

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

**December 16, 2019**

A meeting of the Louisville Metro Board of Zoning Adjustment was held on December 16, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Members Present:**

Lula Howard, Chair  
Kimberly Leanhart, Vice Chair  
Richard Buttorff, Secretary  
Lester Turner, Jr.  
LiAndrea Goatley  
Lindsey Jagoe

**Staff Members Present:**

Emily Liu, Planning & Design Director  
Joe Reverman, Planning & Design Assistant Director  
Joe Haberman, Planning & Design Manager  
Chris French, Planning & Design Supervisor  
Steve Hendrix, Planning & Design Coordinator  
Jon Crumbie, Planning & Design Coordinator  
Lacey Gabbard, Planner I  
Zach Schwager, Planner I  
John Carroll, Legal Counsel (left at approximately 5:00 p.m.)  
Laura Ferguson, Legal Counsel (arrived at approximately 5:00 p.m.)  
Sue Reid, Management Assistant

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT MINUTES  
December 16, 2019**

**DECEMBER 2, 2019 BOARD OF ZONING ADJUSTMENT MEETING MINUTES**

**00:03:32** On a motion by Member Turner, seconded by Vice Chair Leanhart, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the December 2, 2019 Board of Zoning Adjustment meeting.

**The vote was as follows:**

**Yes: Members Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard**

**Abstain: Member Buttorff**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**BUSINESS SESSION**

**CASE NUMBER 19VARIANCE1037**

Request: Variance to allow a side yard setback for a first story addition on the rear of an existing residence  
Project Name: Wendover Avenue Variance  
Location: 510 Wendover  
Owner: Adam Wilson  
Applicant: Charles Podgursky – C.R.P. & Associates  
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 5<sup>th</sup> 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:**

**00:04:36** Zach Schwager presented the case and showed the site plan (see staff report and recording for detailed presentation).

**00:06:32** On a motion by Member Jagoe, seconded by Member Turner, the following resolution, based upon the Staff's memo, and the presentation 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 as the structure will need to 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 the addition is setback the same distance as the existing structure, and

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**BUSINESS SESSION**

**CASE NUMBER 19VARIANCE1037**

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the addition is setback the same distance as the existing structure, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the addition is setback the same distance as the existing structure; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19VARIANCE1037 does hereby **APPROVE** Variance from City of St. Matthews Development Code Section 4.6.C.2.b to allow an addition to encroach into the required side yard setback (**Requirement 6 ft. [18 ft. total], Request 1.1 ft. [10.2 ft. total], Variance 4.9 ft. [7.8 ft. total]**).

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Jagoe, Vice Chair Leanhart, and Chair Howard**

**Abstain: Member Goatley**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**BUSINESS SESSION**

**CASE NUMBER 19-CUP-0141**

|                   |   |
|-------------------|---|
| Request:          | The applicant for 19-CUP-0141 has asked the Board of Zoning Adjustment to waive the 1 year rule for filing another application for a Conditional Use Permit for a short term rental |
| Project Name:     | Schweitzer Short Term Rental  |
| Location          | 1849 Yale Drive   |
| Owner:            | Nicholas Schweitzer   |
| Representative:   | Paul Whitty   |
| Jurisdiction:     | Louisville Metro  |
| Council District: | 8 – Brandon Coan  |
| Case Manager:     | Jon E. Crumbie, Planning and 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 5<sup>th</sup> 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:**

**00:08:06** Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to a question from Legal Counsel. Mr. Crumbie provided letters in opposition which were received after publication to the Board Members (see staff report and recording for detailed presentation).

**00:10:06** Emily Liu, Planning & Design Director, advised the Board Members that this case had been noticed, even though that is not in the Board's by-laws (see recording for detailed presentation).

**The following spoke in favor of the request:**

Paul Whitty, 1000 N. Hurstbourne Pkwy., 2<sup>nd</sup> Floor, Louisville, KY 40223

**Summary of testimony of those in favor:**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**BUSINESS SESSION**

**CASE NUMBER 19-CUP-0141**

**00:10:47** Paul Whitty spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke neither for nor against the request:**

Councilman Brandon Coan, 601 W. Jefferson St., Louisville, KY 40202

**Summary of testimony of those neither for nor against:**

**00:14:15** Councilman Brandon Coan spoke neither for nor against the request and responded to questions from the Board Members (see recording for detailed presentation).

**00:17:32** Joe Haberman, Planning & Design Manager, responded to a question from Member Buttorff regarding what the Board's decision on this case is today (see recording for detailed presentation).

**The following spoke in opposition of the request:**

Bob Atkin, 1927 Ivanhoe Court, Louisville, KY 40205

**Summary of testimony of those in opposition:**

**00:19:42** Bob Atkin spoke in opposition of the request (see recording for detailed presentation).

**REBUTTAL:**

**00:21:04** Paul Whitty spoke in rebuttal. Mr. Whitty stated Mr. Atkin's address is miles and miles away from Yale Drive (see recording for detailed presentation).

