

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

March 18, 2019

A meeting of the Louisville Metro Board of Zoning Adjustment was held on March 18, 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
Richard Buttorff
Lester Turner, Jr.
Lindsey Jagoe

Members Absent:

Lula Howard

Staff Members Present:

Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Jon Crumbie, Planning & Design Coordinator
Steve Hendrix, Planning & Design Coordinator
Zach Schwager, Planner I
Jay Lockett, Planner I
John Carroll, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

APPROVAL OF MINUTES

MARCH 4, 2019 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:02:15 On a motion by Member Turner, seconded by Member Jagoe, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on March 4, 2019.

The vote was as follows:

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

Absent: Members Buttorff, and Howard

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1003

Request:	Variance to allow a structure to exceed the maximum setback, variance to allow a dumpster enclosure to encroach into a rear setback, a waiver to allow parking in front of a structure in the Traditional Marketplace Corridor form district, and a landscape waiver
Project Name:	Goodfellas Pizza
Location:	1242, 1244, 1246, 1248, 1250 E Broadway and 708 Baxter Ave
Owner:	Kennie and Patricia Combs
Applicant:	Long Construction Co
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Jay Lockett, AICP, Planner I

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

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

Agency testimony:

00:02:59 Jay Lockett stated the applicant is requesting to continue this case to the April 1, 2019 Board of Zoning Adjustment meeting. Mr. Lockett stated the case received approval from the Bardstown Road/Baxter Avenue Review Overlay Committee last week with a couple of adjustments the Committee wanted the applicant to make and so they need some time to get that reflected on the final plan (see recording for detailed presentation).

00:04:06 On a motion by Vice Chair Fishman, seconded by Member Turner, the following resolution was adopted:

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1003

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 19VARIANCE1003 to the April 1, 2019 Board of Zoning Adjustment meeting.

NOTE: Board Member Buttorff arrived at approximately 1:07 p.m.

The vote was as follows:

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

Absent: Member Howard

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1009

Request:	Variance to allow a structure to encroach into the 25 foot setback from an access easement in the Suburban Workplace form district
Project Name:	Hi-Float
Location:	13025 Middletown Industrial Blvd
Owner:	M & D Enterprises
Applicant:	M & D Enterprises
Jurisdiction:	Middletown
Council District:	19 – Anthony Piagentini
Case Manager:	Jay Lockett, AICP, Planner I

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

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

Agency testimony:

00:05:06 Jay Lockett presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Missy Legel, 3404 Stony Spring Circle, Louisville, KY 40220

Summary of testimony of those in favor:

00:09:41 Missy Legel 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
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1009

00:12:57 Board Members' deliberation

00:13:14 On a motion by Vice Chair Fishman, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff analysis, the presentation, the testimony heard today, and the variance justification statement, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely the public health, safety or welfare as there will still be adequate setbacks to allow for safe vehicular circulation along the access easement, and

WHEREAS, the Board further finds that the variance will not alter the essential character which contains a wide array of industrial uses with varying scales and setbacks, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the associated development plan has been approved by transportation planning and MSD to ensure the safe use of the site, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the remainder of the site will be in compliance with the Land Development Code, and the area has a variety of industrial uses of different sizes, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19VARIANCE1009 does hereby **APPROVE** Variance from Land Development Code Section 5.3.4.D.3.a (Middletown) to allow a proposed building addition to encroach into the 25 foot setback from an access easement by up to 14 feet.

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1009

The vote was as follows:

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

No: Member Buttorff

Absent: Member Howard

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1000

Request:	Variance to allow a structure to exceed the maximum height
Project Name:	Marret Avenue Variance
Location:	520 Marret Avenue
Owner:	David L. Thorson – Duke MFG, Inc.
Applicant:	Kelli Jones – Sabak, Wilson & Lingo, Inc.
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

00:14:44 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Kelli Jones, 608 S. 3rd Street, Louisville, KY 40202
Jacob Bernath, 520 Marret Ave., Louisville, KY 40208

Summary of testimony of those in favor:

00:19:31 Kelli Jones spoke in favor of the request and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see recording for detailed presentation).

00:24:29 Jacob Bernath spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1000

The following spoke in opposition of the request:

No one spoke.

