

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

July 24, 2017

A meeting of the Louisville Metro Board of Zoning Adjustment was held on July 24, 2017 at 8:30 a.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Betty Jarboe, Vice Chair
Rosalind Fishman, Secretary
Dwight Young
Lester Turner

Members Absent:

Mike Allendorf, Chair
Dean Tharp
Lula Howard

Staff Members Present:

Brian Mabry, Planning & Design Supervisor
Steve Hendrix, Planning & Design Supervisor
Joe Haberman, Planning & Design Manager
Emily Liu, Planning & Design Director
Jon Crumbie, Planning & Design Coordinator
Laura Mattingly, Planner II
Dante St. Germain, Planner I
Jay Lockett, Planner I
Beth Jones, Planner II
Paul Whitty, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

BUSINESS SESSION

CASE NUMBER 17CUP1049

Request:	Modified Conditional Use Permit
Project Name:	Terra View Trail
Location:	14105 Aiken Road
Owner:	Otte Family Limited Partnership
Applicant:	Otte Family Limited Partnership
Representative:	Land Design & Development
Jurisdiction:	Louisville Metro
Council District:	19- Julie Denton
Case Manager:	Laura Mattingly, 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:

00:02:42 Laura Mattingly presented the case and showed the site plan. Ms. Mattingly provided the Board Members copies of a general inquiry email she had received (see recording for detailed presentation).

The following spoke in favor of the request:

No one spoke.

The following spoke in opposition of the request:

No one spoke.

00:05:12 Board Members' deliberation

00:06:17 On a motion by Member Fishman, seconded by Member Turner, the following resolution was adopted:

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

BUSINESS SESSION

CASE NUMBER 17CUP1049

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal meets the comprehensive plan as the proposal is utilizing a vacant industrial site and adding a compatible use to an industrial area. The proposal is high intensity and is located along a minor arterial and is improving access to adjacent industrial properties by expanding a public right of way. There are no residential uses located adjacent that would be negatively affected by the proposed development, and

WHEREAS, the Board further finds that the proposed heavy equipment staging and storage is at a scale appropriate with the surrounding mixed industrial area, and has very limited impact on residential development, as access is not shared. The proposal provides appropriate transitions to adjacent properties through the use of landscape buffer yards, setbacks and screening. Setbacks and building heights are compatible with nearby properties. Therefore, the proposal is compatible with surrounding uses and the general character of the area, and

WHEREAS, the Board further finds that improvements to the site and right-of-way made necessary by the proposed development, such as transportation and drainage, have been adequately provided to serve the proposed use, and

WHEREAS, the Board further finds that attachment 4 lists all standards for major filling operations. As the proposed use is unrelated to the filling of the quarry and this modification of the Conditional Use Permit is being reviewed only as a condition of the original CUP, none of the standards apply; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17CUP1049 does hereby **APPROVE** the Modified Conditional Use Permit to allow for heavy equipment staging and storage, based upon the presentation in Business Session.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

BUSINESS SESSION

CASE NUMBER 17NONCONFORM1020

Request:	Expansion of nonconforming use rights allowed by KRS 100.253(2)
Project Name:	700 Central Ave.
Location:	700 Central Ave.
Owner:	Louisville / Jefferson County Metro Gov.; Churchill Downs, Inc.; AQ Properties, LLC
Applicant:	Ryan Jordan, Churchill Downs, Inc
Representative:	Jon Baker, Wyatt, Tarrant & Combs, LLP
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Brian Mabry, Planning Supervisor

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:

00:07:44 Brian Mabry presented the case and showed a Powerpoint presentation. Mr. Mabry responded to questions from the Board Members (see staff report and recording for detailed presentation).

00:11:43 This case was opened for Public Hearing to allow persons who signed up to speak an opportunity to be heard.

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

The following spoke in opposition of the request:
Joe Lanham, 3135 Taylor Boulevard, Louisville, KY 40215

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

BUSINESS SESSION

CASE NUMBER 17NONCONFORM1020

Summary of testimony of those in opposition:

00:12:49 Joe Lanham asked what this case really does involve (see recording for detailed presentation).

