

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

March 5, 2018

A meeting of the Louisville Metro Board of Zoning Adjustment was held on March 5, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Rosalind Fishman, Vice Chair
Lula Howard, Secretary
Lester Turner
Dwight Young
Richard Buttorff
Kimberly Leanhart

Members Absent:

Mike Allendorf, Chair

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
Paul Whitty, Legal Counsel
Travis Fiechter, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

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Board Member Swearing In

00:03:15 Kimberly Leanhart took the Oath of Office, and was sworn in by Regina Thomas, Administrative Coordinator, as a new Board Member for the Louisville Metro Board of Zoning Adjustment.

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APPROVAL OF MINUTES

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

00:06:05 On a motion by Member Young, 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 19, 2018.

The vote was as follows:

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

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BUSINESS SESSION

Case Number 18VARIANCE1010

Request:	Variance to allow a structure to encroach into the required side yard setback
Project Name:	119 N. Jane Street Deck
Location:	119 N. Jane Street
Owner:	Russell Crenshaw
Applicant:	Russell Crenshaw
Representative:	Russell Crenshaw
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Dante St. Germain, Planner I

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

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

Agency Testimony:

00:07:47 Dante St. Germain presented the case and showed the site plan (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Russell Crenshaw, 119 N. Jane Street, Louisville, KY 40206

Summary of testimony of those in favor:

00:09:51 Russell Crenshaw 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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BUSINESS SESSION

Case Number 18VARIANCE1010

00:10:47 On a motion by Member Howard, seconded by Member Young, 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 deck will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed deck was approved by Historic Landmarks and Preservation Commission staff, and

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the footprint of the residence will still be similar to the surrounding homes after the proposed deck is built, and

WHEREAS, the Board further finds that the requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the property is irregular in shape and gets narrower moving toward the rear of the property, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the proposed deck would help to prevent a potential safety issue. The side door where the proposed deck is to be located is elevated off of the ground and could be a potential hazard. The proposed deck would allow for better ingress and egress, 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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BUSINESS SESSION

Case Number 18VARIANCE1010

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1010 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a structure to encroach into the required side yard setback (**Requirement 3 ft., Request 0 ft., Variance 3 ft.**), based upon the presentation, the Staff Report, the applicant's justification, and the Certificate of Appropriateness from the Louisville Metro Historic Landmarks and Preservation Districts Commission dated 2/9/18.

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 18CUP1015

Request:	Conditional Use Permit to allow short term rental of a dwelling unit within the TNZD
Project Name:	Short Term Rental
Location:	1450 S. 6 th Street
Owner:	Cynthia Brown
Applicant:	Cynthia Brown
Representative:	Cynthia Brown
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:

00:13:50 Joe Haberman presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. Haberman responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Cynthia Brown, 671 Grundy Road, Somerset, KY 42501

Summary of testimony of those in favor:

00:17:17 Cynthia Brown spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:22:39 Joe Haberman explained the ordinance requiring the applicant or their representative to be within 25 miles of the property. Mr. Haberman also

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explained the standard Conditions of Approval to the applicant (see recording for detailed presentation).

00:28:05 Cynthia Brown spoke in favor of the request (see recording for detailed presentation).

00:28:49 Emily Liu explained the steps involved in obtaining a Conditional Use Permit for short term rental (see recording for detailed presentation).

00:29:22 Cynthia Brown responded to questions from Member Young regarding the neighborhood meeting (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

00:32:01 Board Members' deliberation

00:33:55 On a motion by Member Howard, seconded by Member Buttorff, the following resolution was adopted:

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

WHEREAS, the Board further finds that the proposed use is compatible with surrounding development and land uses. Construction of the rear garage and parking area is currently underway, and

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

WHEREAS, the Board further finds that:

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:

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- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **According to the applicant, the dwelling unit contains four bedrooms. LDC regulations permit up to twelve guests.**
- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **PVA lists the existing structure as a single-family residence.**
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **LDC regulations credit 35 ft property frontage with one on-street parking space. According to the applicant, a three-vehicle garage and parking pad are currently under construction at the rear alley, creating up to five off-street parking spaces which will be available for use by guests.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1015 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit in the TNZD (LDC 4.2.63), based upon the Staff Report,

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and the applicant's presentation, 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.

