

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

February 19, 2018

A meeting of the Louisville Metro Board of Zoning Adjustment was held on February 19, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Mike Allendorf, Chair
Lester Turner
Dwight Young
Richard Buttorff

Members Absent:

Rosalind Fishman, Vice Chair
Lula Howard, Secretary

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Haberman, Planning & Design Manager
Steve Hendrix, Planning & Design Supervisor
Jon Crumbie, Planning & Design Coordinator
Dante St. Germain, Planner I
Ross Allen, Planner I
Beth Jones, Planner II
John Carroll, Legal Counsel
Travis Fiechter, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

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APPROVAL OF MINUTES

FEBRUARY 5, 2018 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:02:25 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 **APPROVE** the minutes of the meeting conducted on February 5, 2018.

The vote was as follows:

Yes: Members Turner, Young, Buttorff, and Chair Allendorf

Absent: Member Howard, and Vice Chair Fishman

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PUBLIC HEARING

Case Number 18VARIANCE1000

Request:	Variance to allow a sign to exceed the allowable height with associated waivers
Project Name:	Ormsby Heights Baptist Church Sign
Location:	2120 Lower Hunters Trace
Owner:	Ormsby Baptist Church
Applicant:	Golden Rule Signs
Representative:	Nick Delsignore
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
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:

00:03:39 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:

Logan Baker, 13070 Middletown Industrial Boulevard, Louisville, KY 40223

Summary of testimony of those in favor:

00:10:12 Logan Baker spoke in favor of the request and explained the features of the proposed sign. Mr. Baker 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.

00:13:21 Board Members' deliberation

00:17:40 On a motion by Member Young, seconded by Member Buttorff, the following resolution was adopted:

Variance from Land Development Code Table 8.3.2 to allow a sign to exceed the allowable height in the Neighborhood form district:

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 existing sign is nonconforming in that it currently exceeds the height allowance and 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 existing sign has been in place for many years and has become part of the character of the neighborhood, and

WHEREAS, the Board further find s that the requested variance will not cause a hazard or nuisance to the public as the sign will not obstruct views for drivers or pedestrians, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the existing sign is to utilize the existing sign's pole, 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 because the new sign is proposed to be replacement cabinets for an existing sign, using the same pole, and

WHEREAS, the Board further finds that the applicant's justification states "this sign is a part of the image of the church. It would drastically impede the church's ability to stay with times and communicate with the community if these codes were applied strictly and without consideration", and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1000 does hereby **APPROVE** Variance from Land Development Code Table 8.3.2 to allow a sign to exceed the allowable height in the Neighborhood form district (**Requirement 8 ft., Request 17.83 ft., Variance 9.83 ft.**), based upon Staff Findings and presentation, the applicant's justification statement, and the testimony heard today.

The vote was as follows:

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

00:18:50 On a motion by Member Young, seconded by Member Buttorff, the following resolution was adopted:

Waiver from Land Development Code Section 8.2.1.D.4.a to allow the changing image panel of a sign to exceed 30% of the total area of the sign:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners as the applicant could comply with the regulations by keeping the changing image panel the same size and increasing the size of the static image panel, and

WHEREAS, the Board further finds that the applicant's justification states "this will not violate the Comprehensive Plan because we are integrating this on to an existing structure, and maintaining the original placement and approximate height of the existing sign. We have designed a sign that will not have an intrusive effect on the neighbors, and still be visible and safe for drivers to read. We are attempting to update the church sign to be more attractive, more efficient, maintain the original placement, and improve the local area and marketplace", and

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WHEREAS, the Board further finds that the applicant's justification states "with the extent of the waiver for Sections 8.2.1.D.4 and 8.2.1.D.g along with the approval of a variance on the height of the existing sign, there will be appropriate relief to the applicant", and

WHEREAS, the Board further finds that the applicant's justification states "the strict application would deprive the applicant reasonable use because we are looking to utilize an existing structure to preserve the character of the property, while allowing the church to be up to date and keep a clean image"; and

Waiver from Land Development Code Section 8.2.1.D.6 to allow a changing image sign to be closer than 300 feet to residential properties:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners as the sign must comply with the requirement that the image change no more frequently than once per twenty seconds, and

