

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

January 27, 2020

A meeting of the Louisville Metro Board of Zoning Adjustment was held on January 27, 2020 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
Lindsey Jagoe
Lester Turner, Jr.
LiAndrea Goatley

Staff Members Present:

Joe Reverman, Planning & Design Assistant Director
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Steve Hendrix, Planning & Design Coordinator
Jon Crumbie, Planning & Design Coordinator
Zach Schwager, Planner I
Nia Holt, Planner I
John Carroll, Legal Counsel
Travis Fiechter, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

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APPROVAL OF MINUTES

JANUARY 6, 2020 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:05:11 On a motion by Member Jagoe, seconded by Member Turner, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the January 6, 2020 Board of Zoning Adjustment meeting.

The vote was as follows:

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

Abstain: Member Buttorff

JANUARY 13, 2020 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:06:02 On a motion by Member Turner, seconded by Member Jagoe, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the January 13, 2020 Board of Zoning Adjustment meeting.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
January 27, 2020

BUSINESS SESSION

CASE NUMBER STR_RD_01.2020

Request:	Short Term Rental Residency Determination
Project Name:	n/a
Location:	1024 Eigelbach Avenue
Owner/Applicant/Host:	Lisa Anne Lacaria
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Zach Schwager, Planner I

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

00:07:28 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).

00:11:43 Joe Haberman responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Lisa Lacaria, 1024 Eigelbach Ave., Louisville, KY 40217

Summary of testimony of those in favor:

00:12:47 Lisa Lacaria spoke in favor of the request. Ms. Lacaria provided additional documentation to the Board Members. Ms. Lacaria responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER STR_RD_01.2020

The following spoke in opposition of the request:

No one spoke.

00:18:37 Board Members' deliberation

00:19:28 On a motion by Member Jagoe, seconded by Member Buttorff, the following resolution, based upon supplemental documentation received today, and the applicant's testimony, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment finds that 1024 Eigelbach Avenue is the primary residence of the applicant and does hereby **APPROVE** the Short Term Rental Residency Determination.

The vote was as follows:

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

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BUSINESS SESSION

CASE NUMBER 19-MCUP-0006

Request: Modification of a Conditional Use Permit for a short term rental of a duplex that was approved on 4/1/2019 but failed to meet the required registration time frame.

Project Name: Short Term Rental

Location: 1700 Payne Street

Owner: Fowl Water LLC

Applicant: Matthew Fowler

Jurisdiction: Louisville Metro

Council District: 9—Bill Hollander

Case Manager: Steve Hendrix, Planning and Design Coordinator

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

00:23:30 Steve Hendrix presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

00:26:24 Joe Haberman read a question from Member Goatley and provided an answer to the question (see recording for detailed presentation).

The following spoke in favor of the request:

Matthew Fowler, 1709 Payne Street, Louisville, KY 40206

Summary of testimony of those in favor:

00:28:05 Matthew Fowler spoke in favor of the request (see recording for detailed presentation).

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CASE NUMBER 19-MCUP-0006

The following spoke in opposition of the request:

No one spoke.

00:29:35 Board Members' deliberation

00:30:05 Chair Howard reminded Mr. Fowler that he would have to register within thirty days if approved. Travis Fiechter, Legal Counsel, inquired as to whether the renovations were completed. Mr. Fowler said they are complete (see recording for detailed presentation).

00:30:53 Board Members' deliberation

00:31:17 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-MCUP-0006 does hereby **APPROVE** Modification of the Conditional Use Permit 18CUP1188 to extend the registration deadline, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 30 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.
2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

The vote was as follows:

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

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BUSINESS SESSION

CASE NUMBER 19-MCUP-0007

Request: Modification of a Conditional Use Permit for a short term rental that was approved on 4/15/2019, but failed to meet the required registration time frame

Project Name: N. Clifton Avenue Short Term Rental

Location: 110 N. Clifton Avenue

Owner: Hospitality Properties, LLC

Applicant: Sal Rubino – Hospitality Properties, LLC

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:

00:33:21 Zach Schwager presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Drew Butler, 9301 Hurstbourne Park Blvd., Louisville, KY 40220

Summary of testimony of those in favor:

00:34:38 Drew Butler 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-MCUP-0007