**00:22:38 Board Members' deliberation**

**00:22:54** On a motion by Member Buttorff, seconded by Member Turner, the following resolution, based upon the testimony heard today, was adopted:

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**BUSINESS SESSION**

**CASE NUMBER 19-CUP-0141**

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0141 does hereby **APPROVE** the request to waive the one-year rule for filing another application for a Conditional Use Permit for a short term rental.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard**

**00:24:53** John Carroll, Legal Counsel, inquired of Mr. Whitty if the appeal would be dismissed with the granting of this waiver. Mr. Whitty agreed the appeal would be dismissed (see recording for detailed presentation).

**00:25:21** Joe Haberman reminded the Board Members this will not be a reconsideration because we have eliminated that process, so this item will come back through the normal process with a new application (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0207**

Request: **THIS CASE IS BEING CONTINUED TO 1/27/20**  
Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the host

Project Name: Schneider Short Term Rental  
Location 1814 Bonnycastle Avenue  
Owner: Steven Schneider  
Representative: Jonathan Klunk  
Jurisdiction: Louisville Metro  
Council District: 8 – Brandon Coan  
Case Manager: Jon E. Crumbie, Planning and Design Coordinator

**NOTE: The motion to continue this case was made at the end of today's agenda.**

**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.**

**04:56:35** On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0207 does hereby **CONTINUE** the case to the January 27, 2020 Board of Zoning Adjustment meeting.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard**



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0062**

Request: **THIS CASE IS BEING CONTINUED TO 1/6/20**  
Variance to allow an addition to an existing detached garage to encroach into the required rear yard setback and to allow a private yard area to be less than the required 30% of the area of a lot

Project Name: Cherokee Parkway Variance  
Location: 2507 Cherokee Parkway  
Owner: Richard Pape  
Applicant: Gary Shearer – GDS Builder & Remodeler  
Jurisdiction: Louisville Metro  
Council District: 8 – Brandon Coan  
Case Manager: Zach Schwager, Planner I

**NOTE: The motion to continue this case was made at the end of today's agenda.**

**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.**

**04:57:12** On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0062 does hereby **CONTINUE** the case to the January 6, 2020 Board of Zoning Adjustment meeting.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0004**

Request: Variance to allow the proposed building to exceed the 80 foot maximum front yard setback  
Project Name: O'Reilly Auto Parts  
Location: 5911 Bardstown Road  
Owner/Applicant: Dennis Littrell, Corridor Holdings, LLC  
Jurisdiction: Louisville Metro  
Council District: 22 – Robin Engel  
Case Manager: Lacey Gabbard, AICP, 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 5<sup>th</sup> 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:**

**00:28:08** Lacey Gabbard presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Mike Hill, 503 Washburn Ave., Louisville, KY 40222

**Summary of testimony of those in favor:**

**00:31:06** Mike Hill 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.

**00:39:35 Board Members' deliberation**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0004**

**00:40:31** On a motion by Member Goatley, seconded by Member Jagoe, 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 since the building will be buffered where it is adjacent to residential. Also, there are buildings in the vicinity of the subject site which appear to be exceeding the 80 foot maximum setback, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity since there are buildings in the vicinity of the subject site which appear to be exceeding the 80 foot maximum setback, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the setback maximums are a visual standard that do not prevent or cause any known hazards or nuisances, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since there are buildings in the vicinity of the subject site which appear to be exceeding the 80 foot maximum setback; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0004 does hereby **APPROVE** Variance from Land Development Code Section 5.3.1.C.5 to allow the proposed building to exceed the 80 foot maximum front yard setback.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0061**

Request: Variance to allow a detached garage to encroach into the required street side yard setback  
Project Name: Shelby Street Variance  
Location: 1455 S. Shelby Street  
Owner: David Tobias  
Applicant: Michael Marks – Wetterer & Clare  
Jurisdiction: Louisville Metro  
Council District: 10 – Pat Mulvihill  
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 5<sup>th</sup> 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:**

**00:42:31** 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:**

Michael Marks, 2933 Bowman Avenue, Louisville, KY 40205

**Summary of testimony of those in favor:**

**00:44:39** Michael Marks spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke neither for nor against the request:**

Benjamin Cox, 1453 S. Shelby St., Louisville, KY 40217

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0061**

**Summary of testimony of those neither for nor against:**

**00:53:22** Benjamin Cox spoke neither for nor against the request (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**00:54:41 Board Members' deliberation**

**00:55:06** On a motion by Member Buttorff, seconded by Member Goatley, 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 as the structure will need to 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 the proposed garage would be setback a similar distance as other accessory structures in the area, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed garage will not interfere with vision clearance, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the encroachment is similar to other accessory structures in Traditional Neighborhoods, and

**WHEREAS**, the Board further finds that the applicant's justification statements adequately justify this request; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0061 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a structure to encroach into the required street side

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-VARIANCE-0061**

yard setback (**Requirement 3 ft., Request 0 ft., Variance 3 ft.**), **SUBJECT** to the following Conditions of Approval:

Condition of Approval:

1. The southern property line shall be staked in the field. No projections from the façade or building foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-NONCONFORM-0023**

Request: Change in Nonconforming Use from a Tavern/Bar/Saloon to a Convenience Store  
Project Name: Beecher Change in Nonconformance  
Location: 500 Beecher St  
Owner/Applicant: Derrick Tiller  
Jurisdiction: Louisville Metro  
Council District: 15 – Kevin Triplett  
Case Manager: Chris French, Planning and Design Supervisor

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 5<sup>th</sup> 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:**

**00:56:35** Chris French presented the case and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members and Legal Counsel (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Derrick Tiller, 1151 Euclid Avenue, Louisville, KY 40208

**Summary of testimony of those in favor:**

**01:04:22** Derrick Tiller 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.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-NONCONFORM-0023**

**01:08:47**     **Board Members' deliberation**

**01:13:02**     On a motion by Vice Chair Leanhart, seconded by Member Goatley, 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 new nonconforming use is in the same or more restrictive classification of the first nonconforming use, and

**WHEREAS**, the Board further finds that the new nonconforming use is no more odious or offensive to surrounding properties than the first nonconforming use; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-NONCONFORM-0023 does hereby **APPROVE** Change in nonconforming use from a tavern/bar/saloon to a convenience store.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard**



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-NONCONFORM-0029**

|                   |  |
|-------------------|--|
| Request:          | Expansion of Nonconforming Use for Churchill Downs |
| Project Name:     | Churchill Downs Hotel Expansion                    |
| Location:         | 700 Central Avenue                                 |
| Owner/Applicant:  | Churchill Downs Incorporated                       |
| Representative:   | Jon Baker, esq.                                    |
| Jurisdiction:     | Louisville Metro                                   |
| Council District: | 15 – Kevin Triplett                                |
| Case Manager:     | Chris French, AICP, Planning and Design Supervisor |

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 5<sup>th</sup> 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:**

**01:16:25** Chris French presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Jon Baker, 500 W. Jefferson St., Suite 2800, Louisville, KY 40202  
Ryan Jordan, 700 Central Ave., Louisville, KY 40208

**Summary of testimony of those in favor:**

**01:19:44** Jon Baker spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

**01:25:18** Ryan Jordan spoke in favor of the request and referred to the Powerpoint presentation. Mr. Jordan responded to questions from the Board Members (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-NONCONFORM-0029**

**The following spoke neither for nor against the request:**

Sandor Greenbaum, 994 Longfield Ave., Louisville, KY 40215

**Summary of testimony of those neither for nor against:**

**01:40:45** Sandor Greenbaum spoke neither for nor against the request. Mr. Greenbaum was concerned about the affect on traffic in the area (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**REBUTTAL:**

**01:43:50** Mr. Baker and Mr. Jordan responded to Mr. Greenbaum's questions regarding traffic. Mr. Jordan stated they would work with their neighboring property owners to make sure that does not continue to be an issue (see recording for detailed presentation).

**01:46:41** Chris French responded to questions from the Board Members (see recording for detailed presentation).

**01:47:42 Board Members' deliberation**

**01:48:49** On a motion by Member Buttorff, seconded by Member Turner, 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 acknowledges the expansion of the nonconforming rights as allowed by KRS 100.253(2); now, therefore be it

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-NONCONFORM-0029**

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-NONCONFORM-0029 does hereby **APPROVE** a request to expand nonconforming rights on property located at 700 Central Avenue, in accordance with KRS 100.253(2).

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard**

**01:50:44 Meeting was recessed.**

**01:50:59 Meeting was reconvened.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-MCUP-0002**

|                   |  |
|-------------------|--|
| Request:          | Modified Conditional Use Permit for a community service facility |
| Project Name:     | Harbor House   |
| Location:         | 2233 Lower Hunters Trace   |
| Owner/Applicant:  | Harbor House of Louisville, Inc.                                 |
| Attorney:         | Bardenwerper, Talbott & Roberts, PLLC, Nick Pregliasco           |
| Jurisdiction:     | Louisville Metro   |
| Council District: | 12 – Rick Blackwell  |
| Case Manager:     | Steve Hendrix, Planning and 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 5<sup>th</sup> 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:**

**01:51:25** Steve Hendrix presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Paul Whitty, 1000 N. Hurstbourne Pkwy., Suite 200, Louisville, KY 40223  
Tim Graviss, 829 E. Market St., Louisville, KY 40206

**Summary of testimony of those in favor:**

**01:54:00** Paul Whitty spoke in favor of the request (see recording for detailed presentation).

**01:58:49** Tim Graviss spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-MCUP-0002**

**The following spoke in opposition of the request:**

No one spoke.

