

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

October 7, 2019

A meeting of the Louisville Metro Board of Zoning Adjustment was held on October 7, 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.

Members Absent:

Lindsey Jagoe
LiAndrea Goatley

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
Beth Jones, Planner II
Zach Schwager, Planner I
Jon Crumbie, Planning & Design Coordinator
John Carroll, Legal Counsel (left at approximately 5:00 p.m.)
Travis Feichter, Legal Counsel (arrived at approximately 5:00 p.m.)
Sue Reid, Management Assistant

The following cases were heard:

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APPROVAL OF MINUTES

**SEPTEMBER 23, 2019 BOARD OF ZONING ADJUSTMENT MEETING
MINUTES**

00:06:10 On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the September 23, 2019 Board of Zoning Adjustment meeting for Case Number 18CUP1116 as corrected by staff.

The vote was as follows:

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

00:06:56 On a motion by Member Buttorff, seconded by Vice Chair Leanhart, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the entire minutes of the September 23, 2019 Board of Zoning Adjustment meeting as printed.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
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BUSINESS SESSION

BOZA By-laws

Revised BOZA By-laws

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.

00:08:18 Board Members' deliberation

00:10:02 On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the amendment to the BOZA By-laws.

The vote was as follows:

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

Absent: Members Jagoe, and Goatley

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BUSINESS SESSION

CASE NUMBER 18CUP1120

Request:	RECONSIDERATION REQUEST Conditional Use Permit for a private institutional use
Project Name:	Chabad of Prospect
Location:	6900 Transylvania Avenue
Owner:	Chabad of Prospect, Inc.
Representative:	Boruch Susman
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
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 5th Street.)

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

Agency testimony:

00:11:19 Jon Crumbie presented the reconsideration request (see recording for detailed presentation).

00:12:39 Board Members' deliberation

00:16:43 A motion was made by Board Member Turner that Case Number 18CUP1120, Reconsideration Request, be approved. The motion failed for lack of a second.

00:17:42 The Board of Zoning Adjustment, by general consensus, in Case Number 18CUP1120 agreed to deny the Reconsideration Request. Therefore, no further vote or action was taken.

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BUSINESS SESSION

CASE NUMBER 19-VARIANCE-0007

Request: **RECONSIDERATION REQUEST**
Variance to allow a fence in the street side yard to exceed 48 inches in height

Project Name: Arroyo Trail Variance
Location: 4710 Arroyo Trail
Owner: Terry L. Henderson
Applicant: Terry L. Henderson
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox
Case Manager: Zach Schwager, Planner I

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

Agency testimony:

00:18:30 Zach Schwager presented the reconsideration request (see recording for detailed presentation).

00:19:43 Board Members' deliberation

00:20:38 The Board of Zoning Adjustment, by general consensus, in Case Number 19-VARIANCE-0007 agreed to deny the Reconsideration Request. Therefore, no further vote or action was taken.

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BUSINESS SESSION

CASE NUMBER 19-VARIANCE-0046

Request: Variance to allow a second story addition to encroach into the required side yard setback
Project Name: Side yard setback
Location: 1212 South Sixth Street
Owners/Applicants: B. O’Neil & Lisa Arnold
Jurisdiction: Louisville Metro
Council District: 6 – David James
Case Manager: Steve Hendrix, Planning & Design Coordinator

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:

00:21:16 Steve Hendrix presented the case (see recording for detailed presentation).

00:22:06 Board Members’ deliberation

00:22:39 On a motion by Member Buttorff, seconded by Vice Chair Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the applicant’s justification, 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 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, since the addition will replace the exact footprint of the deteriorated deck, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public, since the proposed addition and existing residence will have the same distance from the side property line, and

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BUSINESS SESSION

CASE NUMBER 19-VARIANCE-0046

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations, since the distance will remain the same, 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-0046 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a second story addition (removal of existing deck with replacement of storage area) to encroach into the required north side yard setback (**Requirement 5 ft., Request 11 inches, Variance 4 ft., 1 inch**).

The vote was as follows:

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

Absent: Members Jagoe, and Goatley

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0030

Request: Variance for an addition to an existing principal structure to encroach into the side yard setback
Project Name: Plainview Avenue Variance
Location: 516 Plainview Avenue
Owner/Applicant: Joseph P. Hines, II
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini
Case Manager: Zach Schwager, Planner I

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

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

Agency testimony:

00:23:46 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Joseph Hines, 516 Plainview Ave., Louisville, KY 40223

Summary of testimony of those in favor:

00:30:17 Joseph Hines spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0030

00:31:46 Board Members' deliberation

00:31:53 On a motion by Member Buttorff, seconded by Vice Chair Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the applicant's justification, 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 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 addition will be the same distance from the side property line 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 proposed addition will be the same distance from the side property line as the existing structure, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed addition will be the same distance from the side property line as the existing structure, 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-0030 does hereby **APPROVE** Variance from Land Development Code Section 5.1.10.F to allow a structure to encroach into the required side yard setback (**Requirement 3 ft., Request 2.7 ft., Variance 0.3 ft.**).

