

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

December 5, 2022

A meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, December 5, 2022 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky, and also via Webex.

Members Present:

Lula Howard, Chair
Richard Buttorff, Vice Chair
Sharon Bond, Secretary
Yani Vozos
Jan Horton
Brandt Ford

Members Absent:

Kimberly Leanhart

Staff Members Present:

Brian Davis, Assistant Director, Planning & Design Services
Chris French, Planning & Design Supervisor
Joe Haberman, Planning Design Manager
Heather Pollock, Planner I
Molly Clark, Planner II
Amy Brooks, Planner I
Clara Schweiger, Planner I
Laura Ferguson, Legal Counsel
Chris Cestaro, Management Assistant

The following cases were heard:

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November 21, 2022 Board of Zoning Adjustment Meeting Minutes

00:06:58 On a motion by Member Bond, seconded by Vice Chair Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the November 21, 2022 Board of Zoning Adjustment meeting with typographical corrections as noted by the Chair, with no changes to meaning or content.

The vote was as follows:

YES: Members Ford, Bond, Horton, Vozos, Buttorff, and Howard.

ABSENT: Member Leanhart.

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PUBLIC HEARING

Case No. 22-MCUP-0008

Request: Modified Conditional Use Permit for a short term rental that is not the primary resident of the host. (LDC 4.2.63)
Project Name: Roosevelt Avenue Short Term Rental
Location: 4126 Roosevelt Avenue
Owner(s): DHI IV LLC
Applicant: Daniel Guillory
Jurisdiction: Louisville Metro
Council District: 21– Nicole George
Case Manager: Amy Brooks, 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:

00:09:57 Amy Brooks presented the case, showed a Power Point presentation, and responded to questions from the Board members (see staff report and recording for detailed presentation.) She and Laura Ferguson, legal counsel for the Board, discussed why this case had been continued (notification concerns.)

The following spoke in favor of the request:

David Mour, 513 S. 2nd Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:14:33 David Mour, the applicant's representative, presented the applicant's case and responded to questions from the Board members (see recording for detailed presentation.)

The following spoke neither for nor against the request ("Other"):

Rebecca Katz, 601 West Jefferson Street, Louisville, KY 40202

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Summary of testimony of those neither for nor against:

00:19:00 Rebecca Katz asked for clarification regarding what the “modification” is to the Conditional Use Permit. Mr. Mour discussed the issue (see recording for detailed discussion.) It is the same use and the same property (used for short-term rentals.)

The following spoke in opposition to the request:

Ann Ramser 307 East Kenwood Drive, Louisville, KY 40214

Summary of testimony of those in opposition:

00:22:00 Ann Ramser said the applicant has violated the terms of the Cup that was granted in 2018, and has continued to operate a short-term rental property for four years. She said the applicant should file a new application and operate under the current regulations.

Rebuttal:

00:24:02 Mr. Mour delivered rebuttal and responded to questions from the Board members (see recording for detailed presentation.)

00:27:01 Board Members’ deliberation

00:27:27 On a motion by Member Bond, seconded by Member Ford, the following resolution, based on the Standard of Review and Staff Analysis and evidence and 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 no improvements are being made that reduce compatibility with surrounding land uses; and

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

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WHEREAS, the Board further finds that:

1. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

4.2.63 Short Term Rental Term Rental of a dwelling unit that is not the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term Rental of any dwelling unit in a TNZD district

A short term rental of 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 a 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.
The applicant has been informed of this requirement.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
The applicant has been informed of this requirement.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals.
According to the applicant, the residence has two bedrooms; LDC regulations, at the time the original permit was approved, allowed eight guests.
- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted.
PVA lists the existing structure as a single-family residence.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
The applicant has been informed of this requirement.
- F. Outdoor signage which identifies the short term rental is prohibited.
The applicant has been informed of this requirement.

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- G. There shall be a sufficient amount of parking available for the host and 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. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated.

LDC standards credit the site with one on-street parking space. A 75 ft driveway can accommodate up to three additional vehicles on site.

- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

The applicant has been informed of this requirement.

- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6.

The applicant has been informed of this provision

now therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Modified Conditional Use Permit to allow for a short term rental that is not the primary residence of the host. (LDC 4.2.63), **SUBJECT** to the following Conditions of Approval:

1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 60 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.
2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
3. 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

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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.

The vote was as follows:

YES: Members Ford, Bond, Vozos, and Chair Howard.

NO: Member Horton and Vice Chair Buttorff.

ABSENT: Member Leanhart.

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Case No. 22-CUP-0241

NOTE: This case was heard out of order. It was previously listed as Item No. 9 on the agenda.

Request:	Conditional Use Permit for an outdoor athletic facility
Project Name:	Arrowhead Disc Golf Course
Location:	7300 Scenic Trail
Owner:	Roger and Vivian Wyatt
Applicant:	Ben Craven
Representative:	Ben Craven
Jurisdiction:	Louisville Metro
Council District:	14 - Cindi Fowler
Case Manager:	Chris French, Planning 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:

00:29:29 Chris French presented the case, showed a Power Point presentation, and responded to questions from the Board members (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Ben Craven, 9202 Fox Chase Road, Louisville, KY 40228

Carl W. Bowman, 6068 Stiller Road, Floyds Knobs, IN 47119

Shawn Dunn (was called but declined to speak)

Raymond Gile, 4405 Taletha Court, Louisville, KY 40299

Deborah McPherson, address unintelligible

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Tom Hoertgen (was called but declined to speak.)

Brian Woodring, 7014 Birnham Wood Drive, 40258

Jerry Bishop, 2325 Lower Hunters Trace, Louisville, KY 40216

Bat Masterson, 95 Reeser Lane, Brandenburg, KY 40108

Larry Sneegas, 136 Oxford Lane, Louisville, KY 40229

Tommy Lee Bronson Jr., 2912 Cannons Lane, Louisville, KY 40205

Cassie Boblitt, 2258 Payne Street, Louisville, KY 40206

Councilwoman Cindi Fowler, 601 West Jefferson Street, Louisville, KY 40202

Summary of testimony of those in favor (see recording for all detailed presentations):

00:36:27 Ben Craven, the applicant's representative, presented the applicant's case, showed a Power Point presentation, and responded to questions from the Board members (see recording for detailed presentation.)

