chair Howard
Absent: Vice Chair Buttorff**

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0145

Request:	Variance to allow a private yard area to be less than the required 20% of the area of the lot
Project Name:	Grasmere Drive Variance
Location:	2016 Grasmere Drive
Owner:	TAMMY LYNN GILDER TRUST
Applicant:	Roy Mills – Mills Painting & Restoration
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers Armstrong
Case Manager:	Zach Schwager, Planner I

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency testimony:

01:17:24 Zach Schwager stated it was determined that the private yard area variance is no longer needed because the requirement was met (see recording for detailed presentation).

This case was WITHDRAWN. Therefore, no action was taken.

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0147

Request: Variance to allow a private yard area to be less than the required 30% of the area of the lot
Project Name: Galt Avenue Variance
Location: 200 S. Galt Avenue
Owner: Catherine H. Walters
Applicant: John Walters
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: Zach Schwager, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency testimony:

01:19:11 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

John Walters, 1917 Long Pond Walk, Lexington, KY 40502

Summary of testimony of those in favor:

01:26:43 John Walters spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0147

01:31:25 Board Members' deliberation

01:33:14 On a motion by Member Bond, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the proposed addition must be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there are multiple other properties in the area with similar designs and a variety of building types, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as there is still a significant amount of private yard area; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0147 does hereby **APPROVE** Variance from Land Development Code Section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot (**Private Yard Area Requirement 4,627.92 sq. ft., Request 2,268 sq. ft., Variance 2,359.92 sq. ft.**).

The vote was as follows:

Yes: Members Bond, Leanhart, Ford, Vozos, and Chair Howard

Absent: Vice Chair Buttorff

01:35:40 Meeting was recessed.

01:36:17 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 21-CUP-0135

Request:	Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host
Project Name:	Genesis Short Term Rental
Location:	2041 Bashford Manor Lane
Owner/Applicant:	Pavel Perez Carreno
Representative:	Yisel Pupo
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Heather Pollock, Planner I

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency testimony:

01:37:14 Heather Pollock requested to continue this case. Ms. Pollock stated there was a problem with the noticing. Ms. Pollock stated the applicant sent out about seventy notices, and two of them came back because they were missing postage, so she was requesting to continue this case until December 20th (see staff report and recording for detailed presentation).

Applicant testimony:

01:41:06 Yisel Pupo (6906 Homestead Drive, Louisville, KY 40214) stated she would be available to return on December 20th (see recording for detailed presentation).

01:42:38 On a motion by Member Bond, seconded by Member Vozos, the following resolution, based upon the testimony heard today, was adopted:

**BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 21-CUP-0135

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 21-CUP-0135 to the December 20, 2021 Board of Zoning Adjustment meeting due to improper noticing.

The vote was as follows:

Yes: Members Bond, Leanhart, Ford, Vozos, and Chair Howard

Absent: Vice Chair Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 21-CUP-0167

Request: Conditional Use Permit to allow a private institutional use
Project Name: Cloverleaf Baptist Church garage addition
Location: 4401 Manslick Road
Owner/Applicant: Cloverleaf Baptist Church
Jurisdiction: Louisville Metro
Council District: 15 – Kevin Triplett
Case Manager: Jon E. Crumbie, Planning & Design Coordinator

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency testimony:

01:44:17 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Theresa Wyatt, 4401 Manslick Road, Louisville, KY 40216

Summary of testimony of those in favor:

01:47:56 Theresa Wyatt spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:52:04 Board Members' deliberation

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PUBLIC HEARING

CASE NUMBER 21-CUP-0167

01:53:39 On a motion by Member Vozos, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal meets all applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that the proposed improvements are compatible with surrounding development and land uses, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal, and

WHEREAS, the Board further finds that:

Private institutional uses, except for such uses specifically regulated elsewhere in this LDC, may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line and all off-street parking shall be at least 30 feet from any property line. **The proposal is not adjacent to an existing residential use or residential zoning district. I- 264 right-of-way is to the north, C-1 zoning to the south, and Manslick Road and Old Manslick right-of-way to the east and west.**
- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated. **A traffic study was not required by Transportation Planning.**
- C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use. Off-street parking is not associated with this proposal. **The remaining site will not be disturbed.**

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- D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99). **The proposal will comply with the Metro Noise Ordinance.**
- E. The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties. **Hours of operation has not been provided by the applicant, but the garage will be used for storage of two vehicles;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0167 does hereby **APPROVE** Conditional Use Permit to allow a private institutional use, **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a private institutional use until further review and approval by the Board.