00:13:07 Brian Mabry responded to Mr. Lanham's question and explained what this case is about (see recording for detailed presentation).

00:13:28 Vice Chair Jarboe asked for the speaker's name and address since this case had been opened for Public Hearing, but suggested the speaker wait until the following case to voice his opposition (see recording for detailed presentation).

00:13:46 Mr. Lanham provided his name and address for the record (see recording for detailed presentation).

00:14:03 Vice Chair Jarboe asked Mr. Lanham if he would agree to wait to provide his testimony until the next case which does involve the parking and the fencing (see recording for detailed presentation).

00:14:12 Mr. Lanham asked why it doesn't involve this part (see recording for detailed presentation).

00:14:15 Vice Chair Jarboe explained what this case involves (see recording for detailed presentation).

00:15:04 Board Members' deliberation

00:15:26 On a motion by Member Fishman, seconded by Member Young, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the expansion of nonconforming use rights is allowed by KRS 100.253(2); now therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17NONCONFORM1020 does hereby **APPROVE** Expansion of nonconforming

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

BUSINESS SESSION

CASE NUMBER 17NONCONFORM1020

use rights allowed by KRS 100.253(2), based upon the Staff Report, and **CONDITIONED** upon the approval of Case Number 17VARIANCE1036.

The vote was as follows:

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

Absent: Members Tharp, Howard, and Chair Allendorf

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17VARIANCE1036

Request:	Variance from LDC Section 4.4.3.A.1.a.i to allow fencing in the street side yard setback to exceed the maximum permitted height and Waiver from LDC Section 10.2.12.B to allow more than 20 parking spaces between required Interior Landscape Areas
Project Name:	700 Central Ave.
Location:	700 Central Ave.
Owner:	Louisville / Jefferson County Metro Gov.; Churchill Downs, Inc.; AQ Properties, LLC
Applicant:	Ryan Jordan, Churchill Downs, Inc
Representative:	Jon Baker, Wyatt, Tarrant & Combs, LLP
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Brian Mabry, Planning Supervisor

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.)

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Agency Testimony:

00:17:06 Brian Mabry presented the case and showed a Powerpoint presentation. Mr. Mabry responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Jon Baker, 500 W. Jefferson Street, Suite 2800, Louisville, KY
Ryan Jordan, 700 Central Avenue, Louisville, KY
Ashley Bartley, 1046 East Chestnut Street, Louisville, KY 40204

Summary of testimony of those in favor:

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17VARIANCE1036

00:26:28 Jon Baker spoke in favor of the request (see recording for detailed presentation).

00:30:19 Ryan Jordan spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

00:35:19 Jon Baker discussed the requests that are before the Board today (see recording for detailed presentation).

00:36:49 Ashley Bartley spoke in favor of the request and showed a Powerpoint presentation. Ms. Bartley responded to questions from the Board Members (see recording for detailed presentation).

00:51:02 Jon Baker spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

Joe Lanham, 3135 Taylor Boulevard, Louisville, KY 40215

John Gardner, 3133 and 3143 Taylor Boulevard, Louisville, KY 40215

Larita Lanham, 3135 Taylor Boulevard, Louisville, KY 40215

Robert Adams, 3219 Taylor Boulevard, Louisville, KY 40215

Douglas Taylor, 9100 Denington, Louisville, KY 40222

Summary of testimony of those in opposition:

00:52:38 Joe Lanham spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:05:57 John Gardner spoke in opposition of the request. Mr. Gardner responded to questions from the Board Members (see recording for detailed presentation).

01:15:15 Larita Lanham spoke in opposition of the request (see recording for detailed presentation).

01:18:03 Robert Adams stated he was speaking as “other”, not really opposed (see recording for detailed presentation).

01:20:47 Douglas Taylor spoke in opposition of the request. Mr. Taylor stated he has four properties in the area. Mr. Taylor stated he has been pleased

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17VARIANCE1036

with a lot of the changes he has seen, but he has some concerns. Mr. Taylor responded to questions from the Board Members (see recording for detailed presentation).