WHEREAS, the Board further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 states that signs should be compatible with the form district pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. These guidelines are not violated because Lower Hunters Trace is a primary collector level roadway with sufficient traffic that a changing image sign is appropriate for this location, and

WHEREAS, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as there is no location on the property where a sign could be reasonably placed that is not within 300 feet of residential properties, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the applicant to place the sign in a location that would not be visible from the road in order to comply with the regulation; now, therefore be it

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RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1000 does hereby **APPROVE** Waiver from Land Development Code Section 8.2.1.D.4.a to allow the changing image panel of a sign to exceed 30% of the total area of the sign, and Waiver from Land Development Code Section 8.2.1.D.6 to allow a changing image sign to be closer than 300 feet to residential properties, based upon the Staff Findings, replacing the Standard of Review and Staff Analysis with the applicant's justification statements where applicable, the applicant's testimony, the applicant's justification statement, and **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The changing image portion of the sign shall be turned off between the hours of 10:00 p.m. and 7:00 a.m. every night.

The vote was as follows:

Yes: Members Turner, Young, Buttorff, and Chair Allendorf

Absent: Member Howard, and Vice Chair Fishman

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CASE NUMBER 18VARIANCE1003

Request: Variance to allow a private yard area to be eliminated and variance to allow an accessory structure/use area to exceed 50 ft. in depth
Project Name: 664 Atwood Street Residence
Location: 664 Atwood Street
Owner: 664 Atwood LLC
Applicant: Michael Spoelker
Representative: Michael Spoelker
Jurisdiction: Louisville Metro
Council District: 15 – Marianne Butler
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:

00:21:11 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:

Michael Spoelker, P.E., 1704 Cherokee Road, Louisville, KY 40205

Summary of testimony of those in favor:

00:26:10 Michael Spoelker spoke in favor of the request. Mr. Spoelker provided written comments to the Board Members. Mr. Spoelker 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.

00:43:02 Board Members' deliberation

00:50:51 On a motion by Member Young, seconded by Member Buttorff, the following resolution was adopted:

Variance from Land Development Code Section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of the lot:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as all construction will have to be performed in compliance with building codes, and

WHEREAS, the Board further finds that the applicant's justification states "it is worth noting that the alley behind the homes on the south side of Atwood back up to a very large, high density, apartment complex, University Park Apartments, built in the 1980's, so just what the essential character of the neighborhood might be is very much open to some interpretation. These apartments have no Private Yard Area as defined by 5.4.1.D.3. On the north side of the alley this will look very similar to numerous properties from the rear. An attached garage is a very desirable feature for a single family dwelling. It offers increased security for the residents, the home and the garage contents. It secures and weather protects the entrance to the cellar. It allows the residents to enter and exit with protection from the elements. The grant of a waiver would not adversely impact essential character of the neighborhood", and

WHEREAS, the Board further finds that the applicant's justification states "in lieu of a small enclosed yard that would push any detached accessory structure to the back edge of the property, the greater distance between the proposed garage and the alley actually eliminates the hazard of backing into the alley blinded by restricted sight lines. The grant of a waiver in this case reduces the hazard to both the garage user and other alley traffic", and

WHEREAS, the Board further finds that the applicant's justification states "this neighborhood has multitudes of tenants and fewer resident owners. Although it is zoned for multifamily, I seek to convert this building to a single family dwelling, and an attached garage with secure off-street parking makes this a much more

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attractive single family dwelling than a tiny private yard. I believe it is the resident owners that will lift this neighborhood up. I do not believe that I am seeking to circumvent zoning regulations”, and

WHEREAS, the Board further finds that the applicant’s justification states “this structure presents an unusual circumstance because it spent its first 130 years of use as a church. The later 15x30 shed type addition on the rear of the main structure primarily houses the full-immersion baptistery, a concrete basin with 6' thick walls nearly 10 feet wide, 3'-6" deep and almost 6 feet tall. As it serves no residential purpose, it must be removed, and probably the only practical way to remove it will be to remove the back wall and roof of the addition and use a hoe ram to break it up. Since the east and west walls will still be standing, they would make a good starting point for an attached garage, which would be a very desirable addition on its own merit. There is obvious economy in the reuse of a large part of the existing shed addition as part of the new garage. All of the requested variances are the result of constraints resulting from a desire to reuse as much of the existing structure as possible in its conversion to a single family dwelling with an attached garage”, and