00:40:57 Carl W. Bowman explained why disc golf helped him through the COVID lockdown, and emphasized the importance of involvement with this facility in his life.

00:45:08 Raymond Gile explained why the Arrowhead facility is needed in Jefferson County, and emphasized how clean and safe the property is.

00:47:49 Deborah McPherson said that this course is more accessible to women than other Jefferson County courses because it is shorter, and emphasized the mental and physical health benefits she experienced there.

00:49:54 Brian Woodring said that anything Louisville Metro has brought forward as a concern, has been addressed by the owners. He said patrons care very much about the course and will adhere to all rules.

00:51:17 Jerry Bishop also emphasized how much this course has benefitted his physical and mental health. He also stressed the beauty, cleanliness, and safety of the course.

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00:54:52 Bat Masterson discussed his passion for the game and the remarkable nature of the course.

00:56:52 Larry Sneegas discussed the growth in popularity of disc golf and its economic impact. He said that, if traffic is an issue for the neighbors, there is a plan in place that could reduce the amount of activity. He said proper signage would prevent vehicles from mistakenly turning in to neighbors' property to turn around. He discussed the differences between a disc golf course and the single-family home construction taking place between Scenic Trail and Orell Road.

01:00:12 Tommy Lee Bronson Jr. said he started a petition in support, which gathered over 2800 signatures. He also emphasized the growth of the sport, and how necessary this course is, especially during COVID. He also emphasized the cleanliness and safety of the facility.

01:03:52 Cassie Boblitt discussed the importance of this business, and the sport, to combat veterans with PTSD who she works with (see recording.)

01:09:12 Councilwoman Cindi Fowler said this case was brought to her attention due to a complaint from a neighbor. She said she wanted to ensure that his concerns were heard, which include: traffic, noise, and peace of mind. She noted that there is a restoration of Mill Creek, coming from the State, which will affect this golf course.

The following spoke in opposition of the request:

John and Susan Pamperin, 7200 Scenic Trail, Louisville, KY 40272

Summary of testimony of those in opposition:

01:12:22 John Pamperin discussed traffic on Scenic Trail, and said his driveway is on the very end of Scenic Trail. People bypassing the Arrowhead course would have to turn around in his driveway. He said he wanted seclusion, and said this is a residential area, not commercial. He said he has been told that the golf course will reduce the value of his property.

01:20:48 Susan Pamperin emphasized that Scenic Trail is a narrow, one lane road. She said the activity at the site "is like a church picnic every weekend." She said that, of an emergency occurred, a fire truck could not get back there.

01:23:14 Chair Howard asked Mr. Pamperin if he knew that, if this request is approved, there is a Condition of Approval that stipulates that there can only be 9

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vehicles per day. Mr. Pamperin discussed more aspects of the traffic, and other issues (see recording.)

Rebuttal

01:27:44 Mr. Craven said Major Richard Allen from the PRP Fire Department inspected the site and deemed the road to be safe, as long as cars are not parked on the road. Mr. Craven and the Board members also discussed traffic; number of vehicles; and the Mill Creek restoration. Tommy Lee Bronson Jr. answered some questions about other disc golf courses in Bowling Green (see recording for detailed discussions).

01:32:20 Mr. French noted that Metro Public Works is required to sign off on a portion of transportation-related aspects of this permit. He also discussed Item F in more detail (see recording.)

01:33:20 Board Members' deliberation

01:34:28 On a motion by Member Horton, seconded by Member Vozos, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal meets all applicable policies of the Comprehensive Plan; and

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

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed the proposal; and

WHEREAS, the Board further finds that:

Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

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Indoor and outdoor athletic facilities as a principal use are permitted in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8A, M-1, M-2, and M-3 districts in compliance with the following requirements:

A. The athletic facilities are located in a suburban form district; ***the proposal is located in the Neighborhood form district, which is a suburban form;*** and

B. Pedestrian and vehicular circulation patterns, including location of parking lots and driveways, must be designed to safely accommodate recreational users and avoid conflict with truck traffic, as determined by the Director of Works; ***the site plan has been reviewed and approved by Public Works contingent on a condition limiting vehicle trips, see condition of approval #4;*** and

C. The applicant shall submit a lighting plan documenting compliance with Section 4.1.3 (Lighting ordinance); ***no lights are proposed for the use;*** and

D. No structure, parking area or outdoor recreation facility shall be located within 30 feet of a property line, unless the closest comparable use and on the particular parking demand and trip generation characteristics of the property further restricted in accordance with paragraph F below. ***There will be no new construction, so all conditions are existing. Parking for the use will be on the private property located at 7300 Scenic Trail and the vehicle trips generated for this use will be limited to the same number as a single-family residential use.***

E. Signs – Shall be in accordance with the on-premises sign standards of Chapter 8 of the LDC for non-residential uses. ***No signs are proposed for this use.***

F. Athletic facilities in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7 and R-8A districts shall meet the following compatibility requirements:

1. No outdoor athletic facility or parking area may be located closer than 100 feet to an adjacent property zoned for residential use; ***The applicant will need relief from Item F because the parking area is closer than 100 feet. Staff supports this relief because the use is limited to the same number of vehicle trips as a single-family use per the proposed condition of approval.***

2 No indoor athletic facility may be located closer than 50 feet to an adjacent property zoned for residential use; ***there are some parts of the proposed use that are within 50 feet of residentially zoned property, staff supports relief because the use is***

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limited in intensity by the proposed condition of approval and the nature of the use will limit any potential nuisances to surrounding properties.

