

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

October 21, 2019

A meeting of the Louisville Metro Board of Zoning Adjustment was held on October 21, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

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

Members Absent:

Lindsey Jagoe

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Reverman, Planning & Design Assistant Director
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Steve Hendrix, Planning & Design Coordinator
Beth Jones, Planner II
Jon Crumbie, Planning & Design Coordinator
Lacey Gabbard, Planner I
John Carroll, Legal Counsel (left at approximately 5:00 p.m.)
Laura Ferguson, Legal Counsel (arrived at approximately 5:00 p.m.)
Sue Reid, Management Assistant

The following cases were heard:

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OCTOBER 7, 2019 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:03:32 On a motion by Member Turner, seconded by Vice Chair Leanhart, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the October 7, 2019 Board of Zoning Adjustment meeting.

The vote was as follows:

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

Abstain: Member Buttorff

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 19-CUP-0052

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

Project Name: Higgins Short Term Rental

Location: 1036 Lampton Street

Owner/Applicant: Shannon Higgins, LLC

Jurisdiction: Louisville Metro

Council District: 4 – Barbara Sexton Smith

Case Manager: Jon E. Crumbie, Planning & Design Coordinator

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

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

Agency testimony:

00:04:42 Jon Crumbie presented the reconsideration request (see recording for detailed presentation).

The following spoke in favor of the request:

Paul Whitty, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Shannon Higgins, 14700 Alexis Cove, Prospect, KY 40059
Debra Sweeney, 1033 Lampton Street, Louisville, KY 40204
Janna Bradley, 745 Vine Street, Louisville, KY 40204
Glenn Herre, 1029 E. Breckenridge St., Louisville, KY 40204
Connie Bennett, 726 Vine Street, Louisville, KY 40204

Summary of testimony of those in favor:

00:07:30 Paul Whitty spoke in favor of the request (see recording for detailed presentation).

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00:10:20 Shannon Higgins spoke in favor of the request and showed a Powerpoint presentation. Ms. Higgins responded to questions from the Board Members (see recording for detailed presentation).

00:27:32 Debra Sweeney spoke in favor of the request (see recording for detailed presentation).

00:29:48 Janna Bradley spoke in favor of the request (see recording for detailed presentation).

00:31:04 Glenn Herre spoke in favor of the request (see recording for detailed presentation).

00:33:11 Connie Bennett spoke in favor of the request (see recording for detailed presentation).

00:34:38 Chair Howard called the following persons who had signed in to speak in support but declined to speak:

Jonathan Klunk
Shawn Moss
George & Carol Sullivan
Peggy Baas
Yvonne Lymberopoulos
Kostas Lymberopoulos

The following spoke in opposition of the request:

James Frederick, 1032 Lampton Street, Louisville, KY 40204

Alan Boeschel, 1034 Lampton Street, Louisville, KY 40204

Cindy Pablo, 1039 Lampton Street, Louisville, KY 40204

Summary of testimony of those in opposition:

00:35:56 James Frederick spoke in opposition of the request (see recording for detailed presentation).

00:37:46 Alan Boeschel spoke in opposition of the request (see recording for detailed presentation).

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00:39:50 Cindy Pablo spoke in opposition of the request. Ms. Pablo provided a map to the Board Members showing properties that are operating as short term rentals in the area. Ms. Pablo responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

01:00:16 Paul Whitty spoke in rebuttal (see recording for detailed presentation).

01:04:33 **Board Members' deliberation**

01:12:34 Public hearing was reopened to allow Mr. Whitty an opportunity to respond to questions regarding parking (see recording for detailed presentation).

01:15:51 **Board Members' deliberation**

01:16:46 On a motion by Member Goatley, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is less than two acres. The applicant states that the residence has three bedrooms which will allow a maximum number of eight guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there are three properties with an approved conditional use permit allowing short term rentals that is not the primary residence of the host. The applicant is requesting relief to the provision in accordance with LDC Section 4.2.2.B. The applicant's justification for this relief is attached to this report. If the Board does not grant relief, the application does not meet all of the listed requirements and the conditional use permit cannot be approved.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a

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

- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has credit for one on-street parking space and the applicant will be purchasing a monthly parking permit from the parking lot located on Vine Street.**
- 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.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

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- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0052 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner/host in the R-6 Zoning District and Traditional Neighborhood Form District, with **RELIEF** from Standard 4D because of the changing fabric of the neighborhood and the applicant's justification, and **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. The maximum number of guests shall be limited to six (6) at a time.
2. A copy of the contract for parking for three parking spaces within 100 feet of the subject property shall be provided to Planning & Design staff.

