

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

September 9, 2019

A meeting of the Louisville Metro Board of Zoning Adjustment was held on September 9, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

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

Members Absent:

Lindsey Jagoe

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Steve Hendrix, Planning & Design Coordinator
Beth Jones, Planner II
Zach Schwager, Planner I
Jay Lockett, Planner I
Jon Crumbie, Planning & Design Coordinator
Lacey Gabbard, Planner I
Travis Feichter, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

APPROVAL OF MINUTES

AUGUST 19, 2019 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:03:06 On a motion by Member Buttorff, seconded by Vice Chair Leanhart, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on August 19, 2019.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

BUSINESS SESSION

CASE NUMBER 18CUP1203

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

Project Name: Short Term Rental
Location: 1530 Texas Avenue
Owner: Jason Carrico
Representative: John C. Talbott
Jurisdiction: Louisville Metro
Council District: 10- Pat Mulvihill
Case Manager: Steve Hendrix, Planning and Design Coordinator

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

00:04:03 Board Members' discussion

00:07:12 The Board of Zoning Adjustment, by general consensus, in Case Number 18CUP1203 agreed to deny the Reconsideration Request. Therefore, no vote or action was taken.

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

BUSINESS SESSION

CASE NUMBER 18CUP1202

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

Project Name: Short Term Rental
Location: 1535 Texas Avenue
Owner/Applicant: Carrico, LLC
Representative: John C. Talbott
Jurisdiction: Louisville Metro
Council District: 10- Pat Mulvihill
Case Manager: Steve Hendrix, Planning and Design Coordinator

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

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

00:07:55 Board Members' discussion

00:09:19 On a motion by Member Buttorff, seconded by Member Turner, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1202 does hereby **APPROVE** the Reconsideration Request. This case will be scheduled for reconsideration at a future BOZA meeting.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

BUSINESS SESSION

CASE NUMBER 18CUP1198

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

Project Name: Fulton Short Term Rental
Location: 1137 Mulberry Street
Owner: Katy Fulton, LLC
Representative: John C. Talbott
Jurisdiction: Louisville Metro
Council District: 10- Pat Mulvihill
Case Manager: Jon E. Crumbie, Planning and Design Coordinator

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

00:11:02 Board Members' discussion

00:12:06 John Talbott responded to questions from the Board Members (see recording for detailed presentation).

00:14:10 On a motion by Member Buttorff, seconded by Vice Chair Leanhart, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1198 does hereby **APPROVE** the Reconsideration Request. This case will be scheduled for reconsideration at a future BOZA meeting.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

BUSINESS SESSION

CASE NUMBER 19-DDP-0026

Request:	Abandonment of Conditional Use Permit
Project Name:	Honda World
Location:	1 Autocenter Dr
Owner/Applicant:	TT of HD Louisville
Representative:	Mindel Scott and Associates
Jurisdiction:	Louisville Metro
Council District:	18 – Marilyn Parker
Case Manager:	Jay Luckett, AICP, Planner I

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

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

Agency testimony:

00:15:21 Jay Luckett presented the case and referred to the site plan (see recording for detailed presentation).

00:37:15 Board Members' deliberation

00:16:27 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 request is adequately justified and meets the standards of review; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-DDP-0026 does hereby **APPROVE** Abandonment of a Conditional Use Permit for outdoor storage of tires.

**BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019**

BUSINESS SESSION

CASE NUMBER 19-DDP-0026

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0030

Request: **CONTINUED FROM 9/9/19 BOZA SPECIAL MEETING**
Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the owner/host

Project Name: Brainard Short Term Rental
Location: 1466 St. James Court
Owner/Applicant: Benjamin Brainard
Jurisdiction: Louisville Metro
Council District: 6 – David James
Case Manager: Jon E. Crumbie, Planning & Design Coordinator

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

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

Agency Testimony:

00:18:34 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members. Mr. Crumbie provided a letter to the Board Members which was received from the applicant this morning (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

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

Summary of testimony of those in favor:

00:25:13 Benjamin Brainard spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0030

The following spoke neither for nor against the request:

Rick Serpa, 513 Belgravia Ct., Louisville, KY 40208

Summary of testimony of those neither for nor against:

00:34:31 Rick Serpa spoke neither for nor against the request (see recording for detailed presentation).