01:28:00 **Meeting was recessed.**

01:28:33 **Meeting was reconvened.**

REBUTTAL:

01:28:47 Jon Baker spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

01:32:44 **Board Members' deliberation**

01:38:24 On a motion by Member Fishman, seconded by Member Turner, the following resolution was adopted:

Variance from LDC Section 4.4.3.A.1.a.i to allow fencing in the street side yard setback to exceed 42 inches in the Traditional Neighborhood form district and 48 inches in the Campus form district:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the fence is proposed to improve the safety of the area and those who patronize Churchill Downs, and

WHEREAS, the Board further finds that the fence will improve the aesthetics of the general vicinity and any alteration of the general vicinity's character will be for the better, and

WHEREAS, the Board further finds that the placement and design of the fence does not appear to obstruct vision clearance at public street intersections. The spacing of the pickets of the fence are wide enough to not obstruct vision. Moreover, at the acute intersection of Thornberry Avenue and Bohannon Avenue, the proposed fence is setback from where the rights-of-way converge in order to provide additional clearance, and

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17VARIANCE1036

WHEREAS, the Board further finds that a purpose of the fence is to increase safety and security for the racing facility and its patrons rather than to circumvent the zoning regulations in a way contrary to the purposes of such regulations, and

WHEREAS, the Board further finds that the facility is the only one in its general vicinity that attracts persons on a worldwide scale and warrants enhanced security measures, and

WHEREAS, the Board further finds that the inability to have enhanced security in the form of the fence would be detrimental to the operation of this world class facility, and

WHEREAS, the Board further finds that maximum fence height provisions for street side yard setbacks have been in place in the Land Development Code, or its predecessors, since at least 1987. The applicant's purchasing activity of the expansion area has taken place as recently as 2007; and

Waiver from LDC Section 10.2.12.B to allow more than 20 parking spaces between required Interior Landscape Areas:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the interior landscape areas are internal to the proposed development site, and not located along the perimeter of the development site where it is possible that a lack of landscaped areas could negatively affect abutting property owners, and

WHEREAS, the Board further finds that Cornerstone 2020, Guideline 13, Policy A, Tree Canopy, calls for the creation and/or preservation of tree canopy as a valuable community resource. The applicants request the waiver not in order to provide no tree canopy, but instead to provide a reduced amount over an expansive area to be redeveloped, and

WHEREAS, the Board further finds that the applicant proposes to provide ILAs on this redeveloped site, but not with the spacing frequency required by Chapter 10 of the LDC. In fact, the square footage of proposed ILAs exceed the required square footage of ILAs established in Chapter 10, and

WHEREAS, the Board further finds that the applicant has incorporated other design measure that exceed the minimums of Chapter 10 of the LDC in that the proposal, which does not trigger tree canopy requirements, exceeds such requirements. In addition, the square footage of proposed ILAs exceed the

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17VARIANCE1036

required square footage of ILAs established in the Chapter 10; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17VARIANCE1036 does hereby **APPROVE** Variance from LDC Section 4.4.3.A.1.a.i to allow fencing in the street side yard setback to exceed 42 inches in the Traditional Neighborhood form district (**Requirement 42”**, **Request 96”**, **Variance 54”**) and 48 inches in the Campus form district (**Requirement 48”**, **Request 96”**, **Variance 48”**), and Waiver from LDC Section 10.2.12.B to allow more than 20 parking spaces between required Interior Landscape Areas, based upon the Staff Report, the discussion, and **CONDITIONED** upon final approval of Case Number 17STREETS1012.

The vote was as follows:

Yes: Members Fishman, Turner, and Vice Chair Jarboe

No: Member Young

Absent: Members Tharp, Howard, and Chair Allendorf

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17DEVPLAN1088

Request:	Cat-3 Development plan with Variance for infill setback standards and Waiver for LBA
Project Name:	110 Weisser Ave
Location:	110 Weisser Ave
Owner:	Tony Holland
Applicant:	Prime Design Build
Representative:	Ann Richard – LD&D
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Jay Lockett, 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.)