The vote was as follows:

Yes: Members Turner, Goatley, and Chair Howard

No: Member Buttorff, and Vice Chair Leanhart

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 19-CUP-0060

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

Project Name: Cannonside Drive Short Term Rental

Location: 804 Cannonside Drive

Owner: Anthony Clemons

Applicant: Michael Eisenberg – Furnished Habitat LLC

Jurisdiction: Louisville Metro

Council District: 9 – Bill Hollander

Case Manager: Zach Schwager, Planner I

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

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

Agency testimony:

01:21:14 Joe Haberman presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Paul Whitty, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223

Summary of testimony of those in favor:

01:24:35 Paul Whitty spoke in favor of the request and showed a Powerpoint presentation. Mr. Whitty responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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01:35:17 Board Members' deliberation

01:36:52 On a motion by Member Buttorff, seconded by Vice Chair Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **According to the applicant, there are five bedrooms; LDC regulations permit up to 12 guests.**

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

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- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0060 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63), **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. The maximum number of guests shall be limited to ten (10) at a time.

2. The 2-car garage shall be made available for guest parking.

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CASE NUMBER 19-CUP-0060

The vote was as follows:

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

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 19VARIANCE1059

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

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

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

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

Agency Testimony:

01:39:41 Joe Haberman stated this case was continued from a previous meeting because we needed a survey to really understand where the structure is because this is an after-the-fact structure. Mr. Haberman stated the property owner was going to bring the survey to this meeting, so the Board may want to have that because if they do not, we're likely going to continue it anyway (see recording for detailed presentation).

01:40:38 The applicant provided a survey to Mr. Haberman. Mr. Haberman stated there are two variance requests – a variance to the fence height and a deck structure that is adjacent to an above-ground pool. Mr. Haberman stated according to the survey it does look like the structures do go over a little to the neighboring property line, which is problematic. Mr. Haberman stated it's unclear whether it's the fence, the deck, or both. Mr. Haberman stated he could go ahead with the presentation but there may be some questions because obviously the Board cannot grant a variance to go onto somebody else's property regardless of consent of the neighbor. The Board Members reviewed the

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boundary survey and discussed the situation (see recording for detailed presentation).

The following spoke in favor of the request:

Adnan Skenderovic, 6906 John Paul Lane, Louisville, KY 40229

Summary of testimony of those in favor:

01:45:01 Adnan Skenderovic spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:47:28 Joe Haberman stated there is a letter from the neighbor, and they appear to oppose the variance. Mr. Haberman stated he wanted the property owner to explain whether or not it's possible to modify the existing deck to be on their property because it's clear in the letter that the neighbor does not want this on their property. Staff and Board Members discussed (see recording for detailed presentation).

01:52:26 On a motion by Member Buttorff, seconded by Member Goatley, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 19VARIANCE1059 to a date uncertain to allow staff time to review all the documents and gather additional information.

The vote was as follows:

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

Absent: Member Jagoe

01:53:19 Meeting was recessed.

01:53:35 Meeting was reconvened.

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0018

Request:	Variances to allow a private yard area to be less than the required 30% of the area of a lot and to allow the accessory structure/use area to exceed 60 feet in depth
Project Name:	S. 3rd Street Variance
Location:	4704 S. 3rd Street
Owner:	Vicky Saling
Applicant:	Charles Podgursky
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Zach Schwager, Planner I

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

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

Agency testimony:

01:54:05 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Charles Podgursky, 7321 New LaGrange Road, #111, Louisville, KY 40222
Vicky Saling, 11213 Radleigh Lane, Louisville, KY 40291

Summary of testimony of those in favor:

01:57:10 Charles Podgursky spoke in favor of the request (see recording for detailed presentation).

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CASE NUMBER 19-VARIANCE-0018

01:58:45 Vicky Saling responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

Josh Thomas, 4702 S. 3rd Street, Louisville, KY 40214

Summary of testimony of those in opposition:

02:00:04 Josh Thomas spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

02:12:20 Charles Podgursky spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

02:15:51 Board Members' deliberation

02:20:04 A motion was made by Member Turner, seconded by Member Goatley, that Case Number 19-VARIANCE-0018 be **APPROVED**, based upon the Standard of Review and Staff Analysis, and the testimony heard today. The motion **FAILED**.

The vote was as follows:

Yes: Members Turner, and Goatley

No: Member Buttorff, Vice Chair Leanhart, and Chair Howard

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0035

Request: Variance for dumpster enclosure to encroach into setback
Project Name: First Watch Middletown
Location: 12913 Shelbyville Road
Owner/Applicant: John Paselsky, OHP Middletown KY LLC
Representative: Petey Cunningham, Holland Development LLC
Jurisdiction: Middletown
Council District: 19 – Anthony Piagentini
Case Manager: Lacey Gabbard, AICP, Planner I

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

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

Agency Testimony:

02:22:56 Lacey Gabbard presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Mike Hill, 503 Washburn Ave., Louisville, KY 40222

Summary of testimony of those in favor:

02:26:16 Mike Hill spoke in favor of the request and showed a Powerpoint presentation. Mr. Hill responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0035