00:28:20 Board Members' deliberation

00:28:48 On a motion by Vice Chair Fishman, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, the presentation, and the applicant's justification, 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 structure will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed silo will be replacing an older one that was about the same size, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed structure will be in the same location as the previous silo, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the location of the proposed silo is generally the same size and in the same location as the previous one, 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 surrounding industrial properties do not have exceedingly tall structures, 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 preventing the applicant from constructing a silo where one had previously existed, and

BOARD OF ZONING ADJUSTMENT MINUTES

March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1000

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

WHEREAS, the Board further finds that this site is located where an industrial area meets a residential area. The location of the silo is tucked at the back of the property which places the primary structure between the accessory structure and the nearby residences, thereby eliminating the impact on the public health, safety and welfare, and

WHEREAS, the Board further finds that this is in an existing industrial area and the proposed silo will be adjacent to existing tanks. It is set 137' back from Marret Avenue and is even farther from existing residential uses in the area and therefore, will not alter the essential character of the general vicinity, and

WHEREAS, the Board further finds that the variance will not cause a hazard or nuisance to the public because it will be set back 137' from Marret Avenue, and away from residential structures in the area, and

WHEREAS, the Board further finds that the variance will allow this existing user to improve their business with minimal impact to the surrounding area. Therefore, this variance is not an unreasonable circumvention of the requirements of the zoning regulation, and

WHEREAS, the Board further finds that this variance arises due to needs specifically related to this existing business. The size of the storage tank that is required to increase efficiency, exceeds the maximum building height, and

WHEREAS, the Board further finds that the strict application of the regulations would prohibit the applicant from efficiently growing his business, thereby creating an unnecessary hardship, and

WHEREAS, the Board further finds that the need for the variance arises due to the improvement needs of an existing business; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19VARIANCE1000 does hereby **APPROVE** Variance from Land Development Code Section 5.2.5.C.4.b to allow a structure to exceed the maximum height **(Requirement 45 ft., Request 65 ft., Variance 20 ft.)**.

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1000

The vote was as follows:

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

Absent: Member Howard

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1004

Request:	Variance to allow a structure to encroach into the required front yard setback and a waiver to allow an attached front loaded garage to exceed 50% of the front façade
Project Name:	Bishop Street Variance
Location:	606 Bishop Street
Owner:	Charles J. Green
Applicant:	Charlie Williams – Charlie Williams Design, Inc.
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

00:30:37 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:

Charlie Williams, 1626 Windsor Place, Louisville, KY 40204

Summary of testimony of those in favor:

00:35:31 Charlie Williams spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1004

The following spoke in opposition of the request:

No one spoke.

00:39:16 Board Members' deliberation

00:39:35 On a motion by Member Turner, seconded by Member Jagoe, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, the presentation, and the applicant's justification, was adopted:

Variance from Land Development Code Table 5.2.2 to allow a principal structure to encroach into the required front yard setback:

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 structure will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed structure will align with the existing street wall due to the requested variance, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the existing structure is in disrepair and the new structure will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the structure will help to keep the existing street wall and will be built in the same location as the existing structure, and

WHEREAS, the Board further finds that the requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lots on Bishop Street are irregular in shape and the subject property is not as deep as most of the other lots on the block, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation may create an unnecessary hardship on the applicant because by

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1004

requiring them to meet the setback requirement they would have to apply for a private yard area variance, and

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

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19VARIANCE1004 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a principal structure to encroach into the required front yard setback **(Requirement 15 ft., Request 5 ft., Variance 10 ft.)**.

The vote was as follows:

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

Absent: Member Howard

00:40:57 On a motion by Member Turner, seconded by Member Jagoe, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Waiver from Land Development Code Section 5.4.1.C.3 to allow an attached front loaded garage to exceed 50% of the front façade:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners as the front loaded two-car garage will help alleviate on street parking on a narrow right-of-way, and

WHEREAS, the Board further finds that the waiver does not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 states that revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1004

design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces. The existing building is not consistent with the building design in the neighborhood. Also, the existing building is in disrepair and will need to go through the new demolition ordinance. Alley access is promoted and preferred in the traditional neighborhood form, however, there is no alley access for the subject property, and

WHEREAS, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the property does not have alley access, and

WHEREAS, the Board further finds that the strict application of the provisions would deprive the applicant of the reasonable use of the land as there would be no other way to construct or access a garage; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19VARIANCE1004 does hereby **APPROVE** Waiver from Land Development Code Section 5.4.1.C.3 to allow an attached front loaded garage to exceed 50% of the front façade.