**02:08:04 Board Members' deliberation**

**02:09:20** On a motion by Vice Chair Leanhart, seconded by Member Goatley, 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 is consistent with Comprehensive Plan policies regarding Community Service Facilities, and

**WHEREAS**, the Board further finds that the proposal is an expansion of similar existing uses and is compatible with surrounding land uses and the general character of the area, and

**WHEREAS**, the Board further finds that the site is adequately served by all required public facilities, and

**WHEREAS**, the Board further finds that:

**4.2.54. Community Service Facility** may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, UN, R-5A, R-5B, R-6, R-7, R-8A, M-1, M-2, M-3, W-1, W-2, W-3, TNZD (Neighborhood General) districts upon the granting of a conditional use permit and compliance with the listed requirements.

A. General Standards – All Zoning Districts

1. Parking spaces shall be determined by the board of zoning based on the number of employees and the potential number of visitors to the site as described by the applicant in a parking study of similar uses. **The proposal has received preliminary approval by Transportation Planning staff. According to the applicant, proposed parking will be used primarily by staff and by guests on occasion. Significant additional parking is available on the adjoining Church site; cross-access and shared parking agreements will be required by a Condition of Approval.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-MCUP-0002**

2. Signage for community service facility shall be in accordance with Chapter 8 of the LDC for nonresidential uses.
3. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained. **The proposal meets all such requirements.**
4. Conversion of Existing Structures: A report from the applicable fire official shall be provided to the Board outlining the necessary steps for compliance with fire code safety standards prior to establishing occupancy of the structure for the proposed use. **The proposal does not include conversions of existing structures.**

**B. Conditional Use Standards – Single Family Zoning Districts Only**

1. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.
2. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential. **Two respite houses are to be located at the front of the property.**
3. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time. **The proposal does not include conversions of existing structures.**
4. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s). **The proposal meets this requirement;** now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-MCUP-0002 does hereby **APPROVE** Modified Conditional Use Permit for a community service facility in an R-4 Single-Family Residential District (LDC 4.2.54), **SUBJECT** to the following Conditions of Approval:

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-MCUP-0002**

Conditions of Approval:

1. All development shall be in accordance with the approved district development plan, including all notes thereon, and with all applicable sections of the Land Development Code (LDC). No further development shall occur on the site without prior review of and approval by the Board of Zoning Adjustment (BOZA).
2. The Conditional Use Permit shall be exercised as proscribed by KRS 100.237 within two years of BOZA approval. If it is not so exercised, the site shall not be used for a Community Service Facility without further review and approval by BOZA.
3. Agreement(s) providing crossover access, shared parking and access to walking trail between subject site and adjacent site at 2229 Lower Hunters Trace must be submitted to PDS staff for review. Approved agreement(s) must be recorded prior to final construction approval.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0193**

|                   |  |
|-------------------|--|
| Request:          | Conditional Use Permit for a medical clinic    |
| Project Name:     | Medical Clinic                                 |
| Location:         | 3935 Taylorsville Road                         |
| Owner:            | McMahan Plaza                                  |
| Applicant:        | Pure Life Renal, Orestes L. Lugo               |
| Representative:   | BTM Engineering Inc., Chris Brown              |
| Jurisdiction:     | Louisville Metro                               |
| Council District: | 26 – Brent Ackerson                            |
| Case Manager:     | Steve Hendrix, Planning and 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 5<sup>th</sup> 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:**

**02:11:41** Steve Hendrix presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Chris Brown, 3001 Taylor Springs Dr., Louisville, KY 40220

**Summary of testimony of those in favor:**

**02:14:48** Chris Brown spoke in favor of the request and showed a Powerpoint presentation. Mr. Brown responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0193**

**02:21:14 Board Members' deliberation**

**02:21:42** On a motion by Member Jagoe, seconded by Vice Chair 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 proposal is consistent with the applicable policies of the Comprehensive Plan, and

**WHEREAS**, the Board further finds that the proposal is compatible with the surrounding land uses and general character of the area with respect to height, bulk, scale, intensity, traffic, noise, drainage, lighting, and appearance, and

**WHEREAS**, the Board further finds that the proposal has been reviewed and approved by the Metropolitan Sewer District and Transportation Planning, and

**WHEREAS**, the Board further finds that:

4.2.29 Hospitals and medical clinics may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements: The application meets the listed requirements, except for Item B.

- A. In form districts where nonresidential freestanding signs are not permitted, a single freestanding on-premise sign, not exceeding 80 square feet in area and not exceeding 10 feet in height, may be placed at each major entrance. Attached signs shall be designed in accordance with form district requirements, but the Board reserves the right to approve the size and location of all attached signs. **Attached signage will meet regulations and signage on the multi-tenant signs will simply be a replacement.**
- B. All buildings and structures shall be at least 30 feet from any property line. **The shopping center was built in 1955 and has been five feet from the property line since that time. A 30-foot- wide alley is between that property line and the neighboring property.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0193**

