

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

July 8, 2019

A Regular meeting of the Louisville Metro Board of Zoning Adjustment was held on July 8, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Dwight Young, Chair
Rosalind Fishman, Vice Chair
Kimberly Leanhart, Secretary
Lester Turner, Jr.
Richard Buttorff

Members Absent:

Lindsey Jagoe
Lula Howard

Staff Members Present:

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

The following cases were heard:

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APPROVAL OF MINUTES

JUNE 17, 2019 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:01:48 On a motion by Member Leanhart, 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 June 17, 2019 as amended.

The vote was as follows:

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

Abstain: Chair Young

Absent: Members Jagoe, and Howard

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PUBLIC HEARING

CASE NUMBER 18CUP1187

Request: Conditional Use Permit for short term rental of a dwelling unit not the primary residence of the host
Project Name: Valetta Short Term Rental
Location: 2328 Valetta Lane
Owner: Robert & Diane Brown Revocable Trust
Applicant/Host: Bonnie Brown, Jennifer Brown
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:

00:03:38 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones provided emails that were received today to the Board Members, and the Board Members took a few moments to review them. Ms. Jones stated she had also received a Powerpoint of approximately 55 slides. Chair Young stated the Board would not accept a 55 slide Powerpoint unless the person who is testifying wants to briefly go through it. Ms. Jones responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Bonnie Brown, 2233 Tyler Lane, Louisville, KY 40205

Summary of testimony of those in favor:

00:10:37 Bonnie Brown 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:

Cynthia Stone, 2350 Valletta Lane, Louisville, KY 40205
Garth Webb, 2360 Valletta Lane, Louisville, KY 40205
Linda Korfhage, 2312 Ingleside, Louisville, KY 40205
Kari Zahorik, 2537 Woodbourne Ave., Louisville, KY 40205
Martha Schecter, 2361 Valletta Lane, Louisville, KY 40205
Barbara Stetson, 2357 Valletta Lane, Louisville, KY 40205
Pavel Zahorik, 2537 Woodbourne Ave., Louisville, KY 40205
Andrew Douds, 2326 Valletta Lane, Louisville, KY 40205

Summary of testimony of those in opposition:

00:18:30 Chair Young swore in all parties who were present to speak in opposition.

00:18:56 Cynthia Stone spoke in opposition of the request. Ms. Stone spoke in regard to the negligence of the property and she and Garth Webb showed a Powerpoint presentation (see recording for detailed presentation).

00:29:39 Garth Webb provided his information (name/address) since he was also giving testimony (see recording for detailed presentation).

00:29:47 Ms. Stone and Mr. Webb continued their presentation. Ms. Stone responded to questions from the Board Members (see recording for detailed presentation).

00:39:12 Garth Webb spoke in opposition of the request (see recording for detailed presentation).

00:40:04 Joe Haberman, Planning & Design Manager, responded to questions from the Board Members (see recording for detailed presentation).

00:42:10 Linda Korfhage spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:46:50 Kari Zahorik spoke in opposition of the request (see recording for detailed presentation).

00:50:56 Martha Schecter spoke in opposition of the request in regard to notice and disrepair of the property (see recording for detailed presentation).

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00:54:28 Beth Jones responded to a question from Chair Young regarding notice (see recording for detailed presentation).

00:56:30 Ms. Schechter continued her testimony in opposition (see recording for detailed presentation).

01:01:32 Barbara Stetson spoke in opposition of the request (see recording for detailed presentation).

01:06:03 Pavel Zahorik spoke in opposition of the request (see recording for detailed presentation).

01:07:37 Andrew Douds spoke in opposition of the request (see recording for detailed presentation).

The following spoke in favor of the request:

Gwendolyn Snodgrass, 2320 Valletta Lane, Louisville, KY 40205

Jay Bowman, 2237 Lowell Avenue, Louisville, KY 40205

Summary of testimony of those in favor:

01:09:16 Gwendolyn Snodgrass spoke in favor of the request (see recording for detailed presentation).