00:36:52 Board Members' deliberation

00:37:10 On a motion by Member Jagoe, seconded by Member Buttorff, the following resolution, based upon the Staff Report, and the testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-MCUP-0007 does hereby **APPROVE** Modification of the Conditional Use Permit 18CUP1157 to extend the registration deadline, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 30 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.
2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

The vote was as follows:

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

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CASE NUMBER 19-MVARIANCE-0003

Request:	Modified variance to allow attached signage to exceed the allowable area in the Downtown form district
Project Name:	W. Main Street Variance
Location:	119 W. Main Street
Owner:	Louisville Metro
Applicant:	Cheryl Kizer – Nimtok Kentucky
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

00:39:25 Zach Schwager presented the case and reminded the Board Members of the required actions (see staff report and recording for detailed presentation).

00:40:23 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 to exceed the maximum area will not adversely affect the public health, safety, or welfare as the sign is attached to the building and will not have any changing image components or internal illumination, and

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CASE NUMBER 19-MVARIANCE-0003

WHEREAS, the Board further finds that the requested variance to exceed the maximum area will not alter the essential character of the general vicinity as the sign was approved by Historic Preservation & Landmarks Commission staff, and

WHEREAS, the Board further finds that the requested variance to exceed the maximum area will not cause a hazard or nuisance to the public as the sign will not obstruct views for drivers or pedestrians, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the subject property is in the central business district; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-MVARIANCE-0003 does hereby **APPROVE** Modified Variance to allow a sign to exceed the allowable area permitted by 18VARIANCE1013 by 12 sq. ft. **(Requirement 325.67 sq. ft., Request 337.67 sq. ft., Variance 12 sq. ft.)**.

The vote was as follows:

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

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CASE NUMBER 19-CUP-0229

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

Project Name: Beckman CUP
Location: 883 Parkway Drive
Owner: ABK Properties, LLC
Host: Key Source Properties, Jonathan Klunk
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:

00:42:26 Steve Hendrix presented the case and reviewed the Powerpoint presentation (see staff report and recording for detailed presentation).

00:43:47 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 presentation heard on January 13, 2020, 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

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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 applicant has submitted pictures of three bedrooms, which would allow for eight guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there was no other property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium

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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 property has 45 feet of frontage along Parkway Drive, a hundred foot long driveway and a two car garage for parking.**
- 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

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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-0229 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-5 Zoning District and Neighborhood Form District.

The vote was as follows:

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

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CASE NUMBER 19-CUP-0232

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

Project Name: 5309 Westhall Short Term Rental

Location: 5309 Westhall Avenue

Owner: Villehomes, LLC

Applicant: Luke Neubauer

Jurisdiction: Louisville Metro

Council District: 21 – Nicole George

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:

00:45:55 Steve Hendrix presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

00:47:05 On a motion by Member Jagoe, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard on January 13, 2020, 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

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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 applicant has submitted pictures of four bedrooms, which would allow for 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, there was no other property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association

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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 property has an approximate 100 foot long driveway that widens at the garage. No parking is to take place on the street.**
- 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.

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- 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-0232 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-4 Zoning District and Neighborhood form District.

The vote was as follows:

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

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CASE NUMBER 19-CUP-0233

Request:	Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Baroness Avenue Short Term Rental
Location:	725 Baroness Avenue
Owner:	Mary Ormsby Family Revocable Trust
Applicant:	Luke Neubauer – Villehomes, LLC
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

00:48:51 Zach Schwager presented the case and reviewed the required actions. Mr. Haberman responded to a question from Vice Chair Leanhart regarding parking (see staff report and recording for detailed presentation).

00:52:20 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 January 13, 2020, was adopted:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site are required, and

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

WHEREAS, the Board further finds that:

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 are two bedrooms; LDC regulations permit up to 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, there are zero properties with an approved conditional use permit for a non-host occupied short term rental 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

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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 on-street parking space. There is parking for two vehicles at the rear of the property off the alley. In addition, there appears to be available on-street parking in the area.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days

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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-0233 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63), **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The parking space shall be inspected to ensure it is code compliant no later than thirty days from the date of registration.

