

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

June 5, 2017

A meeting of the Louisville Metro Board of Zoning Adjustment was held on June 5, 2017 at 8:30 a.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Mike Allendorf, Chair
Betty Jarboe, Vice Chair
Rosalind Fishman, Secretary
Lester Turner
Dean Tharp
Lula Howard
Dwight Young

Staff Members Present:

Brian Mabry, Planning & Design Supervisor
Joe Haberman, Planning & Design Manager
Brian Davis, Planning & Design Manager
Jon Crumbie, Planning & Design Coordinator
Dante St. Germain, Planner I
Beth Jones, Planner II
John Carroll, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

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SWEARING IN OF NEW BOZA BOARD MEMBER

00:02:47 Dwight Young took the Oath of Office, and was sworn in by John Carroll, Legal Counsel, as a new Board Member for the Louisville Metro Board of Zoning Adjustment.

NOTE: Member Fishman thanked Paul Bergmann for his service to the Board of Zoning Adjustment.

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APPROVAL OF MINUTES

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00:04:47 On a motion by Member Tharp, seconded by Member Howard, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on May 15, 2017.

The vote was as follows:

Yes: Members Fishman, Turner, Tharp, Howard, Young, Vice Chair Jarboe, and Chair Allendorf

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BUSINESS SESSION

CASE NUMBER 17VARIANCE1022

Request:	Variance to reduce the private yard area
Project Name:	3029 Wentworth Ave Addition
Location:	3029 Wentworth Ave
Owner:	Margaret Schmidt & Diane Robl
Applicant:	Diane Robl
Representative:	Diane Robl
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
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 5th Street.)

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

Agency Testimony:

00:05:27 Dante St. Germain presented the case and showed the site plan. Ms. St. Germain stated signatures had been received from all adjoining property owners, which is the reason this is a Business Session item, and there has been no opposition to this request. Ms. St. Germain responded to questions from the Board Members (see staff report and recording for detailed presentation).

00:08:20 On a motion by Member Fishman, seconded by Member Tharp, the following resolution 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 property will still have significant private yard area as well as a side yard, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the pattern of development in the

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general vicinity is for lots that are 30' wide with no side yard, or 45' wide with a side yard, and the side yard is not proposed to be reduced, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as significant private yard area will be left, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the reduction of private yard area will allow the applicant to construct an accessible bathroom to facilitate aging in place, and

WHEREAS, the Board further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the applicant wishes to remain independent on the property as long as possible, and requires an accessible bathroom to achieve this, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by preventing the applicant from building the bathroom necessary to age in place on the property, and

WHEREAS, the Board further finds that the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no construction has yet taken place, 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 17VARIANCE1022 does hereby **APPROVE** Variance from Land Development Code Section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot for a lot 6,000 square feet or greater in area, **(Requirement 1,890 sq. ft., Request 1,564 sq. ft., Variance 329 sq. ft.)**, based upon the presentation, the Staff Report, and the applicant's justification.

The vote was as follows:

Yes: Members Fishman, Turner, Tharp, Howard, Young, Vice Chair Jarboe, and Chair Allendorf

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PUBLIC HEARING

CASE NUMBER 16CUP1070

Request:	Conditional Use Permit to allow a proposed short term rental that is not the primary residence of the host in an R-5A zoning district
Project Name:	None - Short Term Rental
Location:	2338 Payne Street
Owner:	Thaddeus B. Elms and Joy Yascone
Applicant:	Thaddeus B. Elms and Joy Yascone
Representative:	Joy Yascone
Jurisdiction:	Louisville Metro
Council District:	9– Bill Hollander
Case Manager:	Jon E. Crumbie, Planning and Design Coordinator

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

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

Agency Testimony:

00:10:02 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:

Joy Yascone, 1335 South Brook Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:12:55 Joy Yascone 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.