01:16:37 Jay Bowman spoke in favor of the request (see recording for detailed presentation).

REBUTTAL:

01:18:23 Bonnie Brown spoke in rebuttal (see recording for detailed presentation).

01:27:07 Board Members' deliberation

01:31:37 On a motion by Member Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **According to the applicant, there are three bedrooms; LDC regulations permit up to eight guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there are no properties with an approved conditional use**

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permit for short term rental of a dwelling unit not the primary residence of the host within 600 ft. of the subject property (see Attachment 3).

- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The dwelling unit is a single-family residence.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **A driveway and carport can accommodate up to five vehicles. The site is also located on a TARC route.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building,

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safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1187 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63).

The vote was as follows:

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

Absent: Members Jagoe, and Howard

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PUBLIC HEARING

CASE NUMBER 19VARIANCE1038

Request: Variance to allow parking and maneuvering in the setback
Project Name: Airport Industrial Center
Location: 114 Rochester Dr.
Owner: Louisville & Jefferson County Redevelopment
Applicant: John McLaren, Titan Research & Development
Jurisdiction: Louisville Metro
Council District: 21 – Nicole George
Case Manager: Lacey Gabbard, AICP, Planner I

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

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

Agency testimony:

01:34:23 Lacey Gabbard presented the case and showed a Powerpoint presentation. Ms. Gabbard responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Ashley Bartley, 1046 E. Chestnut Street, Louisville, KY 40204

Summary of testimony of those in favor:

01:36:44 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).

The following spoke in opposition of the request:

No one spoke.

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01:40:27 Board Members' deliberation

01:40:33 On a motion by Member Buttorff, seconded by Vice Chair Fishman, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the variance will not adversely affect adjacent property owners since there are currently no landscaping or plantings in the LBAs on either the north or south property lines. There is existing parking on the south property line, and the north property line has a green grassy space but there do not appear to be any plantings, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity because the subject site is located in the Airport Industrial Center, where there are several other instances of parking and vehicular maneuvering in setbacks, as well as lack of plantings in the LBAs, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because, according to Public Works staff, the proposed plan provides adequate space for maneuvering vehicles without backing into the drive lane, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations because nearby sites in the vicinity of the subject site do not appear to provide the minimum plantings. Additionally, the subject site is internal to the Airport Industrial Center as a whole, and nearby sites within the Center do not appear to be providing plantings. Additionally, the proposed plan provides Interior Landscape Areas in excess of the square footage required by code, which mitigates the request to not provide landscaping in the setbacks, and

WHEREAS, the Board further finds that the requested variance does not arise from any special circumstances. The subject site is internal to the Airport Industrial Center as a whole, and nearby sites within the Center do not appear to be providing plantings, and

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WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the proposed site layout and buildings would not be able to be built, and

WHEREAS, the Board further finds that the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant is not responsible for the existing location of the house, but they would like to expand into the side yard with a garage addition; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19VARIANCE1038 does hereby **APPROVE** Variance from Land Development Code Section 5.3.4.D.3.a to allow parking and vehicular maneuvering to be permitted in the setback with no required landscaping.

The vote was as follows:

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

Absent: Members Jagoe, and Howard

01:41:19 Meeting was recessed.

01:41:38 Meeting was reconvened.

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PUBLIC HEARING

CASE NUMBER 19NONCONFORM1018

Request: A Change in Nonconforming Use from auto repair/sales to contractor's shop
Project Name: S. 3rd Street Change in Nonconforming Use
Location: 3906 S. 3rd Street
Owner: Backside Holdings, LLC.
Applicant: Daniel Brown
Jurisdiction: Louisville Metro
Council District: 15 – Kevin Triplett
Case Manager: Zach Schwager, 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:

01:41:53 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Daniel Brown, 501 Leyton Ave., Louisville, KY 40222

Summary of testimony of those in favor:

01:46:05 Daniel Brown 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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PUBLIC HEARING