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0031

Request: Variance for a covered deck to encroach into the side yard setback
Project Name: Arboro Place Variance
Location: 1905 Arboro Place
Owner: James Grzelak
Applicant: James Smallwood
Jurisdiction: Louisville Metro
Council District: 18 – Marilyn Parker
Case Manager: Zach Schwager, Planner I

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

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

Agency Testimony:

00:32:57 Zach Schwager presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

James Smallwood, 9610 State Road 64, Georgetown, IN 47122
James Grzelak, 1905 Arboro Pl., Louisville, KY 40220

Summary of testimony of those in favor:

00:35:37 James Smallwood spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:39:14 James Grzelak spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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The following spoke in opposition of the request:

Mary Thompson, 1903 Arboro Pl., Louisville, KY 40220

Summary of testimony of those in opposition:

00:42:23 Mary Thompson spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

00:51:51 James Smallwood spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

00:54:53 Board Members' deliberation

00:58:20 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 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 deck is not visible from public right-of-way, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the deck will need to meet building and fire codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the encroachment is the same as the existing concrete pad; now, therefore be it

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CASE NUMBER 19-VARIANCE-0031

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0031 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow a structure to encroach into the required side yard setback (**Requirement 6 ft. [18 ft. total], Request 1 ft. [11 ft. total], Variance 5 ft. [7 ft. total]**), **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. A survey of the eastern property line shall be completed prior to the commencement of construction activity and 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, and Chair Howard

No: Vice Chair Leanhart

Absent: Members Jagoe, and Goatley

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0032

Request: Variance to allow an attached garage to encroach into the front yard setback
Project Name: Furman Boulevard Variance
Location: 3015 Furman Boulevard
Owner/Applicant: Beverly A. Watson
Jurisdiction: Louisville Metro
Council District: 26 – Brent Ackerson
Case Manager: Zach Schwager, Planner I

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

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

Agency Testimony:

01:01:43 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Beverly Watson, 3015 Furman Blvd., Louisville, KY 40220

Summary of testimony of those in favor:

01:04:00 Beverly Watson spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0032

01:05:58 Board Members' deliberation

01:06:29 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 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 garage is already there and is only being replaced, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the garage will be built to comply with building and fire codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the encroachment is an existing condition and the new garage will be built in the same location; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0032 does hereby **APPROVE** Variance from Land Development Code Section 5.1.12.B.2.a to allow an existing attached garage to encroach into the front yard setback (**Requirement 25 ft., Request 22 ft., Variance 3 ft.**), **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The applicant shall submit a Minor Subdivision Plat application to Planning & Design services for review and approval to shift the 25 ft. building limit line. The approved minor plat shall be recorded with the Jefferson County Clerk prior to issuance of building permits.

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CASE NUMBER 19-VARIANCE-0032

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0033

Request:	Variance for a deck to encroach into the street side yard setback
Project Name:	Grandview Avenue Variance
Location:	3328 Grandview Avenue
Owner:	Diana Gail Lynn Zeh Revocable Trust
Applicant:	Andrew S. Zeh
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, Planner I

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

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

Agency testimony:

01:07:51 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:

Andrew Zeh, 121 S. Seventh Street, 4th Floor, Louisville, KY 40202

Summary of testimony of those in favor:

01:11:49 Andrew Zeh spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0033

01:16:43 Board Members' deliberation

01:18:17 On a motion by Member Turner, 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 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 there is a similar deck that encroaches into the street side yard setback across Lola Road. Also, the existing principal structure is already encroaching into the street side yard setback as it is approximately seven feet from the street side property line, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the deck will be built to comply with building and fire codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the required setback does not meet the existing conditions of the subject property or surrounding properties; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0033 does hereby **APPROVE** Variance from City of St. Matthews Development Code Section 4.6.C.2.c to allow a structure to encroach into the required side yard setback (**Requirement 30 ft., Request 0 ft., Variance 30 ft.**), **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. A survey of the eastern property line shall be completed prior to the commencement of construction activity and shall be staked in the field. No projections from the façade or building foundation shall cross the property

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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, Vice Chair Leanhart, and Chair Howard
Absent: Members Jagoe, and Goatley

01:19:52 Meeting was recessed.

01:20:04 Meeting was reconvened.

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PUBLIC HEARING

CASE NUMBER 19VARIANCE1057

Request: Variances to allow a private yard area to be less than the required 30% of the area of a lot and to allow a structure to encroach into the required street side yard setback

Project Name: Frankfort Avenue Variance

Location: 1848 Frankfort Avenue

Owner/Applicant: Todd Troy

Jurisdiction: Louisville Metro

Council District: 9 – Bill Hollander

Case Manager: Zach Schwager, Planner I

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

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

Agency testimony:

01:20:29 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:

Todd Troy, 1848 Frankfort Ave., Louisville, KY 40206

Summary of testimony of those in favor:

01:24:44 Todd Troy 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:

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Peggy Christensen, 142 Stoll Ave., Louisville, KY 40206
Lucy Pritchett, 139 Stoll Ave., Louisville, KY 40206

Summary of testimony of those in opposition:

01:27:11 Peggy Christensen spoke in opposition of the request. Ms. Christensen stated she feels the scale and size of this proposed structure is not in character with the neighborhood. Ms. Christensen responded to questions from the Board Members (see recording for detailed presentation).