The vote was as follows:

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

Absent: Chair Allendorf

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1011

Request:	Variance to reduce the required private yard area
Project Name:	Private Yard Variance
Location:	1532 Castlewood Avenue
Owner:	Harriet Lair
Applicant:	DelPrince Designs LLC
Representative:	DelPrince 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:

00:37:34 Joe Haberman presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. Haberman 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
Ben Fultz, 35 Hill Road, Louisville, KY 40204

Summary of testimony of those in favor:

00:40:59 Anne Del Prince spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:43:54 Ben Fultz spoke in favor of the request (see recording for detailed presentation).

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CASE NUMBER 18VARIANCE1011

The following spoke in opposition of the request:

No one spoke.

00:44:45 Board Members' deliberation

00:45:27 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 deprive the adjacent property or the public right-of-way of light, air or privacy, and

WHEREAS, the Board further finds that the proposal will not be out of character for the vicinity. All properties in this block of Castlewood have deep front yards and small or very small rear yards, 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 proposal is in keeping with other residences in the same block of Castlewood which all have small rear yards and deep, steeply sloping front yards, and

WHEREAS, the Board further finds that the application of the regulation would create an unnecessary hardship in that the proposal is in keeping with adjoining residential development. In addition, the steep slope of the front yard interferes with the applicant's ability to place the addition on that side of the existing residence, 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 topographical constraints severely limit other options, and

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CASE NUMBER 18VARIANCE1011

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 18VARIANCE1011 does hereby **APPROVE** Variance to reduce the required private yard area (LDC 5.4.D.2) (**Requirement 4,187 sq. ft., Request 1,419 sq. ft., Variance 2,768 sq. ft.**), based upon the applicant's justification statement and testimony given today, and the Staff Report and staff findings.

The vote was as follows:

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

Absent: Chair Allendorf

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1008

Request:	Variance to allow a structure to encroach into the required side yard setback
Project Name:	1119 Reutlinger Avenue Addition
Location:	1119 Reutlinger Avenue
Owner:	Tran & P Properties LLC
Applicant:	Anthony Tran
Representative:	Anthony Tran
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
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:

00:47:36 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:

Anthony Tran, 11511 Nancy Stone Ct., Louisville, KY 40229

Summary of testimony of those in favor:

00:51:45 Anthony Tran responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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00:54:01 Board Members' deliberation

00:55:10 On a motion by Member Howard, seconded by Member Young, 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 all construction will have to be performed in compliance with building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as camelback-style homes with reduced or no side yard setback are common in Germantown, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the existing structure has no setback on one side, which has caused no known hazard or nuisance, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as this style of house is common in Germantown and the second story cannot be set back farther from the property line than the existing structure without creating a costly engineering challenge with respect to the load-bearing walls, 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 existing structure has no setback on one side, and the second story addition is proposed to follow the existing footprint, 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 set back the second story more than the setback of the first story, which would create a costly engineering challenge by not lining up the addition with the load-bearing first-floor walls, 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

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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 18VARIANCE1008 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a second story addition to encroach into the required side yard setback (**Requirement 3 ft., Request 0 ft., Variance 3 ft.**), based upon the Staff Report, the presentations given by staff and the applicant, the applicant's justification and the elevations.

The vote was as follows:

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

Absent: Chair Allendorf

00:56:42 Meeting was recessed.

00:57:04 Meeting was reconvened.

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CASE NUMBER 18VARIANCE1009

Request:	Variance to allow a sign to exceed the allowable height and area
Project Name:	Kentucky Blood Center Sign
Location:	5406 Antle Drive
Owner:	KYBC Holdings LLC
Applicant:	Commonwealth Sign Company
Representative:	Mark Kidwell
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch
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:

00:57:53 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:

Mark Kidwell, Commonwealth Sign Co., 1824 Berry Blvd., Louisville, KY 40215
Mark Pulliam, 907 Col. Anderson Pkwy., Louisville, KY 40222

Summary of testimony of those in favor:

01:10:15 Mark Kidwell spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 18VARIANCE1009

01:15:06 Mark Pulliam spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:23:04 Mark Kidwell and Mark Pulliam responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:27:52 Board Members' deliberation

01:32:20 Dante St. Germain responded to a question from Travis Fiechter, Legal Counsel (see recording for detailed presentation).