3. The minimum tract size for an athletic facility shall be 10 contiguous acres; **the applicant's property and the Metro property included in this application are more than 70 acres in combined area.**

G. Athletic facilities in the M-1, M-2 and M-3 districts subject to a conditional use permit may serve three purposes:

1. To allow a transitional use of industrially zoned land, while preserving the community's supply of industrially zoned property until such time as market demand justifies use of such property in a manner that will significantly meet the community's economic development needs or

2 To allow use of parcels for permanent open space or recreational purposes serving employees of an industrial development; or

3. To accommodate greenways or similar open space use of environmentally constrained land, with or without trail systems or other recreational facilities. **Item G is not applicable because these properties are not zoned industrial.**

H. Thus, athletic facilities are permitted only when the applicant indicates which of the three purposes the proposed will meet, and can demonstrate the following to the satisfaction of the Board of Zoning Adjustment or the Board's designee:

1. If Transitional Use: The proposed athletic facilities do not entail construction of permanent facilities that are inconsistent with industrial use of the site. ***The proposal will meet this purpose.***

2. If Permanent Open Space/Recreation Use: The site is an integral component of a multi-lot business or industrial park, and the recreation facilities primarily benefit persons working at the industrial park.

3. If Greenway or Environmentally Constrained: The site is subject to environmental constraints regulated in Chapter 4 Parts 6, 7, or 8, and is precluded from development by conservation easement or restriction on the development plan. **Item H is not applicable.**

Now, therefore be it

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RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow an outdoor athletic facility (Frisbee Disc Gold Course), and does hereby grant relief from Item F, based on the adoption of Condition of Approval #4, and **SUBJECT** to the following Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for an indoor athletic facility until further review and approval by the Board.
3. This outdoor athletic facility shall be limited to a frisbee disc golf course consisting of no more than 27 holes (baskets).
4. This conditional use is limited to no more vehicle trips per day than the total generated trips per day for a single-family residential use as established in the most recent version of the ITE Trip Generation Handbook (9 per the 2021 handbook). Any increase in the number of trips for this use beyond this limit shall require approval of a modified conditional use permit by the Louisville Metro Board of Zoning Adjustment.

The vote was as follows:

YES: Members Ford, Bond, Horton, Vozos, Vice Chair Buttorff, and Chair Howard.

ABSENT: Member Leanhart.

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PUBLIC HEARING

Case No. 22-VARIANCE-0102

Request: Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 20% of the area of the lot.

Project Name: Esperanza Way Variance

Location: 2011 Esperanza Way

Owner/Applicant: Shellie & Arthur C. Eggers

Jurisdiction: Louisville Metro

Council District: 8 – Cassie Chambers Armstrong

Case Manager: Heather Pollock, 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:

01:37:16 Heather Pollock presented the case, showed a Power Point presentation, and responded to questions from the Board members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Steve Wiser, 2862 Riedling Drive, Louisville, KY 40206

Summary of testimony of those in support:

01:44:25 Steve Wiser, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

The following spoke neither for nor against the request ("Other"):

Bethany Rock, 2028 Speed Avenue, Louisville, KY 40205

Christine Rowe, 2018 Speed Avenue, Louisville, KY 40205

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Jennifer Medley, 2020 Speed Avenue, Louisville, KY 40205

Summary of testimony of those neither for nor against:

01:47:21 Bethany Rock said her concern is rainwater diversion. There has never been a structure there before, and water runoff has to go somewhere.

01:48:33 Christine Rowe said the original application was for a single-story structure. The current application is for a two-story structure. She asked what the applicant is planning to do with the second story – will it be a living space?

The following spoke in opposition to the request:

James McFarland, 2022 Speed Avenue, Louisville, KY 40205

Summary of testimony of those in opposition:

01:49:39 James McFarland said the rear of his property shares a property line with the proposed structure. He said he was told it would be a carport, before construction began. He said construction proceeded without a variance being approved. He said that the survey markers were moved when the concrete pad was poured, and he is not concerned that the structure is less than two feet from his property. He said he shares the concerns about water runoff. He discussed a fence that has been moved. He disagreed about emergency vehicles being able to access the alley/s (see recording for detailed presentation.)

Rebuttal:

01:52:47 Mr. Wiser delivered rebuttal (see recording for detailed presentation.) He said the upper story will be for storage only, and drainage will be provided by gutters and downspouts. He said that this alley could also be closed off and grass planted there instead, although this would hinder neighbors' access to their properties, but they are currently traversing his client's property. He said the issue of a carport never came up in discussions between him and his client. Mr. Wiser responded to questions from the Board members (see recording for detailed discussions).

01:58:04 Ms. Medley said the original plan was for a carport, then a one-story structure, and now a proposed two-story structure which was not included in the permit. Chair Howard asked if the neighbors would prefer that the applicant close the alley. Ms. Medley said closing the alley would not impact her access to her property.

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02:00:46 Ms. Pollock pointed out that, on page 2 of the staff report, a building permit was issued in September for a one-story garage. Staff has been in contact with Construction Review to make sure that is revised. The applicant has submitted a revised plan to include the second story (see recording for detailed discussion.)

02:01:55 Board Members' deliberation

02:03:04 On a motion by Member Vozos, seconded by Member Ford, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all building codes, including fire codes and Land Development Codes, except for where relief is requested; and

WHEREAS, the Board further finds that the proposed structure will not alter the essential character of the general vicinity as it is going to be built with material that will be in character with the existing residence and surrounding residential neighborhood. While the shape of this lot is unique, the lack of adequate private yard area is not. There are other corner lots on Speed Ave, Kenilworth Pl, and Grasmere Dr. that do not appear to meet private yard area requirements; and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes and will not adversely impact the safe movement of vehicles or pedestrians. While there is an alley that runs between the location of the primary structure and the proposed garage, the right of way terminates before connecting to the alley that runs from Esperanza Way to Speed Ave. Thus, there is no sight distance triangle to consider; and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the lot is a unique shape and there is an alley that terminates behind the home, these conditions keep this property from having adequate space for the private yard area requirement; and

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WHEREAS, the Board further finds that the requested variance does arise from special circumstances which do not generally apply to the land in the generally vicinity or the same zone as the lot is dissimilar in size and shape to the surrounding properties; 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 there is not adequate space that can be counted toward the private yard area due to the unique shape of the lot and the location of a private alley between the home and the accessory use area; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 20% of the area of the lot.

The vote was as follows:

YES: Members Ford, Bond, Horton, Vozos, Buttorff, and Chair Howard.

ABSENT: Member Leanhart.

