

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

**April 2, 2018**

A meeting of the Louisville Metro Board of Zoning Adjustment was held on April 2, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Members Present:**

Rosalind Fishman, Vice Chair  
Lula Howard, Secretary  
Lester Turner  
Dwight Young  
Richard Buttorff  
Kimberly Leanhart (arrived at approximately 1:08 p.m.)

**Members Absent:**

Mike Allendorf, Chair

**Staff Members Present:**

Joe Haberman, Planning & Design Manager  
Chris French, Planning & Design Supervisor  
Steve Hendrix, Planning & Design Coordinator  
Jon Crumbie, Planning & Design Coordinator  
Steve Lutz, Planning & Design Coordinator  
Joel Dock, Planner II  
Dante St. Germain, Planner I  
Beth Jones, Planner II  
Paul Whitty, Legal Counsel  
Sue Reid, Management Assistant

The following cases were heard:

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**APPROVAL OF MINUTES**

**MARCH 19, 2018 BOARD OF ZONING ADJUSTMENT MEETING MINUTES**

**00:03:15** On a motion by Member Howard, seconded by Member Turner, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on March 19, 2018.

**The vote was as follows:**

**Yes: Members Turner, Howard, Young, Buttorff, and Vice Chair Fishman**  
**Absent: Member Leanhart, and Chair Allendorf**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**Case Number 18VARIANCE1022**

Request:	Setback variances
Project Name:	Hurstbourne Town Center
Location:	101 Whittington Parkway
Owner:	Viking Partners Hurstbourne
Applicant:	Viking Partners Hurstbourne
Representative:	Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	City of Hurstbourne
Council District:	18 – Marilyn Parker
Case Manager:	Joel Dock, 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 5<sup>th</sup> 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:**

**00:04:03** Joel Dock stated the applicant has requested this case be continued to April 16, 2018 (see staff report and recording for detailed presentation).

**00:04:38** On a motion by Member Howard, seconded by Member Young, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 18VARIANCE1022 to the April 16, 2018 Board of Zoning Adjustment Public Hearing.

**The vote was as follows:**

**Yes: Members Turner, Howard, Young, Buttorff, Vice Chair Fishman**  
**Absent: Member Leanhart, and Chair Allendorf**

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**PUBLIC HEARING**

**CASE NUMBER 18DEVPLAN1034**

Request: Exceptional sign review, Churchill Downs main entrance  
Project Name: Churchill Downs main entrance sign  
Location: 700 Central Avenue  
Owner: Louisville Metro  
Applicant: Pete Berdovich  
Representative: Ashley Bartley  
Jurisdiction: Louisville Metro  
Council District: 15 – Marianne Butler  
Case Manager: Steve Lutz, Planning Coordinator

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

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

**Agency Testimony:**

**00:05:33** Steve Lutz presented the case and showed a Powerpoint presentation. Mr. Lutz responded to questions from the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Ashley Bartley, 1046 E. Chestnut Street, Louisville, KY 40204

**Summary of testimony of those in favor:**

**00:13:16** Ashley Bartley spoke in favor of the request and showed a Powerpoint presentation. Ms. Bartley responded to questions from the Board Members (see recording for detailed presentation).

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**CASE NUMBER 18DEVPLAN1034**

**The following spoke in opposition of the request:**

No one spoke.

**00:17:49 Board Members' deliberation**

**00:19:56** On a motion by Member Howard, seconded by Member Young, the following resolution was adopted:

**Exceptional Signage Review: for authorization of proposed main entrance sign for Churchill Downs; Campus form district: this sign is also being reviewed as “master plan project identification sign”, as permitted in Chapter 8.3.10.b(ii):**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the sign authorization will not adversely affect adjacent property owners as the proposed signage will not create a nuisance from light trespass, noise, or flashing. Additionally, the signage will not create a hazard for pedestrians or motorists within the area of the property, and

**WHEREAS**, the Board further finds that Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. The sign authorization will not violate specific guidelines of Cornerstone 2020 as the proposed signage is not readily visible from single-family residential dwellings and is surrounded by a mixture of compatible uses with and without signage. The proposed signage appears to be compatible with the character and design of signs in the surrounding area, and

**WHEREAS**, the Board further finds that the extent of the authorization permitted by the regulation is the minimum necessary to afford relief to the applicant as the Campus form district clearly permits a master project entrance sign, and

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**WHEREAS**, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the LDC does not prohibit or permit the proposed signage and authorization of the signage has been appropriately requested; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 18DEVPLAN1034 does hereby **APPROVE** Exceptional Signage Review for authorization of proposed main entrance sign for Churchill Downs; Campus form district; this sign is also being reviewed as “master plan project identification sign” as permitted in Chapter 8.3.10.b (ii), based upon the Staff Report, and the presentations.