The vote was as follows:

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

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CASE NUMBER 19-CUP-0235

Request:	Conditional Use Permit for a short term rental of dwelling unit within the Traditional Neighborhood Zoning District.
Project Name:	Short Term Rental
Location:	101 West Ormsby Avenue
Owner:	Ken Herndon
Applicant/Host:	Chill House, Alexandria Bolton
Jurisdiction:	Louisville Metro
Council District:	6 –David James
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:

00:54:15 Steve Hendrix presented the case and reviewed the Powerpoint presentation (see staff report and recording for detailed presentation).

00:55:42 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 January 13, 2020, 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

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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 applicant states that the house has three bedrooms.**
- 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 four properties 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. The property is within the Traditional Neighborhood Zoning District and is owner occupied. The applicant has agreed with the following condition: The Host of record for the short term rental shall maintain his primary residence in the dwelling unit on the subject property. In the event that the Host establishes primary residence on another property, he must immediately cease conducting short term rentals on the subject**

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property. A new conditional use permit shall be required to allow for short term rentals on the property that is not the primary residence of the Host.

- 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 property has 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 is located on the corner of West Ormsby Avenue and South First Street and has approximately 150 feet of street 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 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,

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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-0235 does hereby **APPROVE** Conditional Use Permit to allow short term rental of the single family dwelling in a Traditional Neighborhood Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Condition of Approval:

Condition of Approval:

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

The vote was as follows:

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

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CASE NUMBER 19-CUP-0266

Request:	Conditional Use Permit for an accessory apartment
Project Name:	Goss Avenue Accessory Apartment
Location:	1127 Goss Avenue
Owner:	Derby Town Rentals, LLC
Applicant:	Jackie O'Neil – Derby Town Rentals, LLC
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Zach Schwager, Planner I

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

00:58:10 Zach Schwager presented the case and reminded the Board Members of the required actions. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

01:01:37 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 January 13, 2020, was adopted:

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

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

WHEREAS, the Board further finds that the proposed development does not appear to substantially increase demands on public infrastructure and facilities.

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The plan has received preliminary approval from MSD and Transportation Planning, and

WHEREAS, the Board further finds that:

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

- A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises. **The applicant is requesting relief from this standard.**

- B. The accessory apartment shall be no greater than 650 sq. ft or 30% of the floor area of the principal residence, whichever is greater. **The floor area of the residence is 2,078 sq. ft. and 30% of this area is 623 sq. ft. The apartment can therefore be up to 650 sq. ft. The apartment will be 850 sq. ft., the applicant is therefore requesting relief from this standard.**

- C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate. **The accessory apartment is proposed to be a part of the principal structure.**

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

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CASE NUMBER 19-CUP-0266

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0266 does hereby **APPROVE** Conditional Use Permit for an Accessory Apartment (LDC 4.2.3), with **RELIEF** from Standard 4A regarding occupancy, and **RELIEF** from Standard 4B which would allow the Accessory Apartment to be up to 850 sq. ft., and **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

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

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0073

Request:	THIS CASE HAS BEEN WITHDRAWN Variance to allow a sign to exceed maximum height
Project Name:	Bridle Run Entry Monument Sign
Location:	1312 Flat Rock Road
Owner:	Madeira Place LLC
Applicant:	Robert Hayes/Fischer Homes
Jurisdiction:	Louisville Metro
Council District:	19
Case Manager:	Beth Jones, Planner II

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.

01:05:22 Chair Howard announced this case and stated the case has been withdrawn.

THIS CASE WAS WITHDRAWN. THEREFORE, NO ACTION WAS TAKEN.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0207

Request: **THIS CASE WAS CONTINUED FROM 12/16/2019**
Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the host

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

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:

01:06:14 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to a question from Legal Counsel (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Steve Schneider, 4554 Calle De Vida, San Diego, CA 92124
Jonathan Klunk, 3826 Bardstown Road, Louisville, KY 40218

Summary of testimony of those in favor:

01:09:38 Steve Schneider spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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01:16:19 Jonathan Klunk spoke in favor of the request (see recording for detailed presentation).

01:20:32 Steve Schneider responded to questions from the Board Members (see recording for detailed presentation).

The following spoke neither for nor against the request:

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

Summary of testimony of those neither for nor against:

01:22:10 Councilman Brandon Coan spoke neither for nor against the request. Councilman Coan stated he is speaking in support of the 600 foot rule (see recording for detailed presentation).