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PUBLIC HEARING

Case No. 22-VARIANCE-0124 and 22-WAIVER-0198

Request: Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot and a Variance from the Land Development Code section 5.4.1.E.5.to allow an accessory structure to encroach into the side yard setback; **AND** a Waiver from Land Development Code section 5.4.1.C.2 to allow an accessory structure in the principal structure area.

Project Name: Texas Avenue Variance
Location: 1427 Texas Avenue
Owner/Applicant: GTE LLC
Representative: Clifford Ashburner
Jurisdiction: Louisville Metro
Council District: 15- Kevin Triplett
Case Manager: Amy Brooks, 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:

02:04:40 Amy Brooks presented the case and showed a Power Point presentation, (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th St #2500, Louisville, KY 40202

Stuart Pollard, 2318 Bonnycastle Avenue, Louisville, KY 40205

Summary of testimony of those in support:

02:09:56 Cliff Ashburner, the applicant's representative, introduced the applicant's case and began a Power Point presentation (see recording for detailed presentation.)

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Case No. 22-VARIANCE-0124 and 22-WAIVER-0198

02:14:29 Stuart Pollard, the applicant, explained his contracting for and ultimately purchasing the property. He showed evidence that the “Seller’s Disclosure” specifically stated that “all permits were pulled and passed” (see recording for detailed presentation.)

02:17:03 Mr. Ashburner resumed his presentation and slides, and responded to questions from the Board members (see recording.)

The following spoke in opposition to the request:

No one spoke.

02:26:20 Board Members’ deliberation

Waiver from Land Development Code section 5.4.1.C.2 to allow an accessory structure in the principal structure area.

02:29:22 On a motion by member Ford, seconded by Member Bond, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the accessory structure, as located in the principal structure area, would not adversely affect adjacent property owners based on the access of the accessory structure from the side alley, and the fact, that the alley utilized for access is predominantly used to access accessory structures in this area; and

WHEREAS, the Board further finds that the waiver does not violate specific guidelines of Plan 2040. Plan 2040 states that revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces. The accessory structure in the primary use area does not violate specific guidelines of Plan 2040 because while there is rear alley access, it is underimproved compared to the side alley. In addition, the side alley is used for access by more properties that are adjacent to it; and

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WHEREAS, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because the rear alley is underimproved, thereby making access more difficult compared to the fully improved side alley; and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because, if the accessory structure were placed further back on the lot, there would be less available open and unimproved space that could be considered in calculating the private yard area that is required in the Traditional Neighborhood Form District; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **Waiver** from Land Development Code section 5.4.1.C.2 to allow an accessory structure in the principal structure area.

The vote was as follows:

YES: Members Ford, Bond, Horton, Vozos, Vice Chair Buttorff, and Chair Howard.

ABSENT: Member Leanhart.

Variances:

Variance #1 - Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot.

Variance #2 - Variance from the Land Development Code section 5.4.1.E.5.to allow an accessory structure to encroach into the side yard setback.

02:31:18 On a motion by Member Ford, seconded by Member Bond, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

(Variance #1) WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes,

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including fire codes, and the Land Development Code, except where relief is requested; and

WHEREAS, the Board further finds that the proposed private yard area reduction will not alter the essential character of the general vicinity as many properties in the area seemingly have reduced private yard areas to accommodate for the more compacted urban lots that are common in the Schnitzelburg neighborhood; and

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as there is not significant open space between the primary structure area and accessory use area that could be counted towards the private yard calculation; and

(Variance #2) WHEREAS, the Board further finds that staff was concerned that the location of the accessory structure may cause a potential safety issue to the public because there is limited room for vehicular maneuverability on the alleyway adjacent to the carport. **However, the Board finds that there is ample curb space and maneuvering area directly across the alley from the garage/carport; and**

WHEREAS, the Board further finds that the structure will not alter the essential character of the general vicinity as it has been built with material that is in character with the surrounding residential neighborhood. Furthermore, while there is an existing alley to the rear of the property, it is underimproved, and there is an existing pattern of adjoining properties not utilizing the rear alley for ingress/egress; and

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as there are other detached structures between Texas and Reasor Avenues that appear to have approximately the same setback from the alleyway; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **Variance #1** - Variance from Land Development Code section 5.4.1.D.2

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to allow a private yard area to be less than the required 30% of the area of the lot (Requirement: 7523 square feet; Request: 1672 square feet; Variance: 585 square feet) **AND Variance #2** - Variance from the Land Development Code section 5.4.1.E.5.to allow an accessory structure to encroach into the side yard setback (Requirement: 2.0 feet; Request: 1 foot; Variance: 1 foot.).

The vote was as follows:

YES: Members Ford, Bond, Horton, Vozos, Vice Chair Buttorff, and Chair Howard.

ABSENT: Member Leanhart.

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BUSINESS SESSION

CASE NUMBER 22-VARIANCE-0136

Request: Variances to allow an addition to encroach both the required street side yard and front setbacks.

Project Name: Whiteheath Addition

Location: 412 Whiteheath Lane.

Owner/Applicant: Daniel Knapp

Jurisdiction: City of Douglass Hills

Council District: 18-Marilyn Parker

Case Manager: Amy Brooks, 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:

02:34:28 Amy Brooks presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation).

The following spoke in support of the request:

Ted Bernstein, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Daniel Knapp, 10900 Rock Valley Court, Louisville, KY 40241

Summary of testimony of those in support:

02:39:10 Ted Bernstein, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

02:43:43 Daniel Knapp, the applicant, presented his case and explained why he wanted to expand the home (see recording for detailed presentation.)

The following spoke in opposition to the request:

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BUSINESS SESSION

CASE NUMBER 22-VARIANCE-0136

Tom Stevens, 414 Whiteheath Lane, Louisville, KY 40243

Summary of testimony of those neither for nor against:

02:46:11 Tom Stevens said this is a variance of 20 feet, not 1-2 feet. In response to a question from Member Horton, Mr. Stevens explained why he thinks this will negatively affect property values (see recording for detailed discussion.)