CASE NUMBER 19NONCONFORM1018

01:49:11 Board Members' deliberation

01:49:17 On a motion by Member Turner, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposed nonconforming use is in the same classification since all uses - auto sales, auto repair with two service bays and contractor's shop in which all operations are confined within the building - are permitted in the same zoning districts, and

WHEREAS, the Board further finds that the proposed nonconforming use is no more odious or offensive than the first nonconforming use. There shall be no vehicles stored or displayed outdoors which was the case in the previous nonconforming use. The equipment and vehicles associated with the contractor's shop will be stored within the existing structure; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19NONCONFORM1018 does hereby **APPROVE** Change in nonconforming use.

The vote was as follows:

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

Absent: Members Jagoe, and Howard

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CASE NUMBER 19CUP1035

Request: Conditional Use Permit for Private Institutional Use in a Single-Family Residential Zoning District
Project Name: Life Apostolic Church of Louisville
Location: 7731 St Andrews Church Road
Owner/Applicant: Life Apostolic Church of Louisville
Jurisdiction: Louisville Metro
Council District: 25 – David Yates
Case Manager: Beth Jones, AICP, Planner II

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

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

Agency Testimony:

01:50:58 Beth Jones presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Mark Madison, 108 Daventry Lane, Suite 300, Louisville, KY 40223

Summary of testimony of those in favor:

01:57:27 Mark Madison spoke in favor of the request and showed a Powerpoint presentation. Mr. Madison 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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02:03:07 Board Members' deliberation

02:03:16 On a motion by Member Leanhart, seconded by Vice Chair Fishman, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that the proposal is compatible with surrounding uses and with the general character of the area, and

WHEREAS, the Board further finds that the proposed development can be served by existing public infrastructure and facilities, and

WHEREAS, the Board further finds that:

4.2.65 Private Institutional Use in a Single-Family Zoning District

Private institutional uses, except for such uses specifically regulated elsewhere in this LDC, may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line and all off-street parking shall be at least 30 feet from any property line.
- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated. **The proposal has been reviewed by and received preliminary approval from Transportation Planning.**
- C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use. **The proposed parking meets this requirement.**

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- D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
- E. The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties. **The proposal does not appear to result in significant negative impacts on surrounding residential properties**; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1035 does hereby **APPROVE** Conditional Use Permit for Private Institutional Use in a Single-Family Residential Zoning District (LDC 4.2.65), **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. All development shall be in accordance with the approved district development plan, including all notes thereon, and with all applicable sections of the Land Development Code (LDC). No further development shall occur on the site without prior review of and approval by the Board of Zoning Adjustment (BOZA).
2. The Conditional Use Permit shall be exercised as proscribed by KRS 100.237 within two years of BOZA approval. If it is not so exercised, the site shall not be used for a Private Institutional Use without further review and approval by BOZA.

The vote was as follows:

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

Absent: Members Jagoe, and Howard

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PUBLIC HEARING

CASE NUMBER 19CUP1053

Request: Conditional Use Permit to allow a potentially hazardous or nuisance use
Project Name: CreoSalus chemical storage addition
Location: 1044 East Chestnut Street
Owner: Medimorphosis, LLC.
Applicant: Long Construction Management
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Jon E. Crumbie, Planning and Design Coordinator

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

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

Agency Testimony:

02:04:47 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Frank Culberson, 200 Big Run Road, Lexington, KY 40503
Slater Swift, 1044 E. Chestnut Street, Louisville, KY 40204

Summary of testimony of those in favor:

02:08:51 Frank Culberson spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:15:29 Slater Swift 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.