The following spoke in opposition of the request:

Rebecca Kelley, 1904 Maplewood Place, Louisville, KY 40205

Bob Atkin, 1927 Ivanhoe Ct., Louisville, KY 40205

Summary of testimony of those in opposition:

01:28:03 Rebecca Kelley spoke in opposition of the request (see recording for detailed presentation).

01:31:20 Bob Atkin spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

01:36:25 Steve Schneider spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

01:38:57 **Board Members' deliberation**

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01:40:03 On a motion by Member Buttorff, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the applicant's justification statement, 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-0207 does hereby **DENY** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-5 Zoning District and Traditional Neighborhood Form District.

The vote was as follows:

Yes: Members Buttorff, Turner, Goatley, Jagoe, and Chair Howard

No: Vice Chair Leanhart

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PUBLIC HEARING

CASE NUMBER 19-CUP-0222

Request: **PUBLIC HEARING FOR THIS CASE WAS CONTINUED FROM 1/13/20**
Conditional Use Permit for a short term rental of dwelling units within the Traditional Neighborhood Zoning District.

Project Name: Magnolia STR
Location: 210 East Magnolia Avenue
Owner/Applicant: Jodie Bass
Jurisdiction: Louisville Metro
Council District: 6 –David James
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:

01:42:33 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Sarah Almy, 1611 Rosewood Ave., Louisville, KY 40204

Summary of testimony of those in favor:

01:44:29 Sarah Almy spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:46:40 Joe Haberman responded to questions from the Board Members (see recording for detailed presentation).

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01:50:53 Ms. Almy responded to questions from the Board Members (see recording for detailed presentation).

01:52:16 Steve Hendrix reviewed the case and the Powerpoint presentation (see recording for detailed presentation).

01:54:54 Joe Haberman provided additional information on a previous question regarding enforcement cases (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:57:02 Board Members' deliberation

02:07:28 On a motion by Member Buttorff, seconded by Member Jagoe, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the 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 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 applicant states that the main house has three bedrooms which will allow for eight guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there are two properties 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, another property is "Approved Host". The property is within the Traditional Neighborhood Zoning District and is owner occupied. The applicant has agreed with the following condition: 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.**
- 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

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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 property has a main dwelling that will be used as a short term rental. In addition, there is a rear structure that the applicant intends to replace with a carriage house. Any use of the carriage house as a short term rental must be approved with a Modified CUP in the future.**

- 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 40 feet of street frontage along Magnolia Avenue and has parking between the storage building and the rear structure.**
- 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

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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-0222 does hereby **APPROVE** Conditional Use Permit to allow short term rental of the main house, **SUBJECT** to one Condition of Approval (listed below). The Board instructed the applicant to return to BOZA for review of a Modified Conditional Use Permit to include the Carriage House and to supply the Board with the approved Certificate of Appropriateness plan after approval by the Old Louisville Architectural Review Committee.

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 any unit 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, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard

02:16:51 Meeting was recessed.

02:17:04 Meeting was reconvened.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0227

Request: **PUBLIC HEARING FOR THIS CASE WAS CONTINUED FROM 1/13/20**
Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host

Project Name: Douglass Boulevard Short Term Rental
Location: 2205 Douglass Boulevard
Owner/Applicant: Nicole Levinson
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
Case Manager: Zach Schwager, Planner I

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

02:17:36 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

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

Summary of testimony of those in favor:

02:19:44 Nicole Levinson spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
January 27, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0227

02:22:10 Board Members' deliberation

02:22:54 On a motion by Member Jagoe, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site are required, and

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

WHEREAS, the Board further finds that:

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.**

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 19-CUP-0227

- 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 zero properties with an approved conditional use permit for a non-host occupied short term rental within 600 ft. of the subject property (see Attachment 3).**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The dwelling unit is a single-family residence.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The LDC standards allow up to five on street parking spaces. There is other parking for one car at the rear of the property. In addition, there appears to be available on-street parking in the area.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0227

- 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-0227 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63).

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
January 27, 2020

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0077

Request: Variance to allow a fence in the street side yard in the traditional neighborhood form district to exceed 42 inches in height
Project Name: S. Shelby Variance
Location: 1550 S. Shelby Street
Owner/Applicant: Stephen Stricklin
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Nia Holt, 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:

02:24:17 Nia Holt presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Stephen Stricklin, 1550 S. Shelby St., Louisville, KY 40217

Summary of testimony of those in favor:

02:26:44 Stephen Stricklin spoke in favor of the request (see recording for detailed presentation).