- C. Medical clinics shall provide an indoor waiting area(s) for clients. The waiting area shall be large enough to accommodate the clients arriving for services. **The clinic is 8,479 square feet.**
- D. Parking for medical clinics shall be adequate to accommodate the maximum number of clients expected to be at the site at one time. **The proposed location is within an existing commercial center, additional accessible spaces have been added.**
- E. Such facilities shall be located on or near a collector or arterial street with reasonable access to public transportation. **The shopping center faces Taylorsville Road;** now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0193 does hereby **APPROVE** Conditional Use Permit for a medical clinic (LDC 4.2.29) with **RELIEF** from Standard 4B because the building is pre-existing and was built in 1955 and the fact that there is a thirty foot alley creating a distance of thirty-five feet from the building to the adjacent property, and **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 medical clinic without further review and approval by the Board.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0206**

|                   |   |
|-------------------|---|
| Request:          | Conditional Use Permit to allow outdoor alcohol sales and consumption |
| Project Name:     | Four Pegs II  |
| Location:         | 1053 Goss Avenue  |
| Owner/Applicant:  | Wanda Sue Hatfield  |
| Jurisdiction:     | Louisville Metro  |
| Council District: | 10 – Pat Mulvihill  |
| 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 5<sup>th</sup> 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:**

**02:23:39** 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:**

Wanda Hatfield, 1053 Goss Ave., Louisville, KY 40217

**Summary of testimony of those in favor:**

**02:27:06** Wanda Hatfield 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.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0206**

**02:28:21 Board Members' deliberation**

**02:30:54** On a motion by Member Jagoe, seconded by Member Goatley, 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 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. Transportation Planning and MSD have reviewed and approved the proposal, and

**WHEREAS**, the Board further finds that:

Outdoor alcohol sales and consumption and/or indoor live entertainment for a restaurant may be permitted in the C1 zoning district upon the granting of conditional use permit and compliance with the listed requirements

- A. All outdoor areas for the sale and consumption of alcohol must have designated boundaries.
- B. Outdoor dining areas within the public right-of-way must receive approval from the agency responsible for transportation engineering and shall be designed in accordance with agency standards.
- C. Outdoor dining areas adjacent to the public right-of-way shall contain a physical barrier that is at least three feet in height. The barrier should be designed to permit existing legal access from building to the adjacent public right-of-way.
- D. Outdoor dining areas that include the sale and consumption of alcohol within 50 feet of a residentially zoned or used property shall provide a six foot continuous screen as part of the designated boundary for the areas of the outdoor area within 50 feet of residentially used or zoned property. The

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0206**

continuous screen shall be in conformance with the Chapter 10, Part 4 (Implementation Standards).

- E. This conditional use permit shall be limited to restaurant uses in the C-1 that hold the following types of ABC licenses: 1. Restaurant liquor and wine license by the drink for 100 plus seats 2. Restaurant wine license by the drink for restaurants with seating for 100 and receives at least 70 percent gross receipts from food sales.
- F. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 1 A.M.
- G. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
- H. The Board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific restaurant; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0206 does hereby **APPROVE** Conditional Use Permit to allow outdoor alcohol sales and consumption, **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 outdoor alcohol sales and consumption until further review and approval by the Board.

**BOARD OF ZONING ADJUSTMENT MINUTES  
December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0206**

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and  
Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0209**

Request: Conditional Use Permit to allow a private proprietary club  
Project Name: Louisville Elks Lodge No. 8 addition  
Location: 2824 Klondike Lane  
Owner/Applicant: Louisville Elks Lodge, Benevolent and Protective Order of Elks of the United States of America, Inc.  
Jurisdiction: Louisville Metro  
Council District: 10 – Pat Mulvihill  
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 5<sup>th</sup> 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:**

**02:32:14** Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Tanner Nichols, 400 W. Market, Suite 3200, Louisville, KY 40202  
Elizabeth Harbolt, 400 W. Market, Louisville, KY 40202  
Chris Brown, 3001 Taylor Springs Dr., Louisville, KY 40220

**Summary of testimony of those in favor:**

**02:35:25** Tanner Nichols spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**02:37:01** Elizabeth Harbolt spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0209**

**02:40:05** Tanner Nichols showed a Powerpoint presentation and responded to questions from the Board Members (see recording for detailed presentation).

**02:41:56** Chris Brown and Tanner Nichols responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**02:46:52 Board Members' deliberation**

**02:47:58** On a motion by Vice Chair Leanhart, seconded by Member Buttorff, 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 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. Transportation Planning and MSD have reviewed the proposal, and

**WHEREAS**, the Board further finds that:

Private Proprietary Clubs may be located in the 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-1, OR-2, OR-3, OTF, C-R or PTD Districts where such use is compatible in size and scale with surrounding land uses and where the lot contains at least 2 acres upon the granting of a Conditional Use Permit. Tennis centers, racquetball clubs or similar operations requiring large structures to house the facilities shall have a development plan approved by the Planning Commission prior to filing an application for a Conditional Use Permit.