WHEREAS, the Board further finds that the applicant’s justification states “an attached garage is such a common, desirable, beneficial amenity, I was taken aback that the code seems to discourage their construction. I'm not sure I would have bought the building had I known that it would be an issue. The size of the proposed addition contains adequate space for a shop for hobby activities and it would be my intent to be able to heat this space. A shared common wall reduces the exterior heat transfer surface area, greatly reducing the thermal load. The attached garage also offers much more convenient access to restroom facilities, something that would not be practical for a detached structure”, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1003 does hereby **APPROVE** Variance from Land Development Code Section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of the lot (**Requirement 937.5 sf (20%), Request 0 sf (0%), Variance 937.5 sf (20%)**), based upon the applicant’s justification statement, the applicant’s testimony and his objective considerations and exhibits, and the Staff

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Findings replacing the Standard of Review and Staff Analysis with the applicant's variance justification statements where applicable.

The vote was as follows:

Yes: Members Turner, Young, Buttorff, and Chair Allendorf

Absent: Member Howard, and Vice Chair Fishman

00:52:25 On a motion by Member Young, seconded by Member Buttorff, the following resolution was adopted:

Variance from Land Development Code Section 5.4.1.E.1 to allow an accessory structure/use area to exceed 50 feet in depth:

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 extension of the accessory structure/use area is relatively small, and

WHEREAS, the Board further finds that the applicant's justification states "the apartments on the south side of the alley are built to an entirely different standard. North of the alley, there are a wide variety of accessory buildings, fenced and unfenced parking areas to be found in this block. The proposed addition would still leave 28 feet, including the 5' rear offset, between the structure and the alley. The grant of a 3' variance would not adversely impact essential character of the neighborhood", and

WHEREAS, the Board further finds that the applicant's justification states "the greater distance between the proposed garage and the alley actually eliminates the hazard of backing into the alley blinded by restricted sight lines. The grant of a variance in this case reduces the hazard to both the garage user and other alley traffic", and

WHEREAS, the Board further finds that the applicant's justification states "the greater distance between the proposed garage and the alley actually eliminates the hazard of backing into the alley blinded by restricted sight lines. The grant of a variance in this case reduces the hazard to both the garage user and other alley traffic", and

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WHEREAS, the Board further finds that the applicant's justification states "this structure presents an unusual circumstance because it spent its first 130 years of use as a church. The later 15x30 shed type addition on the rear of the main structure primarily houses the full-immersion baptistery, a concrete basin with 6' thick walls nearly 10 feet wide, 3'-6" deep and almost 6 feet tall. As it serves no residential purpose, it must be removed, and probably the only practical way to remove it will be to remove the back wall and roof of the addition and use a hoe ram to break it up. Since the east and west walls will still be standing, they would make a good starting point for an attached garage, which would be a very desirable addition on its own merit. There is obvious economy in the reuse of a large part of the existing shed addition as part of the new garage. All of the requested variances are the result of constraints resulting from a desire to reuse as much of the existing structure as possible in its conversion to a single family dwelling with an attached garage", and

WHEREAS, the Board further finds that the applicant's justification states "an attached garage is such a common, desirable, beneficial amenity, I was taken aback that the code seems to discourage their construction. I'm not sure I would have bought the building had I known that it would be an issue. The size of the proposed addition contains adequate space for a shop for hobby activities and it would be my intent to be able to heat this space. A shared common wall reduces the exterior heat transfer surface area, greatly reducing the thermal load. The attached garage also offers much more convenient access to restroom facilities, something that would not be practical for a detached structure", and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1003 does hereby **APPROVE** Variance from Land Development Code Section 5.4.1.E.1 to allow an accessory structure/use area to exceed 50 feet in depth (**Requirement 50 ft., Request 58 ft., Variance 8 ft.**), based upon the applicant's testimony, the applicant's objective considerations and exhibits provided today, and the Staff Findings replacing the Standard of Review and Staff Analysis with the applicant's variance justification statements where applicable.