The following spoke in opposition of the request:

John Crum, 1448 St. James Ct., Louisville, KY 40208

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

Summary of testimony of those in opposition:

00:35:54 John Crum spoke in opposition of the request (see recording for detailed presentation).

00:40:38 Helga Ulrich spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

00:46:14 Benjamin Brainard spoke in rebuttal (see recording for detailed presentation).

00:47:48 Board Members' deliberation

00:50:19 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 request does not meet all of the listed requirements and the Conditional Use Permit cannot be approved; now, therefore be it

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0030

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0030 does hereby **DENY** Conditional Use Permit to allow short term rental of dwelling units that are not the primary residence of the owner/host in the TNZD and Traditional Neighborhood Form District.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0038

Request: **CONTINUED FROM 9/9/19 BOZA SPECIAL MEETING**
Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the owner/host

Project Name: Greene Short Term Rental
Location: 940 Ash St
Owner: Catherine Greene
Representative: Catherine Greene
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Jay Lockett, AICP, Planner I

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

00:51:40 Jay Lockett presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Catherine Greene, 1309 S. Brook St., Louisville, KY 40208
Erin Lawson, 1120 Lydia Street, Louisville, KY 40217

Summary of testimony of those in favor:

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0038

00:54:17 Catherine Greene spoke in favor of the request (see recording for detailed presentation).

00:57:35 Erin Lawson spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

00:58:50 Board Members' deliberation

01:01:46 On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0038

- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that the residence has 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 date of this report, within 600' of the subject property, there is one property with an approved conditional use permit allowing short term rentals that are not the primary residence of the host. The applicant has requested relief from this requirement.**
- 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.

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0038

- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has credit for one on-street parking space and additional spaces are located at the rear of the site.**
- 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

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0038

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0038 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner/host in an R-6 Zoning District and Traditional Neighborhood Form District, with **RELIEF** from Standard 4D because there was enough support to relieve the 600 foot buffer and parking is not an issue.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19APPEAL1005

Request: Appeal of an Administrative Decision
Project Name: James Road Appeal
Location: 415 James Road
Appellant: Mohammad Simo Hakani
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: Chris French, AICP, Planning and Design Supervisor

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

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

Agency Testimony:

01:03:26 Chris French presented the case and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the appeal:

Mohammed Simo Hakani, 615 James Road, Louisville, KY 40206

Summary of testimony of those in favor:

01:08:10 Mohammed Simo Hakani spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:12:18 Emily Liu, Planning & Design Director, briefly reviewed the process of staff review for nonconforming rights

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19APPEAL1005

01:16:48 Chris French responded to questions from the Board Members (see recording for detailed presentation).

01:18:58 Mr. Hakani responded to questions from the Board Members (see recording for detailed presentation).

01:20:16 Chris French stated he had received two telephone calls from neighbors who had concerns about this remaining a duplex, but they had no information to say that it wasn't a duplex in 1971, they just stated their opposition to it remaining a duplex (see recording for detailed presentation).

The following spoke in opposition of the appeal:

Phyllis Nix, 419 James Road, Louisville, KY 40206

Summary of testimony of those in opposition:

01:21:44 Phyllis Nix spoke in opposition of the appeal and responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

01:32:19 Mr. Hakani spoke in rebuttal (see recording for detailed presentation).

01:33:15 Board Members' deliberation

01:39:07 On a motion by Member Turner, seconded by Member Buttorff, the following resolution, based upon the case file and the testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19APPEAL1005 does hereby **OVERTURN STAFF DETERMINATION**, Appeal of an administrative decision made on May 16, 2019, to deny a nonconforming rights determination request for a duplex. The Board further finds that the duplex

**BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019**

PUBLIC HEARING

CASE NUMBER 19APPEAL1005

was lawfully in existence on June 18, 1971 and has been continuously used as a duplex from June 18, 1971 to present.