A. All new buildings, structures and facilities shall be at least 30 feet from any property line.



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0209**

- B. Outdoor swimming pools shall be enclosed with a fence at least six feet high.
- C. All recreation areas or play fields and parking lots shall be separated from adjacent properties by a solid fence or dense evergreen shrubbery plantings at least five feet high.
- D. One sign only may be permitted showing the name and address of the club. An attached sign shall not exceed 30 square feet in area, shall be attached flat to the face of the building, and shall not project more than 18 inches from the face of the building. A free-standing sign shall not exceed 20 square feet in area per side, shall not have more than two sides, and shall not exceed a height of six feet. Either an attached sign or a free-standing sign may be permitted, but not both. No sign shall project into any required yard. The sign may be illuminated but nonflashing. **The applicant will be asking for relief;** now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0209 does hereby **APPROVE** Conditional Use Permit to allow a private proprietary club, with **RELIEF** from Standard 4D because the applicant has a 7'x9' notification sign that has changeable letters that they are moving out of the right of way but has been in existence since before the 1960's and there is a 4'x4'x8' identification sign that has been in existence since the beginning of the Elks Club, and **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 proprietary club until further review and approval by the Board.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0211**

Request: Conditional Use Permit to allow a community service facility  
Project Name: Free2Hope  
Location: 2539 West Main Street  
Owner/Applicant: Amy Leenerts  
Jurisdiction: Louisville Metro  
Council District: 5 – Donna Purvis  
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 5<sup>th</sup> 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:**

**02:50:59** Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Amy Leenerts, 44414 Sussex Court, Louisville, KY 40241

**Summary of testimony of those in favor:**

**02:53:43** Amy Leenerts 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.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0211**

**03:02:44 Board Members' deliberation**

**03:03:26** On a motion by Member Buttorff, seconded by Member Goatley, 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 the proposal is compatible with surrounding development. No exterior alterations to the existing structure or site are proposed, 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:

4.2.54. Community Service Facility may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, UN, R-5A, R-5B, R-6, R-7, R-8A, M-1, M-2, M-3, W-1, W-2, W-3, TNZD (Neighborhood General) districts upon the granting of a conditional use permit and compliance with the listed requirements.

A. General Standards – All Zoning Districts

1. Parking spaces shall be determined by the board of zoning based on the number of employees and the potential number of visitors to the site as described by the applicant in a parking study of similar uses. **The applicant has an agreement with the Louisville thrift Store located at 2540 West Main Street to allow the use of up to two spaces.**
2. Signage for community service facility shall be in accordance with chapter 8 of the LDC for nonresidential uses. **Signage is not proposed.**
3. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained. **The proposal is located in an existing structure that will not be expanded.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0211**

4. Conversion of Existing Structures: A report from the applicable fire official shall be provided to the Board outlining the necessary steps for compliance with fire code safety standards prior to establishing occupancy of the structure for the proposed use. ***The applicant has been informed of this requirement.***

**DOES NOT APPLY**

B. Conditional Use Standards – Single Family Zoning Districts Only:

1. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.
2. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.
3. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.
4. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0211 does hereby **APPROVE** Conditional Use Permit to allow a community service facility in a UN Zoning District and Traditional Neighborhood Form District, with **RELIEF** from Standard A1 because of the recorded parking agreement with the thrift store, and **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.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0211**

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 community service facility without further review and approval by the Board.
  
3. Prior to lawful commencement of the community service facility use the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0226**

|                   |   |
|-------------------|---|
| Request:          | Conditional Use Permit for an accessory apartment |
| Project Name:     | Douglass Boulevard Accessory Apartment            |
| Location:         | 2205 Douglass Boulevard                           |
| Owner/Applicant:  | Nicole Levinson                                   |
| Jurisdiction:     | Louisville Metro                                  |
| Council District: | 8 – Brandon Coan                                  |
| 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 5<sup>th</sup> 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:**

**03:05:34** Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Nicole Levinson, 2205 Douglass Blvd., Louisville, KY 40205

**Summary of testimony of those in favor:**

**03:08:01** Nicole Levinson 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.

**03:12:42** Board Members' deliberation.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0226**

**03:13:13** On a motion by Member Turner, seconded by Member Buttorff, 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 is consistent with the Comprehensive Plan, and

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

**WHEREAS**, the Board further finds that the proposed development does not appear to substantially increase demands on public infrastructure and facilities. The plan has received preliminary approval from MSD, Transportation Planning, and the Health Department, and

**WHEREAS**, the Board further finds that:

**4.2.3. Accessory Apartments** Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements:

- A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises.
- B. The accessory apartment shall be no greater than 650 sq. ft or 30% of the floor area of the principal residence, whichever is greater. **The floor area of the residence is 5,200 sq. ft. and the apartment can be up to 30% of this area, which is 1,560 sq. ft. The apartment will be 800 sq. ft. The floor area of the proposed accessory apartment therefore meets this requirement.**
- C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate. **The height of 20 ft. does not exceed**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0226**

**the height of the principal structure and does not exceed the maximum permitted height of 24 ft. in a Traditional Neighborhood Form District.**

- D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:
1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors;
  2. Traditional Neighborhood - at least one off-street space provided on the lot; and
  3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate.
- The site is located in a Traditional Neighborhood Form District and has two spaces in the garage, which meets off-street parking requirements;** now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0226 does hereby **APPROVE** Conditional Use Permit for an Accessory Apartment (LDC 4.2.3), **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. All development shall be in accordance with the approved district development plan, including all notes thereon, and with all applicable sections of the Land Development Code (LDC). No further development shall occur on the site without prior review of and approval by the Board of Zoning Adjustment (BOZA).
2. The Conditional Use Permit shall be exercised as proscribed by KRS 100.237 within two years of BOZA approval. If it is not so exercised, the site shall not be used for an Accessory Apartment without further review and approval by BOZA.
3. The applicant is required to contact Louisville Metro Emergency Services to have a unique address assigned to the accessory apartment.