01:34:31 Zach Schwager responded to questions from the Board Members (see recording for detailed presentation).

01:36:23 Ms. Christensen continued her testimony in opposition and responded to questions from the Board Members (see recording for detailed presentation).

01:39:17 Lucy Pritchett provided her name in opposition of the request (see recording for detailed presentation).

REBUTTAL:

01:39:47 Todd Troy spoke in rebuttal (see recording for detailed presentation).

01:40:15 Board Members' deliberation

01:42:36 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:

Variance from Land Development Code Section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of a lot:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as

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the structure will 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 Clifton Architectural Review Committee approved the carriage house, and

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the majority of the required private yard area will still be intact; and

Variance from Land Development Code Table 5.2.2 to allow a structure to encroach into the required street side yard setback:

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 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 Clifton Architectural Review Committee approved the carriage house, and

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the request is only for a one foot encroachment into the street side setback; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19VARIANCE1057 does hereby **APPROVE** Variance from Land Development Code Section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of a lot (**Requirement 1800 sq. ft., Request 985 sq. ft.,**

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CASE NUMBER 19VARIANCE1057

Variance 815 sq. ft.), and Variance from Land Development Code Table 5.2.2 to allow a structure to encroach into the required street side yard setback (Requirement 3 ft., Request 2 ft., Variance 1 ft.).

The vote was as follows:

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

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CASE NUMBER 19VARIANCE1059

Request: Variances to allow an existing deck to encroach into the required side yard setback and to allow an existing fence to exceed 8 ft. in height in a side yard setback

Project Name: John Paul Lane Variance
Location: 6906 John Paul Lane
Owner/Applicant: Nina Njezic & Adnan Skenderovic
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
Case Manager: Zach Schwager, Planner I

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

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

Agency testimony:

01:45:47 Zach Schwager stated the applicant has requested to continue this case to the October 21, 2019 Board of Zoning Adjustment meeting as they are waiting on a survey of the property line because of the existing deck and fence so they make sure the deck and fence is on their property. Mr. Schwager provided a letter and photographs in opposition to the Board Members (see recording for detailed presentation).

01:48:41 On a motion by Member Buttorff, seconded by Vice Chair Leanhart, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 19VARIANCE1059 to the October 21, 2019 Board of Zoning Adjustment meeting.

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CASE NUMBER 19VARIANCE1059

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-NONCONFORM-0012

Request: Change in nonconforming use from Dentist Office
(Doctor's Office) to
Barbers/Cosmetologists/Hairdressers/Manicurists and
Tanning Salon

Project Name: S. 3rd Street Change in Nonconformance

Location: 3911 S. 3rd Street

Owner/Applicant: Tim DeGraaff

Jurisdiction: Louisville Metro

Council District: 15 – Kevin Triplett

Case Manager: Zach Schwager, Planner I

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

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

Agency testimony:

01:49:26 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:

Tim DeGraaff, 3911 S. 3rd Street, Louisville, KY 40206

Summary of testimony of those in favor:

01:53:19 Tim DeGraaff 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:

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CASE NUMBER 19-NONCONFORM-0012

No one spoke.

02:01:33 Board Members' deliberation

02:03:52 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 new nonconforming use is not in the same or more restrictive classification as the first nonconforming use, and

WHEREAS, the Board further finds that the new nonconforming use is 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-0012 does hereby **DENY** Change in Nonconforming Use.

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-CUP-0061

Request:	Conditional Use Permit for Private Institutional Use in a Single-Family Residential Zoning District
Project Name:	Fisherville Baptist Church
Location:	14910 Taylorsville Rd
Owner:	Trustees of First Baptist Church
Applicant:	Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency testimony:

02:07:57 Beth Jones presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Eric Lee, 5151 Jefferson Blvd., Suite 101, Louisville, KY 40219

Summary of testimony of those in favor:

02:16:07 Eric Lee stated he did not have anything to add, but would be available to answer any questions (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0061

02:17:01 Board Members' deliberation

02:17:39 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:

Conditional Use Permit for Private Institutional Use in a Single-Family Residential Zoning District (LDC 4.2.65):

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, and

WHEREAS, the Board further finds that:

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

- A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line and all off-street parking shall be at least 30 feet from any property line. **The proposed new parking complies with this requirement; existing parking at the rear of the church structure does not. Following review by Transportation Planning staff, the parking spaces to the rear of the church structure are permitted to remain.**
- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated. **The proposal has received preliminary approval from Transportation Planning staff.**

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- C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use. **The number of proposed parking spaces meeting LDC standards for the proposed use has been approved by the Planning Director.**
- D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
- E. The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0061 does hereby **APPROVE** Conditional Use Permit for Private Institutional Use in a Single-Family Residential Zoning District (LDC 4.2.65), **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 prescribed by KRS 100.237 within two years of BOZA approval. If it is not so exercised, the site shall not be used for a Private Institutional Use in a Single-Family Residential Zoning District without further review and approval by BOZA.