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The vote was as follows:

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

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CASE NUMBER 18VARIANCE1002

Request: Variance to allow a structure to encroach into the required street side yard setback
Project Name: 2335 Lindsey Drive Garage
Location: 2335 Lindsey Drive
Owner: Ericka Renee Young
Applicant: Ericka Young
Representative: Ericka Young
Jurisdiction: City of Shively
Council District: 3 – Mary Woolridge
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:

00:53:59 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:

Ericka Young, 2335 Lindsey Drive, Louisville, KY 40216

Summary of testimony of those in favor:

00:56:51 Ericka Young 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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01:00:01 Board Members' deliberation

01:00:26 On a motion by Member Turner, seconded by Member Buttorff, 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 garage is set back from the corner and will not create an unsafe situation, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as detached garages are common in the neighborhood, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the position of the garage will not create a hazard for drivers at the corner, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the garage is proposed to be placed at the end of an existing driveway, and another location in the yard would be infeasible due to the location of the driveway, 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 because the driveway which is proposed to lead to the new garage is existing, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation may create an unnecessary hardship on the applicant by requiring the applicant to build the garage at a location other than at the end of the existing driveway, and

WHEREAS, the Board further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction, 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 18VARIANCE1002

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1002 does hereby **APPROVE** Variance from City of Shively Land Development Code Table 5.3.1 to allow a structure to encroach into the required street side yard setback (**Requirement 25 ft., Request 3 ft., Variance 22 ft.**), based upon the applicant's testimony, the Staff Report and the applicant's justification statement.

The vote was as follows:

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

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CASE NUMBER 18VARIANCE1006

Request: Variances to allow attached signage to exceed 60 sf
in area in the Traditional Neighborhood form district
Project Name: Rabbit Hole Distillery Signage
Location: 711 E Jefferson Street
Owner: Rabbit Hole Spirits LLC
Applicant: Signarama Downtown
Representative: Tanya Scott
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
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:

01:01:55 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:

Tanya Scott, 909 E. Market Street, Louisville, KY 40202
Sam Toutouchian, 711 E. Jefferson Street, Louisville, KY 40202

Summary of testimony of those in favor:

01:10:07 Tanya Scott spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:12:25 Sam Toutouchian 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.

01:13:40 Board Members' deliberation

01:14:36 On a motion by Member Young, seconded by Member Turner, 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 signs will comply with the Land Development Code in all respects except for their size, with the result that the signage is unlikely to distract drivers or pedestrians and adversely affect public safety, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the NuLu area is unique in Louisville Metro, featuring a mix of industrial, commercial and residential uses in close proximity. While the proposed signage differs from other signage in the immediate vicinity, it will be in character with NuLu, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the signs are proposed to be muted colors with minimal lighting, which will not create a hazard to drivers or pedestrians, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the property is located across E Jefferson Street from the Downtown form district, and across Nanny Goat Strut Alley from the Traditional Marketplace Corridor form district, both of which have much less restrictive signage allowances. Although the signs would also be out of compliance with the requirements of these form districts, the required variances would be reduced if either of these form districts applied to this property. Additionally, the signs comply with NuLu design guidelines with respect to signage, which state that signs should be attractive, artistic, well-proportioned and thoughtfully located, and to be designed as integral parts of the site and architectural design of a proposed project, 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 because the property is in a commercial/industrial zoning

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district but a Traditional Neighborhood form district. Further, it is uniquely positioned adjacent to the Downtown and Traditional Marketplace Corridor form districts, and

WHEREAS, the Board further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction, 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 18VARIANCE1006 does hereby **APPROVE** Variances from Land Development Code Table 8.3.2 to allow attached signage to exceed 60 square feet in area per façade (**E. Jefferson Street Façade Requirement 60 sf., Request 603.64 sf, Variance 543.64 sf; Nanny Goat Strut Façade Requirement 60 sf, Request 236.3 sf, Variance 176.3 sf**), based upon the Staff findings and presentation, the applicant's justification statement, and the applicant's testimony.