02:27:52 Ms. Holt provided photos of the fence to the Board Members (see recording for detailed presentation).

02:28:36 Mr. Stricklin responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0077

The following spoke in opposition of the request:

No one spoke.

02:34:15 Board Members' deliberation

02:34:48 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 requested variance will not adversely affect the public health, safety or welfare as the fence is not within the sight triangle and does not interfere with vision clearance at the intersection of Morgan Street and S. Shelby Street, 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 fence across the street on Morgan St. and the property backs up to Isaac Shelby Traditional Academy, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the fence will not obstruct sight lines or create a hazard for motorists or pedestrians at the intersection. Additionally, the lighting on the fence will be directed away from other properties, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations because the fence will provide screening between different land uses; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0077 does hereby **APPROVE** Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence in the street side yard in the Traditional Neighborhood Form District to exceed 42 inches in height (**Requirement 42 inches, Request 84 inches, Variance 42 inches**).

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0077

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0078

Request: Variance to allow an addition to encroach into the side yard setback
Project Name: Mulberry Variance
Location: 1137 Mulberry St
Owner: Katy Fulton, LLC
Applicant: Rachel Harman
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Nia Holt, 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:

02:36:26 Nia Holt presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Rachel Harman, 1621 Windsor Place, Louisville, KY 40204

Summary of testimony of those in favor:

02:39:06 Rachel Harman spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

02:40:47 Board Members' deliberation

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0078

02:41:02 On a motion by Member Jagoe, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, the supplemental documents provided, 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 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 structure will align with the existing street wall and keep in character with other structures in the general vicinity, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as it is an existing structure and the addition will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the structure will help to keep the existing street wall and built on the same footprint; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0078 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a principal structure to encroach into the required side yard setback (**Requirement 3 ft., Request 0 ft., Variance 3 ft.**), **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. Based upon the survey on January 16, 2020, the Western property line shall be staked in the field. No projections from the façade or building foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0081

Request: **THIS CASE IS BEING CONTINUED TO 2/3/20**
Variance to allow an addition to encroach into the side yard setbacks and a fence in the street side yard in the traditional neighborhood form district to exceed 42 inches in height

Project Name: Rogers Variance
Location: 1201 Rogers St
Owner: FlipLou, LLC
Applicant: Ariel Kattan
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Nia Holt, 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.

02:42:34 Chair Howard stated this case is being continued to February 3, 2020 and asked if anyone was present to speak in regard to this case.

02:43:12 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 **CONTINUE** Case Number 19-VARIANCE-0081 to the February 3, 2020 Board of Zoning Adjustment meeting.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 19-CUP-0236

Request:	Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Bradley Avenue Short Term Rental
Location:	2525 Bradley Avenue
Owner:	2525 Bradley Avenue Trust
Applicant:	Jay Bowman
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:

02:44:20 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

David Orange, 1427 Texas Avenue, Louisville, KY 40217

Summary of testimony of those in favor:

02:46:01 David Orange spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
January 27, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0236

02:48:10 Board Members' deliberation

02:48:18 On a motion by Vice Chair Leanhart, seconded by Member Jagoe, the following resolution, based upon the Standard of Review and Staff Analysis, and the presentation today, was adopted:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site are required, and

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

WHEREAS, the Board further finds that:

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 are two bedrooms; LDC regulations permit up to six guests.**

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CASE NUMBER 19-CUP-0236

- 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 zero properties with an approved conditional use permit for a non-host occupied short term rental within 600 ft. of the subject property (see Attachment 3).**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The dwelling unit is a single-family residence.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **LDC standards credit the site with zero on-street parking spaces. There is parking for two vehicles in the driveway. In addition, there appears to be available on-street parking in the area.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

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CASE NUMBER 19-CUP-0236

- 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-0236 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63).

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-CUP-0239

Request: Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host
Project Name: Smith short term rental
Location: 4800 Raven Road
Owner/Applicant: Renee Smith
Jurisdiction: Lynnview
Council District: 21 - Nicole George
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:

02:50:15 Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Renee Smith, 4800 Raven Road, Louisville, KY 40213
Dudley Reaves, 4808 Kingfisher Way, Louisville, KY 40213

Summary of testimony of those in favor:

02:52:23 Renee Smith spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:56:34 Dudley Reaves spoke in favor of the request (see recording for detailed presentation).