The vote was as follows:

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

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02:19:53 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:

Waiver of sidewalk requirement for south property frontage (LDC 5.8.1.B):

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver conforms to the Comprehensive Plan and the intent of the Land Development Code in that sidewalks will be provided elsewhere on the site in a more appropriate location, and

WHEREAS, the Board further finds that Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The proposed development provides for an extension of an existing sidewalk which ties into other existing and planned sidewalks along the Taylorsville Road site frontage, and

WHEREAS, the Board further finds that the waiver will not negatively impact adjacent property owners as the area is developed in large-lot residential and farmland uses and there is no existing sidewalk system in the area of the requested waiver, and

WHEREAS, the Board further finds that application of the regulations would create an unnecessary hardship for the applicant in that sidewalks will be provided elsewhere on the site in a more appropriate location; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0061 (19-WAIVER-0031) does hereby **APPROVE** Waiver of sidewalk requirement for south property frontage (LDC 5.8.1.B).

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The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-CUP-0062

Request:	Conditional Use Permit for a short-term rental of dwelling unit not the primary residence of the host
Project Name:	Ormsby Short Term Rental
Location:	611 E. Ormsby Avenue
Owner/Applicant:	Neubauer Investments LLC
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency testimony:

02:21:07 Beth Jones presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Ashley Brown, 1806 Shady Ln., Louisville, KY 40205

Summary of testimony of those in favor:

02:24:23 Ashley Brown spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 19-CUP-0062

02:29:49 Board Members' deliberation

02:30:08 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 finds that the proposed use 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 proposed use does not appear to create substantial additional requirements for the site, and

WHEREAS, the Board further finds that:

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**

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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. **The site is not within 600 ft of any property currently approved for short term rental.**
- 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 one parking space on the Ormsby frontage. A garage at the rear of the site will not be available for guest use.**

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- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- 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-0062 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63).

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-CUP-0063

Request: Conditional Use Permit for a short-term rental of dwelling unit not the primary residence of the host
Project Name: Eigelbach Short Term Rental
Location: 1017 Eigelbach Avenue
Owner/Applicant: Btree Properties LLC
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Beth Jones, AICP, Planner II

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

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

02:34:29 A motion was made by Board Member Buttorff, seconded by Vice Chair Leanhart, to **CONTINUE** Case Number 19-CUP-0063 to the end of this agenda, as the applicant was not present at this time.

The vote was as follows:

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

Agency testimony:

09:02:56 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Jacob Branch, 751 Floyds Fork Drive, Shepherdsville, KY 40165

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Summary of testimony of those in favor:

09:07:02 Jacob Branch 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:

Mariel Gardner, 1705 Stratton Ct., Louisville, KY 40211

Summary of testimony of those in opposition:

09:14:21 Mariel Gardner spoke in opposition of the request (see recording for detailed presentation).

The following spoke neither for nor against the request:

Ameerah Granger, 918 S. 36th Street, Louisville, KY 40211

Summary of testimony of those neither for nor against:

09:17:23 Ameerah Granger spoke neither for nor against the request (see recording for detailed presentation).

REBUTTAL:

09:20:31 Jacob Branch spoke in rebuttal (see recording for detailed presentation).

09:21:39 **Board Members' deliberation.**

09:24:45 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:

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WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposed use 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 appear to be required, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposed use does not appear to create substantial additional requirements for the site, and

WHEREAS, the Board further finds that:

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 applicant, there is one bedroom; LDC regulations permit up to four 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

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even though it is the primary residence of the host. **There is one property approved for short term rental within 600 ft of the subject property (see Attachment 3). The applicant's justification statement is attached to the agenda item.**

- 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 one parking space on the Eigelbach Avenue frontage.**
- 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

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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-0063 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63), with **RELIEF** from Standard 4D because the site is not on a major road, it is a dead-end and there is not a lot of traffic, and the existing CUP within the 600 foot radius faces outward toward the circle which is also a dead-end.

The vote was as follows:

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

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CASE NUMBER 19-CUP-0069

Request:	Conditional Use Permit for a short-term rental of dwelling unit located within a TNZD
Project Name:	S Brook Short Term Rental
Location:	261 S. Brook Street
Owner/Applicant:	Jason Lippa
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency testimony:

02:36:08 Beth Jones presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Jason Lippa, 1261 S. Brook St., Louisville, KY 40203
Jamie Fairman, 1343 S. 1st Street, Louisville, KY 40208

Summary of testimony of those in favor:

02:39:07 Jason Lippa spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:48:26 Jamie Fairman spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 19-CUP-0069

The following spoke in opposition of the request:

No one spoke.