The vote was as follows:

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

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CASE NUMBER 17VARIANCE1109

Request:	Variance to allow a private yard area to be less than the required 30% of the area of a lot with associated waiver
Project Name:	2043 Sherwood Avenue Residence
Location:	2043 Sherwood Avenue
Owner:	Kimberly Ann Rogers Revocable Trust
Applicant:	Steve Rogers
Representative:	Steve Rogers
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:

01:16:55 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:

Bart Greenwald, 9750 Ormsby Station Road, Suite 210, Louisville, KY 40223
Steve Rogers, 3122 McMahan Blvd., Louisville, KY 40205
Frank Ellington, 2052 Sherwood Ave., Louisville, KY 40205
Thomas Newton, 2053 Sherwood Ave., Louisville, KY 40205

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Summary of testimony of those in favor:

01:25:46 Bart Greenwald spoke in favor of the request and provided pictures to the Board Members. Mr. Greenwald responded to questions from the Board Members (see recording for detailed presentation).

01:36:06 Steve Rogers spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:37:49 Dante St. Germain responded to questions from the Board Members (see recording for detailed presentation).

01:39:06 Bart Greenwald spoke in favor of the request (see recording for detailed presentation).

01:40:20 Mr. Rogers responded to questions from the Board Members (see recording for detailed presentation).

01:41:23 Frank Ellington spoke in favor of the request (see recording for detailed presentation).

01:47:10 Thomas Newton spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:48:33 Board Members' deliberation

01:49:36 On a motion by Member Young, seconded by Member Turner, the following resolution was adopted:

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:

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WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as significant private yard area will remain, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the reduced private yard area is consistent with other private yard areas in the immediate vicinity, 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 remain to handle rain events and other weather, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the street is otherwise fully developed and similar site plans are common in this area, 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 because the lot is regular in shape and comparable in area to other lots in the same vicinity, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation may create an unnecessary hardship on the applicant by requiring the applicant to reduce the size of the proposed house or garage and limiting the use of the property, and

WHEREAS, the Board further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction, 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 17VARIANCE1109 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 (**Requirement 2,175 sf (30%), Request 975 sf (13.4%), Variance 1200 sf (16.6%)**), based upon the applicant's justification, the Staff Findings and Summary, and testimony heard today.

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 17VARIANCE1109

The vote was as follows:

Yes: Members Turner, Young, Buttorff, and Chair Allendorf

Absent: Member Howard, and Vice Chair Fishman

01:50:38 On a motion by Member Young, seconded by Member Turner, the following resolution was adopted:

Waiver from Land Development Code Section 5.4.1.E.3 to allow parking access to be achieved from the primary street where alley access is available in the Traditional Neighborhood form district:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners as there are other properties in the area which have curb cuts to Sherwood Avenue, and

WHEREAS, the Board further finds that the applicant's justification states "this is a curb cut that has existed since the previous house was built in the 1920's. Numerous curb cuts exist on Sherwood", and

WHEREAS, the Board further finds that the applicant's justification states "this is an existing curb cut and driveway. Additionally, see the attached copy of an email from Jeff Brown of Metro Public Works dated 3/29/10 that stated the curb cut is not required to be removed", and

WHEREAS, the Board further finds that the applicant's justification states "the provisions strict application would deprive the applicant of reasonable use of the lot by denying access of vehicles from Sherwood. Applicant would not have purchased the lot without being assured the curb cut would not be required to be removed per the email from Jeff Brown dated 3/29/10"; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17VARIANCE1109 does hereby **APPROVE** Waiver from Land Development Code Section 5.4.1.E.3 to allow parking access to be achieved from the primary street where alley access is available in the Traditional Neighborhood form district, based upon the applicant's justification statement and testimony, the Staff Findings replacing the Standard of Review and Staff Analysis with the applicant's waiver justification statements where applicable.

**BOARD OF ZONING ADJUSTMENT MINUTES
February 19, 2018**

PUBLIC HEARING

CASE NUMBER 17VARIANCE1109

The vote was as follows:

Yes: Members Turner, Young, Buttorff, and Chair Allendorf

Absent: Member Howard, and Vice Chair Fishman

01:52:05 Meeting was recessed.

01:52:23 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES
February 19, 2018

PUBLIC HEARING

CASE NUMBER 17DEVPLAN1229

Request: Review of a Front Setback Variance from LDC 5.2.4.C and a waiver from LDC 5.5.1.3.a to allow parking in front of the principal structure as associated with a CAT 2B Development Plan

Project Name: Blue Iguana Carwash

Location: 6014 and 6018 Bardstown Road

Owner: William M. Friel – ABG Properties LLC.