The vote was as follows:

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

Absent: Member Howard

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1010

Request:	Variance to allow a structure to encroach into the required side yard setback
Project Name:	Etawah Avenue Variance
Location:	1330 Etawah Avenue
Owner/Applicant:	Clarisa De Luna-Villaflor – Equity Trust Company
Jurisdiction:	City of Lyndon
Council District:	7 – Paula McCraney
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:

00:42:26 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:

Clarisa De Luna-Villaflor, 11200 Cherry Lane, Louisville, KY 40223

Summary of testimony of those in favor:

00:47:22 Clarisa De Luna-Villaflor 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
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1010

00:49:23 Board Members' deliberation

00:52:08 On a motion by Member Leanhart, 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 requested variance will not adversely affect the public health, safety or welfare as the structure will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the structures in the area are all close to the side property lines, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed structure will be the same distance from the side property line as the neighboring structure, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the location of the proposed residence is similar to surrounding structures, and

WHEREAS, the Board further finds that the requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone as the property is similar in size and shape to other surrounding properties, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because there is an existing MSD easement on the northern portion of the lot, which prevents the applicant from building to the required side yard setback, and

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

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1010

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1117 does hereby **APPROVE** Variance from City of Lyndon Development Code Table 5.3.1 to allow a structure to encroach into the required side yard setback **(Requirement 5 ft., Request 3 ft., Variance 2 ft.)** **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. A survey of the southern property line shall be completed prior to the commencement of construction activity and shall be staked in the field. No projections from the façade or building foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.

The vote was as follows:

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

Absent: Member Howard

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1011

Request:	Variance to allow a structure to encroach into the required side yard setback
Project Name:	Etawah Avenue Variance
Location:	1328 Etawah Avenue
Owner/Applicant:	Clarisa De Luna-Villaflor – Equity Trust Company
Jurisdiction:	City of Lyndon
Council District:	7 – Paula McCraney
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:

00:54:03 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Clarisa De Luna-Villaflor, 11200 Cherry Lane, Louisville, KY 40223

Summary of testimony of those in favor:

00:56:08 Clarisa De Luna-Villaflor 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
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1011

00:57:39 Board Members' deliberation

00:57:56 On a motion by Member Leanhart, 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 requested variance will not adversely affect the public health, safety or welfare as the structure will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the structures in the area are all close to the side property lines, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed structure will be the same distance from the side property line as the neighboring structure, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the location of the proposed residence is similar to surrounding structures, and

WHEREAS, the Board further finds that the requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone as the property is similar in size and shape to other surrounding properties, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the lot is substandard in width, which was approved by the Development Review Committee on December 19, 2018, and

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

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19VARIANCE1011

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19VARIANCE1011 does hereby **APPROVE** Variance from City of Lyndon Development Code Section 5.1.10.F to allow a structure to encroach into the required side yard setback (**Requirement 3.368 ft., Request 3 ft., Variance 0.368 ft.**), **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. A survey of the northern property line shall be completed prior to the commencement of construction activity and shall be staked in the field. No projections from the façade or building foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.

The vote was as follows:

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

Absent: Member Howard

00:59:11 Meeting was recessed.

00:59:34 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1115

Request:	Conditional Use Permit for a short term rental unit that is not the primary residence of the host
Project Name:	Short Term Rental
Location:	1608 Eastern Parkway
Owner:	Brad Hendren
Applicant:	Sonya Gugliotta
Host:	James Wallace
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Steve Hendrix, Planning and Design Coordinator

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

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

Agency Testimony:

00:59:50 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see staff report and recording for detailed presentation).

01:03:55 Mr. Hendrix and Mr. Haberman responded to a question from Legal Counsel (see recording for detailed presentation).

01:04:38 Mr. Hendrix responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

James Wallace, 775 Guollon Court, Louisville, KY 40204

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1115

Summary of testimony of those in favor:

01:06:00 James Wallace spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:11:32 Board Members' deliberation

01:12:11 On a motion by Vice Chair Fishman, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the presentation, 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. No exterior construction or alterations to the building or the site will be required, and

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

WHEREAS, the Board further finds that:

Short Term Rental Term Rental of a dwelling unit that is not the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term 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.

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1115

- 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 submitted pictures show that the residence has six bedrooms, allowing a maximum number of sixteen guests. However, the applicant is limiting the number of guests to ten, using only the top 2 floors.
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **Three parking spaces are provided on site.**
- 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 18CUP1115 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-5 Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1115

Conditions of Approval:

1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 60 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.
2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
3. The maximum number of guests permitted in the short term rental shall be the lesser of ten (10), or that permitted by the Louisville Metro Code of Ordinances.

