

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

January 7, 2019

A meeting of the Louisville Metro Board of Zoning Adjustment was held on January 7, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Rosalind Fishman, Chair
Dwight Young, Vice Chair
Lula Howard, Secretary
Lester Turner, Jr.
Kimberly Leanhart

Members Absent:

Richard Buttorff
Lindsey Jagoe

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Reverman, Planning & Design Assistant Director
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Jon Crumbie, Planning & Design Coordinator
Steve Hendrix, Planning & Design Coordinator
Zach Schwager, Planner I
Beth Jones, Planner II
John Carroll, Legal Counsel (left at approximately 3:25 p.m.)
Paul Whitty, Legal Counsel (present approximately 3:25 p.m. – 3:55 p.m.)
Travis Fiechter, Legal Counsel (arrived at approximately 3:55 p.m.)
Sue Reid, Management Assistant

The following cases were heard:

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APPROVAL OF MINUTES

**DECEMBER 17, 2018 BOARD OF ZONING ADJUSTMENT MEETING
MINUTES**

00:03:17 On a motion by Member Howard, seconded by Member Leanhart, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on December 17, 2018.

The vote was as follows:

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

Abstain: Member Turner

Absent: Members Buttorff, and Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 18VARIANCE1107

Request: Variance to allow a proposed addition to encroach into the required side yard
Project Name: Farmer bathroom addition
Location: 1100 Charles Street
Owner/Applicant: Steven Farmer
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
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:

00:04:38 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Steven Farmer, 17906 Meremont Heights Way, Louisville, KY 40245
Gary Sampson, 1104 Charles Street, Louisville, KY 40204

Summary of testimony of those in favor:

00:09:45 Steven Farmer spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:13:32 Gary Sampson spoke in favor of the request (see recording for detailed presentation).

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CASE NUMBER 18VARIANCE1107

The following spoke in opposition of the request:

No one spoke.

00:15:35 Board Members' deliberation

00:15:55 On a motion by Member Howard, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, 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 addition will be constructed according to 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 encroachment is created by the location of the existing structure on site, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the encroaching portion of the structure will have to follow 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 encroachment occurs because the applicant proposes to keep the addition wall in line with the existing wall, and

WHEREAS, the Board further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the site is a corner lot and the structure was built as far away from Spratt Street as possible, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the applicant to offset the wall and construct an addition which is not in line with the existing wall, 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

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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 18VARIANCE1107 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a structure to encroach into the required side yard setback (**Requirement 3 ft., Request 0.82 ft., Variance 2.18 ft.**).

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1109

Request: Variance to allow signage to exceed 60 sq. ft. on one façade
Project Name: Story Avenue Variance
Location: 1201 Story Avenue
Owner: Andy Blieden, Jakeland LLC
Applicant: David Scull – Rueff Signs
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:

00:17:50 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:
David Scull, 8407 Siesta Way, Louisville, KY 40219

Summary of testimony of those in favor:

00:22:41 David Scull 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 18VARIANCE1109

00:24:34 Board Members' deliberation

00:24:41 On a motion by Vice Chair Young, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, 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 proposed signs will comply with the Land Development Code in all respects except for their size, with the result that the signage is unlikely to distract drivers or pedestrians and adversely affect public safety, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the Historic Landmarks and Preservation Commission staff has already approved the sign, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the signs utilize muted colors with no lighting, which will not create a hazard to drivers or pedestrians. Also, Story Avenue is a one-way street heading west; the signage is on the western façade, so drivers will not see this portion of the building, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the property is located in an industrial area. Additionally, the signs comply with Butchertown design guidelines with respect to signage, and

WHEREAS, the Board further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the property is in a commercial/industrial zoning district but a Traditional Neighborhood form district, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the Land Development Code allows each business to have signage in multi-tenant buildings, but without the variance would deprive a tenant of such signage, 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

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from which relief is sought as the applicant is requesting the variance after the sign was placed on the façade, 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 18VARIANCE1109 does hereby **APPROVE** Variance from Land Development Code Table 8.3.2 to allow attached signage to exceed 60 square feet in area per facade.