**BOARD OF ZONING ADJUSTMENT MINUTES  
December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0226**

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and  
Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0191**

Request: Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host  
Project Name: Goff short term rental  
Location: 1027 Beecher Street  
Owner/Applicant: Goff Primary, LLC  
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 5<sup>th</sup> 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:**

**03:16:04** Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Barrett Goff, 3302 Dogwood Drive, Louisville, KY 40220

**Summary of testimony of those in favor:**

**03:18:00** Barrett Goff 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.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0191**

**03:23:20 Board Members' deliberation**

**03:23:49** On a motion by Member Goatley, seconded by Member Turner, 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 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.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- 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.***

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0191**

- 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. **As of the last Board meeting there are no approved short term rental conditional use permits within 600 feet of the subject property.**
- 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.
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- 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 and there appear to be ample spaces along the street. The applicant states that the existing driveway can hold up to three vehicles.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0191**

- 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.
  
- 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.
  
- 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; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0191 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.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0192**

|                   |  |
|-------------------|--|
| Request:          | Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host |
| Project Name:     | Taylor Boulevard Short Term Rental   |
| Location:         | 3002 Taylor Boulevard  |
| Owner:            | Martin G. Hall Family Revocable Trust  |
| Applicant:        | Barrett Goff   |
| Jurisdiction:     | Louisville Metro   |
| Council District: | 6 – David James  |
| 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 5<sup>th</sup> 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:**

**03:25:45** Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**  
Barrett Goff, 3302 Dogwood Drive, Louisville, KY 40220

**Summary of testimony of those in favor:**

**03:28:08** Barrett Goff 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.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0192**

**03:31:57 Board Members' deliberation**

**03:32:39** On a motion by Vice Chair Leanhart, seconded by Member Turner, 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 is consistent 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. No exterior construction or alterations to the building or the site are required, and

**WHEREAS**, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal does not appear to 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.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- 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. **According to the**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0192**

**applicant, there are three bedrooms; LDC regulations permit up to 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. **As of the date of this report, there are not any properties with approved conditional use permits for non-host occupied short term rentals within 600 ft. of the subject property (see Attachment 3).**
- 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 dwelling unit is a single-family residence.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- 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. **LDC standards credit the site with four on-street parking spaces along the property frontage. There is additional parking for two vehicles in the**



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0192**

**garage. In addition, there appears to be available on-street parking in the area.**

- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- 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.
- 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.
- 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; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0192 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63).

**BOARD OF ZONING ADJUSTMENT MINUTES  
December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0192**

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and  
Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0200**

|                   |   |
|-------------------|---|
| Request:          | Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the host |
| Project Name:     | Belvar Short Term Rental  |
| Location:         | 320 Belvar Avenue   |
| Owner/Applicant:  | Mary E. Flanagan  |
| Jurisdiction:     | Louisville Metro  |
| Council District: | 9 – Bill Hollander  |
| Case Manager:     | Steve Hendrix, Planning and 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 5<sup>th</sup> 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:**

**03:34:01** Steve Hendrix presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Mary Flanagan, 222 Hite Ave., Louisville, KY 40206

**Summary of testimony of those in favor:**

**03:36:05** Mary Flanagan 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.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0200**

**03:39:17 Board Members' deliberation**

**03:40:05** On a motion by Member Jagoe, seconded by Member Goatley, 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. No exterior construction or alterations to the building or the site will be required, and

**WHEREAS**, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal will not create 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.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- 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 applicant has**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0200**

**submitted pictures of three bedrooms, which would allow for 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. **As of the date of this report, there was no other property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property.**
- 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 structure is a single family dwelling.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- 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 driveway appears to provide ample parking, (four to five vehicles).**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0200**

- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- 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.
- 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.
- 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; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0200 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 Neighborhood Form District.