Rebuttal:

02:50:14 Mr. Bernstein said that, after looking at the staff report and hearing from Mr. Stevens, the applicant has requested a continuance of this case to the **January 9, 2023 BOZA meeting** to allow time for some revisions to the proposal.

02:52:28 On a motion by Member Vozos, seconded by Vice Chair Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** this case to the **January 9, 2022** Board of Zoning Adjustment meeting.

The vote was as follows:

YES: Members Ford, Bond, Horton, Vozos, Vice Chair Buttorff, and Chair Howard.

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PUBLIC HEARING

CASE NUMBER 22-VARIANCE-0143

Request: Variance to allow a second story addition to encroach into side yard setback
Project Name: Mulberry Street Variance
Location: 1108 Mulberry St.
Owner: Richard Burnette/Trimworks
Applicant: Richard Burnette
Jurisdiction: Louisville Metro
Council District: 15-Kevin Triplett
Case Manager: Amy Brooks, 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:

02:53:22 Amy Brooks presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation and discussion.)

The following spoke in support of the proposal:

Richard Burnette, 11200 Sewell Drive, Louisville, KY 40291

Summary of testimony of those in support:

02:56:23 Richard Burnette, the applicant, presented the case and responded to questions from the Board members (see recording for detailed presentation and discussion.) He said he had tried repeatedly to reach the neighbor (leaving notes on the front door, phone messages, etc.) but has been unable to get a response.

The following spoke in opposition to the request:

No one spoke.

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02:59:35 Board Members' deliberation

02:59:56 On a motion by Vice Chair Buttorff, seconded by Member Horton, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested. Staff was concerned that the variance could adversely affect the adjacent property owner because construction and maintenance of the structure may require encroachment onto the adjacent property along the north side yard. **However, the applicant states that he has tried numerous times to contact the adjacent property owner, and will continue throughout the course of construction; therefore the Board finds that relief from this requirement should be granted; and**

WHEREAS, the Board further finds that the structure will not alter the essential character of the general vicinity as it will be built with material that is in character with the surrounding residential neighborhood. In addition, there are other primary structures along this stretch of Mulberry that encroach into the side yard setback; and

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the location of the proposed structure is similar to others in the neighborhood; and

WHEREAS, the Board further finds that the requested variance does not arise from special circumstances which do generally apply to the land in the generally vicinity or the same zone as the lot is similar in size and shape to the surrounding properties; 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 existing house is within 1.9 feet of the property line; 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

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relief is sought as the applicant is requesting the variance and has not begun construction; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **Variance** from the Land Development Code Table 5.2.2 to allow a primary structure to encroach into the side yard setback.

The vote was as follows:

YES: Members Ford, Bond, Horton, Vozos, Vice Chair Buttorff, and Chair Howard.

ABSENT: Member Leanhart.

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CASE NUMBER 22-VARIANCE-0144

Request: Variance to allow a structure to exceed the 80-foot maximum front yard setback
Project Name: Billtown Road Commercial Development
Location: 6503 Billtown Road
Owner: Donald & Linda Rodgers
Applicant: Land Design & Development
Representative: Land Design & Development
Jurisdiction: Louisville Metro
Council District: 20 - Stuart Benson
Case Manager: Molly Clark, 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:

03:01:08 Molly Clark presented the case, showed a Power Point presentation, and responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40222

Ann Richard, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222 (available for questions; did not speak)

Summary of testimony of those in favor:

03:04:18 Nick Pregliasco, the applicant's representative, presented the applicant's case, showed a Power Point presentation, and responded to questions from the Board members (see recording for detailed presentation and discussion.)

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The following spoke in opposition to the request:

No one spoke.

03:13:37 Board Members' deliberation

03:14:26 On a motion by member Vozos, seconded by Vice Chair Buttorff, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the proposed building will still have adequate vehicular and pedestrian access throughout the site. The applicant is also providing all the required landscape buffers between the proposed commercial development and existing schools that surrounds this site; and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity because the applicant is still providing all the required plantings along all road frontages that will create screening as well as being setback further away from the road provides adequate vehicular and pedestrian connectivity; and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because the proposed building must be constructed to comply with all building codes, and it will not adversely impact the safe movement of vehicles or pedestrians; and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the applicant needs to set the building back far enough to provide adequate vehicular and pedestrian connection within the site; and

WHEREAS, the Board further finds that the requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone because the lot is not unusual in shape and there are no topographical issues that apply to this site that do not apply to other sites in the area; 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 building is

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being proposed in the same area as the previously approved detailed district development plan; 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 as the applicant is requesting the variance and has not begun construction; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **Variance** from Land Development Code section 5.3.1 to allow a building to exceed the 80-foot front yard maximum setback (Requirement: 80 feet; Request: 160 feet; Variance: 80 feet) and **SUBJECT** to the following Condition of Approval:

ON CONDITION: The Revised Detailed District Development Plan, General Plan Binding Elements, Detailed Plan Binding Elements and Waivers are approved at the Development Review Committee (DRC). **(NOTE: This Condition has already been met.)**

The vote was as follows:

YES: Members Ford, Bond, Horton, Vozos, Vice Chair Buttorff, and Chair Howard.

ABSENT: Member Leanhart.

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CASE NUMBER 22-MCUP-0007

Request:	Modified Conditional Use Permit
Project Name:	Bob Ray Co.
Location:	723 Lyndon Lane
Owner:	CHIP Investment Properties LLC
Applicant:	Land Design & Development
Representative:	Land Design & Development
Jurisdiction:	City of Lyndon
Council District:	7 - Paula McCraney
Case Manager:	Clara Schweiger, Planner I

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

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

Agency testimony:

03:15:29 Clara Schweiger presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Ann Richard, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

03:20:23 Ann Richard, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

The following spoke in opposition to the request:

No one spoke.

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03:22:45 Board Members' deliberation

03:23:00 On a motion by Vice Chair Buttorff, seconded by member Bond, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with Plan 2040 as the improvements support the current use of the subject site; and

WHEREAS, the Board further finds that no improvements are being made that reduce compatibility with surrounding land uses or the general area. There is already outdoor storage on site, so adding an additional storage building will not reduce compatibility with surrounding land uses. There is existing buffering on the subject site; and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. Preliminary approval has been received by MSD and Transportation Planning; and

WHEREAS, the Board further finds that:

1. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

Storage Yard and Contractor's Yard may be allowed in the C-2, M-1 and C-M Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements, except that a C.U.P shall not be permitted within the Traditional Neighborhood and Traditional Marketplace Corridor Form Districts.