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1110

Request: Variance to allow a proposed freestanding sign to be located within the streamside zone of a Type "B" stream buffer

Project Name: Jefferson Boulevard Variance

Location: 5161 Jefferson Boulevard

Owner: Steve Scott, Jefferson Boulevard Office Condominiums LLC

Applicant: Amy Cooksey – Mindel Scott & Associates

Jurisdiction: Louisville Metro

Council District: 2 – Barbara Shanklin

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:

00:26:31 Zach Schwager presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Amy Cooksey, Mindel Scott & Associates, 5151 Jefferson Blvd., Louisville, KY 40219

Summary of testimony of those in favor:

00:29:30 Amy Cooksey spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:32:55 Zach Schwager responded to a question from Legal Counsel (see recording for detailed presentation)

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CASE NUMBER 18VARIANCE1110

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

00:33:08 Board Members' deliberation

00:33:17 On a motion by Member Leanhart, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, 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 proposed sign will comply with the Land Development Code in all respects except for the location within a stream buffer. The proposed location will have minimal impact on water runoff and infiltration, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there are a number of other similar signs in the area, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the sign will be located outside of the sight triangle, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed sign will have minimal impact due to the design, 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 18VARIANCE1110 does hereby **APPROVE** Variance from Land Development Code Table 4.8.1 to allow a freestanding monument sign to be located within the streamside zone of a Type "B" stream buffer.

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CASE NUMBER 18VARIANCE1110

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1112

Request:	Variance to allow a proposed addition to encroach into the required side yard setback
Project Name:	S. Shelby Street Variance
Location:	1105 S. Shelby Street
Owner:	Eric Seward
Applicant:	Justin Bauer
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:

00:34:58 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:

Justin Bauer, 11100 Foxbrook Court, Louisville, KY 40223

Summary of testimony of those in favor:

00:41:46 Justin Bauer 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 18VARIANCE1112

00:48:19 Board Members' deliberation

00:48:30 On a motion by Member Turner, seconded by Vice Chair Young, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, 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 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 addition will be the same distance from the side property line as the existing 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 addition is the same as the existing structure, 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 has an existing structure that is the same distance from the side property line as the proposed addition, 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 an addition that is the same distance from the side property line as the existing structure, and

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

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

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1112

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1112 does hereby **APPROVE** Variance from Land Development Code Section 5.1.10.F to allow a structure to encroach into the required side yard setback (**Requirement 2.175 ft., Request 0.12 ft. Variance 2.055 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 Turner, Howard, Leanhart, Vice Chair Young, and Chair Fishman

Absent: Members Buttorff, and Jagoe

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1113

Request: Variance to allow an existing principal structure to encroach into the required side yard setback
Project Name: Malone Place Variance
Location: 910 Malone Place
Owner: Louis Guttman, Anabasis LLC
Applicant: Kathryn Matheny – Cardinal Surveying
Jurisdiction: Louisville Metro
Council District: 19
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:

00:50:58 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:

Kathy Matheny, 9009 Preston Highway, Louisville, KY 40219

Summary of testimony of those in favor:

00:52:43 Kathy Matheny 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 18VARIANCE1113

00:53:52 **Board Members' deliberation**

00:54:01 On a motion by Member Howard, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, 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 is 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 it is an existing structure and similar in design to the other residences in the subdivision, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as it is an existing structure, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as it is an existing structure and slightly encroaches into the side yard setback, 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 18VARIANCE1113 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow a structure to encroach into the required side yard setback (**Requirement 5 ft., Request 4.23 ft., Variance 0.77 ft.**).

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

00:55:40 **Meeting was recessed.**

00:55:52 **Meeting was reconvened.**

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1111

Request: Variance for a structure to exceed the infill front and street side maximum setbacks and a sidewalk waiver
Project Name: Smyrna Parkway Variance and Waiver
Location: 8208 Smyrna Parkway
Owner/Applicant: Danny Smith
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
Case Manager: Chris French, AICP, Planning Supervisor

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

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

Agency Testimony:

00:56:08 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).

The following spoke in favor of the request:

Danny Smith, 10117 Mitchell Hill Rd., Fairdale, KY 40118
Kari Smith, 10117 Mitchell Hill Rd., Fairdale, KY 40118 (was sworn in, but did not speak).

Summary of testimony of those in favor:

01:00:04 Danny Smith 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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PUBLIC HEARING

CASE NUMBER 18VARIANCE1111

01:01:29 Board Members' deliberation

01:01:37 On a motion by Member Turner, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the applicant's justification, was adopted:

Variance from Land Development Code Section 5.1.12.B.2.e to allow the structure to be located further back than the infill setback requirement for the front and street side yards:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the lot is a corner lot and Bay Pine Drive ends at Smyrna Parkway; therefore, the proposed setbacks would not negatively impact surrounding properties or continued development along the block, and

WHEREAS, the Board further finds that the corner lot across Bay Pine Drive from the subject property is an unusually shaped lot with a setback that varies considerably from the other properties along the block; therefore, the proposed setbacks would not alter the essential character of the vicinity, and

WHEREAS, the Board further finds that the proposed additional setback from Bay Pine Drive and Smyrna Parkway will not cause a hazard or nuisance to drivers, pedestrians, or the general public, and

