

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

January 13, 2020

A meeting of the Louisville Metro Board of Zoning Adjustment was held on January 13, 2020 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Lula Howard, Chair
Lester Turner, Jr.
LiAndrea Goatley

Members Absent:

Kimberly Leanhart, Vice Chair
Richard Buttorff, Secretary
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
Zach Schwager, Planner I
Travis Fiechter, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

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JANUARY 6, 2020 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:02:26 Chair Howard advised everyone in attendance that due to lack of a quorum of Board Members today, the Board is unable to take any official action. However, each case will be heard, but action will be deferred to the next Board of Zoning Adjustment meeting.

Due to lack of quorum, no official action was taken on this agenda item.

BOARD OF ZONING ADJUSTMENT MINUTES
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BUSINESS SESSION

CASE NUMBER STR_RD_01.2020

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

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

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

Agency testimony:

00:05:26 Joe Haberman, Planning & Design Manager, stated this is a Business Session item and he will defer to Legal Counsel whether to hear any testimony (see staff report and recording for detailed presentation).

00:05:55 Travis Fiechter, Legal Counsel, asked if anyone was present to speak on this case. No one responded. Mr. Fiechter advised the Board to move on with the remainder of the agenda (see recording for detailed presentation).

00:06:05 Mr. Haberman stated staff tried to reach out to the Business Session applicants, so if they're not here, we can just defer each of them to the next meeting (see recording for detailed presentation).

00:06:22 Chair Howard stated this agenda item will be deferred to the next Board of Zoning Adjustment meeting (see recording for detailed presentation).

Due to lack of quorum, no official action was taken on this agenda item.

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BUSINESS SESSION

CASE NUMBER 19-MCUP-0006

Request:	Modification of a Conditional Use Permit for a short term rental of a duplex that was approved on 4/1/2019 but failed to meet the required registration time frame.
Project Name:	Short Term Rental
Location:	1700 Payne Street
Owner:	Fowl Water LLC
Applicant:	Matthew Fowler
Jurisdiction:	Louisville Metro
Council District:	9—Bill Hollander
Case Manager:	Steve Hendrix, Planning and Design Coordinator

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

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

00:06:35 Chair Howard announced this case and stated unless there was someone here to speak in regard to this case it will be deferred to the next Board of Zoning Adjustment meeting (see recording for detailed presentation).

Due to lack of quorum, no official action was taken on this agenda item.

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BUSINESS SESSION

CASE NUMBER 19-MCUP-0007

Request:	Modification of a Conditional Use Permit for a short term rental that was approved on 4/15/2019, but failed to meet the required registration time frame
Project Name:	N. Clifton Avenue Short Term Rental
Location:	110 N. Clifton Avenue
Owner:	Hospitality Properties, LLC
Applicant:	Sal Rubino – Hospitality Properties, LLC
Jurisdiction:	Louisville Metro
Council District:	9—Bill Hollander
Case Manager:	Zach Schwager, Planner I

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

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00:06:57 Chair Howard announced this case and stated unless there was someone here to speak in regard to this case it will be deferred to the next Board of Zoning Adjustment meeting (see staff report and recording for detailed presentation).

Due to lack of quorum, no official action was taken on this agenda item.

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PUBLIC HEARING

CASE NUMBER 19-MVARIANCE-0003

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

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

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

Agency testimony:

00:07:54 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Cheryl Kizer, 2505 Technology Drive, Louisville, KY 40299

Summary of testimony of those in favor:

00:09:45 Cheryl Kizer spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 19-MVARIANCE-0003

00:13:01 Chair Howard closed public hearing for this case and deferred official action to the next Board of Zoning Adjustment meeting (see recording for detailed presentation).

Due to lack of quorum, no official action was taken on this agenda item.

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 19-CUP-0222

Request: Conditional Use Permit for a short term rental of dwelling units within the Traditional Neighborhood Zoning District.
Project Name: Magnolia STR
Location: 210 East Magnolia Avenue
Owner/Applicant: Jodie Bass
Jurisdiction: Louisville Metro
Council District: 6 –David James
Case Manager: Steve Hendrix, Planning and Design Coordinator

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

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

Agency testimony:

00:13:51 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

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

Summary of testimony of those in favor:

00:19:00 Sarah Almy spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:20:29 Joe Haberman mentioned two reliefs that would be required should this case be approved (relief from the 600 foot rule, and relief from the thirty day requirement to register). Mr. Haberman discussed this with the Board Members (see recording for detailed presentation).

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CASE NUMBER 19-CUP-0222

00:22:09 The Board Members, staff, and Legal Counsel discussed these points with the applicant's representative (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

00:24:13 Chair Howard stated additional public testimony will be allowed for this case at the next public hearing (see recording for detailed presentation).

