

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

September 9, 2019

A meeting of the Louisville Metro Board of Zoning Adjustment was held on September 9, 2019 at 9:00 a.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

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

Members Absent:

Lindsey Jagoe

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Steve Hendrix, Planning & Design Coordinator
Beth Jones, Planner II
Zach Schwager, Planner I
Jay Lockett, Planner I
Lacey Gabbard, Planner I
Jon Crumbie, Planning & Design Coordinator
John Carroll, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT MINUTES
SPECIAL MEETING
September 9, 2019**

BOZA_Elect_Chair

Board of Zoning Adjustment election of Chairperson

00:00:22 A motion was made by Member Buttorff, seconded by Member Turner, that Lula Howard be nominated as Chairperson for the Board of Zoning Adjustment.

There being no further nominations, the election was closed and the vote was as follows:

Yes: Members Buttorff, Turner, and Leanhart

Abstain: Member Howard

Not Voting: Member Goatley

Absent: Member Jagoe

**BOARD OF ZONING ADJUSTMENT MINUTES
SPECIAL MEETING
September 9, 2019**

BOZA_Elect_Vice Chair

Board of Zoning Adjustment election of Vice Chairperson

00:01:18 A motion was made by Member Howard that Member Buttorff be nominated as Vice Chairperson. Member Buttorff declined the nomination.

00:01:42 A motion was made by Member Howard, seconded by Member Buttorff, that Kimberly Leanhart be nominated as Vice Chairperson for the Board of Zoning Adjustment.

There being no further nominations, the election was closed and the vote was as follows:

Yes: Members Buttorff, Turner, Leanhart, and Howard
Not Voting: Member Goatley
Absent: Member Jagoe

00:02:14 A motion was made by Member Leanhart, seconded by Member Howard, that Richard Buttorff be nominated as Secretary for the Board of Zoning Adjustment.

There being no further nominations, the election was closed and the vote was as follows:

Yes: Members Turner, Leanhart , and Howard
Abstain: Member Buttorff
Not Voting: Member Goatley
Absent: Member Jagoe

**BOARD OF ZONING ADJUSTMENT MINUTES
SPECIAL MEETING
September 9, 2019**

Board_Member_Appt

Swearing in of LiAndrea Goatley to serve on the Louisville Metro Board of Zoning Adjustment

00:02:54 LiAndrea Goatley took the Oath of Office, and was sworn in by John Carroll, Legal Counsel and a notary public, as a new Board Member for the Louisville Metro Board of Zoning Adjustment.

**BOARD OF ZONING ADJUSTMENT MINUTES
SPECIAL MEETING
September 9, 2019**

PUBLIC HEARING

CASE NUMBER 19CUP1018

Request: **THIS CASE IS BEING CONTINUED TO 9/23/19**
Conditional use permit to allow a short term rental of a dwelling unit that is not the primary residence of the host

Project Name: Franklin Street Short Term Rental
Location: 813 Franklin Street
Owner/Applicant: Colin Clark – Double C Realty, LLC
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Zach Schwager, Planner I

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

Agency testimony:

00:09:14 Zach Schwager stated the applicant has requested to continue this case to the September 23, 2019 Board of Zoning Adjustment meeting (see recording for detailed presentation).

00:09:38 On a motion by Member Turner, seconded by Member Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 19CUP1018 to the September 23, 2019 Board of Zoning Adjustment meeting.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1028

Request: **THIS CASE IS BEING CONTINUED TO 9/23/19**
Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the owner/ host

Project Name: Thomas Short Term Rental
Location: 934 East Oak Street
Owner: Uncle Karl Dyson, LLC
Applicant: David Orange
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Jon E. Crumbie, Planning and Design Coordinator

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

00:11:26 On a motion by Member Turner, seconded by Member Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 19CUP1028 to the September 23, 2019 Board of Zoning Adjustment meeting.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1038

Request: Reconsideration of a Conditional Use Permit for a short-term rental of dwelling units that are not the primary residence of the owner/ host

Project Name: Bowman Short Term Rental

Location: 1427 and 1429 Rufer Avenue

Owner: JSB, LLC

Applicant: David Orange

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 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:

00:12:16 Jon Crumbie stated he has no new information to provide. Mr. Crumbie briefly reviewed the case (see recording for detailed presentation).