Applicant: Mike Matthews – Blue Iguana Carwash

Representative: Sarah Beth Sammons – Land Design & Development Inc.

Jurisdiction: Louisville Metro

Council District: 22– Robin Engel

Case Manager: Ross Allen, 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:

01:52:38 Ross Allen presented the case and showed a Powerpoint presentation. Mr. Allen responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Cliff Ashburner, 101 S. 5th Street, Suite 2500, Louisville, KY 40202

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PUBLIC HEARING

CASE NUMBER 17DEVPLAN1229

Summary of testimony of those in favor:

02:03:07 Cliff Ashburner spoke in favor of the request and showed a Powerpoint presentation. Mr. Ashburner responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

02:13:20 Board Members' deliberation

02:15:03 On a motion by Member Young, seconded by Member Turner, the following resolution was adopted:

Variance from Land Development Code Section 5.2.4.C.3.a to allow the proposed structure to exceed the 15 ft. maximum front setback along the Bardstown Road property line by approximately 96 feet for a total of 111 feet from the property line (shown as the proposed dedication of right of way line on the development plan):

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect public health safety or welfare since the proposed variance will allow the building to be set back 111 feet at its farthest point (from the proposed right of way dedication along Bardstown Road frontage). The proposed setback of the building is similar to the setback of the existing building on the property, and will allow for an improved vehicle use area (VUA) at the front of the property. The improved vehicle use area will include a renovated curb cut along Bardstown Road that will improve public access to the property, and

WHEREAS, the Board further finds that the variance will not alter the essential character of the general vicinity as the proposed car wash matches the current use of the property, and is consistent with the property's approved C-1 commercial zoning. The car wash is also appropriate for the property's location along a major arterial road with numerous other commercial and automobile-oriented uses in the vicinity, and

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WHEREAS, the Board further finds that the variance will not cause a hazard or nuisance to the public. The variance will permit the proposed building to be located a safe distance from Bardstown Rd. and will permit vehicles and pedestrians safe access to the proposed building and car wash. Applicant's proposal includes an improved VUA at the front of the property, and new pedestrian sidewalks connecting to Bardstown Road. The renovated curb cut along Bardstown Road will also improve public access and traffic flow into and out of the property, and

WHEREAS, the Board further finds that the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The variance will allow the applicant to preserve and improve a neighborhood serving commercial use at an appropriate location. The proposed 111 foot setback of the building is similar to the 87.9 foot setback of the existing building (previous case no. B-226-03W) on the property and is consistent with the property's use as a car wash, and

WHEREAS, the Board further finds that the variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The variance is the result of the proposed right of way dedication and need to accommodate buffer areas at the front of the property facing Bardstown Road, and

WHEREAS, the Board further finds that The strict application of the regulations would create an unnecessary hardship because it would force the applicant to locate the building closer to Bardstown Road, creating a maneuvering issue along that side of the site. A reduction in the size of the VUA will cause congestion and reduce accessibility from Bardstown Road. The proposed variance will ameliorate these issues, and

WHEREAS, the Board further finds that the circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance but are, instead, the result of the applicant's proposal to improve the VUA and parking lot at the front of the property. The variance will permit the applicant to set the proposed building back far enough to permit a larger VUA and parking area, and also to accommodate and renovate curb cut and access point along Bardstown Road, and

WHEREAS, the Board further finds that the applicant's justification statements adequately justify this request; and

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CASE NUMBER 17DEVPLAN1229

Waiver from Land Development Code Section 5.5.1.A.3.a to allow the parking lot location to be located in the front of the proposed structure as found between the primary structure and Bardstown Road frontage:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposed waivers will not adversely affect adjacent property owners because the proposed setback of the car wash and front location of the parking lot match the current configuration of the property. The 6104 Bardstown Road property is currently used as a car wash, and the proposed waivers will permit the applicant to continue that use and make a substantial investment to update and expand the car wash, and

WHEREAS, the Board further finds that Guideline 2, Policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, Policy 1 states to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, Policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use, encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. The waivers are compatible with the pattern of development within the form district, and there does not appear to be physical restraints preventing compliance with the regulations to be waived. The two properties that will be redeveloped, 6014 and 6018 Bardstown Rd., are both zoned C-1 commercial and are located along a major arterial road, meaning they are appropriate for use as a car wash. Therefore, the requested waivers will not violate specific guidelines and policies of Cornerstone 2020, and