02:18:05 Board Members' deliberation

02:18:13 On a motion by Vice Chair Fishman, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal meets all applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. The proposed structure will be much smaller than the existing structure on site, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal. The Louisville Fire District #2 did not provide any comments, and

WHEREAS, the Board further finds that:

Potentially Hazardous or Nuisance Uses

The following uses (manufacture, processing, treatment, or storage unless otherwise specified), having accompanying hazards such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic gases may, if not in conflict with other laws or ordinances, be located in industrial zones as indicated below by Conditional Use Permit after the location and nature of such use shall have been approved by the Board of Zoning Adjustment. In reviewing an application for a CUP, the Board of Zoning Adjustment shall review the plan and statements of the applicant and the following:

- A. The Comprehensive Plan;
- B. Environmental and health related concerns raised by the operation and the applicant's proposal to mitigate any adverse effects to the public's health, safety and general welfare;

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- C. The applicant's site design, buffering, and security measures and their adequacy to mitigate any adverse effects to the public's health, safety and general welfare;
- D. Any other evidence submitted by the applicant and any other party addressing the issues.

A Conditional Use Permit under this section shall be issued only if the evidence shows the applicant's operation and associated nuisances will be properly managed and the public's health, safety and general welfare will be protected. The Board of Zoning Adjustment may impose additional conditions to protect surrounding properties. All Conditional Use Permits under this section shall be issued subject to the applicant also receiving all necessary permits from local, state and federal regulatory agencies.

EZ-1 and M-3

Aluminum powder

Brick, fireback, tile, clay products, including refractories: manufacturing, processing or treatment but not including storage

Cement, gypsum, lime, and plaster of paris (but not storage)

Charcoal, lampblack, carbon black, bone black, and fuel briquettes, including pulverizing Chemicals, including acetylene, acids and derivatives, alcohol (industrial), ammonia, aniline dyes, carbide, caustic

soda, cellulose and cellulose storage, chlorine, cleaning and polishing preparation (non-soap), dressings and blackings, creosote, dyestuffs, exterminating agents and poisons, hydrogen and oxygen, plastic materials, and synthetic resins, potash, pyroxylin, tar products, turpentine and resin, and solvent-extracting

Coal, coke, or tar products including fuel gas, and coke-oven products

Distillation, manufacture, or refinement of coal, tar, asphalt, or asphalt products cupolas, and blooming mills (but not storage of metal products)

Minerals and earths (including sand-lime products), grinding, crushing, processing or storage Paint manufacture, processing, or treatment (but not storage)

Petroleum or petroleum products, refining, bulk storage, including gasoline or other petroleum products Plastic, manufacture, processing, treatment, or bulk storage

Radioactive materials Steel works and rolling mills (ferrous) for steel, structural iron and steel fabrication, and structural products, including bars, cables, girders, rails, wire rope, or similar products

Waste paper and rag operations

Wood pulp or fiber, reduction or processing (including paper mill operations); now, therefore be it

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CASE NUMBER 19CUP1053

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1053 does hereby **APPROVE** Conditional Use Permit to allow a potentially hazardous or nuisance use in an EZ-1 Zoning District, **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 potentially hazardous or nuisance use until further review and approval by the Board.

The vote was as follows:

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

Absent: Members Jagoe, and Howard

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PUBLIC HEARING

CASE NUMBER 19CUP1028

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|-------------------|--|
| Request: | Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the owner/ host |
| Project Name: | Thomas Short Term Rental |
| Location: | 934 East Oak Street |
| Owner: | Uncle Karl Dyson, LLC |
| Applicant: | David Orange |
| Jurisdiction: | Louisville Metro |
| Council District: | 4 – Barbara Sexton Smith |
| Case Manager: | Jon E. Crumbie, Planning and Design Coordinator |

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

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

Agency Testimony:

02:20:28 Joe Haberman presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

David Orange, 1427 Texas Ave., Louisville, KY 40217

Summary of testimony of those in favor:

02:24:00 David Orange spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke neither for nor against the request:

Walter Harvey, 1422 Rufer Ave., Louisville, KY 40204

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CASE NUMBER 19CUP1028

Summary of testimony of those neither for nor against:

02:32:35 Walter Harvey spoke neither for nor against the request (see recording for detailed presentation).