00:18:08 Board Members' deliberation

00:18:50 On a motion by Vice Chair Jarboe, 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 applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that the underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. No additional development is proposed. As such, the proposal is compatible with the surrounding land uses with respect to height, bulk, scale, intensity, traffic, noise, odor, drainage, lighting and appearance, and

WHEREAS, the Board further finds that the underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. No additional development is proposed. MSD and Transportation Planning have approved the proposal, 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. **The dwelling unit has 2 bedrooms which will allow a maximum of 8 occupants.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- 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 property has parking on the street and at the rear along the alley.**
- 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, 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 16CUP1070 does hereby **APPROVE** Conditional Use Permit to allow short term rental in an R-5A Zoning District that is not the primary residence of the host, based upon the Staff Report, the applicant's justification and **SUBJECT** to the following Condition of Approval:

Condition 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 register with the Louisville Metro Revenue Commission. 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 Fishman, Turner, Tharp, Howard, Young, Vice Chair Jarboe,
and Chair Allendorf**

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PUBLIC HEARING

CASE NUMBER 17VARIANCE1027

Request:	Variance to allow a reduced private yard area
Project Name:	1306 Willow Ave Porch
Location:	1306 Willow Ave
Owner:	Morris & Terry Weiss
Applicant:	Charlie Williams
Representative:	Charlie Williams
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
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 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:

00:21:07 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:

Charlie Williams, 1626 Windsor Place, Louisville, KY

Summary of testimony of those in favor:

00:25:36 Charlie Williams 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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00:27:41 Board Members' deliberation

00:28:57 On a motion by Member Howard, seconded by Vice Chair Jarboe, the following resolution 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 proposed reduced private yard area will not be visible to the right-of-way, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as similarly- sized private yard areas are present in the same neighborhood, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as considerable private yard area will remain and no reduction in green space will occur, due to the proposed porch replacing an existing deck, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as a significant amount of private yard will remain, and

WHEREAS, the Board further finds that the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the lot is regular in shape and all of the lots in the general vicinity are of similar dimensions, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by preventing the property owners from screening in the porch so that the yard can be better enjoyed, and

WHEREAS, the Board further finds that the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not yet begun construction, and

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

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CASE NUMBER 17VARIANCE1027

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17VARIANCE1027, does hereby **APPROVE** Variance from Land Development Code Section 5.4.1.D.2 to allow a private yard to be less than 30% of the lot area for a lot 6,000 square feet or greater in area (**Requirement 2,160 sq. ft., Request 1,692 sq. ft., Variance 468 sq. ft.**), based upon the Staff Report, the applicant's justification, and the presentation.

The vote was as follows:

Yes: Members Fishman, Turner, Tharp, Howard, Young, Vice Chair Jarboe, and Chair Allendorf

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CASE NUMBER 17VARIANCE1028

Request:	Variance from the required 5' side yard setback
Project Name:	241 Clover Lane Addition
Location:	241 Clover Lane
Owner:	Paul Sandman and Hoang Tham Thi
Applicant:	Charlie Williams
Representative:	Charlie Williams
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
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 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:

00:31:14 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:

Charlie Williams, 1626 Windsor Place, Louisville, KY

Summary of testimony of those in favor:

00:37:21 Charlie Williams 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 17VARIANCE1028

00:39:08 Board Members' deliberation

00:40:05 On a motion by Member Fishman, seconded by Vice Chair Jarboe, the following resolution 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 addition will line up with the existing residence, which has caused no known adverse effects, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the addition will be in line with the existing residence, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed addition will not obstruct sight lines at the intersection, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the addition will be in line with the existing residence, and

WHEREAS, the Board further finds that the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the lot is regular in shape and all of the lots in the general vicinity are of similar dimensions, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by preventing the applicant from building the addition or requiring the addition to be narrower than needed, and

WHEREAS, the Board further finds that the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not yet begun construction, and

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

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CASE NUMBER 17VARIANCE1028

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17VARIANCE1028, does hereby **APPROVE** Variance from St. Matthews Development Code Section 4.7.C.2.b to allow a structure to encroach into the required side yard setback (**Requirement 5 ft., Request 1.58 ft., Variance 3.42 ft.**), based upon the Staff Report, the discussion, the presentation and the applicant's justification.

The vote was as follows:

Yes: Members Fishman, Turner, Tharp, Howard, Young, Vice Chair Jarboe, and Chair Allendorf

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PUBLIC HEARING

CASE NUMBER 17VARIANCE1025

Request: Variances from the required 30' street side yard setback and to allow an accessory structure to exceed the footprint of the principal structure

Project Name: 1612 Rangeland Road Pole Barn

Location: 1612 Rangeland Road

Owner: Bradley Grace

Applicant: Bradley Grace

Representative: Bradley Grace

Jurisdiction: Louisville Metro

Council District: 2 – Barbara Shanklin

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 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:

00:42:08 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:

Bradley Grace, 4152 Hale Avenue, Louisville, KY 40211

Summary of testimony of those in favor:

00:50:50 Bradley Grace 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.