The following spoke in favor of the request:

John Talbott, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
David Orange, 1427 Tyler Avenue, Louisville, KY 40217

Summary of testimony of those in favor:

00:15:17 John Talbott spoke in favor of the request. Mr. Talbott explained that this is a reconsideration. Mr. Talbott stated the Board has been applying the wrong standard to these short term rentals. Mr. Talbott stated he watched the entire hearing from this case, and Member Leanhart indicated leaning toward voting for it and Chairman Young corrected her and plugged in that it was a compelling standard. Mr. Talbott stated that was a standard that he reiterated multiple times. Mr. Talbott stated there is absolutely no question that is the

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1038

wrong legal standard. Mr. Talbott stated the legal standard for the Board to approve waivers is a preponderance, and there is no limitation on what can be considered. Mr. Talbott stated it is his opinion that the Board has been directed improperly by some of the Council Members who have testified before the Board. Mr. Talbott stated the Ordinance does not provide a higher standard than it does on a normal waiver. Mr. Talbott mentioned that the Board will routinely waive requirements for Conditional Use Permits for mini-warehouses for all sorts of reasons. Mr. Talbott stated if they lose this case they will probably appeal. Mr. Talbott stated if Metro Council wants an increased and elevated standard for short term rentals, they've got the ability to do it. Mr. Talbott showed a Powerpoint presentation (see recording for detailed presentation).

00:34:28 David Orange spoke in favor of the request and read a letter from Jay Bowman (see recording for detailed presentation).

The following spoke neither for nor against the request:

Councilman Brandon Coan, 601 S. Jefferson St., Louisville, KY 40202

Summary of testimony of those neither for nor against:

00:40:43 Councilman Coan spoke neither for nor against the request. Councilman Coan stated he certainly never intended to suggest some black letter legal standard by which to consider the waiver question for the 600 foot rule. Councilman Coan stated he doesn't want that kind of legal language to be confusing. Councilman Coan stated he feels it's a real disservice that some attorneys come in and talk about legal standards, and say there's going to be litigation pending from this in some effort to influence the Board from thinking about anything other than the facts of the case. Councilman Coan stated any talk he had about a compelling standard was just commentary. Councilman Coan stated Mr. Talbott talked about a preponderance of evidence, and he thinks the Board knows how to apply that. Councilman Coan stated when he's talked about different waivers in the past his only point has been that not all waivers are equal. Councilman Coan stated he hopes we don't have to keep addressing this at every meeting. Councilman Coan stated it appears clear to him that the Board is processing this as the law has changed understands what they're doing (see recording for detailed presentation).

The following spoke in opposition of the request:

William Ransdell, 1410 Rufer Ave., Louisville, KY 40204

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1038

Judy Garrett, 1420 Rufer Ave., Louisville, KY 40204
Walter Harvey, 1422 Rufer Ave., Louisville, KY 40204
Tom O’Conner, 1411 Rufer Ave., Louisville, KY 40204
Helga Ulrich, 112 E. Ormsby Ave., Louisville, KY 40203
Pat Price, 1422 Winter, Louisville, KY 40204

Summary of testimony of those in opposition:

00:44:07 William Ransdell spoke in opposition of the request (see recording for detailed presentation).

00:46:19 Judy Garrett spoke in opposition of the request (see recording for detailed presentation).

00:51:04 Walter Harvey spoke in opposition of the request. Mr. Harvey provided photographs to Mr. Crumbie of the parking situation in the area (see recording for detailed presentation).

00:57:10 Tom O’Conner spoke in opposition of the request (see recording for detailed presentation).

01:02:10 Helga Ulrich spoke in opposition of the request (see recording for detailed presentation).

01:04:34 Pat Price spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

01:10:32 John Talbott spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

01:16:07 **Board Members’ deliberation**

01:20:24 On a motion by Vice Chair Leanhart, seconded by Member Turner, the following resolution, based upon the testimony heard today, was adopted:

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1038

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the request does not meet all of the listed requirements and the Conditional Use Permit cannot be approved; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1038 does hereby **DENY** Conditional Use Permit to allow short term rental of dwelling units that are not the primary residences of the owner/host in an R-5B Zoning District and Traditional Neighborhood Form District.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1071

Request: Conditional Use Permit for short-term rental of a dwelling unit not the primary residence of the host
Project Name: S Brook Short Term Rental
Location: 1414 S Brook Street
Owner/Applicant/Host: Ashley Hall
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:

01:22:12 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:

Ashley Hall, 1414 S. Brook Street, Louisville, KY 40208

Summary of testimony of those in favor:

01:26:25 Ashley Hall 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.