02:29:43 Board Members' deliberation

02:29:48 On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the variance will not adversely affect the public health, safety or welfare because the property to the west of the subject site is zoned R-4 single family residential but, according to PVA, the parcel is owned by Louisville Gas & Electric and the use is Utility Industrial. The adjoining parcels on the north side of Shelbyville Road are all internal to the Middletown Station development. The properties on the south side of Shelbyville Road are zoned OR-3 Office-Residential or C-1 Commercial and are screened from the dumpster by Shelbyville Road and the 25 foot scenic corridor buffer located on the subject site, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity because the dumpster in its proposed location will be screened from view from Shelbyville Road by a 25 foot scenic corridor buffer. Additionally, the proposed location moves the dumpster from a more visible area on the north side of the subject site to a more discrete location on the west side of the site, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because the proposed dumpster location is screened from view from Shelbyville Road by a 25 foot scenic corridor buffer, and is adjacent to a neighboring property to the west that is used as Utility Industrial, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations because the dumpster enclosure in its proposed location is only encroaching a small amount into the setback; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0035 does hereby **APPROVE** Variance from Land Development Code Section 5.3.2.C.2.b to allow a proposed dumpster enclosure to be located within the 25 foot required setback area along the west property line.

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0035

The vote was as follows:

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

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0036

Request: Variance for street side and side yard setbacks for an addition on the rear of an existing structure
Project Name: Mulberry Street Variance
Location: 842 Mulberry Street
Owner: Kimberly Curran
Applicant: Anne Del Prince – Del Prince Designs, LLC
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Zach Schwager, Planner I

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

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

Agency Testimony:

02:31:42 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Ann Del Prince, 640 Country Club Rd., Louisville, KY 40206

Summary of testimony of those in favor:

02:34:56 Ann Del Prince spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 19-VARIANCE-0036

02:39:09 **Board Members' deliberation**

02:40:20 On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, the applicant's justification, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the structure will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the addition and new roof structure are similar to many in the area, and

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the setbacks will be the same as they are currently, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0036 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a structure to encroach into the required side yard setback (**Requirement 3 ft., Request 9 in., Variance 2 ft. 3 in.**), and Variance from Land Development Code Table 5.2.2 to allow a structure to encroach into the required street side yard setback (**Requirement 3 ft., Request 0 ft., Variance 3 ft.**), **SUBJECT** to the following Conditions of Approval:

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CASE NUMBER 19-VARIANCE-0036

Conditions of Approval:

1. The applicant shall submit a Revised District Development Plan to Planning & Design Services and receive approval prior to obtaining building permits.
2. Based upon the survey submitted on August 12, 2019, the side and street side property lines shall be staked in the field. No projections from the façade or building foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.

The vote was as follows:

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

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0037

Request: Variance to allow a fence in the front yard to exceed 4 feet in height and in the side yard to exceed 8 feet in height

Project Name: Dominion Variance

Location: 6000 Hunting Road

Owner/Applicant/Host: Dominion Louisville, LLC

Jurisdiction: Louisville Metro

Council District: 16 – Scott Reed

Case Manager: Jon Crumbie, Planning & Design Coordinator

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

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

Agency testimony:

02:42:09 Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223

Summary of testimony of those in favor:

02:44:57 Nick Pregliasco spoke in favor of the request and showed a Powerpoint presentation. Mr. Pregliasco provided a letter of support from the City of Northfield to the Board Members. Mr. Pregliasco responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 19-VARIANCE-0037

The following spoke neither for nor against the request:

Christopher Bethards, 2010 Northfield Dr., Louisville, KY 40222

Summary of testimony of those neither for nor against:

02:54:27 Christopher Bethards spoke neither for nor against the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

REBUTTAL:

02:59:01 Nick Pregliasco spoke in rebuttal (see recording for detailed presentation).

03:02:49 Board Members' deliberation

03:06:15 On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the fence will need to comply with all building codes, including fire codes. Additionally, the fence will provide screening between different land uses and will help mitigate any nuisances, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the fence will provide screening between different land uses and helps to mitigate any nuisances, and

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

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0037 does hereby **APPROVE** Variance from Land Development Code Section 4.4.3 to allow a fence greater than 4 feet to be located in the front yard (**Requirement 4 ft., Request 10 ft., Variance 6 ft.**), and greater than 8 feet to be located in the side yard (**Requirement 8 ft., Request 7 ft. – 10 ft., Variance 1 ft. to 2 ft.**).

The vote was as follows:

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

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0038

Request: Variance for a deck to encroach into the street side yard setback
Project Name: Colonial Drive Variance
Location: 201 Colonial Drive
Owner/Applicant: Dale Dueffert
Jurisdiction: City of St. Matthews
Council District: 9 – Bill Hollander
Case Manager: Zach Schwager, Planner I

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

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

Agency testimony:

03:08:48 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Dale Dueffert, 201 Colonial Drive, Louisville, KY 40207

Summary of testimony of those in favor:

03:12:13 Dale Dueffert spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0038

03:18:30 Board Members' deliberation

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

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the structure will need to be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there is a similar deck that encroaches into the street side yard setback on Colonial Drive. Also, the deck existed prior to the variance request, which was submitted after the applicant began construction on the new deck, and

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

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0038 does hereby **APPROVE** Variance from City of St. Matthews Development Code Section 4.7.C.2.c to allow a structure to encroach into the required street side yard setback (**Requirement 25 ft., Request 4 ft., Variance 21 ft.**), **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The applicant shall submit a Minor Subdivision Plat application to Planning & Design services for review and approval to shift the 15 ft. building limit line along Massie Avenue. The approved minor plat shall be recorded with the Jefferson County Clerk prior to issuance of building permits.