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CASE NUMBER 19-CUP-0239

The following spoke in opposition of the request:

David Pearl, City of Lynnview Admin. Officer, 1306 Pigeon Pass Rd., Louisville, KY 40213

Summary of testimony of those in opposition:

03:02:12 David Pearl stated he represents the Mayor and City Council. Mr. Pearl stated he checked “opposed”, but there has been some discussion with the Mayor, and they are on the fence with this short term rental. Mr. Pearl stated the biggest issue is that it is a non-resident owner and the owner does live thirty miles away. Mr. Pearl stated they are open to the idea of short term rental. Mr. Pearl stated they did a poll of the residents, which was lacking when they passed an ordinance earlier saying they’re not going to do short term rentals in the City of Lynnview. Mr. Pearl stated they circulated a letter outlining all the issues that were discussed. Mr. Pearl stated they want to see how this works in the neighborhood, but they want the opportunity to come back and say this is not working. Mr. Pearl stated they just invested over five hundred thousand dollars in the City of Lynnview. Mr. Pearl stated they want their community to succeed. Mr. Pearl responded to questions from the Board Members and Legal Counsel regarding the City of Lynnview’s ordinance prohibiting short term rentals.

03:09:13 Joe Haberman spoke in regard to the ordinance. Mr. Haberman stated the zoning ordinance that the Board is applying today is the Louisville Metro Code of Ordinance; the city doesn’t have zoning authority. Mr. Haberman stated they would still have to meet that local city’s ordinances as enforced, but Metro doesn’t enforce that particular ordinance (see recording for detailed presentation).

REBUTTAL:

03:11:12 Renee Smith spoke in rebuttal. Ms. Smith explained the process she has gone through with the City of Lynnview in regard to this short term rental. Ms. Smith stated she was then in contact with Louisville Metro and spoke to several different staff as well as the County Attorney, Travis Fiechter, and everyone told her the same thing, that the City of Lynnview did not have zoning authority. Ms. Smith stated she then spoke with Councilman George who told her the same. Ms. Smith stated she did a lot of fact-finding to make sure it was okay for her to proceed. Ms. Smith provided photos of her property as well as surrounding properties to the Board Members. Ms. Smith also provided the Board with the letter the neighbors had received from the City of Lynnview. Ms.

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Smith stated just because she's thirty miles away does not mean she is not there weekly, which she is. Ms. Smith responded to questions from the Board Members (see recording for detailed presentation).

03:18:48 Board Members' deliberation

03:19:29 On a motion by Vice Chair Leanhart, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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CASE NUMBER 19-CUP-0239

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

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the last Board meeting there are no approved short term rental conditional use permits within 600 feet of the subject property.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The applicant states that there will be no parking spaces on the street and there will be up to four parking spaces located on the existing driveway.**

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PUBLIC HEARING

CASE NUMBER 19-CUP-0239

- 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-0239 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-5 Zoning District and Traditional Neighborhood Form District.

The vote was as follows:

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

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CASE NUMBER 19-CUP-0247

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

Project Name: State Street Short Term Rental

Location: 184 ½ State Street

Owner: Derek Hughes

Applicant: Sonya Gugliotta

Jurisdiction: Louisville Metro

Council District: 9– Bill Hollander

Case Manager: Steve Hendrix, Planning and Design Coordinator

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

03:20:55 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Freddie Robinson, 187 Wigeon Ct., Shepherdsville, KY 40165

Summary of testimony of those in favor:

03:23:43 Freddie Robinson 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:

Melissa Garrett Davis, 186 State Street, Louisville, KY 40206

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Summary of testimony of those in opposition:

03:27:21 Melissa Davis spoke in opposition of the request. Ms. Davis stated one of her concerns is parking. Ms. Davis stated she is also concerned about the integrity of the neighborhood. Ms. Davis stated the owner lives in Utah. Ms. Davis responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

03:36:53 Mr. Robinson spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

03:43:18 Board Members' deliberation

03:43:56 On a motion by Member Turner, seconded by Member Jagoe, the following resolution, based upon the Standard of Review and Staff Analysis, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the 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

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addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The applicant has submitted pictures of three bedrooms, which would allow for eight guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there was no other property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of

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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 garage will be available for guests along with an adjacent parking pad. Guests will be requested not to use the street.**
- 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

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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-0247 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-5A Zoning District and Traditional Neighborhood Form District.