01:01:40 Board Members' deliberation

01:15:10 On a motion by Vice Chair Jarboe, seconded by Member Turner, the following resolution was adopted:

Variance from Land Development Code Table 5.3.1 to allow a structure to encroach into the required street side yard setback:

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 is on the applicant's property, meets KY building code requirements, and does not physically obstruct anyone's driveway or view of traffic, and

WHEREAS, the Board further finds that the variance will not alter the essential character of the general vicinity because the structure is not larger than the primary building. Typical for some residential homeowner storage purposes. Allows for indoor storage of vehicles, trailer and lawn equipment. Securing items that may attract children to play on or thieves, and

WHEREAS, the Board further finds that the variance will not cause a hazard or a nuisance to the public because the structure is not affecting any public right of way, and

WHEREAS, the Board further finds that the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is a street side yard. In order for a functional backyard this structure has to be placed on the side. Also MSD has an easement going through the back of the property in which the structure has been moved accordingly, and

WHEREAS, the Board further finds that the variance arises from special circumstances, which do not generally apply to land in the general vicinity because this is a corner lot that has an approved permit, 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 unnecessary hardship because the permit was written in error. The land has been excavated, garage package has been purchased delivered to the site. Work has already started on this structure. In addition to the investment made, MSD's easement has been taken into account for placement to have a backyard here, and

WHEREAS, the Board further finds that the circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought, however, the property was surveyed and a permit was obtained before any investment of the structure existed; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17VARIANCE1025, does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow a structure to encroach into the required street side yard setback (**Requirement 30 ft., Request 5 ft., Variance 25 ft.**), based upon the applicant's justification statement.

The vote was as follows:

Yes: Members Fishman, Turner, Tharp, Young, Vice Chair Jarboe, and Chair Allendorf

No: Member Howard

01:17:23 On a motion by Vice Chair Jarboe, seconded by Member Young, the following resolution was adopted:

Variance from Land Development Code Section 5.4.2.C.1 to allow an accessory structure to exceed the footprint of the principal structure:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the variance will not adversely affect the public health, safety or welfare because the structure is on the applicant's property, built to code, and does not obstruct view of traffic, and

WHEREAS, the Board further finds that the variance will not alter the essential character of the general vicinity because this is a residential storage structure that is necessary for a homeowner to maintain their home, and

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WHEREAS, the Board further finds that the variance will not cause a hazard or a nuisance to the public because the structure will provide a secured space for landscape equipment and mechanical tools to keep out of sight when not in use, while preventing children from having access or trespassers, and

WHEREAS, the Board further finds that the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is a large corner lot with plenty of space remaining to plant trees and function as a thriving residential home, and

WHEREAS, the Board further finds that the variance arises from special circumstances, which do not generally apply to land in the general vicinity since a permit has already been approved, planning and purchasing materials has taken place. Previously altered size and plot area to original plan to accommodate for MSD's easement, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship because the applicant is currently renting a large storage unit since the sale of previous home that was out of state. The applicant obtained an approved permit, land survey, modifications made, materials paid for and work underway (presently stopped due to order); it is crucial this structure is erected as planned, and

WHEREAS, the Board further finds that the circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought, although it was brought to the applicant's attention approximately 2 weeks after the approval of the permit in which the structure package had already been bought and work started; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17VARIANCE1025, does hereby **APPROVE** Variance from Land Development Code Section 5.4.2.C.1 to allow an accessory structure to exceed the footprint of the principal structure (**Requirement 877 sq. ft., Request 1,200 sq. ft., Variance 323 sq. ft.**), based upon the applicant's justification statement, and **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. The pole barn is to be restricted to accessory uses related to the principal residential use of the property. No commercial uses are permitted in the pole

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barn except for a registered home occupation as allowed by the Land Development Code.

2. The approved variances apply only to the pole barn under construction as of the June 5, 2017 hearing date. Any variance required for any other structure, including any future replacement of the pole barn under construction as of the June 5, 2017 hearing date, must be requested separately.
3. The existing garage will be torn down at the appropriate time.