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0038

The vote was as follows:

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

No: Member Buttorff

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0039

Request: Variance to allow a fence in the street side yard to exceed 48 inches in height
Project Name: E. Manslick Road Variance
Location: 6510 E. Manslick Road
Owner/Applicant: Yenny Estrada
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
Case Manager: Zach Schwager, Planner I

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

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

Agency testimony:

03:20:53 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Yenny Estrada, 6510 E. Manslick Rd., Louisville, KY 40228

Summary of testimony of those in favor:

03:24:55 Yenny Estrada spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

Joseph Medley, 6706 Musket Drive, Louisville, KY 40228

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CASE NUMBER 19-VARIANCE-0039

Summary of testimony of those in opposition:

03:27:06 Joseph Medley spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

03:35:27 Yenny Estrada spoke in rebuttal and responded to questions from the Board Members. Chair Howard explained the Condition of Approval to Ms. Estrada. Ms. Estrada requested another hearing so she could have a translator to help her understand. Staff and Board Members discussed (see recording for detailed presentation).

00:00:00 Board Members' deliberation

03:44:15 A motion was made by Member Goatley to **CONTINUE** Case Number 19-VARIANCE-0039 to provide an interpreter for the applicant. The motion **FAILED** for lack of a second.

03:45:58 A motion was made by Member Buttorff, seconded by Vice Chair Leanhart, to **DENY** Case Number 19-VARIANCE-0039. The motion **FAILED**.

The vote was as follows:

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

03:51:19 On a motion by Member Goatley, seconded by Member Turner, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 19-VARIANCE-0039 to a date uncertain to allow time for interpretation to be arranged, and to not close the public record.

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0039

The vote was as follows:

Yes: Members Turner, Goatley, and Chair Howard

No: Member Buttorff, and Vice Chair Leanhart

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0040

Request: Variance to allow a detached garage to encroach into the front yard setback on a double frontage lot
Project Name: Wickfield Drive Variance
Location: 702 Wickfield Drive
Owner/Applicant: Mary & David Barker
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
Case Manager: Zach Schwager, Planner I

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

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

Agency testimony:

03:56:13 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Dave Barker, 702 Wickfield Dr., Louisville, KY 40245

Summary of testimony of those in favor:

03:59:07 Dave Barker spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 19-VARIANCE-0040

04:00:25 Board Members' deliberation

04:00:29 On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the structure will need to be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the garage will be mostly screened from both Wickfield Drive and S. Beckley Station Road rights-of-way, and

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the lot is a double-frontage lot, and a variance would not be required if the proposed structure were in a rear yard setback in the same form district; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0040 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 and Section 5.4.2.C.2 to allow a detached garage to encroach into the front yard setback on a double frontage lot, **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The applicant shall submit a Minor Subdivision Plat application to Planning & Design services for review and approval to shift the 30 ft. building limit line along S. Beckley Station Road. The approved minor plat shall be recorded with the Jefferson County Clerk prior to issuance of building permits.

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PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0040

The vote was as follows:

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

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 19CUP1036

Request:	Conditional Use Permit for a private proprietary club with waivers in a (RR) zoning district.
Project Name:	The Stables at Floyds Fork
Location:	10503 ½ Bardstown Bluff Road
Owner:	Stephanie L. Perri
Applicants:	Stephanie Perri & Carin Veech
Jurisdiction:	Louisville Metro
Council District:	20—Stuart Benson
Case Manager:	Steve Hendrix, Planning and Design Coordinator

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

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

NOTE: Vice Chair Leanhart recused herself from this case.

Agency testimony:

04:02:35 Steve Hendrix presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223

Summary of testimony of those in favor:

04:08:47 Nick Pregliasco spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

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CASE NUMBER 19CUP1036

The following spoke in opposition of the request:

Grace Bryan, 10505 Bardstown Bluff Road, Louisville, KY 40291

Emily Bryan, 10505 Bardstown Bluff Road, Louisville, KY 40291

Bill Seabolt, 10503 Bardstown Bluff Road, Louisville, KY 40291

Summary of testimony of those in opposition:

04:28:36 Grace Bryan spoke in opposition of the request and showed a Powerpoint presentation (see recording for detailed presentation).

04:40:45 Emily Bryan was called but was not present to speak (see recording for detailed presentation).