02:53:12 Board Members' deliberation

02:57:40 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 proposed use 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, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposed use does not appear to create substantial additional requirements for the site, and

WHEREAS, the Board further finds that:

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

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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 structure is a single-family residence. According to the applicant, there are five bedrooms; LDC regulations permit up to 12 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 three properties with an approved conditional use permit for short term rental of a dwelling unit not the primary residence of the host within 600 ft of the subject property (see Attachment 3). The applicant has submitted a justification statement which is attached to the agenda item.**
- 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 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

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parking shall be based on the land uses and density of the immediate vicinity. **LDC regulations credit the 34 ft property frontage with one vehicle. Three additional on- site parking spaces are accessible via a rear alley.**

- 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-0069 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit located within a TNZD (LDC 4.2.63), with **RELIEF**

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from Standard 4D because of the applicant's justification statements made during Public Hearing.

The vote was as follows:

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

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CASE NUMBER 19-CUP-0070

Request:	Conditional Use Permit for a short-term rental of dwelling unit not the primary residence of the host
Project Name:	Central Short Term Rental
Location:	905 Central Avenue
Owner/Applicant:	Davis Commercial Properties
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency testimony:

02:59:24 Beth Jones presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Kevin Davis, 6400 N. Preston Highway, Louisville, KY 40229

Summary of testimony of those in favor:

03:02:56 Kevin Davis spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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03:06:26 Board Members' deliberation

03:06:45 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 proposed use 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, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposed use does not appear to create substantial additional requirements for the site, and

WHEREAS, the Board further finds that:

Short 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**

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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 no properties with a pending conditional use permit for short term rental of a dwelling unit not the primary residence of the host 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. ***PVA shows the structure as 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 regulations credit the 30 ft property frontage with one vehicle. The property is served by a rear alley; there is a one-vehicle**

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garage which will not be available for guest use and space for approximately two additional vehicles.

- 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-0070 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63), **SUBJECT** to the following Conditions of Approval:

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Conditions of Approval:

1. There shall be no parking behind the garage at 903 Central Avenue.
2. There shall be no trash left in the yard.
3. There shall be no noise outdoors between the hours of 10 p.m. and 6:00 a.m.
4. The applicant shall provide contact information to his neighbor, Helen Hardin.

The vote was as follows:

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

Absent: Members Jagoe, and Goatley

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PUBLIC HEARING

CASE NUMBER 19-CUP-0071

Request:	Conditional Use Permit for a short-term rental of dwelling units that are not the primary residence of the owner/host
Project Name:	Brainard Short Term Rental
Location:	1139 South Brook Street
Owner/Applicant:	Benjamin Brainard
Jurisdiction:	Louisville Metro
Council District:	6 –David James
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

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

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

Agency testimony:

03:09:20 Joe Haberman presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. Haberman responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Benjamin Brainard, 321 S. Peterson Ave., Louisville, KY 40206

Summary of testimony of those in favor:

03:13:34 Benjamin Brainard 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:

Helga Ulrich, 112 E. Ormsby Ave., Louisville, KY 40203

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Summary of testimony of those in opposition:

03:21:31 Helga Ulrich spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

03:37:02 Benjamin Brainard spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

03:40:26 Board Members' deliberation

03:43:30 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 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-0071 does hereby **DENY** Conditional Use Permit to allow short term rental of a dwelling unit located in the TNZD.

The vote was as follows:

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

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CASE NUMBER 19-CUP-0077

Request:	Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the owner/host
Project Name:	Flores Short Term Rental
Location:	1451 South 6th Street
Owner/Applicant:	Steve and Jessica Flores
Jurisdiction:	Louisville Metro
Council District:	6- David James
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

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

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

Agency testimony:

03:44:58 Joe Haberman submitted the case on behalf of the Case Manager and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Jessica Flores, 1451 S. 6th Street, Louisville, KY 40208

Summary of testimony of those in favor:

03:48:52 Jessica Flores spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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03:52:37 Board Members' deliberation

03:54:42 On a motion by Member Buttorff, 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 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:

Short 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 subject property is less than two acres. The applicant states that the third floor unit has two bedrooms that will allow a maximum number of six guests.**

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- 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, within 600' of the subject property, there is 1 property with an approved conditional use permit allowing short term rentals that is not the primary residence of the host. The applicant is requesting relief to the provision in accordance with LDC Section 4.2.2.B. The applicant's justification for this relief is attached to this report. If the Board does not grant relief, the application does not meet all of the listed requirements and the conditional use permit cannot be approved.**
- 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 one on-street parking space and at least three at the rear of the property.**

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- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- 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-0077 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit located in the TNZD, with **RELIEF** from Standard 4D, based on the applicant's justification, and **SUBJECT** to the following Condition of Approval:

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Condition of Approval:

1. The host of record for the short term rental shall maintain his or her primary residence in one of the two dwelling units on the subject property. In the event that the host establishes primary residence on another property he or she must immediately cease conducting short term rentals of both units on the subject property. A new Conditional Use permit shall be required to allow for short term rental of any unit on the property that is not the primary residence of the host.