- A. Outdoor storage areas prohibited within the form district transition zone.
- B. Stacked materials and equipment shall not exceed a height of five feet.
- C. Outdoor storage areas shall be screened from adjacent streets and properties.

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- D. Storage of combustible materials shall conform to the requirements of NFPA Pamphlet 30 (information on NFPA pamphlet 30 may be obtained from local fire department).

STAFF: The proposed improvements on the subject site do not appear to conflict or violate the standards listed above.

Now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **Modified Conditional Use Permit** to construct a storage building within the existing storage and contractor's yard; **SUBJECT** to the following Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Planning Commission.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a contractor's storage yard without further review and approval by the Planning Commission.

The vote was as follows:

YES: Members Ford, Bond, Horton, Vozos, Vice Chair Buttorff, and Chair Howard.

ABSENT: Member Leanhart.

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PUBLIC HEARING

CASE NUMBER 22-CUP-0277

Request:	Conditional Use Permit for boarding and lodging house (LDC 4.2.11)
Project Name:	1309 Dixie Highway
Location:	1309 Dixie Highway
Owner:	Willie & Sabrina Jordan
Applicant:	Willie F. Jordan
Representative:	Willie F. Jordan
Jurisdiction:	Louisville Metro
Council District:	6 - David James
Case Manager:	Joel P. Dock, AICP, Planning 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:

03:24:14 Joel Dock presented the case, showed a Power Point presentation, and responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Willie F. Jordan, 312 Buck Knobs Road, Ekron, KY 40117

Summary of testimony of those in favor:

03:29:45 Willie Jordan, the applicant, presented the case and responded to questions from the Board members (see recording for detailed presentation and discussion).

The following spoke in opposition of the request:

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No one spoke.

03:32:03 Board Members' deliberation

03:32:18 On a motion by Member Bond, seconded by Vice Chair Buttorff, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Adjustment finds that the proposal is consistent with the land use and development policies of Plan 2040 as the proposed use is located near major transportation facilities providing access to goods, services, and employment opportunities in a well-connected neighborhood. Further, no improvements are being made to the exterior that reduces the current compatibility of the structure with the area; and

WHEREAS, the Board further finds that no improvements are being made to the exterior that reduces the current compatibility of the structure with the area; and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities; and

WHEREAS, the Board further finds that the proposal complies with the following specific standards required to obtain the conditional use permit requested:

Boarding Houses may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, R-8A, TNZD (Neighborhood Center), and TNZD (Neighborhood Transition-Center) districts upon the granting of a Conditional Use Permit and compliance with the following requirements. This section does not apply to any Residential Lodging House that may be permitted with special standards pursuant to Section 4.3.24 of this Land Development Code.

- A. A Boarding House in a single-family residential zoning district (R-R, R-E, R-1, R-2, R-3, R-4, R-5, or U-N) shall have a maximum of four (4) Boarders. A Boarding House in a multi-family residential zoning district (R-5A, R-5B, R-6, R-7, or R-8A) or TNZD (Neighborhood Center/Neighborhood Transition-Center only) shall have a maximum of eight (8) Boarders. In a Boarding House that is owner-occupied, the owner and members of his or her Family shall not be considered Boarders.

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- B. A Boarding House additionally classified as a Boarding Home by Kentucky Revised Statutes and/or Kentucky Administrative Regulations shall comply with the standards for the operation of a Boarding Home, including but not limited to those provided in 902 KAR 20:350 and KRS Chapter 216B.
- C. Each Boarder shall have his or her own bedroom. Any such bedroom shall meet the current dimensional requirements and occupancy limitations set forth in LMCO Section 156.103.
- D. A Boarding House is for non-transient occupancy. The minimum intended stay for any Boarder shall be at least 30 consecutive days.
- E. A Boarding House may have a Boarder who manages the property and/or supervises the other Boarders on behalf of the property owner and/or operator. There shall not be any non-resident employee that works within the dwelling, with an exception for employees that report to the property temporarily to address management or emergency issues.
- F. A Boarding House is a residential use. Nonresidential uses and services, including those that may be accessory, shall not be carried out within the dwelling unless otherwise permitted and approved as a separate use.
- G. There shall not be any outdoor signage which identified the Boarding House use.
- H. A Boarding House shall be in a location with reasonable access to public transportation.
- I. The required parking for the use is set forth in Chapter 9 of this Land Development Code. The BOZA may require additional parking if warranted.
- J. When reviewing a conditional use permit application for a Commercial Boarding House, the BOZA shall, to the best of its abilities, find that the establishment of the use will not result in harm to health, safety, or general welfare of the surrounding neighborhood. The property on which a Commercial Boarding House is situated shall not be located closer than 1,000 feet (measured in a straight line from nearest property line to nearest property line) to any property on which another Commercial Boarding House, Rehabilitation Home, or Transitional Housing use that has been approved by a conditional

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use permit is situated.

- K. A Boarding House shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.
- L. For a complete application submittal for a Boarding House conditional use permit, in addition to the documentation required of all conditional use permit applications, the following additional information shall be provided:
 - 1. Type of resident population to be served, if any;
 - 2. Site plan and floor plans of any building subject to the use (showing the location and dimensions of all bedrooms);
 - 3. A written statement, plans, and/or permits indicating how any building subject to the application meets or will be adapted to meet all applicable building codes for the use if approved;
 - 4. The maximum number of Boarders; and
 - 5. Rules of conduct and management plan.

In the event a conditional use permit for a Boarding House is approved, any change to the foregoing information must be approved by the BOZA as a modification pursuant to Section 11.5A.1 of this Land Development Code.