The vote was as follows:

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

Absent: Member Howard

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1158

Request:	Conditional Use Permit for a short term rental unit that is not the primary residence of the host
Project Name:	Short Term Rental
Location:	1421 Christy Avenue
Owner:	Raquel Speroni
Applicant:	Sonya Gugliotta
Host:	James Wallace
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Steve Hendrix, Planning and Design Coordinator

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

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

Agency testimony:

01:14:09 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

James Wallace, 775 Goullon Court, Louisville, KY 40204

Summary of testimony of those in favor:

01:18:15 James Wallace spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1158

The following spoke in opposition of the request:

No one spoke.

01:21:29 Board Members' deliberation

01:21:43 On a motion by Vice Chair Fishman, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff analysis, the presentation, 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. No exterior construction or alterations to the building or the site will be required, and

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

WHEREAS, the Board further finds that:

Short Term Rental Term Rental of a dwelling unit that is not the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term 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 submitted floor plan**

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1158

shows that the residence has four bedrooms, allowing a maximum number of twelve guests. The applicant is limiting to six guests.

- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **One parking space is located in front of the house. The applicant has stated that House Rules will limit one vehicle per booking.**
- 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 18CUP1158 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an UN Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 60 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1158

2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
3. The maximum number of guests permitted in the short term rental shall be the lesser of six (6), or that permitted by the Louisville Metro Code of Ordinances.

The vote was as follows:

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

Absent: Member Howard

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1145

Request:	Conditional Use Permit for an accessory apartment
Project Name:	Delahanty Accessory Apartment
Location:	1812 Deerwood Avenue
Owner/Applicant:	Mary Beth Delahanty
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
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:

01:23:13 Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Mary Beth Delahanty, 1812 Deerwood Ave., Louisville, KY 40205

Summary of testimony of those in favor:

01:26:39 Mary Beth Delahanty spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:29:16 Board Members' deliberation

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1145

01:29:28 On a motion by Member Turner, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that the proposal is compatible with surrounding development, 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:

Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts up on the granting of a conditional use permit and compliance with the listed requirements.

- A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises. The owner will live in the principal structure.
- B. The accessory apartment shall be no greater than 650 sq. ft. or 30% of the floor area of the principal residence, whichever is greater. The accessory apartment will be 600 square feet.
- C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate. The accessory apartment is not taller than the principle residence.

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1145

- D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:
2. Traditional Neighborhood - at least one off-street space provided on the lot. Off-street parking will be provided on the lot; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1145 does hereby **APPROVE** Conditional Use Permit to allow an accessory apartment in an R-5 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 an accessory apartment without further review and approval by the Board.

The vote was as follows:

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

Absent: Member Howard

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1170

Request:	Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Fogle Short Term Rental
Location:	1113 Dresden Avenue
Owner/Applicant:	Mike and Megan Fogle
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
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:

01:31:09 Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Mike Fogle, 1113 Dresden Ave., Louisville, KY 40215

Summary of testimony of those in favor:

01:33:34 Mike Fogle 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
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1170

01:38:49 Board Members' deliberation

01:38:57 On a motion by Member Leanhart, 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:

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

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

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1170

- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **The site has credit for one on-street parking space.**
- 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 18CUP1170 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 R-5 Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 60 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.
2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1170

3. The maximum number of guests permitted in the short term rental shall be the lesser of six (6), or that permitted by the Louisville Metro Code of Ordinances.

The vote was as follows:

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

Absent: Member Howard

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1195

Request:	Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Lund Short Term Rental
Location:	2311 Crittenden Drive
Owner/Applicant:	Steven Lund
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Jon E. Crumby, 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:

01:40:26 Jon Crumby presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Lindsey Stoughton, 816 Franklin Street, Louisville, KY 40206
Steven Lund, 816 Franklin Street, Louisville, KY 40206

Summary of testimony of those in favor:

01:43:03 Lindsey Stoughton and Steven Lund spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1195

The following spoke in opposition of the request:

No one spoke.

01:46:07 Board Members' deliberation

01:46:16 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 does not conflict with Comprehensive Plan policies, and

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

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

WHEREAS, the Board further finds that:

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

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

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1195

twelve guests. The applicant will be asking for a maximum number of ten guests.

- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **Parking is located in the detached garage and driveway and will accommodate up to five automobiles. The site has credit for one on-street parking.**
- 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 18CUP1195 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 Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 60 days of

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1195

the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.

2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
3. The maximum number of guests permitted in the short term rental shall be the lesser of ten (10), or that permitted by the Louisville Metro Code of Ordinances.

The vote was as follows:

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

Absent: Member Howard

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1160

Request:	Conditional Use Permit for an accessory apartment
Project Name:	Griggs Accessory Apartment
Location:	4534 Riverview Avenue
Owner/Applicant:	Brenda Griggs
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
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:

01:47:45 Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Tanyeka Percentie, 4534 Riverview Ave., Louisville, KY 40211

Summary of testimony of those in favor:

01:50:32 Tanyeka Percentie spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:53:06 Board Members' deliberation

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1160

01:53:55 On a motion by Member Turner, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that the proposal is compatible with surrounding development, 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:

Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts up on the granting of a conditional use permit and compliance with the listed requirements.

- A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises. **The owner will live in the principal structure.**
- B. The accessory apartment shall be no greater than 650 sq. ft. or 30% of the floor area of the principal residence, whichever is greater. **The accessory apartment will be 528 square feet.**
- C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate. **The accessory apartment is not located in a freestanding structure.**

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1160

- D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:
2 Traditional Neighborhood - at least one off-street space provided on the lot.
Off-street parking is provided on site; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1160 does hereby **APPROVE** Conditional Use Permit to allow an accessory apartment in an R-5 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 an accessory apartment without further review and approval by the Board.

The vote was as follows:

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

Absent: Member Howard

01:54:51 Meeting was recessed.

01:55:18 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19APPEAL1001

Request:	Appeal of an administrative decision
Project Name:	Everett Appeal
Location:	1274 Everett Avenue
Appellant:	Wayne P. Gallavin
Representative:	Christopher Morris
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Chris French, AICP, Planning and 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:

01:55:33 Chris French presented the case and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see staff report and recording for detailed presentation).

02:00:56 Joe Haberman, Planning & Design Manager, and Chris French responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the appeal:

Jeffrey Quigley, 1272 Everett Ave., Louisville, KY 40204
David Bollinger, 1271 Everett Ave., Louisville, KY 40204
Jenny Johnston, 1205 Everett Ave., Louisville, KY 40204
Casey Kaufman, 1277 Everett Ave., Louisville, KY 40204

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19APPEAL1001

Summary of testimony of those in opposition:

02:09:04 Jeffrey Quigley spoke in opposition of the appeal and responded to questions from the Board Members (see recording for detailed presentation).

02:13:55 David Bollinger spoke in opposition of the appeal and responded to questions from the Board Members. Mr. Bollinger submitted documentation to the Board Members regarding complaints made to LMPD and reviews obtained from the Airbnb website (see recording for detailed presentation).

02:19:20 Jenny Johnston spoke in opposition of the appeal (see recording for detailed presentation).

02:20:37 Casey Kaufman was called, but was not present to speak (see recording for detailed presentation).

The following spoke neither for nor against the appeal:
Beth Rose, 1840 Sherwood Ave., Louisville, KY 40205

Summary of testimony of those neither for nor against:

02:21:11 Beth Rose spoke neither for nor against the appeal and responded to questions from the Board Members (see recording for detailed presentation).

02:23:34 Chris French responded to a question from Legal Counsel (see recording for detailed presentation).

02:24:16 David Bollinger (who spoke in opposition of the appeal) responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the appeal:

Christopher Morris, 231 Breckenridge Lane, Suite 201, Louisville, KY 40207
Wayne Gallavin, 1274 Everett Ave., Louisville, KY 40204
Leslie Frye, 943 Burning Springs Circle, Louisville, KY 40204
Keith Hunter, 1420 S. 4th Street, Louisville, KY 40208
Ross Lerner, 4404 Wisteria Landing Circle, #103, Louisville, KY 40218

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19APPEAL1001

Summary of testimony of those in favor:

02:25:10 Christopher Morris spoke in favor of the appeal and responded to questions from the Board Members (see recording for detailed presentation).

02:32:16 Mr. Haberman responded to questions from the Board Members regarding a citation (see recording for detailed presentation).

02:33:28 Mr. Morris responded to questions from the Board Members. Mr. Morris explained the circumstances of Mr. Gallavin maintaining an Indiana address (see recording for detailed presentation).