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Agency Testimony:

01:41:49 Jay Lockett presented the case and showed a Powerpoint presentation. Mr. Lockett responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Kevin Young, 503 Washburn Avenue, Louisville, KY 40222
Graeme Smith, 124 S. Bayly Avenue, Louisville, KY 40206

Summary of testimony of those in favor:

01:51:29 Kevin Young spoke in favor of the request and showed a Powerpoint presentation. Mr. Young responded to questions from the Board Members (see recording for detailed presentation).

02:01:22 Graeme Smith spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17DEVPLAN1088

The following spoke neither for nor against the request:

Jonathan Boome, 112 Weisser Avenue, Louisville, KY 40206

Summary of testimony of those neither for nor against:

02:04:55 Jonathan Boome spoke neither for nor against the request. Mr. Boome responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

Theresa McDonnell, 128 Weisser Avenue, Louisville, KY 40206

William Sulzer, 118 Weisser Avenue, Louisville, KY 40206

Denise Coons, 126 Weisser Avenue, Louisville, KY 40206

Amy Currie, 121 Weisser Avenue, Louisville, KY 40206

James Murphy, 123 S. Crestmoor Avenue, Louisville, KY 40206

Holly McCue, 1339 S. Brook Street, Louisville, KY 40208

Summary of testimony of those in opposition:

02:07:54 Theresa McDonnell spoke in opposition of the request (see recording for detailed presentation).

02:16:10 William Sulzer spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:23:55 Denise Coons spoke in opposition of the request (see recording for detailed presentation).

02:28:37 Amy Currie spoke in opposition of the request (see recording for detailed presentation).

02:34:00 James Murphy spoke in opposition of the request (see recording for detailed presentation).

02:40:39 Holly McCue spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17DEVPLAN1088

02:41:44 Kevin Young spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

02:49:51 Jay Luckett responded to a question from Vice Chair Jarboe (see recording for detailed presentation).

02:51:16 Kevin Young responded to questions from the Board Members (see recording for detailed presentation).

02:52:28 Board Members' deliberation

03:01:49 On a motion by Member Fishman, seconded by Member Young, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17DEVPLAN1088 does hereby **CONTINUE** the case to the **August 21, 2017** Board of Zoning Adjustment meeting to allow the applicant and the neighbors an opportunity to meet regarding the design of the building.

The vote was as follows:

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

Absent: Members Tharp, Howard, and Chair Allendorf

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 14CUP1003

Request:	Minute Corrections & Status of two Conditions of Approval
Project Name:	Cabel Street
Location:	151 & 201 Cabel Street
Owner:	JBS USA, LLC & Swift Pork Company
Applicant:	JBS USA, LLC & Swift Pork Company
Representative:	Glenn Price
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Steve Hendrix, Planning Supervisor

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

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

Agency Testimony:

03:07:38 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix played the audio/video from the January 11, 2016 Board of Zoning Adjustment meeting relating to the Board's deliberations (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Glenn Price, 400 W. Market Street, Suite 3200, Louisville, KY 40202
Ray Carder, 151 Cabel Street, Louisville, KY 40206

Summary of testimony of those in favor:

03:21:50 Glenn Price spoke in favor of the request and showed a Powerpoint presentation. Mr. Price responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 14CUP1003

03:30:54 Ray Carder spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

03:36:40 Glenn Price responded to questions from the Board Members (see recording for detailed presentation).

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

03:38:03 Board Members' deliberation

03:40:35 On a motion by Member Fishman, seconded by Vice Chair Jarboe, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the Minutes from the January 11, 2016 Board of Zoning Adjustment meeting shall be corrected to read as follows: **Within 18 months of January 11, 2016, the applicant shall reduce or eliminate diesel particulate matter by using electric or hybrid TRUs, (Transportation Refrigeration Units) on the subject property OR by implementing the current California standards for diesel fuel emissions, and**

WHEREAS, the Board further finds that Condition #3 (Landscaping) has been met, and

WHEREAS, the Board further finds that Condition #18 (diesel fuel emissions) has been met; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 14CUP1003 does hereby **APPROVE** the January 11, 2016 Minutes Correction of Condition #18 to add the word "OR", and the Board has determined that Condition #3 (Landscaping) and Condition #18 (diesel fuel emissions) have been **MET**, based upon the presentation, the Staff Report and the discussion.