04:42:04 Bill Seabolt spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

04:53:21 Nick Pregliasco spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

05:10:19 Kathy Linares (5151 Jefferson Blvd., Louisville, KY) responded to questions from the Board Members regarding the width of the road (see recording for detailed presentation).

05:10:37 Mr. Pregliasco concluded his presentation and responded to questions from the Board Members (see recording for detailed presentation).

05:15:08 Board Members' deliberation

05:21:37 On a motion by Member Goatley, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, the applicant's justification, and the testimony heard today, was adopted:

Conditional Use Permit for Private Proprietary Club (LDC 4.2.44):

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CASE NUMBER 19CUP1036

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposed Conditional Use Permit is consistent with the applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that the proposed Conditional Use Permit meets the Standard of Review based upon the development plan, and the findings of the Planning Commission on August 29, 2019; now therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1036 does hereby **APPROVE** Conditional Use Permit for Private Proprietary Club (LDC 4.2.44), **SUBJECT** to the following Conditions of Approval (these conditions address Standard of Review #2):

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 by and approval of 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 a Private Proprietary Club, (Event Venue) without further review by and approval of the Board.
3. Must have Health Department approval before construction plans are approved.
4. Events will end no later than:
 - a. 10 pm Sunday through Thursday
 - b. Midnight on Friday and Saturday
 - c. Only exception being events shall end by 1 am on New Year's Eve
5. Alcohol service shall end no later than 9:30 pm Sunday through Thursday and 11:30 Friday and Saturday.
6. Band/DJ shall be indoor only.
7. Security shall be provided during events.

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8. There shall be a maximum of 5 events per month, provided wedding events may be multiple days.
9. No more than 1 event per weekend.
10. There shall be a maximum of 250 guests per event.
11. Applicant shall fully comply with the Louisville Noise Ordinance.
12. There shall be no port-o-lets used for events.
13. There shall be no generators used unless as electricity backup.
14. There shall be no horses on site.
15. Portable outdoor alter shall be installed no more than 24 hours before wedding event and removed no more than 24 hours after wedding event.
16. The existing vegetation between the barn and the property to the north shall not be removed per August 1, 2019 Planning Commission approval.
17. All lighting shall be fully shielded and not directed toward neighboring properties.

The vote was as follows:

Yes: Members Buttorff, Goatley, and Chair Howard

Abstain: Member Turner

Absent: Member Jagoe, and Vice Chair Leanhart

05:23:56 On a motion by Member Goatley, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, the applicant's justification, and the testimony heard today, was adopted:

Waiver of the requirement to provide a sidewalk along the property frontage (LDC 6.2.6):

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WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that sidewalks do not exist on either side of the property, and

WHEREAS, the Board further finds that the development would be more in keeping with the rural residential feel without the sidewalk, and

WHEREAS, the Board further finds that the sidewalk would probably cost more than the proposed paved asphalt parking lot, and

WHEREAS, the Board further finds that the construction cost of the sidewalk would create an unnecessary hardship on the applicant, and

WHEREAS, the Board further finds that there are site constraints due to the elevation along the road, sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the near future, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1036 does hereby **APPROVE** Waiver of the requirement to provide a sidewalk along the property frontage (LDC 6.2.6).

The vote was as follows:

Yes: Members Buttorff, Goatley, and Chair Howard

Abstain: Member Turner

Absent: Member Jagoe, and Vice Chair Leanhart

05:24:58 Meeting was recessed.

05:25:13 Meeting was reconvened.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0050

Request:	Conditional Use Permit for a Private Non-Profit Club
Project Name:	Hale Avenue Private Non-Profit Club
Location:	3835 Hale Avenue
Owner/Applicant:	Elmer Lucille Allen
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency testimony:

05:25:35 Beth Jones presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Elmer Lucille Allen, 1309 Fairland Place, Louisville, KY 40211

Summary of testimony of those in favor:

05:29:07 Elmer Lucille Allen spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

05:30:49 **Board Members' deliberation**

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CASE NUMBER 19-CUP-0050

05:31:02 On a motion by Member Turner, seconded by Vice Chair Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

Private Non-Profit Clubs may be located 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, OR-1, OR-2, C-R or PTD Districts where such use is compatible in size and scale with surrounding land uses upon the granting of a Conditional Use Permit.

- A. All new buildings, structures, and facilities (except parking) shall be at least 30 feet from any property line. **No new buildings, structures or facilities are proposed.**
- B. Outdoor swimming pools shall be enclosed within a fence at least six feet high. **No outdoor swimming pool exists or appears to be proposed.**
- C. All recreation areas or play fields and parking lots shall be separated from adjacent properties by a solid fence or dense evergreen shrubbery plantings at least five feet high. **No recreation areas play fields or parking lots are proposed.**
- D. One sign only may be permitted showing the name and address of the club. An attached sign shall not exceed 30 square feet in area, shall be attached flat to the face of the building, and shall not project more than 18 inches from the face of the building. A free-standing sign shall not exceed 20 square feet in area per side, shall not have more than two sides, and shall not exceed a height of six feet. Either an attached sign or a free-standing sign may be permitted, more than two sides, and shall not exceed a height of six feet. Either an attached sign or a free-standing sign may be permitted, but not both.