The vote was as follows:

Yes: Members Fishman, Turner, Young, Vice Chair Jarboe, and Chair Allendorf

No: Members Howard, and Tharp

01:21:32 Meeting was recessed.

01:21:45 Meeting was reconvened.

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PUBLIC HEARING

CASE NUMBER 17CUP1003

Request:	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 Residential Single Family zoning district
Project Name:	Short Term Rental
Location:	933 Keswick Blvd
Owner:	Josh and Beth Pace
Applicant:	Josh and Beth Pace
Representative:	Josh and Beth Pace
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
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:

01:22:09 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).

01:28:39 Joe Haberman and Brian Mabry responded to questions from the Board Members (see recording for detailed presentation).

NOTE: Chair Allendorf allowed the following testimony at this time since the applicant was not available for testimony and this speaker had to leave.

The following spoke neither for nor against the request:

Tom Stolte, 912 Delor Avenue, Louisville, KY 40217

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CASE NUMBER 17CUP1003

Summary of testimony of those neither for nor against:

01:33:20 Tom Stolte spoke neither for nor against the request. Mr. Stolte stated his concern is the upkeep of the property. Mr. Stolte stated since the owners have moved away there have been problems with overgrown weeds, etc. Mr. Stole responded to questions from the Board Members (see recording for detailed presentation).

01:36:45 Chair Allendorf tabled this case to later on the docket since the applicant was not available for testimony at this time.

03:17:25 Chair Allendorf recalled this case.

The following spoke in favor of the request:

Josh Pace, 7409 Powhatan Lane, Pewee Valley, Kentucky

Summary of testimony of those in favor:

03:18:08 Josh Pace spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

03:22:40 Joe Haberman clarified the definition of a bedroom (see recording for detailed presentation).

03:26:00 Mr. Pace responded to questions from the Board Members (see recording for detailed presentation).

03:28:35 **Board Members' deliberation**

03:28:55 On a motion by Member Fishman, seconded by Member Howard, the following resolution was adopted:

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

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WHEREAS, the Board further finds that the existing structure is compatible with surrounding development. No exterior alterations or other development 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.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **The dwelling unit has four bedrooms. As such, the dwelling unit can accommodate up to 12 individuals.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted. **The structure is a single-family dwelling unit.**
- 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. **On-street and off-street parking can accommodate up to three vehicles.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

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CASE NUMBER 17CUP1003

- 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 17CUP1003, does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner in an R-5 Residential Single Family Zoning District, based upon the Staff Report, the presentation and **SUBJECT** to the following Condition of Approval:

Condition 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 shall establish an account with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

NOTE: Member Tharp left at approximately 11:40 a.m.

The vote was as follows:

Yes: Members Fishman, Turner, Howard, Young, Vice Chair Jarboe, and Chair Allendorf

Absent: Member Tharp

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CASE NUMBER 17CUP1013

Request:	Conditional Use Permit to allow short term rental of a dwelling unit in the Traditional Neighborhood Zoning District (TNZD)
Project Name:	Short Term Rental
Location:	325 W. St. Catherine St.
Owner:	Jeffrey Benedict
Applicant:	Jeffrey Benedict
Representative:	Jeffrey Benedict
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 5th Street.)

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

Agency Testimony:

01:37:28 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).

01:40:00 Joe Haberman responded to questions from the Board Members (see recording for detailed presentation).

01:41:08 Ms. Jones responded to questions from Legal Counsel and the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Jeff Benedict, 6704 Eaglewood Drive, Louisville, KY

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Summary of testimony of those in favor:

01:44:40 Jeff Benedict 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.

01:47:23 Board Members' deliberation

01:48:25 On a motion by Vice Chair Jarboe, seconded by Member Fishman, the following resolution 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 existing structure is compatible with surrounding development. No exterior alterations or other development are proposed as part of this application, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. Existing public facilities are adequate to serve the proposed short term rental, 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 unit has three bedrooms. As such, the dwelling unit can accommodate up to ten individuals.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted. **The dwelling unit is within a duplex building.**
- 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 minimum parking requirement for a duplex is one space for each dwelling unit. There is an off-street parking area located to the east of the duplex building. This parking area consists of nine parking spaces, which includes two parking spaces assigned to the subject dwelling unit and two parking spaces open to use by any of the condominium residents and their guests. In addition, there is on-street parking located along W. St. Catherine Street in front of the duplex building. The frontage of the structure on W. St. Catherine is approximately 65 feet, which can accommodate up to three vehicles.**
- 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 17CUP1013, does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit in the Traditional Neighborhood Zoning District (TNZD), based upon the Staff Report, the applicant's testimony, and **SUBJECT** to the following Condition of Approval:

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Condition 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 shall establish an account with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

The vote was as follows:

Yes: Members Fishman, Turner, Tharp, Howard, Young, Vice Chair Jarboe, and Chair Allendorf

BOARD OF ZONING ADJUSTMENT MINUTES

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PUBLIC HEARING

CASE NUMBER 17CUP1014

Request:	Conditional Use Permit to allow short term rental of a dwelling unit in the Traditional Neighborhood Zoning District (TNZD)
Project Name:	Short Term Rental
Location:	1372 S. 6 th St.
Owner:	Jonathan Klunk
Applicant:	Jonathan Klunk
Representative:	Jonathan Klunk
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 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:

01:50:04 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:

Jonathan Klunk, 1372 S. 6th Street, Louisville, KY

Summary of testimony of those in favor:

01:54:50 Jonathan Klunk spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 17CUP1014

The following spoke in opposition of the request:

No one spoke.

01:59:08 Board Members' deliberation

02:00:51 On a motion by Vice Chair Jarboe, seconded by Member Howard, the following resolution 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 existing structure is compatible with surrounding development. No exterior alterations or other development 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.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **Each dwelling unit has one bedroom and will accommodate no more than six persons per unit.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted. **The structure contains two dwelling units, both of which are proposed for short term rentals.**

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- 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. **No off-street parking is available. The site frontage on W. St. Catherine is approximately 30 feet, sufficient to accommodate one vehicle.**
- 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 17CUP1014, does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit in the Traditional Neighborhood Zoning District (TNZD), based upon the Staff Report, the applicant's testimony and **SUBJECT** to the following Condition of Approval:

Condition 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 shall establish an account with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

The vote was as follows:

Yes: Members Fishman, Turner, Tharp, Howard, Young, Vice Chair Jarboe, and Chair Allendorf

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PUBLIC HEARING

CASE NUMBER 17CUP1022

Request:	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 Single-Family Residential zone district
Project Name:	Short Term Rental
Location:	1801 Tyler Parkway
Owner:	Edwin and Angela Koressel
Applicant:	Edwin and Angela Koressel
Representative:	Edwin and Angela Koressel
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency Testimony:

02:04:20 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:

Edwin Koressel, P.O. Box 5147, Louisville, KY
John Callen, 1827 Tyler Parkway, Louisville, KY 40204

Summary of testimony of those in favor:

02:09:45 Edwin Koressel spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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02:18:47 John Callen spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

Gemma Shipp, 1802 Windsor Place, Louisville, KY 40204

Ebert Haegele, 1724 Windsor Place, Louisville, KY 40204

Ray Brundige, 1718 Edgeland Avenue, Louisville, KY 40204

Summary of testimony of those in opposition:

02:20:28 Gemma Shipp spoke in opposition of the request. Ms. Shipp stated she did not understand what the short term rental is all about. Chair Allendorf provided information regarding short term rentals. Brian Mabry provided information regarding the notification process for short term rentals. Joe Haberman provided information regarding background checks on potential renters. Ms. Shipp made further comments in opposition (see recording for detailed presentation).

02:39:58 Ebert Haegele spoke in opposition of the request (see recording for detailed presentation).

02:41:32 Ray Brundige spoke in opposition of the request. The Board Members provided information regarding short term rentals. Joe Haberman provided further information regarding the notification process (see recording for detailed presentation).

REBUTTAL:

03:04:22 Edwin Koressel spoke in rebuttal (see recording for detailed presentation).

03:09:00 Chair Allendorf responded to a question from Mr. Brundige (see recording for detailed presentation).