The vote was as follows:

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

No: Chair Howard

Absent: Member Jagoe

01:41:51 Meeting was recessed.

01:42:12 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0010

Request: Category 3 Development Plan and a Variance to exceed building height
Project Name: 700 E Main
Location: 700 E Main St #101
Owner: Ryan Gaumeyer, BCTS Louisville, LLC
Representative: Ryan Gaumeyer, BCTS Louisville, LLC
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Lacey Gabbard, AICP, Planner I

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

01:42:42 Lacey Gabbard presented the case and showed a Powerpoint presentation. Ms. Gabbard responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

John Talbott, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Stephen Franks, 941 N. Meridian St., Indianapolis, IN 46204

Summary of testimony of those in favor:

01:49:30 John Talbott spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

02:00:30 Stephen Franks showed a brief Powerpoint presentation (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0010

The following spoke in opposition of the request:

No one spoke.

02:02:15 Board Members' deliberation

02:02:30 On a motion by Member Turner, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, was adopted:

Variance from Land Development Code Section 5.2.3.D.3.e to allow the building to exceed the maximum height allowed:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect public health safety or welfare since there other structures in the vicinity of the subject site (specifically, Main and Clay located at 637 E Main Street, and AC Hotels at 725 E Market Street) which appear to exceed 50 feet in height, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity since there are other structures in the vicinity of the subject site which appear to exceed the 50 foot maximum height. The subject site is located at the border of the Traditional Marketplace Corridor form district and the Downtown form district, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since there appear to be other structures in the vicinity of the subject site which exceed 50 feet in height, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since there appear to be other structures in the vicinity of the subject site which exceed 50 feet in height, and

WHEREAS, the Board further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the subject site is located on the border of the Traditional Marketplace corridor form district and the Downtown form district, and there are

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0010

other structures in the vicinity of the subject site which appear to exceed the 50 foot maximum height, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land since the reduction in height would make the project financially infeasible, and

WHEREAS, the Board further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0010 does hereby **APPROVE** Variance from Land Development Code Section 5.2.3.D.3.d to allow the building to exceed the maximum height allowed.

The vote was as follows:

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

Absent: Member Jagoe

02:04:10 On a motion by Member Turner, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, was adopted:

Category 3 Development Plan:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the Category 3 Development Plan meets or exceeds the requirements of the Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0010 (19-CAT3-0011) does hereby **APPROVE** Category 3 Development Plan.

**BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019**

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0010

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0013

Request:	Variance to allow a private yard area to be less than the required 20% of the area of a lot
Project Name:	S. Brook Street Variance
Location:	1141 S. Brook Street
Owner:	Hollyhock Rentals, LLC
Applicant:	Benjamin Brainard
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Zach Schwager, Planner I

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

02:06:42 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).

02:09:15 Joe Haberman, Planning & Design Manager, provided additional information as to the reasons for the request for this variance (see recording for detailed presentation).

The following spoke in favor of the request:

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

Summary of testimony of those in favor:

02:10:51 Benjamin Brainard spoke in favor of the request (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0013

The following spoke in opposition of the request:

No one spoke.

02:12:06 Board Members' deliberation

02:13:00 On a motion by Vice Chair Leanhart, 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, 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 carriage house will need to be inspected and approved 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 accessory structure has been approved by the Old Louisville Architectural Review Committee, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the carriage house will need to be inspected and approved 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 majority of the required private yard area will still be intact, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0013 does hereby **APPROVE** Variance from Land Development Code Section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot (**Requirement 900 sq. ft., Request 717 sq. ft., Variance 183 sq. ft.**).

**BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019**

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0013

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0043

Request:	Variance to exceed maximum front and street side setbacks and a waiver
Project Name:	Big Springs Country Club
Location:	5901 Dutchmans Ln
Owner:	Big Springs Country Club
Representative:	Carman Site
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Jay Lockett, AICP, Planner I

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

02:15:12 Jay Lockett presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Scott Kremer, 1231 South Shelby Street, Louisville, KY 40203

Summary of testimony of those in favor:

02:18:03 Scott Kremer 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
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0043

02:19:50 **Board Members' deliberation**

02:22:32 On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Variance from Section 5.5.1.C.5 and Table 5.3.2 to exceed the maximum 80 foot front yard setback by approximately 1145 feet and the maximum 80 foot street side yard setback by up to 1560 feet:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare since the building will be buffered where it is adjacent to residential, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the site and structure have been utilized the same way with similar setbacks since it was constructed, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the building will be buffered where it is adjacent to residential, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since the building already exists at the requested setbacks; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0043 does hereby **APPROVE** Variance from Section 5.5.1.C.5 and Table 5.3.2 to exceed the maximum 80 foot front yard setback by approximately 1145 feet and the maximum 80 foot street side yard setback by up to 1560 feet.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0043

02:23:43 On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Waiver from Section 5.9.2.A.1.b.i to not provide a pedestrian connection to adjacent rights-of-way:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners, as there is unlikely to be significant pedestrian traffic generated by the existing use, and

WHEREAS, the Board further finds that the waiver will not violate the Comprehensive Plan as the nature of the use on the subject site is unlikely to generate significant pedestrian traffic. The applicant will comply with sidewalk construction requirements of the Land Development Code in consultation with Public Works, and

WHEREAS, the Board further finds that the extent of the waiver is the minimum necessary to afford relief to the applicant, as all other Land Development Code provisions with respect to pedestrian and vehicular circulation will be met on and around the subject site, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the nature of the use and the size of the site is not conducive to constructing a reasonable path from adjacent rights-of-way to building entrances; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0043 (19-WAIVER-0050) does hereby **APPROVE** Waiver from Section 5.9.2.A.1.b.i to not provide a pedestrian connection to adjacent rights-of-way.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-1091

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the owner/host
Project Name:	Gallavin Short Term Rental
Location:	1061 Mary Street
Owner:	1061 MS Land Trust
Representative:	Eric Feller
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

02:25:55 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:

Christopher Morris, 2339 Saratoga Drive, Louisville, KY 40205
Eric Feller, 5702 Rhodes Way, Louisville, KY 40222

Summary of testimony of those in favor:

02:28:17 Christopher Morris spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:37:42 Eric Feller spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-1091

The following spoke in opposition of the request:

No one spoke.

02:38:58 Board Members' deliberation

02:41:44 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 presentation, 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 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

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-1091

property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that the residence has four bedrooms that will allow a maximum number of ten guests.**

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there is 1 property with an approved conditional use permit allowing short term rentals that is not the primary residence of the host. The applicant is requesting relief to the provision in accordance with LDC Section 4.2.2.B. If provided, the applicant's justification for this relief is attached to this report. If the Board does not grant relief, the application does not meet all of the listed requirements and the conditional use permit cannot be approved.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by 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.

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-1091

- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has credit for one on-street parking space and two spaces at the rear of the property.**
- 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

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-1091

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-1091 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner/host in an R-6 Zoning District and Neighborhood Form District, with **RELIEF** from Standard 4D because the other short term rental within 600 feet is not currently in use and at such time as it may be used it is located on the outer edge of the 600 foot buffer and not on the same street and would not impact the neighborhood negatively.

The vote was as follows:

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

No: Member Buttorff

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-1066

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the owner/host
Project Name:	Gallavin Short Term Rental
Location:	1619 Beechwood Avenue
Owner:	Wayne Gallavin
Representative:	Eric Feller
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:

02:43:44 Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Wayne Gallavin, 1274 Everett Ave., Louisville, KY 40204

Summary of testimony of those in favor:

02:46:07 Wayne Gallavin 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
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-1066

02:48:43 Board Members' deliberation

02:49:04 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, 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 two times the number of bedrooms plus six individuals. **The subject property is less than two acres. The applicant states that the residence has four bedrooms that will allow a maximum number of ten guests.**