The following spoke in opposition of the request:

Barrie Price-Kerr, 847 Melford Ave., Louisville, KY 40217

Judy Johnson Garrett, 1420 Rufer Ave., Louisville, KY 40204

Summary of testimony of those in opposition:

02:40:44 Barrie Price-Kerr spoke in opposition of the request (see recording for detailed presentation).

02:42:20 Judy Johnson Garrett spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

02:46:38 David Orange spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

02:58:01 Board Members' deliberation

03:02:49 On a motion by Member Buttorff, seconded by Member Turner, the following resolution, based upon the failure to meet Standard 4D, and the testimony heard today, was adopted:

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1028 does hereby **DENY** Conditional Use Permit to allow short term

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rental of a dwelling unit that is not the primary residence of the owner/host in an R-6 Zoning District and Traditional Neighborhood Form District.

The vote was as follows:

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

No: Vice Chair Fishman

Absent: Members Jagoe, and Howard

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PUBLIC HEARING

CASE NUMBER 19CUP1038

| | |
|-------------------|--|
| Request: | Conditional Use Permit for a short-term rental of dwelling units that are not the primary residence of the owner/ host |
| Project Name: | Bowman Short Term Rental |
| Location: | 1427 and 1429 Rufer Avenue |
| Owner: | JSB, LLC |
| Applicant: | David Orange |
| Jurisdiction: | Louisville Metro |
| Council District: | 8 – Brandon Coan |
| Case Manager: | Jon E. Crumbie, Planning and Design Coordinator |

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

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

Agency Testimony:

03:04:09 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 recording for detailed presentation).

The following spoke in favor of the request:

Jay Bowman, 2237 Lowell Ave., Louisville, KY 40205
David Orange, 1427 Texas Ave., Louisville, KY 40217

Summary of testimony of those in favor:

03:08:33 Jay Bowman spoke in favor of the request and provided photographs of the property to the Board Members. Mr. Bowman responded to questions from the Board Members (see recording for detailed presentation).

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03:24:56 David Orange spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

03:29:36 Mr. Bowman responded to questions from the Board Members (see recording for detailed presentation).

03:31:40 Mr. Orange responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

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

Tom O'Connor, 1411 Rufer Ave., Louisville, KY 40204

Pat Price, 1422 Winter Ave., Louisville, KY 40204

Barrie Price-Kerr, 847 Melford Ave., Louisville, KY 40217

Walter Harvey, 1422 Rufer Ave., Louisville, KY 40204

Judy Johnson Garrett, 1420 Rufer Ave., Louisville, KY 40204

Summary of testimony of those in opposition:

03:36:35 William Ransdell spoke in opposition of the request (see recording for detailed presentation).

03:40:23 Tom O'Connor spoke in opposition of the request (see recording for detailed presentation).

03:42:01 Pat Price spoke in opposition of the request (see recording for detailed presentation).

03:49:26 Barrie Price-Kerr spoke in opposition of the request (see recording for detailed presentation).

03:54:55 Walter Harvey spoke in opposition of the request (see recording for detailed presentation).

04:02:59 Judy Johnson Garrett spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

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04:06:33 David Orange spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

04:16:46 **Board Members' deliberation**

04:25:50 On a motion by Member Leanhart, seconded by Member Buttorff, the following resolution, based upon the failure to meet Standard 4D, and the testimony heard today, was adopted:

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

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

The vote was as follows:

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

No: Vice Chair Fishman

Absent: Members Jagoe, and Howard

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CASE NUMBER 19CUP1016

| | |
|-------------------|---|
| Request: | Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the owner/host |
| Project Name: | Davis Short Term Rental |
| Location: | 1136 Euclid Avenue |
| Owner/Applicant: | Brash Properties, LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 6 – David James |
| Case Manager: | Jon E. Crumbie, Planning & 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:

04:27:59 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Bradley Davis, 8716 Wooded Trail Ct., Louisville, KY 40220

Summary of testimony of those in favor:

04:31:13 Bradley Davis spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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04:38:36 Board Members' deliberation

04:38:37 On a motion by Member Buttorff, seconded by Vice Chair Fishman, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that the residence has four bedrooms that will allow a maximum number of ten guests.**

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- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the last Board meeting there are no approved short term rental conditional use permits within 600 feet of the subject property.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **Parking is located along the existing driveway that will accommodate up to three cars. The site has credit for one on-street parking space.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may

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

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1016 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner/host in R-5 Zoning District and Traditional Neighborhood Form District.