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 14CUP1003

The vote was as follows:

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

Absent: Members Tharp, Howard, and Chair Allendorf

03:43:54 Meeting was recessed.

03:44:37 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17VARIANCE1037

Request:	Variance to allow structures to occupy more than 30% of the required rear yard
Project Name:	404 Macon Avenue Garage
Location:	404 Macon Avenue
Owner:	Daryl & Genevieve Noble
Applicant:	Daryl & Genevieve Noble
Representative:	Daryl & Genevieve Noble
Jurisdiction:	City of St. Matthews
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:

03:44:57 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:

Genevieve Noble, 404 Macon Avenue, Louisville, KY 40207

Summary of testimony of those in favor:

03:51:09 Genevieve Noble spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17VARIANCE1037

03:53:23 Board Members' deliberation

03:54:13 On a motion by Member Turner, 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 garage will be in-line with existing garages on other nearby properties, which have 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 proposed garage is similar to existing garages in the immediate neighborhood, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed garage will be similar to existing garages in the immediate neighborhood, which have 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 the garage will be typical for the neighborhood, and

WHEREAS, the Board further finds that the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the property is regular in shape and of similar dimensions to neighboring lots, 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 build the garage closer to the house, reducing the amount of yard available between the principal and accessory structures and shifting green space to a less functional location behind the garage, 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 garage has not yet been constructed and the applicant is requesting the variance, and

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17VARIANCE1037

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 17VARIANCE1037 does hereby **APPROVE** Variance from St. Matthews Development Code Section 9.2.Q to allow more than 30% of a required rear yard area to be occupied by structures (**Requirement 30% [337.5 sf], Request 42.67% [480 sf], Variance 12.67% [142.5 sf]**), based upon the Staff Report, the site plan and the applicant's justification.

The vote was as follows:

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

Absent: Members Tharp, Howard, and Chair Allendorf

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17CUP1009

Request:	Conditional Use Permit to a rehabilitation home in an EZ-1 zoning district
Project Name:	Landmark Rehabilitative Medicine
Location:	4112 Fern Valley Road
Owner:	Daymar Properties, LLC
Applicant:	Simsbury Associates, Inc.
Representative:	Matt Boyle
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
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:

03:56:30 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:

Matthew Boyle, 9977 E. South Bend Drive, Scottsdale, AZ 85255
Todd Dunn, 3000 Fern Valley Road, Louisville, KY 40213
Zachary Crouch, 4418 Malcolm Avenue, Louisville, KY 40215

Summary of testimony of those in favor:

04:01:13 Matthew Boyle spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17CUP1009

04:10:57 Todd Dunn spoke in favor of the request (see recording for detailed presentation).

04:16:31 Zachary Crouch 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:

Jared Dearing, Legislative Assistant to Councilwoman Shanklin, 601 W. Jefferson Street, Louisville, KY 40202
Gloria Moorman, 4210 Naomi Drive, Louisville, KY 40219

Summary of testimony of those in opposition:

04:24:08 Jared Dearing spoke in opposition of the request. Mr. Dearing stated he was originally here just to observe, but their office has received calls from concerned individuals, mainly because they were not notified. Mr. Dearing stated that while Councilwoman Shanklin is in favor of the larger perspective of the community, that being so close to residential she does have concerns about that (see recording for detailed presentation).

04:28:22 Gloria Moorman spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

04:33:46 Matthew Boyle requested that his attorney, Mike Dalton (101 S. 5th Street, Suite 2700, Louisville, KY 40202) be allowed to speak in rebuttal (see recording for detailed presentation).

04:34:09 Mike Dalton spoke in rebuttal in regard to notification and security issues. Mr. Dalton responded to questions from the Board Members (see recording for detailed presentation).

04:39:20 Jon Crumbie responded to a question from Legal Counsel regarding notification (see recording for detailed presentation).

04:42:09 Matthew Boyle spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17CUP1009

04:46:46 Jared Dearing stated that he wanted to clarify their office did not receive a call but made a call to the attorney regarding the lack of notification (see recording for detailed presentation).