02:37:45 Wayne Gallavin spoke in favor of the appeal and responded to questions from the Board Members (see recording for detailed presentation).

02:48:38 Leslie Frye spoke in favor of the appeal and responded to questions from the Board Members (see recording for detailed presentation).

02:58:51 Keith Hunter spoke in favor of the appeal (see recording for detailed presentation).

03:00:54 Ross Lerner spoke in favor of the appeal (see recording for detailed presentation).

REBUTTAL:

03:04:32 Chris French spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

03:10:42 Board Members' deliberation

03:20:19 On a motion by Member Turner, seconded by Member Buttorff, the following resolution, based upon the public testimony provided at the hearing and records provided by the appellant, was adopted:

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 19APPEAL1001

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19APPEAL1001 does hereby **APPROVE** the appeal, **REVERSING STAFF DETERMINATION** to revoke a short term rental registration.

The vote was as follows:

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

No: Vice Chair Fishman

Absent: Member Howard

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1175

Request:	Conditional Use Permit for short term rental of a dwelling unit not the primary residence of the host
Project Name:	Gallavin Short Term Rental
Location:	1850 Sherwood Avenue
Owner:	Wayne Gallavin
Host:	James Wallace & Co.
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
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.

03:22:57 Chair Young stated this case was continued from the March 4, 2019 Board of Zoning Adjustment meeting, so the Board will not be taking any public comment. The Board will only be hearing an update as to what was provided at the last meeting (see recording for detailed presentation).

Agency Testimony:

03:23:24 Mr. Crumbie stated he did not have anything to add, but Joe Haberman performed the site inspection as the Board requested, so he will be providing the information (see staff report and recording for detailed presentation).

03:23:40 Joe Haberman provided an update regarding the number of bedrooms and number of parking spaces. Mr. Haberman stated the site visit confirmed four bedrooms and three parking spaces, plus one on the street (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1175

03:27:25 Beth Rose spoke from the audience requesting the Board accept additional public testimony (see recording for detailed presentation).

03:28:57 The Board Members discussed whether or not to reopen public hearing for additional testimony. The Board decided to reopen public hearing (see recording for detailed presentation).

The following spoke in favor of the request:

Christopher Morris, 231 Breckenridge Lane, Suite 201, Louisville, KY 40207
Leslie Frye, 943 Burning Springs Circle, Louisville, KY 40223

Summary of testimony of those in favor:

03:31:01 Christopher Morris spoke in favor of the request. Mr. Morris read a statement prepared by the applicant (see recording for detailed presentation).

03:38:12 Leslie Frye spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

Beth Rose, 1840 & 1842 Sherwood Ave., Louisville, KY 40205
Dan Rose, 1840 & 1842 Sherwood Ave., Louisville, KY 40205

Summary of testimony of those in opposition:

03:40:45 Beth Rose spoke in opposition and submitted a petition to the Board Members. Ms. Rose attempted to submit additional information, however, Chair Young declined to accept it. Chair Young advised Ms. Rose that the Board would accept her testimony, just not a binder full of information. Ms. Rose continued her testimony in opposition. Ms. Rose responded to questions from the Board Members (see recording for detailed presentation).

03:56:06 Dan Rose spoke in opposition (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1175

REBUTTAL:

03:58:38 Christopher Morris spoke in rebuttal (see recording for detailed presentation).

04:04:40 Board Members' deliberation

04:14:37 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:

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

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

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1175

residence has five bedrooms that will allow a maximum number of fourteen guests. The applicant will be asking for a maximum number of twelve guests.

- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted. **The structure on the site 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. **The site has credit for one on-street parking space. Staff determined that there are three parking spaces on site.**
- 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 18CUP1175 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner in an R-5 Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

- 1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 60 days of

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1175

the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.

2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
3. The maximum number of guests permitted in the short term rental shall be the lesser of ten (10), or that permitted by the Louisville Metro Code of Ordinances.
4. There shall be no outdoor activities between the hours of 10:00 p.m. and 8:00 a.m.

The vote was as follows:

Yes: Members Buttorff, Jagoe, Vice Chair Fishman and Chair Young

No: Members Turner, and Leanhart

Absent: Member Howard

BOARD OF ZONING ADJUSTMENT MINUTES
March 18, 2019

The meeting adjourned at approximately 5:42 p.m.

Chair

Secretary