01:28:37 **Board Members' deliberation**

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1071

01:30:37 On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution, based upon the testimony heard today, was adopted:

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

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

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal does appear to 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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The CUP will apply only to an efficiency unit occupying the third floor. LDC regulations permit up to two guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1071

term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there are two properties with an approved conditional use permit for short term rental of a dwelling unit located in the TNZD within 600 ft. of the subject property (see Attachment 3).**

- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The building is a duplex residence.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **LDC regulations credit the street frontage with one parking space. A two-vehicle garage located off the rear alley will not be available for guest use.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1071

Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1071 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit located within the TNZD (LDC 4.2.63), with **RELIEF** from Standard 4D because the owner occupies the first and second floors of the property, and **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The dwelling unit approved for short-term rental use, located on the third floor of the residence, may be used for that purpose only if the dwelling unit located on the first and second floor is occupied by the owner of the property.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1078

Request: Conditional Use Permit for short-term rental of a dwelling unit not the primary residence of the host
Project Name: Longfield Short Term Rental
Location: 828 Longfield Avenue
Owner/Applicant/Host: Susan Sexton
Jurisdiction: Louisville Metro
Council District: 15 – Kevin Triplett
Case Manager: Beth Jones, AICP, Planner II

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

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

Agency Testimony:

01:32:39 Beth Jones presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Susan Sexton, 3816 Warner Ave., Louisville, KY 40207

Summary of testimony of those in favor:

01:36:51 Susan Sexton spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:39:22 **Board Members' deliberation**

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1078

01:40:22 On a motion by Member Turner, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The existing structure is a single-family residence with two bedrooms; LDC regulations permit up to six guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1078

term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there are no properties with an approved conditional use permit for short term rental of a dwelling unit not the primary residence of the host within 600 ft. of the subject property (see Attachment 3).**

- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The building is a single-family residence.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **There is parking for one vehicle on the Longfield Avenue frontage and a one-vehicle garage off a rear alley. A Condition of Approval requires applicant to either repair the existing garage door or improve the apron area to provide one parking space.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1078

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

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1078 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63), **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

- 1. Before use of the property for short-term rentals, the applicant must:
 - A. Repair/replace the existing garage door in order to make the garage usable by guests; or
 - B. Create a parking space adjacent to the alley with a minimum size of 10 ft. x 20 ft., using a hard and durable surface.
 - C. Obtain approval of the work completed from Planning & Design staff.

**BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019**

PUBLIC HEARING

CASE NUMBER 19CUP1078

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1083

Request: Conditional Use Permit for short-term rental of a dwelling unit not the primary residence of the host
Project Name: S 5th Street Short Term Rental
Location: 4143 S. 5th Street
Owner/Applicant/Host: Sydney Waddell
Jurisdiction: Louisville Metro
Council District: 15 – Kevin Triplett
Case Manager: Beth Jones, AICP, Planner II

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

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

Agency Testimony:

01:42:13 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:
Sydney Waddell, 2915 Rio Rita Ave., Louisville, KY 40220

Summary of testimony of those in favor:

01:45:57 Sydney Waddell 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.

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1083

01:50:01 Board Members' deliberation

01:50:09 On a motion by Member Buttorff, seconded by Vice Chair Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **PVA lists the existing structure as a single-family residence. According to the applicant, it has two bedrooms; up to six guests are permitted.**

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1083

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1083

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

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

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1083 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63).

The vote was as follows:

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

**BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019**

PUBLIC HEARING

CASE NUMBER 19CUP1083

01:51:09 Meeting was recessed.

01:51:24 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0017

| | |
|-------------------|---|
| Request: | Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the owner/host |
| Project Name: | Robinson Short Term Rental |
| Location: | 105 Harlan Ave |
| Owner: | Fredie Robinson |
| Representative: | Fredie Robinson |
| Jurisdiction: | Louisville Metro |
| Council District: | 15 – Kevin Triplett |
| Case Manager: | Lacey Gabbard, AICP, Planner I |

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

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

Agency testimony:

01:51:53 Lacey Gabbard presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Fredie Robinson, 187 Wigeon Ct., Shepherdsville, KY 40165
Tiffany Robinson, 187 Wigeon Ct., Shepherdsville, KY 40165

Summary of testimony of those in favor:

01:57:17 Fredie Robinson spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:03:47 Tiffany Robinson spoke in favor of the request (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0017

The following spoke in opposition of the request:

No one spoke.