04:47:32 **NOTE:** Vice Chair Jarboe allowed additional testimony from Todd Dunn (see recording for detailed presentation).

04:50:00 **NOTE:** Vice Chair Jarboe allowed additional testimony from Gloria Moorman (see recording for detailed presentation).

04:52:00 **NOTE:** Vice Chair Jarboe allowed additional comments in rebuttal from Matthew Boyle (see recording for detailed presentation).

04:54:03 **Board Members' deliberation**

04:59:35 On a motion by Member Young, seconded by Member Fishman, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with the applicable policies of the Comprehensive Plan. The proposal preserves and renovates an existing structure that is consistent with the predominate neighborhood, and

WHEREAS, the Board further finds that the proposal is compatible with the general character of the surrounding neighborhoods in terms of height, scale, intensity, lighting, and appearance, and

WHEREAS, the Board further finds that the proposal has been reviewed by MSD and Transportation Planning and both have approved the plan. The Okolona Fire District did not comment on the proposal, and

WHEREAS, the Board further finds that:

Rehabilitation homes may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements. There are five requirements and item C. and D. will be met. Item A. and B. do not apply.

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17CUP1009

- A. If using an existing residential building constructed contemporaneously with the surrounding neighborhood, its exterior appearance shall not be substantially altered.
- B. New construction within an area having an established front building setback shall be constructed at the average setback line or the minimum front yard of the form district, whichever is less. Structures adjacent to residential uses or zoning districts shall increase side yards by 10 feet for each story over two.
- C. One parking space on site shall be provided for each staff person, plus two spaces for each five residents, or five clients served by the rehabilitation home. Parking shall be reduced to one space per five residents/clients if the rehabilitation home serves persons with disabilities that preclude operation of an automobile.
- D. One freestanding sign not to exceed 10 square feet and 4 feet in height shall be allowed.
- E. The Board shall add any additional restrictions necessary to mitigate nuisances or adverse effects; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17CUP1009 does hereby **APPROVE** Conditional Use Permit to allow a rehabilitation home in an EZ-1 zoning district, based upon the presentation, the Staff Report and the testimony heard today, and **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

- 1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
- 2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a rehabilitation home without further review and approval by the Board.

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17CUP1009

3. The maximum number of patient-residents of the rehabilitation home shall be 56.

The vote was as follows:

Yes: Members Fishman, Young, and Vice Chair Jarboe

No: Member Turner

Absent: Members Tharp, Howard, and Chair Allendorf

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17CUP1041

Request:	Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the owner
Project Name:	Short Term Rental
Location:	1235 Rufer Avenue
Owner:	Richard and Molly Gaines
Applicant:	Richard and Molly Gaines
Representative:	Richard and Molly Gaines
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:

05:01:56 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:

Richard Gaines, 806 Potter Lane, Nashville, TN 37206

Summary of testimony of those in favor:

05:05:39 Richard Gaines spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17CUP1041

The following spoke in opposition of the request:

No one spoke.

05:09:00 Board Members' deliberation

05:09:18 On a motion by Member Young, seconded by Member Fishman, the following resolution was adopted:

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

WHEREAS, the Board further finds that the proposed use 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:

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

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

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17CUP1041

- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **The dwelling unit is a single-family residence.**
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **Parking is available on-street and in the driveway.**
- 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 17CUP1041 does hereby **APPROVE** Conditional Use Permit to allow short term rental that is not the primary residence of the owner in an R-6 Multi-Family Residential zone, based upon the Staff Report, the testimony, and **SUBJECT** to the following Condition of Approval:

Condition of Approval:

- 1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and shall establish an account with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17CUP1041

The vote was as follows:

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

Absent: Members Tharp, Howard, and Chair Allendorf

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 16CUP1041

Request:	Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the owner
Project Name:	Short Term Rental
Location:	1137 Rammers Avenue
Owner:	Jessica George
Applicant:	Jessica George
Representative:	Jessica George
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:

05:10:57 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:

Jessica George, 1604 Jaeger Avenue, Louisville, KY 40205

Summary of testimony of those in favor:

05:13:59 Jessica George spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 16CUP1041

05:17:03 Board Members' deliberation

05:17:35 On a motion by Member Fishman, 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 Comprehensive Plan policies, and

WHEREAS, the Board further finds that the proposed use 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:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals.
- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **The dwelling unit is a single-family residence.**
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 16CUP1041

- 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. **Parking is available on-street in front of the residence and nearby on Rufer Avenue.**
- 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 16CUP1041 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-6 Multi-Family Residential zone, based upon the Staff Report and **SUBJECT** to the following Condition of Approval:

Condition of Approval

- 1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and shall establish an account with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

The vote was as follows:

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

Absent: Members Tharp, Howard, and Chair Allendorf

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17CUP1034

Request:	Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the owner
Project Name:	Short Term Rental
Location:	8700 Lynnhall Court
Owner:	TM Ventures LLC
Applicant:	TM Ventures LLC
Representative:	TM Ventures LLC
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reid
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:

05:19:03 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:

Jon Mand, 3016 Hilltop Ct., Prospect, KY 40059
Jonathan Klunk, 1372 S. 6th Street, Louisville, KY
Lee Harris, P.O. Box 4944, Louisville, KY 40204

Summary of testimony of those in favor:

05:23:07 Jon Mand spoke in favor of the request and showed a Powerpoint presentation. Mr. Mand responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17CUP1034

05:30:38 Jonathan Klunk spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

05:34:18 Lee Harris 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:

Caroline Daniel, 8707 Lynnhall Court, Prospect, KY 40059

Latelle Farrow, 6606 Ken Carla Drive, Prospect, KY 40059

Garry Rollins, 8806 Lynnhall Court, Prospect, KY 40059

Estelle Hargrove, 8701 Lynnhall Court, Prospect, KY 40059

Clarence Matthews, 8702 Lynnhall Court, Prospect, KY 40059

Jacqui Horton, 8804 Lynnhall Court, Prospect, KY 40059

Summary of testimony of those in opposition:

05:37:42 Caroline Daniel spoke in opposition of the request (see recording for detailed presentation).

05:45:15 Latelle Farrow spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

05:49:53 Garry Rollins spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

05:54:01 Estelle Hargrove spoke in opposition of the request (see recording for detailed presentation).

05:57:47 Clarence Matthews spoke in opposition of the request (see recording for detailed presentation).

06:00:53 Jacqui Horton spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

06:08:08 Jon Mand spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17CUP1034

06:17:05 Jonathan Klunk spoke in rebuttal (see recording for detailed presentation).

06:18:09 Jon Mand responded to questions from the Board Members (see recording for detailed presentation).

06:20:23 Board Members' deliberation

06:24:56 On a motion by Member Fishman, 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 Comprehensive Plan policies, and

WHEREAS, the Board further finds that the proposed use 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:

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

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

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17CUP1034

- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **The dwelling unit is a single-family residence.**
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **Parking is available in the garage and on the driveway.**
- 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 17CUP1034 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-4 zoning district, based upon Staff Report, the discussion, the 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 shall establish an account with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
- 2. There shall be a limit of 8 people per rental.
- 3. There shall be no on-street parking.

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 17CUP1034

The vote was as follows:

Yes: Members Fishman, Young, and Vice Chair Jarboe

No: Member Turner

Absent: Members Tharp, Howard, and Chair Allendorf

06:28:09 Meeting was recessed.

06:28:23 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 16CUP1074

Request:	Conditional Use Permit to allow a short term rental in the Traditional Neighborhood Zoning District
Project Name:	Carriage House Short Term Rental
Location:	1335 S. Brook St.
Owner:	Glenda Yascone, Fleur De Lis, LLC Enterprises
Applicant:	Glenda Yascone, Fleur De Lis, LLC Enterprises
Representative:	Glenda Yascone, Fleur De Lis, LLC Enterprises
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Brian Mabry, AICP, Planning & Design Supervisor

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:

06:28:40 Brian Mabry presented the case and showed a Powerpoint presentation. Mr. Mabry responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Faith Yascone, 1335 S. Brook Street, Louisville, KY 40208
Glenda Yascone, 1335 S. Brook Street, Louisville, KY 40208
Jeffrey Ross, 1324 S. Brook Street, Louisville, KY 40208

Summary of testimony of those in favor:

06:33:30 Faith Yascone spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 16CUP1074

06:47:23 Jeffrey Ross spoke in favor of the request (see recording for detailed presentation).