The vote was as follows:

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

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CASE NUMBER 19-CUP-0090

Request: Conditional Use Permit for a short term rental of a single family dwelling that is not the primary residence of the host
Project Name: Short Term Rental
Location: 4004 South Fifth Street
Owner/Applicant: Erika Howard
Jurisdiction: Louisville Metro
Council District: 15- Kevin Triplett
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 5th Street.)

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

Agency testimony:

03:56:25 Steve Hendrix presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Erika Howard, 103 W. Wellington Ave., Louisville, KY 40214

Summary of testimony of those in favor:

03:59:01 Erika Howard spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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04:01:15 Board Members' deliberation

04:01:32 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 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:

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 dwelling has three bedrooms which will allow for eight guests.**

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- 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 is no 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 site has two parking credits along South Fifth Street and four spaces, if doubled stacked at the end of the driveway.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

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- 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-0090 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a single family dwelling 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, Vice Chair Leanhart, and Chair Howard
Absent: Members Jagoe, and Goatley

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CASE NUMBER 19-CUP-0091

Request: Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the owner/host
Project Name: Shabaan Short Term Rental
Location: 325 Stilz Avenue
Owner/Applicant: Andreas and Aimee Shabaan
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: Jon E. Crumbie, Planning & Design Coordinator

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

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

Agency testimony:

04:02:55 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Aimee Shabaan, 325 Stilz Ave., #1, Louisville, KY 40206
Andreas Shabaan, 325 Stilz Ave., #1, Louisville, KY 40206

Summary of testimony of those in favor:

04:04:50 Aimee Shabaan spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

04:08:12 Andreas Shabaan spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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The following spoke in opposition of the request:

No one spoke.

04:10:06 Board Members' deliberation

04:10:25 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 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:

Short 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

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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 less than two acres. The applicant states that the second floor dwelling unit has two bedrooms which will allow a maximum number of six guests.**

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there are 0 properties with an approved conditional use permit allowing short term rentals that is not the primary residence of the host.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.
- 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.

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CASE NUMBER 19-CUP-0091

The site has credit for one on-street parking space and five off-street parking spaces at the rear of the property on an existing parking pad.

- 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-0091 does hereby **APPROVE** Conditional Use Permit to allow short term rental of dwelling unit in the R-5 Zoning District, **SUBJECT** to the following Condition of Approval:

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Condition of Approval:

1. The subject CUP for short-term rentals shall apply only to the dwelling unit located on the second floor at 325 Stiliz Avenue. A modification of the CUP shall be required before short-term rentals can be operated in the first floor unit, whether instead of or in addition to the second floor unit.

The vote was as follows:

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

Absent: Members Jagoe, and Goatley

04:11:27 Meeting was recessed.

04:11:41 Meeting was reconvened.

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PUBLIC HEARING

CASE NUMBER 18CUP1198

Request: **RECONSIDERATION REQUEST APPROVED ON 9/9/19**
Conditional Use Permit for a short term rental of a single family dwelling that is not the primary residence of the host

Project Name: Fulton Short Term Rental
Location: 1137 Mulberry Street
Owner: Katy Fulton, LLC
Representative: John C. Talbott
Jurisdiction: Louisville Metro
Council District: 10- Pat Mulvihill
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 5th Street.)

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

Agency testimony:

04:12:23 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see recording for detailed presentation).

04:13:57 Chair Howard reminded everyone in attendance of accumulative time limits for speakers (see recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Eric Carrico, 8700 Oldbury Place, Louisville, KY 40222

Summary of testimony of those in favor:

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04:16:11 Nick Pregliasco spoke in favor of the request and showed a Powerpoint presentation. Mr. Pregliasco responded to questions from the Board Members (see recording for detailed presentation).

04:24:40 Eric Carrico spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

04:27:23 Board Members' deliberation

04:32:28 On a motion by Member Buttorff, seconded by Vice Chair Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, the parking study that was submitted today, 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:

Short 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:

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- 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 four bedrooms that will allow a maximum number of ten 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, within 600' of the subject property, there is 1 property with an approved conditional use permit allowing short term rentals that is not the primary residence of the host. The applicant is requesting relief to the provision in accordance with LDC Section 4.2.2.B. If provided, the applicant's justification for this relief is attached to this report. If the Board does not grant relief, the application does not meet all of the listed requirements and the conditional use permit cannot be approved.**
- 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

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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 spaces.**
- 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

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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 18CUP1198 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner/host in an R-6 Zoning District and Traditional Neighborhood Form District, with **RELIEF** from Standard 4D because the current status of the existing CUP is inactive.

The vote was as follows:

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

Absent: Members Jagoe, and Goatley

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CASE NUMBER 18CUP1202

Request: **RECONSIDERATION REQUEST APPROVED ON 9/9/19**
Conditional Use Permit for a short term rental of a single family dwelling that is not the primary residence of the host

Project Name: Short Term Rental
Location: 1535 Texas Avenue
Owner/Applicant: Carrico, LLC
Representative: John C. Talbott
Jurisdiction: Louisville Metro
Council District: 10- Pat Mulvihill
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 5th Street.)