**BOARD OF ZONING ADJUSTMENT MINUTES  
December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0200**

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and  
Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0210**

Request: Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host

Project Name: Denison short term rental

Location: 1226 East Breckinridge Street

Owner/Applicant: Tiffany Denison

Jurisdiction: Louisville Metro

Council District: 4 – Barbara Sexton Smith

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 5<sup>th</sup> 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:**

**03:41:44** Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Tiffany Denison, 1226 E. Breckinridge Street, Louisville, KY 40204

**Summary of testimony of those in favor:**

**03:44:02** Tiffany Denison 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:**

Ken Sumner, 909 Vine Street, Louisville, KY 40204

Elizabeth Calenberg, 1224 E. Breckinridge Street, Louisville, KY 40204



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0210**

**Summary of testimony of those in opposition:**

**03:50:48** Ken Sumner spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

**03:56:27** Elizabeth Calenberg spoke in opposition of the request (see recording for detailed presentation).

**REBUTTAL:**

**04:00:31** Tiffany Denison spoke in rebuttal (see recording for detailed presentation).

**04:03:33 Board Members' deliberation**

**04:05:44** On a motion by Member Jagoe, seconded by Vice Chair 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 request does not meet all of the listed requirements and the Conditional Use Permit cannot be approved; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0210 does hereby **DENY** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-6 Zoning District and Traditional Neighborhood Form District.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES  
December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0210**

**04:09:05 Meeting was recessed**

**04:09:23 Meeting was reconvened.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0176**

Request: **THIS CASE HAS WILL NOT BE HEARD BEFORE 3:00 P.M.**  
Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host

Project Name: Curran short term rental  
Location: 3123 Runnymede Road  
Owner/Applicant: Alan J. Curran  
Jurisdiction: Glenview Hills  
Council District: 16 – Scott Reed  
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 5<sup>th</sup> 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.**

**04:10:10 Chair Howard swore in all parties who were present to speak on this case.**

**Agency testimony:**

**04:10:30** Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie provided a letter from the Mayor of Glenview Hills to the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Alan Curran, 6802 E. Gelding Dr., Scottsdale, AZ 85254

**Summary of testimony of those in favor:**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0176**

**04:13:41** Alan Curran spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke neither for nor against the request:**

Lucille Fannin, 3010 Lighthouse Rd., Louisville, KY 40222

**Summary of testimony of those neither for nor against:**

**04:20:13** Lucille Fannin spoke neither for nor against the request (see recording for detailed presentation).

**The following spoke in opposition of the request:**

Emily White, 3018 Lighthouse Rd., Louisville, KY 40222

Kathleen Curry, 3120 Runnymede Rd., Louisville, KY 40222

James Spalding, 3014 Lighthouse Rd., Louisville, KY 40222

Kimberly Sanchez, 5811 Brittany Valley Rd., Louisville, KY 40222

Lynne Kelly, 5808 Brittany Valley Rd., Louisville, KY 40222

Stacie Tuggle, 5810 Brittany Valley Rd., Louisville, KY 40222

Charles Saladino, 3119 Runnymede Rd., Louisville, KY 40222

**Summary of testimony of those in opposition:**

**04:22:47** Emily White spoke in opposition of the request and showed a Powerpoint presentation. Ms. White showed photos of a broken pool gate and spoke in regard to the parties and events that have been held at the property (see recording for detailed presentation).

**04:31:19** Kathleen Curry spoke in opposition of the request. Ms. Curry spoke in regard to parking and safety issues (see recording for detailed presentation).

**04:33:05** James Spalding spoke in opposition of the request (see recording for detailed presentation).

**04:34:10** Kimberly Sanchez spoke in opposition of the request (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0176**

**04:34:54** Lynne Kelly spoke in opposition of the request (see recording for detailed presentation).

**04:35:28** Stacie Tuggle spoke in opposition of the request (see recording for detailed presentation).

**04:36:56** Charles Saladino spoke in opposition of the request (see recording for detailed presentation).

**04:37:48** Emily White spoke again in opposition (see recording for detailed presentation).

**The following persons signed up to speak in opposition, but declined to speak:**

Bryan Schmitt, 3000 Dunraven Dr., Louisville, KY 40222  
Patrick Curry, 3120 Runnymede Rd., Louisville, KY 40222  
David Pearson, 3004 Dunraven Dr., Louisville, KY 40222  
Penelope Pearson, 3004 Dunraven Dr., Louisville, KY 40222  
Janine Girardet, 3121 Runnymede Rd., Louisville, KY 40222  
Roland Girardet, 3121 Runnymede Rd., Louisville, KY 40222  
Nan Spalding, 3014 Lighthouse Rd., Louisville, KY 40222  
Carlos Sanchez, 5811 Brittany Valley Rd., Louisville, KY 40222

**REBUTTAL:**

**04:39:34** Alan Curran spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

**04:45:15** Joe Haberman, Planning & Design Manager, responded to questions from the Board Members (see recording for detailed presentation).

**04:46:09** Mr. Curran responded to questions from the Board Members (see recording for detailed presentation).

**04:47:58** **Board Members' deliberation**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0176**

**04:53:29** On a motion by Member Jagoe, seconded by Vice Chair Leanhart, the following resolution, based upon Standard #2 from the Staff Report, and the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the proposal is not compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance, and

**WHEREAS**, the Board further finds that the property will not be properly managed based upon past management; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0176 does hereby **DENY** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-4 Zoning District and Neighborhood Form District.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 16, 2019**

The meeting adjourned at approximately 6:18 p.m.

*Lula K. Howard*

Chair

*[Handwritten Signature]*

Secretary