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-1066

- 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. **The applicant states that the structure is a duplex, but will be used as a single family residence. Staff did not make a site inspection to determine the number of units or bedrooms.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has credit for one on-street parking space and a parking pad will be restored at the rear of the property.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-1066

- 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-1066 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner/host in an R-5B Zoning District and Traditional Neighborhood Form District.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1092

Request:	Conditional Use Permit for short-term rental of a dwelling unit not the primary residence of the host
Project Name:	Tyne Road Short Term Rental
Location:	205 Tyne Road
Owner:	205 TR Land Trust
Applicant/Host:	Eric Feller
Jurisdiction:	Louisville Metro
Council District:	7 – Paula McCraney
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency testimony:

02:50:27 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones presented an email from the Mayor of Beechwood Village that she had received this morning to the Board Members. Ms. Jones responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Eric Feller, 5702 Rhodes Way, Louisville, KY 40222

Summary of testimony of those in favor:

02:58:00 Eric Feller spoke in favor of the request. Mr. Feller stated he was unaware of the letter from the Mayor. Mr. Feller provided information regarding his neighborhood meeting (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1092

The following spoke in opposition of the request:

No one spoke.

03:03:44 Board Members' deliberation

03:05:39 On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the presentation, was adopted:

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

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

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

WHEREAS, the Board further finds that:

Short Term Rental 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.

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1092

- 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.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there are no properties with an approved conditional use permit for short term rental of a dwelling unit not the primary residence of the host within 600 ft of the subject property (see Attachment 3).**
- 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.

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1092

- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The driveway can accommodate up to five vehicles; on-street parking is not permitted.**
- 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

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1092

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1092 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63).

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0028

Request: Conditional Use Permit for a short term rental of one dwelling unit of a duplex that is not the primary residence of the host
Project Name: Short Term Rental
Location: 2468 Grinstead Drive #2
Owners/Applicants: Michael Auci & Dominick Auci
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
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:

03:09:14 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:

Michael Auci, 2468 Grinstead Drive, Louisville, KY 40204
Fred Levein, 154 Thierman Lane, Louisville, KY 40207
Bob German, 1824 Eastern Parkway, Louisville, KY 40204

Summary of testimony of those in favor:

03:14:11 Michael Auci spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0028

03:16:57 Fred Levein spoke in favor of the request (see recording for detailed presentation).

03:18:01 Bob German spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

03:19:03 Board Members' deliberation

03:19:16 On a motion by Member Buttorff, seconded by Vice Chair Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the owner's justification, 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 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:

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0028

- 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 Unit #2 has 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 aren't any 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.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The structure is a duplex.**

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0028

- 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 parking at the rear of the lot for six vehicles, ten spaces with stacked 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 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, and

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0028

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0028 does hereby **APPROVE** Conditional Use Permit to allow short term rental of one dwelling unit of a duplex that is not the primary residence of the host in an R-7 Zoning District and Traditional Neighborhood Form District.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0040

Request:	Conditional Use Permit for a short term rental of a single family dwelling that is not the primary residence of the host
Project Name:	Short Term Rental
Location:	129 East Collins Court
Owner/Applicant:	Collins LLC., by Mike Pifer
Representative:	John C. Talbott
Jurisdiction:	Louisville Metro
Council District:	15 - Kevin Triplett
Case Manager:	Steve Hendrix, Planning and Design Coordinator

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

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

Agency testimony:

03:21:12 Steve Hendrix presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

John Talbott, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Mike Pifer, 4101 Graf Drive, Louisville, KY 40220

Summary of testimony of those in favor:

03:26:14 John Talbott spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

03:33:32 Mike Pifer spoke in favor of the request (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0040

The following spoke in opposition of the request:

No one spoke.