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No sign shall project into any required yard. The sign may be illuminated but non-flashing. **Existing signage meets this requirement;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0050 does hereby **APPROVE** Conditional Use Permit for a Private Non-Profit Club (LDC 4.2.43), **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. All development shall be in accordance with the approved district development plan, including all notes thereon, and with all applicable sections of the Land Development Code (LDC). No further development shall occur on the site without prior review of and approval by the Board of Zoning Adjustment (BOZA).
2. The Conditional Use Permit shall be exercised as proscribed by KRS 100.237 within two years of BOZA approval. If it is not so exercised, the site shall not be used for a Private Non-Profit Club without further review and approval by BOZA.

The vote was as follows:

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

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 19-CUP-0066

Request:	Conditional Use Permit for short-term rental of a dwelling unit not the primary residence of the host
Project Name:	Barbee Short Term Rental
Location:	711 N. Barbee Way
Owner/Applicant/Host:	DB Rentals LLC
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency testimony:

05:32:42 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Kellie Beckman, 2810 Alice Avenue, Louisville, KY 40220
Andrew Beckman, 2810 Alice Avenue, Louisville, KY 40220

Summary of testimony of those in favor:

05:37:19 Kellie and Andrew Beckman spoke in favor of the request and showed a presentation. Mr. and Mrs. Beckman responded to questions from the Board Members (see recording for detailed presentation).

The following spoke neither for nor against the request:

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Phillip Grace, 1746 Wrencrest Drive, Mt. Juliet, TN 37122

Summary of testimony of those neither for nor against:

05:55:29 Phillip Grace spoke neither for nor against the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

REBUTTAL:

05:57:07 Mr. and Mrs. Beckman spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

06:00:34 **Board Members' deliberation.**

06:03:16 On a motion by Member Turner, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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CASE NUMBER 19-CUP-0066

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals **There are three bedrooms; LDC regulations permit up to eight guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there is one property with an approved conditional use permit for short term rental of a dwelling unit not the primary residence of the host within 600 ft of the subject property (see Attachment 3). The applicant has submitted a justification statement which is attached to the agenda item.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all

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condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The dwelling unit is a single-family residence.**

- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **In addition to the one-vehicle garage, the driveway can accommodate up to three vehicles. LDC standards credit the site with one parking space on the Barbee Way frontage.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

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- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0066 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63), with **RELIEF** from Standard 4D because of the diversity of the neighborhood and the applicant's testimony.

The vote was as follows:

Yes: Members Buttorff, Turner, and Goatley

No: Vice Chair Leanhart, and Chair Howard

Absent: Member Jagoe

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CASE NUMBER 19-CUP-0067

Request:	Conditional Use Permit for short term rental of a dwelling unit not the primary residence of the host
Project Name:	Beckman Short Term Rental
Location:	618 E. Brandeis Ave.
Owner/Applicant/Host:	ABK Properties, LLC
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Jon Crumbie, Planning & Design Coordinator

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

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

NOTE: Member Turner left at approximately 7:30 p.m.

Agency testimony:

06:05:58 Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Kellie Beckman, 2810 Alice Avenue, Louisville, KY 40220
Andrew Beckman, 2810 Alice Avenue, Louisville, KY 40220

Summary of testimony of those in favor:

06:08:21 Kellie and Andrew Beckman spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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The following spoke neither for nor against the request:

Phillip Grace, 1746 Wrencrest Drive, Mt. Juliet, TN 37122

Summary of testimony of those neither for nor against:

06:14:58 Phillip Grace was called but declined to speak (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

06:15:19 Board Members' deliberation

06:18:38 On a motion by Member Goatley, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

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- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that the residence has 4 bedrooms that will allow a maximum number of 10 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. **Staff states that there is one approved short term rental conditional use permit within 600 feet and two pending.**
- 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.

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- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has credit for one on-street parking space.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

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RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0067 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner/host in an R-5 Zoning District and Neighborhood Form District, with **RELIEF** from Standard 4D because of the characteristics of the neighborhood being primarily rental, there does not appear to be a decrease in property value, and there was no opposition to the request, and **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. The maximum number of guests shall be limited to eight (8) at a time.
2. The applicant shall provide a hard and durable surface on the property for parking.

The vote was as follows:

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

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CASE NUMBER 19-CUP-0078

Request:	Conditional Use Permit for an accessory apartment.
Project Name:	Accessory Apartment
Location:	510 Auburndale Avenue
Owners	Andrew & Rachel Perkins
Applicant:	Andrew Perkins
Jurisdiction:	Louisville Metro
Council District:	21- Nicole George
Case Manager:	Steve Hendrix, Planning and Design Coordinator

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

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

Agency testimony:

06:21:25 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Andrew Perkins, 510 Auburndale Ave., Louisville, KY 40214
Rhonda Stone, 510 Auburndale Ave., Louisville, KY 40214

Summary of testimony of those in favor:

06:26:40 Andrew Perkins spoke in favor of the request (see recording for detailed presentation).