The vote was as follows:

Yes: Members Bond, Leanhart, Ford, Vozos, and Chair Howard
Absent: Vice Chair Buttorff

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PUBLIC HEARING

CASE NUMBER 21-CUP-0168

Request:	Conditional Use Permit to allow short term rental of a dwelling unit that is the primary residence of the host
Project Name:	Reid Short Term Rental
Location:	1303 South Floyd Street
Owner/Applicant:	James Reid
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency testimony:

01:56:41 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

01:59:33 Chair Howard stated the Board Members have received several emails regarding opposition to the proposal. Mr. Crumbie stated the applicant is aware of that and has had an opportunity to review them. Mr. Crumbie responded to additional questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

James Reid, 1303 S. Floyd Street, Louisville, KY 40208

Summary of testimony of those in favor:

02:01:16 James Reid spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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The following spoke in opposition of the request:

No one spoke.

02:18:40 Board Members' deliberation

02:19:16 On a motion by Member Leanhart, seconded by Member Vozos, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal does not conflict with Comprehensive Plan policies, and

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal will not create substantial additional requirements for the site, and

WHEREAS, the Board further finds that:

4.2.63 Short Term Rental Term Rental of a dwelling unit that is not the primary residence of the host or the Short Term Rental of a condominium unit that is the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term Rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days, or more is not considered a short term rental. **The applicant has been informed of this requirement.**
- B. The dwelling unit shall be limited to a single short term rental contract at a time. **The applicant has been informed of this requirement.**
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the

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number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that the residence has three bedrooms that will allow a maximum number of eight guests.**

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **The Host will live in the primary residence so the 600' rule does not apply in the TNZD.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The applicant has been informed of this requirement.**
- F. Food and alcoholic beverages shall not be served by the host to any guest. **The applicant has been informed of this requirement.**
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts. **The applicant has been informed of this requirement.**
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The proposal has credit for on street parking and the applicant states that all parking is located on the street.**

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- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. **The applicant has been informed of this requirement.**

- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft, and criminal mischief. **The applicant has been informed of this requirement.**

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void. **The applicant has been informed of this requirement.**

- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code. **The applicant has been informed of this requirement;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0168 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is the primary residence of the host in a TNZD and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval.

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Conditions of Approval:

1. The conditional use permit for this short term rental approval shall allow up to three bedrooms. A modification of the conditional use permit shall be required to allow additional bedrooms.
2. The Host of record for the short term rental shall maintain his or her primary residence in the dwelling unit on the subject property. In the event that the Host establishes primary residence on another property, he or she must immediately cease conducting short term rentals on the subject property. A new conditional use permit shall be required to allow for short term rentals on the property that is not the primary residence of the Host.

The vote was as follows:

Yes: Members Leanhart, Ford, Vozos, and Chair Howard

No: Member Bond

Absent: Vice Chair Buttorff

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PUBLIC HEARING

CASE NUMBER 21-CUP-0169

Request:	Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Abbott Short Term Rental
Location:	548 Brentwood Avenue
Owner/Applicant:	Lisa Abbott & Diego Hernandez Lopez
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Jon E. Crumby, Planning & Design Coordinator

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency testimony:

02:22:41 Jon Crumby presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Lisa Abbott, 210 N. Hubbards Lane, Louisville, KY 40207

Summary of testimony of those in favor:

02:25:00 Lisa Abbott spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

02:28:35 Board Members' deliberation

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CASE NUMBER 21-CUP-0169

02:29:07 On a motion by Member Leanhart, seconded by Member Vozos, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal does not conflict with Comprehensive Plan policies, and

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal will not create substantial additional requirements for the site, and

WHEREAS, the Board further finds that:

4.2.63 Short Term Rental Term Rental of a dwelling unit that is not the primary residence of the host or the Short Term Rental of a condominium unit that is the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term Rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental. **The applicant has been informed of this requirement.**
- B. The dwelling unit shall be limited to a single short term rental contract at a time. **The applicant has been informed of this requirement.**
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that the residence has two bedrooms that will allow a maximum number of six guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that

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required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there are no properties with an approved conditional use permit allowing short term rentals that is not the primary residence of the host.**

- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The applicant has been informed of this requirement.**
- F. Food and alcoholic beverages shall not be served by the host to any guest. **The applicant has been informed of this requirement.**
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts. **The applicant has been informed of this requirement.**
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has credit for on street parking. The applicant states that the detached garage will not be used by the short term rental guests for parking.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. **The applicant has been informed of this requirement.**
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the

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approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft, and criminal mischief. **The applicant has been informed of this requirement.**

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void. **The applicant has been informed of this requirement.**

- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code. **The applicant has been informed of this requirement;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0169 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-5 zoning district and Traditional Neighborhood Form District, **SUBJECT** to the following Condition of Approval.

Condition of Approval:

- 1. The conditional use permit for this short term rental approval shall allow up to two bedrooms. A modification of the conditional use permit shall be required to allow additional bedrooms.

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The vote was as follows:

**Yes: Members Bond, Leanhart, Ford, Vozos, and Chair Howard
Absent: Vice Chair Buttorff**

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The meeting adjourned at approximately 3:40 p.m.

Chair

Secretary