The vote was as follows:

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

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CASE NUMBER 19-CUP-0250

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

Project Name: River Road Short Term Rental

Location: 5907 River Road

Owner: Andrew & Nicole Will

Applicant: Eric Widmayer – Kentucky Investment Company

Jurisdiction: Louisville Metro

Council District: 16 – Scott Reed

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:

03:46:05 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Eric Widmayer, 1040 S. Shelby Street, Louisville, KY 40203

Summary of testimony of those in favor:

03:48:07 Eric Widmayer 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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03:51:54 Board Members' deliberation

03:52:08 On a motion by Vice Chair Leanhart, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site are required, and

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

WHEREAS, the Board further finds that:

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 are three bedrooms; LDC regulations permit up to 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 one property with an approved conditional use permit for a non-host occupied short term rental within 600 ft. of the subject property (see Attachment 3). The applicant has provided justification, which is included in the file. Any motion to approve this CUP will need to include relief from this standard.**
- 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 zero on-street parking spaces. There is parking for two vehicles in the garage. In addition, there appears to be available parking in the area.**

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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-0250 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63), with **RELIEF** from Standard 4D because the one approved CUP sits on the outer edge on a very busy road and there was no opposition.

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The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-APPEAL-0003

Request:	Appeal of an Administrative Decision
Project Name:	South Fourth Street Appeal
Location:	1337 South Fourth Street
Appellant:	Uri Segev
Representative:	Uri Segev
Jurisdiction:	Louisville Metro
Council District:	6 – David James
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:

03:55:35 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

03:58:27 Joe Haberman, Planning & Design Manager, reviewed the background of this case and responded to questions from the Board Members (see recording for detailed presentation).

03:59:16 Mr. Crumbie and Chris French, Planning & Design Supervisor, responded to questions from Legal Counsel (see recording for detailed presentation).

The following spoke in favor of the appeal:

Uri Segev, 1337 S. Fourth Street, Louisville, KY 40203

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Summary of testimony of those in favor:

04:01:14 Uri Segev spoke in favor of the appeal. Mr. Segev explained that he had purchased the building as a nine-unit building. Mr. Segev responded to questions from the Board Members (see recording for detailed presentation).

04:03:19 Mr. Haberman stated he walked the interior of this property with the appellant, so he can provide information to the Board Members (see recording for detailed presentation).

04:03:47 Mr. Segev described the property. Mr. Segev responded to questions from the Board Members (see recording for detailed presentation).

04:05:25 Travis Fiechter, Legal Counsel, inquired as to whether there were photos of the interior of the property. Mr. Haberman stated he could probably find the photos of the interior if the Board wanted to see them, but the interior was under construction, some significant remodeling, so if you're trying to make sense of what's a room and what is not, it may be difficult from those photos (see recording for detailed presentation).

04:06:57 Mr. Segev responded to questions from the Board Members (see recording for detailed presentation).

04:08:43 Mr. Fiechter responded to a question from Member Jagoe regarding the Board's discretion in deciding this type of case. The Board Members and Mr. Haberman discussed the evidence that could be considered (see recording for detailed presentation).

04:10:47 Mr. Segev responded to questions from the Board Members (see recording for detailed presentation).

04:11:16 Mr. Crumbie and Mr. Segev reviewed the photos of the interior of the property. Mr. Segev responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the appeal:

No one spoke.

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REBUTTAL:

04:16:47 Jon Crumbie and Mr. Haberman spoke in rebuttal (see recording for detailed presentation).

04:18:46 Board Members' deliberation

04:28:02 On a motion by Member Buttorff, seconded by Member Goatley, the following resolution, based upon the testimony from the applicant, the pictures, and the discussion today, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the residential use (dwelling, multi-family) (9) units existed on the property in 1971, and

WHEREAS, the Board further finds that the use of the property continued to present day; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-APPEAL-0003 does hereby **OVERTURN** staff staff's decision, and **APPROVE** the Appeal granting non-conforming rights for nine units.

The vote was as follows:

Yes: Members Buttorff, Turner, Goatley, Jagoe, and Vice Chair Leanhart
No: Chair Howard

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The meeting adjourned at approximately 5:44 p.m.

Chair

Secretary