06:50:47 Glenda Yascone spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

06:55:03 Faith Yascone responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

Greg Handy, 1346 South Brook Street, Louisville, KY 40208

Summary of testimony of those in opposition:

06:59:38 Greg Handy spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

07:20:41 Faith Yascone spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

07:26:57 Glenda Yascone spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

07:30:55 Board Members' deliberation

07:43:34 On a motion by Member Fishman, 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 Comprehensive Plan policies, and

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

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 16CUP1074

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

WHEREAS, the Board further finds that:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **The carriage house has one bedroom, according to the owner / applicant, and can therefore accommodate a maximum of six guests.**
- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **The main structure is a single-family dwelling. The second building is a carriage house that is associated with the main structure.**
- 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 subject property is 33 feet in width; thus, it has credit for one on-street parking space. In addition, the carriage house accommodates two off-street parking spaces.**

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 16CUP1074

- 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 16CUP1074 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit in the Old Louisville Traditional Neighborhood Zoning District (TNZD), based upon the Staff Report, the discussion, the 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 shall establish an account with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
- 2. The owner shall advertise garage parking for one car to be available upon request.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 16CUP1075

Request:	Conditional Use Permit to allow a short term rental in the Traditional Neighborhood Zoning District
Project Name:	2 nd Street Short Term Rental
Location:	1153 S. 2 nd St.
Owner:	Richard Wagner
Applicant:	Glenda Yascone, Fleur De Lis, LLC Enterprises
Representative:	Glenda Yascone, Fleur De Lis, LLC Enterprises
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Brian Mabry, AICP, Planning & Design Supervisor

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:

07:46:51 Brian Mabry presented the case and showed a Powerpoint presentation. Mr. Mabry responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Faith Yascone, 1335 S. Brook Street, Louisville, KY 40208
Holly McCue, 1339 S. Brook Street, Louisville, KY 40208

Summary of testimony of those in favor:

07:54:16 Faith Yascone spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

08:00:47 Holly McCue spoke in favor of the request (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 16CUP1075

The following spoke in opposition of the request:

No one spoke.

08:01:33 Board Members' deliberation

08:02:32 On a motion by Member Fishman, 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 Comprehensive Plan policies, and

WHEREAS, the Board further finds that the proposed use 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:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **According to the applicant, the residence has five bedrooms, and can therefore accommodate a maximum of 14 guests.**

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 16CUP1075

- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **The residence is a single-family dwelling.**
- 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 subject property is 28 feet in width; thus, it has credit for one on-street parking space. In addition, three off-street parking spaces exist off of the alley.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 16CUP1075 does here **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit in the Old Louisville Traditional Neighborhood Zoning District (TNZD), based upon the Staff Report and **SUBJECT** to the following Condition of Approval:

Condition of Approval

- 1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and shall establish an account with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

PUBLIC HEARING

CASE NUMBER 16CUP1075

The vote was as follows:

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

Absent: Members Tharp, Howard, and Chair Allendorf

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

OTHER BUSINESS

Votecast Training_06.01.2017

Votecast system training with Brian Davis

NOTE: The Votecast training was rescheduled to the August 7, 2017 Board of Zoning Adjustment meeting. No vote or action was taken on this agenda item.

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

APPROVAL OF MINUTES

July 10, 2017 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

08:06:31 On a motion by Member Fishman, seconded by Member Young, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on July 10, 2017.

The vote was as follows:

Yes: Members Fishman, Young, and Vice Chair Jarboe

Abstain: Member Turner

Absent: Members Tharp, Howard, and Chair Allendorf

BOARD OF ZONING ADJUSTMENT MINUTES
July 24, 2017

ADJOURNMENT

The meeting adjourned at approximately 5:46 p.m.

Chair

Secretary