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

Agency testimony:

04:35:16 Steve Hendrix presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Kristen Carrico, 8700 Oldbury Place, Louisville, KY 40222

Summary of testimony of those in favor:

04:40:12 Nick Pregliasco spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

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CASE NUMBER 18CUP1202

04:45:12 Kristen Carrico spoke in favor of the request (see recording for detailed presentation).

04:50:58 Mr. Pregliasco submitted a letter from a neighbor in support of the request to the Board Members. Mr. Pregliasco concluded his presentation (see recording for detailed presentation).

04:52:11 Kristen Carrico and Mr. Pregliasco responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

Matthew Gorman, 927 Texas Avenue, Louisville, KY 40217

Councilman Pat Mulvihill, 3305 Audubon Ridge Drive, Louisville, KY 40213

Helga Ulrich, 112 E. Ormsby Ave., Louisville, KY 40203

Summary of testimony of those in opposition:

04:54:09 Matthew Gorman spoke in opposition of the request (see recording for detailed presentation).

04:56:14 Councilman Pat Mulvihill spoke in opposition of the request in regard to the 600 foot rule (see recording for detailed presentation).

04:59:23 Helga Ulrich spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

05:01:55 Nick Pregliasco spoke in rebuttal (see recording for detailed presentation).

05:03:38 Eric Carrico spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

05:08:15 **Board Members' deliberation.**

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PUBLIC HEARING

CASE NUMBER 18CUP1202

05:15:17 A motion was made by Member Turner, seconded by Member Buttorff, that Case Number 18CUP1202, Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in an R-5 Zoning District and Traditional Neighborhood Form District be **APPROVED**. The motion **FAILED**.

The vote was as follows:

Yes: Members Buttorff, and Turner

No: Vice Chair Leanhart, and Chair Howard

Absent: Members Jagoe, and Goatley

05:19:11 A motion was made by Member Buttorff to **CONTINUE** Case Number 18CUP1202 to the October 28, 2019 Board of Zoning Adjustment meeting; however, this motion was **WITHDRAWN**.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0056

Request: **THIS CASE WILL NOT BE HEARD BEFORE 4:00 P.M.**
Conditional Use Permit for Transitional Housing
Project Name: 1830 Transitional Housing
Location: 1830 Date Street
Owner/Applicant: Kristy Love Foundation
Jurisdiction: Louisville Metro
Council District: 6 – David James
Case Manager: Beth Jones, AICP, Planner II

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

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

Agency testimony:

05:22:02 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Angela Renfro, 1759 Wilart Drive, Louisville, KY 40210
Imani Baxter, 1759 Wilart Drive, Louisville, KY 40210
Cassandra Fitch, 1830 Date Street, Louisville, KY 40210
Melody Osborne, 1830 Date Street, Louisville, KY 40210
Shantele Walker, 1830 Date Street, Louisville, KY 40210
Patrice Spears, 1830 Date Street, Louisville, KY 40210

Summary of testimony of those in favor:

05:32:24 Angela Renfro spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 19-CUP-0056

05:35:53 Imani Baxter spoke in favor of the request (see recording for detailed presentation).

05:38:10 Cassandra Fitch spoke in favor of the request (see recording for detailed presentation).

05:41:14 Melody Osborne spoke in favor of the request (see recording for detailed presentation).

05:42:59 Shantele Walker spoke in favor of the request (see recording for detailed presentation).

05:45:20 Patrice Spears 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 David James, 310 W. Lee Street, Louisville, KY 40208

Summary of testimony of those neither for nor against:

05:48:45 Councilman David James spoke neither for nor against the request (see recording for detailed presentation).

05:53:08 Beth Jones stated she received an email this morning regarding some objections to the facility. Chair Howard accepted the email (see recording for detailed presentation).

The following spoke in opposition of the request:

Martina Kunnecke, 313 Northwestern Parkway, Louisville, KY 40212

Yolanda Walker, 1632 Hale Ave., Louisville, KY 40210

Dino Johnson, 1826 Date Street, Louisville, KY 40210

Shaun Spencer, 2900 W. Broadway, Louisville, KY 40211

Candace Sprow, 1843 Date Street, Louisville, KY 40210

Summary of testimony of those in opposition:

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CASE NUMBER 19-CUP-0056

05:57:10 Martina Kunnecke spoke in opposition of the request (see recording for detailed presentation).

05:57:45 Yolanda Walker spoke in opposition of the request and showed a Powerpoint presentation (see recording for detailed presentation).

06:01:20 Dino Johnson spoke in opposition of the request. Mr. Johnson provided photographs to the Board Members (see recording for detailed presentation).

06:10:29 Shaun Spencer spoke in opposition of the request (see recording for detailed presentation).

06:17:24 Candace Sprow spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

06:18:58 Angela Renfro spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

06:25:31 Imani Baxter spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

06:30:56 Ms. Jones responded to questions from Chair Howard as to who signed the application (see recording for detailed presentation).