The vote was as follows:

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

Absent: Members Jagoe, and Howard

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PUBLIC HEARING

CASE NUMBER 19CUP1034

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

Project Name: Ruckriegel Short Term Rental

Location: 1932 Frankfort Avenue

Owner/Applicant: Pam and Mike Ruckriegel

Jurisdiction: Louisville Metro

Council District: 9 – Bill Hollander

Case Manager: Jon E. Crumbie, Planning & 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:

04:39:39 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Pam Ruckriegel, 6335 Limewood Circle, Louisville, KY 40222

Summary of testimony of those in favor:

04:45:33 Pam Ruckriegel spoke in favor of the request and responded to questions from the Board Members. Ms. Ruckriegel clarified that her intent is to rent both units as short term rentals (see recording for detailed presentation).

The following spoke in opposition of the request:

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No one spoke.

05:04:55 **Board Members' deliberation**

05:08:51 On a motion by Vice Chair Fishman, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that the residence has one bedroom within the first floor unit that will allow a maximum**

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number of four guests; the second unit which is located on the second and third floors has three bedrooms, which would allow a maximum number of eight guests.

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

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1034 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner/host in an R-6 Zoning District and Traditional Neighborhood Form District, with **RELIEF**

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from Standard 4D because the short term rental is adjacent to the commercial corridor and will be compatible with the area, and the residential neighbors are in support.

The vote was as follows:

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

Absent: Members Jagoe, and Howard

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CASE NUMBER 19CUP1048

Request: Conditional Use Permit for a short-term rental of a dwelling unit that is the primary residence of the owner

Project Name: Thodoropoulos Short Term Rental

Location: 516 West St. Catherine Street

Owner/Applicant: Krist and Amity Thodoropoulos

Jurisdiction: Louisville Metro

Council District: 6 – David James

Case Manager: Jon E. Crumbie, Planning & 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:

05:12:28 Joe Haberman presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Amity Thodoropoulos, 516 W. St. Catherine Street, Louisville, KY 40203

Summary of testimony of those in favor:

05:17:35 Amity Thodoropoulos 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:

Helga Ulrich, 112 E. Ormsby Ave., Louisville, KY 40203

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Summary of testimony of those in opposition:

05:27:32 Helga Ulrich spoke in opposition of the request (see recording for detailed presentation).

05:38:44 Board Members' deliberation

03:05:03 On a motion by Vice Chair Fishman, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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 two individuals, except where the licensed

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property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that the residence has four bedrooms that will allow a maximum number of ten guests.**

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there are 6 properties with approved conditional use permits. The applicant has agreed to a Condition of Approval that the short term rental would be limited to a host/owner occupied short term rental; therefore, the 600 foot requirement would not be applicable.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity.

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The site has credit for one on-street parking space and two spaces at the rear of the property.

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1048 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is the primary residence of the owner in the TNZD and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

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Conditions of Approval:

1. The host of record for the short term rental shall maintain his or her primary residence in the dwelling unit on the subject property. In the event that the host establishes primary residence on another property, he or she shall immediately cease conducting short term rentals on the subject property and a new CUP shall be required to allow short term rentals of the property that is not the primary residence of the host.
2. The two parking spaces at the rear of the property shall be made with a hard and durable surface.

The vote was as follows:

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

Absent: Members Jagoe, and Howard

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The meeting adjourned at approximately 7:10 p.m.

Chair

Secretary