**The vote was as follows:**

**Yes: Members Turner, Howard, Young, Buttorff, Leanhart, and Vice Chair Fishman**  
**Absent: Chair Allendorf**

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**PUBLIC HEARING**

**CASE NUMBER 18CUP1014**

Request:	Conditional use permit to allow short term rental of a property in the Traditional Neighborhood Zoning District
Project Name:	Short Term Rental
Location:	1408 S Brook Street
Owner:	Galen & Hannah Roquet
Applicant:	Galen Roquet
Representative:	Galen Roquet
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Dante St. Germain, 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 5<sup>th</sup> 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:**

**00:22:52** Dante St. Germain presented the case and showed a Powerpoint presentation. Ms. St. Germain responded to questions from the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Galen Roquet, 1408 S. Brook Street, Louisville, KY 40208

**Summary of testimony of those in favor:**

**00:26:55** Galen Roquet 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 in opposition of the request:**

No one spoke.

**00:32:43 Board Members' deliberation**

**00:35:24** On a motion by Member Young, seconded by Member Buttorff, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the proposal does not conflict with any 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:

**4.2.63** Short 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 four individuals. **According to the applicant, the residence has four bedrooms, allowing twelve guests.**



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- D. The dwelling unit shall be a single-family residence or duplex or condominium. This provision shall not be waived or adjusted. **The property contains a single-family residence.**
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **The site has a three-car garage in the rear and is credited with one on-street parking space.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1014 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit in the Traditional Neighborhood Zoning District, based upon the Standard of Review and Staff analysis, the testimony heard today, and **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

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

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**The vote was as follows:**

**Yes: Members Turner, Howard, Young, Buttorff, Leanhart, and Vice Chair  
Fishman**

**Absent: Chair Allendorf**

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**CASE NUMBER 18CUP1021**

Request:	Conditional Use Permit for an Accessory Apartment
Project Name:	608 Rawlings Street
Location:	608 Rawlings Street
Owner:	Cameron Gover
Applicant:	Cameron Gover
Representative:	Cameron Gove
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
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 5<sup>th</sup> 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:**

**00:37:12** Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Cameron Gover, 608 Rawlings Street, Louisville, KY 40217

**Summary of testimony of those in favor:**

**00:43:42** Cameron Gover 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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**00:57:27 Board Members' deliberation**

**00:59:10** On a motion by Member Young, seconded by Member Howard, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with the Comprehensive Plan, as shown in the Cornerstone Checklist (Attachment 3), and

**WHEREAS**, the Board further finds that the proposal is compatible with existing development in the vicinity and the general character of the area, and

**WHEREAS**, the Board further finds that the proposal has received preliminary approval from MSD and Transportation Planning, and

**WHEREAS**, the Board further finds that:

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

- A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises. **The proposal meets this requirement.**
- 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 1,600 sq ft principal residence is 480 sq ft; therefore, the maximum permitted size is 650 sq ft. At 608 sq ft, the proposed accessory apartment meets this requirement.**
- 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 proposal meets this requirement. The proposed**

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**structure, located within a TNFD, does not exceed the maximum permitted R-5 building height of 45 ft and does not exceed the 27 ft height of the existing principal residence. The proposed structure is not located within 25 feet of any property line.**

- D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:
1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors;
  2. Traditional Neighborhood - at least one off-street space provided on the lot; and
  3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate. **The site is located in a Traditional Neighborhood form district. Proposed site development includes a one-vehicle garage and an additional outdoor parking space,** 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 18CUP1021 does hereby **APPROVE** Conditional Use Permit for an Accessory Apartment (LDC 4.2.3), based upon the Standard of Review and Staff Analysis, the testimony heard today, and the applicant's justification statement, and **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

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

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**The vote was as follows:**

**Yes: Members Turner, Howard, Young, Buttorff, Leanhart, and Vice Chair  
Fishman**

**Absent: Chair Allendorf**

**01:01:45 Meeting was recessed.**

**01:02:10 Meeting was reconvened.**

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**CASE NUMBER 17CUP1079**

Request:	Conditional Use Permit to allow a short term rental in the TNZD zone district
Project Name:	Short Term Rental
Location:	219 W. Burnett Avenue
Owner:	Charlotte Gross
Applicant:	Charlotte Gross
Representative:	Charlotte Gross
Jurisdiction:	Louisville Metro
Council District:	6 – David James
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 5<sup>th</sup> 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:**

**01:02:26** 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:**

Jacob Gross, 219 W. Burnett Avenue, Louisville, KY 40208

**Summary of testimony of those in favor:**

**01:04:51** Jacob Gross spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**01:08:27** Joe Haberman responded to questions from the Board Members regarding parking (see recording for detailed presentation).