06:34:15 **Board Members' deliberation.**

06:37:52 On a motion by Vice Chair Leanhart, seconded by Member Turner, the following resolution, based upon the testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0056 does hereby **DENY** Conditional Use Permit for Transitional Housing. The Board finds that the proposal does not meet Standard of Review #2.

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CASE NUMBER 19-CUP-0056

The vote was as follows:

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

06:40:19 Meeting was recessed.

06:41:13 Meeting was reconvened.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0057

Request:	THIS CASE WILL NOT BE HEARD BEFORE 4:00 P.M. Conditional Use Permit for Transitional Housing
Project Name:	1833 Transitional Housing
Location:	1833 Date Street
Owner/Applicant:	Kristy Love Foundation
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Beth Jones, AICP, Planner II

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

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

06:41:52 Travis Fiechter, Legal Counsel, stated consent of the owner of the property in this case is in some degree of question; there may have been verbal consent to the applicant at some point, but we don't have a signature from the owner. Mr. Fiechter stated it may be appropriate to continue this case. Mr. Fiechter stated anyone present to speak in regard to this case will be heard today if they choose, or they may reserve their testimony for the next hearing of this case. Staff and Board Members discussed (see recording for detailed presentation).

06:48:12 On a motion by Member Buttorff, seconded by Member Turner, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 19-CUP-0057 to the October 28, 2019 Board of Zoning Adjustment meeting (to be heard later in the day), to allow staff an opportunity to obtain a revised application with the owner's signature.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0057

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-CUP-0139

Request: **THIS CASE WILL NOT BE HEARD BEFORE 4:00 P.M.**
Conditional Use Permit for a Transitional Housing Use

Project Name: The Gratitude House

Location: 2601 W Chestnut Street

Owner: Fed With Faith Inc.

Applicant: Jean Manganaro

Representative: Nick Pregliasco

Jurisdiction: Louisville Metro

Council District: 5 – Donna Purvis

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 5th Street.)

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

Agency testimony:

06:51:09 Chris French presented the case and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Jean Manganaro, 3211 Northwestern Pkwy., Louisville, KY 40212

Summary of testimony of those in favor:

06:59:09 Nick Pregliasco spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

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07:12:15 Jean Manganaro spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

07:18:45 Mr. Pregliasco responded to questions from the Board Members (see recording for detailed presentation).

07:20:14 Mr. Manganaro and Mr. Pregliasco concluded their presentations and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke neither for nor against the request:

Councilwoman Donna Purvis, 601 W. Jefferson Street, Louisville, KY 40202

Councilman David James, 310 W. Lee Street, Louisville, KY 40208

Denise Bentley, 601 W. Jefferson Street, Louisville, KY 40202

Summary of testimony of those neither for nor against:

07:36:05 Councilwoman Donna Purvis spoke neither for nor against the request (see recording for detailed presentation).

07:39:57 Councilman David James spoke neither for nor against the request (see recording for detailed presentation).

07:46:22 Denise Bentley spoke neither for nor against the request (see recording for detailed presentation).

The following spoke in opposition of the request:

Martina Kunnecke, 313 Northwestern Pkwy., Louisville, KY 40212

Katheryn Higgins, 2605 W. Chestnut St., Louisville, KY 40206

Matthew Taylor, 101 Northwestern Pkwy., Louisville, KY 40212

Shaun Spencer, 2900 W. Broadway, Louisville, KY 40211

Ameerah Granger, 918 S. 36th Street, Louisville, KY 40211

07:57:23 Chris French stated the opposition had some photographs of the site they would like to submit for the record. Chair Howard accepted the photographs (see recording for detailed presentation).

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CASE NUMBER 19-CUP-0139

Summary of testimony of those in opposition:

07:57:53 Martina Kunnecke spoke in opposition of the request and showed a Powerpoint presentation (see recording for detailed presentation).

08:08:16 Katheryn Higgins spoke in opposition of the request (see recording for detailed presentation).

08:09:08 Matthew Taylor spoke in opposition of the request (see recording for detailed presentation).

08:15:07 Shaun Spencer spoke in opposition of the request (see recording for detailed presentation).

Additional testimony neither for nor against:

08:21:30 Ameerah Granger spoke neither for nor against the request (see recording for detailed presentation).

REBUTTAL:

08:24:44 Nick Pregliasco and Jean Manganaro spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

08:48:05 **Board Members' deliberation.**

08:58:43 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:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** Case Number 19-CUP-0139, Conditional Use Permit to allow Transitional Housing in an R-6 Zoning District. The Board further finds that the request does not meet Standard of Review #2 in that Transitional Housing would not be

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compatible with surrounding land use and the general character of the area, and that there is not sufficient parking.

The vote was as follows:

Yes: Member Turner, Vice Chair Leanhart, and Chair Howard

No: Member Buttorff

Absent: Members Jagoe, and Goatley

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Note: See page 36 of these minutes for the Continuation of Case Number 19-CUP-0063.

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The meeting adjourned at approximately 11:03 p.m.

Chair

Secretary