06:27:49 Rhonda Stone was called but declined to speak (see recording for detailed presentation).

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CASE NUMBER 19-CUP-0078

The following spoke in opposition of the request:

No one spoke.

06:28:14 Board Members' deliberation

06:28:36 On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that the proposal is compatible with surrounding development. No exterior alterations to the existing structure or site are proposed, 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:

Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts up on the granting of a conditional use permit and compliance with the listed requirements. There are four listed requirements, and all have been met.

- A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises. **The property owners reside in the principal dwelling.**

- B. The accessory apartment shall be no greater than 650 sq. ft or 30% of the floor area of the principal residence, whichever is greater. **30% of the floor area of the principal residence is 350 square feet. The accessory apartment is approximately 440 square feet.**

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

D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:

1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors;
2. **Traditional Neighborhood** - at least one off-street space provided on the lot; and
3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate.

The site is within a Traditional Neighborhood and has parking in the driveway.

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0078 does hereby **APPROVE** Conditional Use Permit to allow an accessory apartment in an R-5 Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions 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.
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 accessory apartment without further review and approval by the Board.

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The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-CUP-0082

Request: Conditional Use Permit for short term rental of a dwelling unit not the primary residence of the host
Project Name: Skeen Short Term Rental
Location: 4559 South 3rd Street
Owner/Applicant/Host: Luke and Katie Skeen
Jurisdiction: Louisville Metro
Council District: 21 – Nicole George
Case Manager: Jon Crumbie, Planning & Design Coordinator

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

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

Agency testimony:

06:29:58 Jon Crumbie presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Luke Skeen, 1223 Valley Drive, Louisville, KY 40213

Summary of testimony of those in favor:

06:32:29 Luke Skeen spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 19-CUP-0082

06:36:12 Board Members' deliberation

06:36:38 On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

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

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- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the last Board meeting there are no approved short term rental conditional use permits within 600 feet of the subject property.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. ***The site has credit for one on-street parking space.***
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under

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this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0082 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner/host in an R-5 Zoning District and Traditional Neighborhood Form District.

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-CUP-0103

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

Project Name: South Brook Short Term Rental

Location: 1104 South Brook Street

Owner/Applicant: Matthew Kustes

Jurisdiction: Louisville Metro

Council District: 6-- David James

Case Manager: Steve Hendrix, Planning and Design Coordinator

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

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

Agency testimony:

06:38:01 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Matthew Kustes, 1104 S. Brook Street, Louisville, KY 40203
Jonathan Klunk, 1372 S. 6th Street, Louisville, KY 40208

Summary of testimony of those in favor:

06:41:04 Matthew Kustes spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

06:45:32 Jonathan Klunk spoke in favor of the request (see recording for detailed presentation).

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The following spoke in opposition of the request:

No one spoke.

06:46:47 Board Members' deliberation

06:48:36 On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

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

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- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The applicant states that the first floor unit has two bedrooms which would allow for six guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there are three properties with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property. The applicant is requesting relief to the provision in accordance with LDC Section 4.2.2.B. If the Board does not grant relief, the applicant does not meet all of the listed requirements and the conditional use permit cannot be approved.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The structure is a duplex.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.

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- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has one parking space at the rear and one parking credit on the street.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0103 does hereby **APPROVE** Conditional Use Permit to allow short term rental of the first floor dwelling unit of a duplex that is not the primary

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residence of the host in a TNZD Zoning District and Traditional Neighborhood Form District, with **RELIEF** from Standard 4D because the distance between the existing CUP on South Brook Street is at the very far end and separated by a street, and the existing CUP on First Street has its own buffer in that there is an on/off ramp to I-65, and **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. The Conditional Use Permit for the Short Term Rental applies only to the first floor unit.
2. The host of record for the short term rental shall maintain his or her primary residence in the second floor unit on the subject property. In the event that the host establishes primary residence on another property he or she must immediately cease conducting short term rental in the first floor unit. A new Conditional Use Permit shall be required to allow for short term rental of any unit on the property that is not the primary residence of the host.

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-CUP-0104

Request:	Conditional Use Permit for short-term rental of a dwelling unit not the primary residence of the host
Project Name:	Payne Short Term Rental
Location:	1222 Payne Street
Owner/Applicant:	360 Properties LLC
Host:	Key Source Properties LLC
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency testimony:

06:51:49 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Jonathan Klunk, 372 S. 6th Street, Louisville, KY 40208

Summary of testimony of those in favor:

06:55:41 Jonathan Klunk spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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07:01:13 Board Members' deliberation

07:01:18 On a motion by Member Buttorff, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

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

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- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report there are no properties with pending conditional use permits for short term rental of a dwelling unit not the primary residence of the host within 600 ft of the subject property (see Attachment 3).**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **PVA shows the structure as a single-family residence.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **There is one on-street parking space available. The site is served by a rear alley with parking for two vehicles.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

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- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0104 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63).