- M. The operator(s) of a Boarding House shall maintain a registry of Boarders, which shall document the terms of stay of each Boarder. This registry shall be made available for inspection by a Zoning or Code Enforcement Officer in order to determine the total number of Boarders residing in the Boarding House at a given time and whether or not a term of stay is transient or not. However, under these provisions, the operator is not required to collect and/or maintain records that may be used for discriminatory purposes under the Fair Housing Acts, including but not limited to records relating to the race, religion, gender, national origin, family status and/or disability of any resident.
- N. A Boarding House shall not operate until it has been issued a license pursuant to LMCO Chapter 115 and, if required, a registration or license from the Commonwealth of Kentucky pursuant to KRS Chapter 216B.
- O. Unlawful operation of a Boarding House without the required conditional use permit and/or license may constitute grounds for denial of an after-the-fact conditional use permit application for the Boarding House by the BOZA.

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- P. If a Boarding House with an approved conditional use permit is subject to two (2) or more substantiated civil and/or criminal complaints within a 12 month period, the Planning Director may request that the BOZA revoke the conditional use permit in accordance with Section 11.5A.6 of this Land Development Code. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical code. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- Q. An active license of the Boarding House, as required by LMCO Chapter 115, shall be maintained. No boarding may take place unless the license is active and in the name of the current operator and property owner. If the license is not renewed and lapses for six (6) months, or in the event of a change of ownership and/or operator, a new license is not issued within six (6) months from the date of the change, the conditional use permit shall become null and void. In order to recommence any Boarding House use, a new conditional use permit must be granted if required.

The proposal complies with or will be required to comply with each of these standards prior to the issuance of a license for the boarding house. The proposal will have no more than 7 boarders, and each will have their own sleeping room, which complies with occupancy limitations. The initial minimum stay is no less than 30 days. Transit service is readily available on Dixie Highway. Rental agreement and management plan have been provided for the record. Conditions of approval have been proposed to secure compliance with these standards.

Now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **Conditional Use Permit** for boarding and lodging house (LDC 4.2.11), **SUBJECT** to the following Condition of Approval:

Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.

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2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a boarding and lodging use until further review and approval by the Board.
3. The maximum number of boarders shall not exceed 7, unless prior approval is received by the Board of Zoning Adjustment
4. An active license of the Boarding House, as required by LMCO Chapter 115, shall be maintained.

The vote was as follows:

YES: Members Ford, Bond, Horton, Vozos, Vice Chair Buttorff, and Chair Howard.

ABSENT: Member Leanhart.

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December 5, 2022

PUBLIC HEARING

CASE NUMBER 22-CUP-0289

Request: Conditional Use Permit for short term rental of a dwelling unit that is not the primary residence of the host
Project Name: Nanz Avenue Short Term Rental
Location: 3533 Nanz Avenue
Owner: Alissa Condra
Applicant: Alissa Condra
Representative: Alissa Condra
Jurisdiction: Louisville Metro
Council District: 9 - Bill Hollander
Case Manager: Chris French, Planning 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:

03:33:29 Chris French presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Alissa Condra, 3533 Nanz Avenue, Louisville, KY 40207

Summary of testimony of those in favor:

03:35:39 Alissa Condra, the applicant, presented the case and responded to questions from the Board Members. She said that she currently lives at the property and has an owner-occupied registration, and explained why she is requesting the Conditional Use Permit (see recording for detailed presentation and discussion.)

The following spoke in opposition to the request:

No one spoke.

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03:38:37 On a motion by Member Vozos, seconded by Member Ford, the following resolution, based on the Standard of Review and Staff Analysis and evidence and 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:

1. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

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

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

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the residence has 3 bedrooms that will allow a maximum number of 8 guests.

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

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

- F. Food and alcoholic beverages shall not be served by the host to any guest. ***The applicant has been informed of this requirement.***

- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts. ***The applicant has been informed of this requirement.***

- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. ***The applicant states that there are 2 spaces available on the driveway.***

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- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. ***The applicant has been informed of this requirement.***

- 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. ***The applicant has been informed of this requirement.***

- 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. ***The applicant has been informed of this requirement***

- 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. ***The applicant has been informed of this requirement.***

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in an R-5 zoning district and Neighborhood Form District, **SUBJECT** to the following Condition of Approval:

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1. The conditional use permit for this short term rental approval shall allow up to 3 bedrooms (with a maximum of 8 guests at any one time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.

The vote was as follows:

YES: Members Ford, Bond, Horton, Vozos, Vice Chair Buttorff, and Chair Howard.

ABSENT: Member Leanhart.

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CASE NUMBER 22-CUP-0317

Request: Conditional Use Permit for short term rental of a dwelling unit in the TNZD
Project Name: South 7th Street Short Term Rental
Location: 953 S. 7th Street
Owner: Elizabeth Turner
Applicant: Elizabeth Turner
Representative: Elizabeth Turner
Jurisdiction: Louisville Metro
Council District: 6 - David James
Case Manager: Chris French, Planning 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:

03:40:20 Chris French presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Elizabeth Turner, 953 S. 7th Street Unit 1, Louisville, KY

Summary of testimony of those in favor:

03:43:50 Elizabeth Turner, the applicant, presented the case and responded to questions from the Board members (see recording for detailed presentation and discussion.)

The following spoke neither for nor against the request (“Other”):

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Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Whitney Ditzhazy, 914 S 6th Street, Louisville, KY 40203

Summary of testimony of those neither for nor against:

03:46:39 Nick Pregliasco said there was a case that was presented to the Board at a prior date, which was within 600 feet of this property. That case was denied. There were concerns raised at that time about two neighborhood meetings being held on the same night (for this property, and for the other property.) He said he is now representing that property owner and will be holding another neighborhood meeting. The owner will be coming back before the Board, and Mr. Pregliasco wanted to put on the record that his client's case was heard first (see recording for detailed presentation.)

03:48:41 Whitney Ditzhazy discussed the neighborhood meeting process and the conflict of simultaneous meetings for this property and another property in the same area (see recording for detailed presentation.)