01:32:47 Board Members' deliberation

01:34:31 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 variances will allow an unreasonable circumvention of the zoning regulations as the objective for the increased height and area is to make the sign visible to a major street 400 feet away. The property may have a sign to identify its business that is visible from the roadway on which the property is situated, and

WHEREAS, the Board further finds that the requested variances do not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because there are other developments in the general vicinity which are also separated from Preston Highway by other parcels with the abutting road being a local-class street, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because commercial developments which are a considerable distance from the main thoroughfare are common along this section of Preston Highway, which has not deprived those

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property owners of the reasonable use of the land or created an unnecessary hardship. The property is permitted to have a sign that is visible from the roadway on which it is situated; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1009 does hereby **DENY** Variance from Land Development Code Table 8.3.2 to allow a sign to exceed the allowable height and area in the Suburban Marketplace Corridor form district , based upon the staff's findings and staff presentation.

The vote was as follows:

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

No: Member Turner

Absent: Chair Allendorf

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PUBLIC HEARING

CASE NUMBER 17CUP1091

Request:	Conditional use permit to allow short term rental of a property which is not the primary residence of the host
Project Name:	Short Term Rental
Location:	552 Eastern Parkway
Owner:	Robert & Patricia King
Applicant:	Robert King
Representative:	Robert King
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:

01:36:46 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:

Robert King, 1225 Eastern Pkwy., Louisville, KY 40204

Summary of testimony of those in favor:

01:39:59 Robert King spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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The following spoke in opposition of the request:
No one spoke.

01:48:36 Board Members' deliberation

01:50:36 On a motion by Member Howard, seconded by Member Young, the following resolution was adopted:

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

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

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

WHEREAS, the Board further finds that:

4.2.63 Short Term Rental 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, each dwelling unit has 2 bedrooms; allowing up to 8 guests per unit.**

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- D. The dwelling unit shall be a single-family residence or duplex or condominium. This provision shall not be waived or adjusted. **The property contains a duplex.**
- 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 3 off-street parking spaces. While not available on Eastern Parkway, on-street parking is available on nearby roads.**
- 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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17CUP1091 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host, based upon the Staff Report, the owner's testimony, 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.

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2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

The vote was as follows:

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

Absent: Chair Allendorf

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PUBLIC HEARING

CASE NUMBER 17CUP1108

Request:	Conditional Use Permit to allow a short term rental in an R-5 Zoning District
Project Name:	None
Location:	1934 Duker Avenue
Owner:	Kissing Chickens, LLC
Applicant:	Kissing Chickens, LLC
Representative:	Ryan and Rebecca Lear
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:

01:53:23 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:

Ryan Lear, 125 Twin Bay Dr., Hendersonville, TN 37075

Summary of testimony of those in favor:

01:58:23 Ryan Lear spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 17CUP1108

The following spoke in opposition of the request:
Thomas Hall, 1943 Duker Ave., Louisville, KY 40205

Summary of testimony of those in opposition:

02:03:48 Thomas Hall spoke in opposition of the request and responded to questions from the Board Members. Mr. Hall presented a petition to the Board Members of signatures of neighbors in opposition. Mr. Hall stated his first point is that the owners live in Tennessee. Mr. Hall stated he was concerned about criminal activity (see recording for detailed presentation).

REBUTTAL:

02:11:38 Ryan Lear spoke in rebuttal. Mr. Lear stated they share the same concerns that Mr. Hall has. Mr. Lear responded to questions from the Board Members (see recording for detailed presentation).

02:13:50 Rebecca Lear (125 Twin Bay Drive, Hendersonville, TN 37075) responded to questions from the Board Members. Mrs. Lear stated they will have a local management company but they will rent to the tenants themselves (see recording for detailed presentation).

02:16:28 Board Members' deliberation

02:19:20 On a motion by Member Howard, seconded by Member Turner, 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

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

WHEREAS, the Board further finds that:

4.2.63 Short Term Rental 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. **The dwelling unit has 2 bedrooms; LDC regulations permit 8 guests.**
- 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 2 on-site parking spaces.**

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- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17CUP1108 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, based upon the Staff Report, the staff presentation, the presentation by the applicant, 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. The owner shall provide a hard, durable surface for off-street parking.
4. The owner shall provide to the neighbors contact information for the management company.

The vote was as follows:

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


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ADJOURNMENT

The meeting adjourned at approximately 3:41 p.m.



Chair



Secretary