03:36:55 Board Members' deliberation

03:39:30 On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0040

- 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 residence has six bedrooms which will allow fourteen guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there is one property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host. The other location shown on the map is scheduled to be heard on Monday, September 9, 2019, in the morning. Depending upon that decision, there might be two properties within the 600 foot radius. The applicant will need to request relief to this provision in accordance with LDC Section 4.2.2.B. If the Board does not grant relief, the application does not meet all of the listed requirements and the Conditional Use Permit cannot be approved. A justification letter was not submitted.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The applicant will need to confirm that the structure is a single family dwelling.**

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0040

- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has credit for two parking spaces along Collins Court and approximately five spaces along Miller Avenue.**
- 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

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0040

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0040 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in an R-5 Zoning District and Traditional Neighborhood Form District, with **RELIEF** from Standard 4D because it is not adverse to the neighborhood, there are no parking issues, it is in an entertainment venue area, and it is against the CSX railroad tracks.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0047

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the owner/host
Project Name:	Kays Short Term Rental
Location:	466 East Brandeis Avenue
Owner:	Wendy Kays
Representative:	Alexandria Bolton
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
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:

03:41:00 Jon Crumbie presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Wendy Kays, 16507 Gallo Ct., Louisville, KY 40245
Kylie Spivak, 248 Kennedy Ave., Apt. 1, Louisville, KY 40206

Summary of testimony of those in favor:

03:43:00 Wendy Kays spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

03:44:22 Kylie Spivak spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0047

The following spoke neither for nor against the request:

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

Summary of testimony of those neither for nor against:

03:46:11 Helga Ulrich spoke neither for nor against the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

REBUTTAL:

03:47:52 Kylie Spivak spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

03:49:46 Board Members' deliberation

03:49:56 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, 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:

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0047

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

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0047

term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.

- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has credit for one on-street parking space and parking at the rear for two automobiles.**
- 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.

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0047

- 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-0047 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owners/host in the R-6 Zoning District and Traditional Neighborhood Form District.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0048

Request:	Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the owner/host
Project Name:	Chamberlain Short Term Rental
Location:	1301 Larchmont Avenue
Owner/Applicant:	Lee Chamberlain
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

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

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

Agency testimony:

03:51:21 Jon Crumbie spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Lee Chamberlain, 1111 E. State Route 296, Urbana, OH 43078

Summary of testimony of those in favor:

03:53:35 Lee Chamberlain 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
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0048

03:55:41 Board Members' deliberation

03:55:55 On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0048

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0048

- 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-0048 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owners/host in the R-5 Zoning District and Traditional Neighborhood Form District.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0051

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

Project Name: Short Term Rental

Location: 610 Myrtle Street

Owner/Applicant: BNDF LLC., by Nancy Wilkinson

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:

03:57:36 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix provided an email to the Board Members which he had received from a neighbor. Mr. Hendrix responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Nancy Wilkinson, 11706 Ridge Rd., Louisville, KY 40223

Summary of testimony of those in favor:

04:02:17 Nancy Wilkinson spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0051

The following spoke neither for nor against the request:

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

Summary of testimony of those neither for nor against:

04:07:14 Helga Ulrich spoke neither for nor against the request (see recording for detailed presentation).

REBUTTAL:

04:08:50 Ms. Wilkinson declined rebuttal (see recording for detailed presentation).

04:08:55 Board Members' deliberation

04:11:33 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 (including an email received from an adjoining neighbor), 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,

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0051

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 residence has two bedrooms which will allow for six guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there is one property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host. The applicant will need to request relief to this provision in accordance with LDC Section 4.2.2.B. If the Board does not grant relief, the application does not meet all of the listed requirements and the Conditional Use Permit cannot be approved. Justification letter is attached.**
- 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 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 site has credit for one parking space along Myrtle Street and other street parking is available.**
- 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-0051 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in a Traditional Neighborhood Zoning District and Traditional Neighborhood Form District, with **RELIEF** from Standard 4D because there is no adverse impact to the neighborhood, it is surrounded by M-2 and M-1, and there are no parking issues.

The vote was as follows:

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

Abstain: Member Buttorff

Absent: Member Jagoe

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04:13:19 Prior to adjournment, Joe Haberman, Planning & Design Manager, Legal Counsel, and the Board Members discussed the BOZA By-laws regarding Reconsideration Requests.

The meeting adjourned at approximately 5:48 p.m.

Chair

Secretary