02:06:03 Board Members' deliberation

02:09:23 On a motion by Member Turner, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0017

two times the number of bedrooms plus six individuals. **The applicant states that the residence has two (2) bedrooms that will allow a maximum number of six (6) guests.**

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there are two (2) properties with an approved conditional use permit allowing short term rentals that is not the primary residence of the host. The applicant is requesting relief to the provision in accordance with LDC Section 4.2.2.B. If provided, the applicant's justification for this relief is attached to this report. If the Board does not grant relief, the application does not meet all of the listed requirements and the conditional use permit cannot be approved.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The structure is a single family dwelling.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0017

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0017 does hereby **APPROVE** Conditional Use Permit to allow short

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0017

term rental of a dwelling unit that is not the primary residence of the owner in an R-5 Zoning District and Traditional Neighborhood Form District (LDC 4.2.63), with **RELIEF** from Standard 4D based on the applicant's justification.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0018

| | |
|-------------------|---|
| Request: | Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the owner/host |
| Project Name: | Robinson Short Term Rental |
| Location: | 1207 Lillian Ave |
| Owner: | Fredie Robinson |
| Representative: | Fredie Robinson |
| Jurisdiction: | Louisville Metro |
| Council District: | 6 – David James |
| Case Manager: | Jay Lockett, AICP, Planner I |

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

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

Agency testimony:

02:12:54 Jay Lockett presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Fredie Robinson, 187 Wigeon Ct., Shepherdsville, KY 40165
L.B. Giles, 1205 Lillian Ave., Louisville, KY 40208

Summary of testimony of those in favor:

02:15:05 Fredie Robinson spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:20:42 L.B. Giles spoke in favor of the request (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0018

The following spoke in opposition of the request:

No one spoke.

02:21:53 Board Members' deliberation

02:22:03 On a motion by Member Turner, seconded by Vice Chair Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0018

property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is smaller than two acres. The house has one bedroom and will accommodate a maximum of 4 guests.**

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0018

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0018 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 Zoning District and Traditional Neighborhood Form District.

**BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019**

PUBLIC HEARING

CASE NUMBER 19-CUP-0018

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0035

| | |
|-------------------|---|
| Request: | Conditional Use Permit for short-term rental of a dwelling unit not the primary residence of the host |
| Project Name: | Deer Park Short Term Rental |
| Location: | 1610 Deer Park Avenue |
| Owner/Applicant: | Jack and Donna Heil |
| Host: | Ellen Duane |
| 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:

02:24:53 Beth Jones presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Donna Heil, 1619 Deer Park Ave., Louisville, KY 40205

Summary of testimony of those in favor:

02:27:19 Donna Heil spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0035

02:30:33 Board Members' deliberation

02:30:47 On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **According to the applicant the residence has four bedrooms; up to 10 guests are permitted.**

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0035

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

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0035

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0035 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63).

**BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019**

PUBLIC HEARING

CASE NUMBER 19-CUP-0035

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0030

| | |
|-------------------|---|
| Request: | Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the owner/host |
| Project Name: | Brainard Short Term Rental |
| Location: | 1466 St. James Court |
| Owner/Applicant: | Benjamin Brainard |
| Jurisdiction: | Louisville Metro |
| Council District: | 6 – David James |
| Case Manager: | Jon E. Crumbie, Planning & Design Coordinator |

NOTE: THIS CASE WAS CONTINUED TO THE 9/9/19 REGULAR BOARD OF ZONING ADJUSTMENT MEETING BEGINNING AT 1:00 P.M. (TO BE HEARD AS THE FIRST PUBLIC HEARING ITEM).

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.

**BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019**

PUBLIC HEARING

CASE NUMBER 19-CUP-0038

| | |
|-------------------|---|
| Request: | Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the owner/host |
| Project Name: | Greene Short Term Rental |
| Location: | 940 Ash St |
| Owner: | Catherine Greene |
| Representative: | Catherine Greene |
| Jurisdiction: | Louisville Metro |
| Council District: | 10 – Pat Mulvihill |
| Case Manager: | Jay Lockett, AICP, Planner I |

NOTE: THIS CASE WAS CONTINUED TO THE 9/9/19 REGULAR BOARD OF ZONING ADJUSTMENT MEETING BEGINNING AT 1:00 P.M. (TO BE HEARD AS THE SECOND PUBLIC HEARING ITEM).

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.

BOARD OF ZONING ADJUSTMENT MINUTES
September 9, 2019

The meeting adjourned at approximately 11:58 a.m.

Chair

Secretary