00:24:56 Chair Howard closed this agenda item and continued the case to the next Board of Zoning Adjustment meeting (see recording for detailed presentation).

Due to lack of quorum, no official action was taken on this agenda item.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0227

Request: Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host
Project Name: Douglass Boulevard Short Term Rental
Location: 2205 Douglass Boulevard
Owner/Applicant: Nicole Levinson
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
Case Manager: Zach Schwager, Planner I

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

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Agency testimony:

00:25:39 Zach Schwager stated he had spoken with the applicant earlier today and they were not going to be able to make this meeting (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

No one spoke.

The following spoke in opposition of the request:

No one spoke.

00:26:33 Chair Howard closed this agenda item and continued the case to the next Board of Zoning Adjustment meeting (see recording for detailed presentation).

Due to lack of quorum, no official action was taken on this agenda item.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0229

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

Project Name: Beckman CUP

Location: 883 Parkway Drive

Owner: ABK Properties, LLC

Host: Key Source Properties, Jonathan Klunk

Jurisdiction: Louisville Metro

Council District: 10 – Pat Mulvihill

Case Manager: Steve Hendrix, Planning and Design Coordinator

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

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Agency Testimony:

00:27:23 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:

Jonathan Klunk, 3826 Bardstown Road, Louisville, KY 40218

Summary of testimony of those in favor:

00:29:51 Jonathan Klunk spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 19-CUP-0229

00:34:11 Chair Howard closed public hearing for this case and deferred official action to the next Board of Zoning Adjustment meeting (see recording for detailed presentation).

Due to lack of quorum, no official action was taken on this agenda item.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0232

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	5309 Westhall Short Term Rental
Location:	5309 Westhall Avenue
Owner:	Villehomes, LLC
Applicant:	Luke Neubauer
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Steve Hendrix, Planning and Design Coordinator

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

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Agency Testimony:

00:35:40 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:

Luke Neubauer, 2309 Crosshill Road, Louisville, KY 40206

Summary of testimony of those in favor:

00:38:42 Luke Neubauer spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0232

00:44:44 Chair Howard closed public hearing for this case and deferred official action to the next Board of Zoning Adjustment meeting (see recording for detailed presentation).

Due to lack of quorum, no official action was taken on this agenda item.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0233

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

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

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

Agency testimony:

00:45:36 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Luke Neubauer, 2309 Crosshill Road, Louisville, KY 40206
Beth Rose, 515 E. Oak Street, Louisville, KY 40203

Summary of testimony of those in favor:

00:47:51 Luke Neubauer spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:53:25 Beth Rose spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 19-CUP-0233

The following spoke in opposition of the request:

Victoria Spencer, 718 Baroness Ave., Louisville, KY 40203

Summary of testimony of those in opposition:

00:54:25 Victoria Spencer spoke in opposition of the request and responded to questions from the Board Members. Ms. Spencer stated there was another short term rental within the 600 foot buffer and the Board Members and staff discussed this with Ms. Spencer. Ms. Spencer stated only three neighbors on Baroness were invited to the neighborhood meeting (see recording for detailed presentation).

REBUTTAL:

01:02:40 Luke Neubauer spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

01:10:40 Zach Schwager spoke in regard to the notices that were sent (see recording for detailed presentation).

01:11:53 Chair Howard closed public hearing for this case and deferred official action to the next Board of Zoning Adjustment meeting (see recording for detailed presentation).

Due to lack of quorum, no official action was taken on this agenda item.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0235

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

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

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Agency testimony:

01:13:17 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix and Mr. Haberman responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Ken Herndon, 101 W. Ormsby Ave., Louisville, KY 40203
Addie Mills, 1804 S. Preston St., Apt. 2, Louisville, KY 40217

Summary of testimony of those in favor:

01:17:49 Ken Herndon spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 19-CUP-0235

01:23:41 Addie Mills spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:26:51 Chair Howard closed public hearing for this case and deferred official action to the next Board of Zoning Adjustment meeting (see recording for detailed presentation).

Due to lack of quorum, no official action was taken on this agenda item.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0266

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

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

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Agency testimony:

01:27:31 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Jackie O'Neil, 4220 Glenarm Rd., Crestwood, KY 40014
John O'Neil, 4220 Glenarm Rd., Crestwood, KY 40014

Summary of testimony of those in favor:

01:30:12 Jackie O'Neil spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:34:54 Joe Haberman spoke in regard to the requested reliefs (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 19-CUP-0266

01:37:05 John O'Neil spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:38:16 Chair Howard closed public hearing for this case and deferred official action to the next Board of Zoning Adjustment meeting (see recording for detailed presentation).

Due to lack of quorum, no official action was taken on this agenda item.

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The meeting adjourned at approximately 2:43 p.m.

Lula K. Howard

Chair

Richard S. Buttery

Secretary