03:09:28 **Board Members' deliberation**

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CASE NUMBER 17CUP1022

03:15:21 On a motion by Vice Chair Jarboe, seconded by Member Fishman, the following resolution 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 existing primary and accessory structures are compatible with their surroundings. No exterior alterations or additions appear to be planned, and

WHEREAS, the Board further finds that the site is served by existing public utilities and facilities. The proposed use will not create an additional burden on these services, 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.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **The one-bedroom unit on the first floor may accommodate up to 6 guests; the two-bedroom unit on the second floor may accommodate up to 8 guests.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted. **The dwelling is a duplex residence, with a single unit on each of its two floors. Non-conforming rights have been established.**
- 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

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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 width of the site can accommodate one on-street parking space and three off-street parking spaces are accessible via the rear alley.**

- 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 17CUP1022, 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 Single-Family Residential Zoning District, based upon the Staff Report, the applicant's testimony and **SUBJECT** to the following Condition of Approval:

Condition 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 shall establish an account with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

NOTE: Member Tharp left at approximately 11:40 a.m.

The vote was as follows:

Yes: Members Fishman, Turner, Howard, Young, Vice Chair Jarboe, and Chair Allendorf

Absent: Member Tharp

03:17:00 Meeting was recessed.

03:17:23 Meeting was reconvened.

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NOTE: Chair Allendorf recalled Case Number 17CUP1003 at this time.
See page 22 of these minutes for the conclusion of that case.

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CASE NUMBER 17CUP1023

Request:	Conditional Use Permit to allow short term rental of a dwelling unit in the Traditional Neighborhood Zoning District (TNZD)
Project Name:	Short Term Rental
Location:	1157 S. 1 st St.
Owner:	John Shake
Applicant:	John Shake
Representative:	John Shake
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 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:

03:31:00 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:

John Shake, 1157 South 1st Street, Louisville, KY

Summary of testimony of those in favor:

03:33:14 John Shake 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.

03:35:21 Board Members' deliberation

03:36:17 On a motion by Vice Chair Jarboe, seconded by Member Howard, the following resolution 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 existing structure is compatible with surrounding development. No exterior alterations or other development are required or proposed as part of this application, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities adequate to serve the proposed short term rental, 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.
- 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 unit has two bedrooms. As such, the dwelling unit can accommodate up to eight individuals.**
- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **The subject dwelling unit is part of a multifamily condominium. The owner of the unit has submitted a document signed by the President of the**

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Magnolia Place Condominium Association confirming permission for short term rental of the unit.

- 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 minimum parking requirement for a multi-family structure is 1.5 spaces for each dwelling unit. An off-street parking area at the rear of the building consisting of four spaces includes one space assigned to the dwelling unit. In addition, frontage of the subject property, approximately 61 feet, can accommodate up to three vehicles.**
- 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 LDC 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17CUP1023, does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit in the Traditional Neighborhood Zoning District, based upon the Staff Report, the testimony of the applicant and **SUBJECT** to the following Condition of Approval:

Condition 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 shall establish an account with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

The vote was as follows:

Yes: Members Fishman, Turner, Howard, Young, Vice Chair Jarboe, and Chair Allendorf

Absent: Member Tharp

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PUBLIC HEARING

CASE NUMBER 17CUP1025

Request:	Conditional Use Permit to allow short term rental of a dwelling unit in the Traditional Neighborhood Zoning District (TNZD)
Project Name:	Short Term Rental
Location:	1348 S. 3rd St
Owner:	Elliot Bright
Applicant:	Elliot Bright
Representative:	Elliot Bright
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 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:

03:37:55 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:

Ellen Archer, 1348 S. 3rd Street, Louisville, KY 40208

Summary of testimony of those in favor:

03:40:30 Ellen Archer 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.

03:42:55 Board Members' deliberation

03:43:11 On a motion by Member Fishman, seconded by Member Howard, the following resolution 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 existing site is compatible with surrounding uses. The proposal does not include any new construction or modification of either existing structure, and

WHEREAS, the Board further finds that the site is currently served by all public utilities, 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.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **The six-bedroom dwelling unit may host up to 16 persons.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted. **The dwelling unit is a single-family residence.**

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- 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. **Adequate parking, both on-street and off-street, 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 17CUP1025, does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit in a Traditional Neighborhood Zoning District (TNZD), based upon the Staff Report, the discussion and **SUBJECT** to the following Condition of Approval:

Condition 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 shall register with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

The vote was as follows:

Yes: Members Fishman, Turner, Howard, Young, Vice Chair Jarboe, and Chair Allendorf

Absent: Member Tharp

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ADJOURNMENT

The meeting adjourned at approximately 12:44 p.m.

Chair

Secretary