WHEREAS, the Board further finds that the extent of the proposed waivers of the regulations is the minimum necessary to afford relief to the applicant. The waivers will allow the applicant to maintain the current configuration of the property, including the current setback of the car wash and front location of the parking lot. This configuration is necessary for the car wash because it allows vehicles to ingress and egress from the property and parking lot without interfering with vehicles accessing the car wash, and

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CASE NUMBER 17DEVPLAN1229

WHEREAS, the Board further finds that the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. Strict application of the setback and parking location regulations would require the applicant to locate the car wash within 15' of Bardstown Road, which is not compatible with the space needed for vehicles to access the car wash. Strict application of the regulations would also require the applicant to reconfigure proposed parking spaces and a proposed vehicle access point to Bardstown Road. The proposed waivers ameliorate these issues, 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 17DEVPLAN1229 does hereby **APPROVE** Variance from Land Development Code Section 5.2.4.C.3.a to allow the proposed structure to exceed the 15 ft. maximum front setback along the Bardstown Road property line by approximately 96 feet for a total of 111 feet from the property line (shown as the proposed dedication of right of way line on the development plan) **(Requirement 15 ft., Request 111 ft. (from proposed line of dedicated right of way), Variance 96 ft.)**, and Waiver from Land Development Code Section 5.5.1.A.3.a to allow the parking lot location to be located in the front of the proposed structure as found between the primary structure and Bardstown Road frontage, based upon the Staff Findings, the applicant's justification statement, and the testimony heard today.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 18VARIANCE1005

Request: Variance to permit a structure to encroach into the required side yard setback along the west property line

Project Name: Second Story Addition

Location: 1019 Dixon Avenue

Owner: Flipping Louisville LLC

Applicant: Veteran Home Solutions

Representative: Veteran Home Solutions

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:

02:17:35 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:

Adam Caperton, 632 E. Market Street, Suite 200, Louisville, KY 40202

Summary of testimony of those in favor:

02:21:37 Adam Caperton spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1005

The following spoke in opposition of the request:

No one spoke.

02:23:37 Board Members' deliberation

02:23:56 On a motion by Member Young, seconded by Member Buttorff, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested reduction of the required side yard will not adversely affect the public health, safety or welfare, and

WHEREAS, the Board further finds that the proposal will not alter the existing side yard and will not be out of character for the neighborhood, where narrow side yards are common, and

WHEREAS, the Board further finds that the proposed construction will meet current building codes and requirements and will not cause a public hazard or nuisance through excessive noise, vibration, odor or light, and

WHEREAS, the Board further finds that the requested variance is not unreasonable as it will result in development of the property consistent with other development in the vicinity, and

WHEREAS, the Board further finds that the proposed construction follows the footprint of an existing structure, and

WHEREAS, the Board further finds that the application of the regulation may create an unnecessary hardship in that the proposal is following the footprint of the existing structure. Constructing the proposed second story with the required side yard would make design and construction more complicated, and

WHEREAS, the Board further finds that the existing residence was in place prior to the zoning regulation from which relief is being sought, and

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

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1005

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1005 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to permit a structure to encroach into the required side yard setback along the west property line (**Requirement 3 ft., Request 2 ft., Variance 1 ft.**), based upon the applicant's justification statement, the applicant's testimony, Staff Findings, and the testimony heard today.

The vote was as follows:

Yes: Members Turner, Young, Buttorff, and Chair Allendorf

Absent: Member Howard, and Vice Chair Fishman

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PUBLIC HEARING

CASE NUMBER 17VARIANCE1103

Request:	Variance to reduce the required private yard area
Project Name:	Wooden Residence
Location:	2054 Eastern Pkwy
Owner:	Brian & Shana Wooden
Applicant:	Del Prince Designs LLC
Representative:	Del Prince Designs LLC
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:

02:25:42 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:

Anne Del Prince, 640 Country Club Road, Louisville, KY 40206

Summary of testimony of those in favor:

02:32:05 Anne Del Prince 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 17VARIANCE1103