The vote was as follows:

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

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CASE NUMBER 19-CUP-0106

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Short Term Rental
Location:	546 Rawlings Street
Owners:	Sally & Christopher Miller
Applicant:	Christopher Miller
Jurisdiction:	Louisville Metro
Council District:	15- Kevin Triplett
Case Manager:	Steve Hendrix, Planning and Design Coordinator

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

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

Agency testimony:

07:02:46 Steve Hendrix presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Phillip Grace, 1746 Wrencrest Drive, Mt. Juliet, TN 37122

Summary of testimony of those in favor:

07:07:08 Phillip Grace spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 19-CUP-0106

07:12:28 Board Members' deliberation

07:13:03 On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

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

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- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there is one property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property. The applicant will need to request relief to the provision in accordance with LDC Section 4.2.2.B. If the Board does not grant relief, the applicant does not meet all of the listed requirements and the conditional use permit cannot be approved.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The structure is a single family dwelling.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has one parking space at the rear and one parking credit on the street.**

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- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0106 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-5 Zoning District and Traditional Neighborhood Form District, with **RELIEF** from Standard 4D because there are three other existing CUP's in the area; the 600 foot buffer goes through the middle of one of the properties, and the other two are on the other side of the neighborhood, there are no other CUP's on Rawlings Street, and parking is not an issue.

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The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 19-CUP-0107

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Short Term Rental
Location:	1010 East St. Catherine Street
Owner/Applicant:	Christina Clinton
Jurisdiction:	Louisville Metro
Council District:	4- Barbara Sexton Smith
Case Manager:	Steve Hendrix, Planning and Design Coordinator

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

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

Agency testimony:

07:15:15 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Christina Clinton, 402 Jackson Street, Berea, KY 40403

Summary of testimony of those in favor:

07:17:50 Christina Clinton spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 19-CUP-0107

07:21:37 Board Members' deliberation

07:22:12 Public hearing was reopened to allow Ms. Clinton an opportunity to respond to further questions from the Board Members.

07:23:01 Board Members' deliberation

07:23:38 On a motion by Member Goatley, seconded by Vice Chair Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

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

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- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The dwelling has four bedrooms which would allow for ten guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there is one property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property. The applicant has requested relief to the provision in accordance with LDC Section 4.2.2.B. If the Board does not grant relief, the applicant does not meet all of the listed requirements and the conditional use permit cannot be approved.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The structure is a single family dwelling.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.

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- 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 there is ample street parking.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0107 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-6 Zoning District and Traditional Neighborhood Form District, with **RELIEF** from

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Standard 4D because of the proximity to entertainment venues, the distance from the existing CUP and there is no opposition.

The vote was as follows:

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

Absent: Members Jagoe, and Turner

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CASE NUMBER 19-CUP-0108

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Short Term Rental
Location:	716 Clark Station Road
Owner/Applicant:	Blue Heaven Inc by Sonya Gugliotta
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Steve Hendrix, Planning and Design Coordinator

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

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

Agency testimony:

07:25:29 Steve Hendrix presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Sonya Gugliotta, 515 W. 8th Street, Bicknell, IN 47512

Summary of testimony of those in favor:

07:28:23 Sonya Gugliotta spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 19-CUP-0108

07:31:20 **Board Members' deliberation.**

07:31:29 On a motion by Member Buttorff, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

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

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

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- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0108 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-4 Zoning District and Neighborhood Form District.

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The vote was as follows:

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

Absent: Members Jagoe, and Turner

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CASE NUMBER 19-CUP-0115

Request: Conditional Use Permit for short term rental of a dwelling unit not the primary residence of the host
Project Name: Estes Short Term Rental
Location: 4212 Roosevelt Avenue
Owner/Applicant/Host: Andrew C. Estes/Jonathan Klunk
Jurisdiction: Louisville Metro
Council District: 10 - Pat Mulvihill
Case Manager: Jon Crumbie, Planning & Design Coordinator

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

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

Agency testimony:

07:32:50 Jon Crumbie presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Jonathan Klunk, 372 S. 6th Street, Louisville, KY 40208

Summary of testimony of those in favor:

07:34:33 Jonathan Klunk spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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07:35:48 **Board Members' deliberation.**

07:36:00 On a motion by Vice Chair Leanhart, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

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

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- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the last Board meeting there are no approved short term rental conditional use permits within 600 feet of the subject property.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has credit for one on-street parking space.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under

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this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0115 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner/host in an R-5 Zoning District and Neighborhood Form District.

The vote was as follows:

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

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07:37:06 Prior to adjournment the Board Members and Staff discussed limiting the number of cases for future agendas.

The meeting adjourned at approximately 9:01 p.m.

Chair

Secretary