03:51:04 Board Members' deliberation

03:51:40 On a motion by Member Vozos, seconded by Vice Chair Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the evidence and 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. **The Board finds that the applicant will be living on the property, and will be there managing the property; 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:

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1. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental. ***The applicant has been informed of this requirement.***
- B. The dwelling unit shall be limited to a single short term rental contract at a time. ***The applicant has been informed of this requirement.***
- 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 Unit 2 has 1 bedroom that will allow a maximum number of 4 guests.***
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. ***As of the date of this report, within 600' of the subject property, there are no properties with an approved conditional use permit allowing short term rentals that is not the primary residence of the host. The Board finds that the 600-foot rule does not need to be addressed in this case because there are no approved CUPs within 600 feet.***

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- 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 has been informed of this requirement.***

- F. Food and alcoholic beverages shall not be served by the host to any guest. ***The applicant has been informed of this requirement.***

- G Outdoor signage which identifies the short term rental is prohibited in residential zoning districts. ***The applicant has been informed of this requirement.***

- 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 at the rear of the property can accommodate up to 2 vehicles. In addition, the LDC credits the site with one on-street parking space.***

- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. ***The applicant has been informed of this requirement.***

- 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

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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. ***The applicant has been informed of this requirement.***

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.

The applicant has been informed of this requirement

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. ***The applicant has been informed of this requirement.***

Now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host within the TNZD and Traditional Neighborhood Form District; **SUBJECT** to the following Condition of Approval:

1. The conditional use permit for this short term rental approval shall be limited to Unit #2 and shall allow up to 1 bedroom (with a maximum of 4 guests at any time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.

The vote was as follows:

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YES: Members Ford, Bond, Horton, Vozos, Vice Chair Buttorff, and Chair Howard.

ABSENT: Member Leanhart.

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PUBLIC HEARING

CASE NUMBER 22-CUP-0323

Request: Conditional Use Permit for short term rental of a dwelling unit that is not the primary residence of the host
Project Name: Richmond Drive Short Term Rental
Location: 1894 Richmond Drive
Owner: John Michael Woodlee
Applicant: John Michael Woodlee
Representative: John Michael Woodlee
Jurisdiction: Louisville Metro
Council District: 8 - Cassie Chambers Armstrong
Case Manager: Molly Clark, 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:

03:55:55 Molly Clark presented the case, showed a Power Point presentation, and answered questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Rachael Harmon, 1621 Windsor Place, Louisville, KY 40204

John Michael Woodlee, 1897 Richmond Drive, 40205

Summary of testimony of those in favor:

03:59:20 Rachael Harmon, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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04:03:37 John Michael Woodlee, the applicant, presented more aspects of his request and responded to questions from the Board members (see recording for detailed presentation.)

The following spoke in opposition of the request:

Jeffrey Hughes, 1888 Richmond Drive, Louisville, KY 40205

Summary of testimony of those in opposition:

04:07:52 Jeffrey Hughes said he is speaking in opposition on behalf of the Deer Park Neighborhood Association, as well as several neighbors. He said the Association and the neighbors oppose the increasing saturation of the short-term rentals in Deer Park and the Highlands as a whole. It is the increasing commercialization of a residential neighborhood. He said there are currently 22 short-term rentals either approved or in process for the Deer Park Neighborhood, which is less than 2 square miles in area. There are already some active short-term rentals on the Richmond Drive (see recording for detailed presentation.)

Rebuttal:

04:10:42 Ms. Harmon delivered rebuttal, and also discussed the Conditional Use Permit continuing with the property with the Board members and also Laura Ferguson, legal counsel for the Board (see recording for detailed presentation and discussion.)

04:14:24 Board Members' deliberation

04:15:25 On a motion by Member Ford, seconded by Vice Chair Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that there is one other approved conditional use permit under 22-CUP-0138 for a short term rental that is not the primary residence of the host within 600 feet of the subject property. This short term rental is also active and registered;

now, therefore be it

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RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the requested Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in the R-5 Single Family Residential Zoning District and Traditional Neighborhood Form District.

The vote was as follows:

YES: Members Ford, Bond, Horton, Vice Chair Buttorff, and Chair Howard.

NO: Member Vozos.

ABSENT: Member Leanhart.

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PUBLIC HEARING

CASE NUMBER 22-APPEAL-0011

Request: Appeal of an administrative decision regarding a zoning enforcement action.
Project Name: East Whitney Avenue Appeal
Location: 114 East Whitney Avenue
Owner: Glen E. Kerns
Appellant: Glen E. Kerns
Representative: Harry B. O'Donnell IV
Jurisdiction: Louisville Metro
Council District: 21 - Nicole George
Case Manager: Chris French, Planning 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:

04:17:11 Chris French presented the case, showed a Power Point presentation, and answered questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in support of the appeal (appellant or appellant's representative):

Harry O'Donnell, 1941 Bishop Lane Suite 706, Louisville, KY 40218

Summary of testimony of those in support:

04:24:54 Harry O'Donnell, the applicant's representative, objected because the Code Enforcement officer who issued the citation is not present. He said he did not hear that Mr. French is an authorized representative of the Code Enforcement officer (Steve Bodner.) Laura Ferguson, legal counsel for the Board, asked if Mr. O'Donnell wished to have Mr. Bodner present in order to cross-examine him. Mr. O'Donnell said Mr. Bodner is required to be present to present the case ("due process".) Mr.

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O'Donnell, Ms. Ferguson, and Joe Haberman, Planning & Design Manager, discussed process and procedure for an appeal of violations (see recording for detailed presentation and discussion.)

04:41:50 Ms. Ferguson suggested continuing this case in order to have Mr. Bodner present. She asked the appellant to provide some proof of non-conforming rights. Mr. Haberman said that, if documentation is provided proving non-conforming rights, that staff will concur. He said staff has so far found no evidence that this use has continued since 1986. If the appellant can provide that proof, the case may be moot. See recording for detailed discussion.

04:52:23 On a motion by Member Bond, seconded by Vice Chair Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** this case to the January 23, 2023 Board of Zoning Adjustment meeting, to be heard first item on the public hearing portion of the agenda.

The vote was as follows:

YES: Members Ford, Bond, Horton, Vozos, Vice Chair Buttorff, and Chair Howard.

ABSENT: Member Leanhart.

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The meeting adjourned at approximately 6:15 p.m.

Chair

Secretary