02:33:32 Board Members' deliberation

02:33:57 On a motion by Member Turner, seconded by Member Buttorff, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested reduction of the required side yard will not adversely affect the public health, safety or welfare, and

WHEREAS, the Board further finds that because of the substantial front setbacks required along Eastern Parkway, it is not unusual for properties in the vicinity of the subject site to have minimal private yard areas and/or accessory structures that occupy most of the rear yard and span the rear property line, and

WHEREAS, the Board further finds that the proposed construction will meet current building codes and requirements and will not cause a public hazard or nuisance through excessive noise, vibration, odor or light, and

WHEREAS, the Board further finds that the requested variance is not unreasonable as it will result in development of the property consistent with others in the immediate vicinity, and

WHEREAS, the Board further finds that properties along Eastern Parkway require larger than normal front yard setbacks, making it more difficult to construct a permissible accessory structure and maintain the required rear yard, and

WHEREAS, the Board further finds that the application of the regulation would create an unnecessary hardship in that the proposal is not inconsistent with the character of the general vicinity, and

WHEREAS, the Board further finds that the existing residence was in place prior to the zoning regulation from which relief is being sought, and

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

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PUBLIC HEARING

CASE NUMBER 17VARIANCE1103

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17VARIANCE1103 does hereby **APPROVE** Variance from Land Development Code 5.4.D.2 to reduce the required private yard area (**Requirement 1,892 sq. ft., Request 657.5 sq. ft., Variance 1,234.5 sq. ft.**), based upon the Staff Report, the variance justification statement, and the applicant's testimony.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 17CUP1106

Request:	Conditional Use Permit to allow a short term rental in the Traditional Neighborhood Zoning District
Project Name:	None
Location:	1222 Garvin Place
Owner:	Louis Orleans, LLC
Applicant:	Mary E. Fullerton
Representative:	Mary E. Fullerton
Jurisdiction:	Louisville Metro
Council District:	6 – David James
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:

02:35:18 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:

Mary Fullerton, 6212 Glen Hill Road, Louisville, KY 40222

Summary of testimony of those in favor:

02:38:54 Mary Fullerton spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:42:21 Joe Haberman responded to questions from the Board Members regarding the Courtesy Notice (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 17CUP1106

The following spoke in opposition of the request:

Lawrence King-Davis, 1925 S. Main Street, Hopkinsville, KY 42240

Summary of testimony of those in opposition:

02:44:02 Lawrence King-Davis spoke in opposition of the request. Mr. King-Davis stated he owns the property next door at 1224 Garvin Place. Mr. King-Davis responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

02:54:00 Mary Fullerton spoke in rebuttal (see recording for detailed presentation).

02:55:04 Chair Allendorf allowed an additional comment from Mr. King-Davis (see recording for detailed presentation).

02:56:08 Mary Fullerton spoke in rebuttal (see recording for detailed presentation).

02:56:22 Board Members' deliberation

03:07:26 On a motion by Member Young, seconded by Member Buttorff, the following resolution was adopted:

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

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

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

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CASE NUMBER 17CUP1106

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 four individuals. ***According to the applicant, the dwelling unit has 4 bedrooms; LDC regulations permit 12 guests. The carriage house has 1 bedroom; LDC regulations permit 6 guests. (This requirement is accepted as Condition of Approval #4).***
- 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 site has 1 on-street parking space and 1 on-site parking space. (This requirement is accepted as Condition of Approval #3).***

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CASE NUMBER 17CUP1106

- 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 17CUP1106 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 a Traditional Neighborhood zoning district (noting Conditions to Items 4(c) and 4(g) of the Staff Report regarding number of guests and parking respectively), based upon the Staff Findings, the testimony presented, and the applicant's justification statement, and **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 60 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.
2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
3. Parking shall be limited to 4 guest vehicles on the property.
4. Number of guests shall be limited to a total of 8 for the mail dwelling per contract, and a total of 4 for the carriage house per contract.

The vote was as follows:

Yes: Members Turner, Young, and Buttorff

Abstain: Chair Allendorf

Absent: Member Howard, and Vice Chair Fishman

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ADJOURNMENT

The meeting adjourned at approximately 4:25 p.m.

Chair

Secretary