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**01:10:38** Jacob Gross spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**01:14:28 Board Members' deliberation**

**01:16:51** On a motion by Member Young, seconded by Member Howard, the following resolution 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, a short-term rental use can be 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:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- 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 four individuals. **According to the applicant, the dwelling has five bedrooms; LDC regulations permit up to 14 guests.**
- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **The dwelling unit is a single-family residence.**
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **LDC regulations credit the property frontage of approximately 30 ft with one on-street parking space. No off-street parking is available.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 17CUP1079 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit in the Old Louisville TNZD (LDC 4.2.63), based upon the Standard of Review and Staff Analysis, and the testimony heard today, and **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and with the Louisville Metro Revenue Commission. If the short term rental is not

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registered with Develop Louisville and with the Revenue Commission within 60 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.

2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
3. The applicant shall host no more than ten guests at one time.

**The vote was as follows:**

**Yes: Members Turner, Howard, Young, Buttorff, and Leanhart**

**Abstain: Vice Chair Fishman**

**Absent: Chair Allendorf**

**01:18:47 Meeting was recessed.**

**01:19:10 Meeting was reconvened.**

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**CASE NUMBER 17CUP1113**

Request:	Conditional Use Permit to allow a short term rental in an R-5B Zoning District
Project Name:	None
Location:	1267 Willow Avenue
Owner:	Bob Woehrle
Applicant:	Bob Woehrle
Representative:	Carolyn Wolf
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Jon E. Crumbie, Planning and Design Coordinator

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

**01:19:15** Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Robert Woehrle, 1267 Willow Avenue, Louisville, KY 40204  
Carolyn Wolf, 8212 Kimberly Way, Louisville, KY 40291

**Summary of testimony of those in favor:**

**01:23:03** Robert Woehrle spoke in favor of the request and showed a PDF presentation. Mr. Woehrle responded to questions from the Board Members (see recording for detailed presentation).

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**01:52:37** Carolyn Wolf spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**01:53:54** Robert Woehrle and Carolyn Wolf responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

Barbara Webb, 1268 Willow Avenue, Louisville, KY 40204

Jamie Kirven, 1263 Willow Avenue, Louisville, KY 40204

John Lisherness, 1264 Willow Avenue, Louisville, KY 40204

Alfred C. "Pete" Kirven, 1277 Willow Avenue, Louisville, KY 40204

**Summary of testimony of those in opposition:**

**02:14:44** Barbara Webb spoke in opposition of the request (see recording for detailed presentation).

**02:20:15** Jamie Kirven spoke in opposition of the request and showed a Powerpoint presentation. Mr. Kirven responded to questions from the Board Members (see recording for detailed presentation).

**02:40:10** John Lisherness spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

**02:45:21** Pete Kirven spoke in opposition of the request (see recording for detailed presentation).

**Testimony of Zoning Enforcement Supervisor:**

**02:51:30** Mike Wilcher (Zoning Enforcement, 444 S. 5<sup>th</sup> Street) spoke in regard to the complaints that have been received through Metro Call. Mr. Wilcher stated a Cease and Desist Order had been issued. Mr. Wilcher responded to questions from the Board Members (see recording for detailed presentation).

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**REBUTTAL:**

**02:54:11** Robert Woehrl spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

**03:26:31 Board Members' deliberation**

**03:32:48** On a motion by Member Howard, seconded by Member Buttorff, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the proposal is not compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance, and

**WHEREAS**, the Board further finds that Item #4.2.63 (C) on page 2 of the Staff Report has not been justified because of the number of bedrooms that were shown in the applicant's presentation, which excluded in the application the possible use of two bedrooms in the basement, and

**WHEREAS**, the Board further finds that Item #4.2.63 (G) on page 2 of the Staff Report has not been justified based upon four parking spaces for a group of twenty people in two units being insufficient parking; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 17CUP1113 does hereby **DENY** Conditional Use Permit to allow short term rental of dwelling units that are not the primary residence of the owner in an R-5B zoning district, based upon the testimony heard today, including letters, notes and emails in opposition.

**The vote was as follows:**

**Yes: Members Turner, Howard, Young, Buttorff, Leanhart, and Vice Chair Fishman**

**Absent: Chair Allendorf**

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**ADJOURNMENT**

Prior to adjournment, Joe Haberman stated the next BOZA meeting on April 16, 2018 will have a hard stop at 5:00 p.m. due to a special meeting of the Planning Commission for the Comprehensive Plan being scheduled at 5:30.

The meeting adjourned at approximately 4:55 p.m.

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**Chair**

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**Secretary**