WHEREAS, the Board further finds that the requested variance is not an unreasonable circumvention of the zoning regulations because the request would not negatively impact surrounding properties and the preservation of mature trees would further other chapters of the zoning regulations while maintaining the character of the area, and

WHEREAS, the Board further finds that most vacant residential properties do not have mature trees of this size on them and the size and shape of this lot allows for the proposed home to be placed in a location that would allow the trees to be preserved, and

WHEREAS, the Board further finds that the strict application of the regulations would require the two large trees to be removed which would alter the character of this portion of the block and would deprive the applicant from enjoying the shade and other benefits from retaining the trees, and

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CASE NUMBER 18VARIANCE1111

WHEREAS, the Board further finds that the proposed variance is not the result of actions taken by the applicant subsequent to the adoption of the zoning regulations because the applicant has applied for the variance and has not built the proposed structure, 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 18VARIANCE1111 does hereby **APPROVE** Variance to allow the structure to be setback 37 feet from Bay Pine Drive property line and 41 feet from Smyrna Parkway property line (LDC 5.1.12.B.2).

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

01:02:48 On a motion by Member Turner, seconded by Member Howard, 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 5.8.1 to not provide a sidewalk along the Bay Pine Drive street frontage:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that there are no sidewalks on Bay Pine Drive; therefore, the waiver would not adversely affect adjacent property owners, and

WHEREAS, the Board further finds that the comprehensive plan envisions an interconnected network of sidewalks and public walkways throughout the county; therefore, a waiver of a small portion of a sidewalk in an area with no sidewalks would not violate the comprehensive plan, and

WHEREAS, the Board further finds that the proposed waiver is the minimum necessary to afford relief to the applicant as this waiver is restricted to that portion of Bay Pine Drive adjacent to the applicant's property; now, therefore be it

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1111

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1111 does hereby **APPROVE** Waiver from Land Development Code Section 5.8.1 to not provide a sidewalk along the Bay Pine Drive street frontage.

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

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PUBLIC HEARING

CASE NUMBER 18CUP1082

Request: Conditional Use Permit for an off-street parking area with landscaping waivers
Project Name: Parking
Location: 4020 Poplar Level Road
Owner: Pin-Realty, LLC
Applicant: John M. Schmitt, CPA
Jurisdiction: Louisville Metro
Council District: 10—Pat Mulvihill
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:

01:06:22 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:

Jason Hall, Prism Engineering, 2309 Watterson Trail, Suite 200, Louisville, KY 40299

Summary of testimony of those in favor:

01:12:25 Jason Hall 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 18CUP1082

01:24:37 Board Members' deliberation

01:25:07 On a motion by Member Howard, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the fact that relief from the Listed Requirement A would not create an adverse impact on pedestrians walking from the parking lot to the Vision First property, was adopted:

Conditional Use Permit to allow off-street parking in an OR-1 zoning district with relief from Listed Requirement A (200 foot distance):

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with the applicable policies of the Comprehensive Plan. The required tree canopy and landscape requirements will be provided, and

WHEREAS, the Board further finds that the proposal is compatible with the general character of the surrounding neighborhood in terms of scale, intensity, traffic, noise, drainage and appearance. Poplar Level Road is a major arterial and commercial land uses are along this portion of the street, and

WHEREAS, the Board further finds that the proposal has been reviewed by MSD and Transportation Planning and both have approved the plan, and

WHEREAS, the Board further finds that:

An Off-Street Parking Area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the listed requirements. There are six requirements and all have been met, except requirement A.

- A. The area shall be located within 200 feet of the property on which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks). The applicant is requesting relief from this requirement. The site is approximately 265 feet from Vision First.
- B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.

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- C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.
- D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.
- E. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the appropriate Director of Works prior to use of the parking area.
- F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for transportation planning prior to the public hearing on the Conditional Use Permit; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1082 does hereby **APPROVE** Conditional Use Permit to allow off-street parking in an OR-1 zoning district with **RELIEF** from Listed Requirement A (200 foot distance), **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 off-street parking without further review and approval by the Board.

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

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PUBLIC HEARING

CASE NUMBER 18CUP1082

01:26:37 On a motion by Member Howard, seconded by Member Young, the following resolution, based upon the Standard of Review and Staff Analysis, the applicant's justification, and the testimony heard today, was adopted:

Waivers to reduce the required property perimeter buffer requirements along the southern property line as well as a portion of the northern property line (LDC 10.2.4); Waiver to allow Interior Landscape Areas to be less than 290 square feet and 8 feet (LDC 10.2.12):

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waivers will not adversely affect adjacent property owners because additional landscaping will be placed in the area where the waivers are requested and a majority of the existing trees will be saved with just a slight decrease in tree canopy, and

WHEREAS, the Board further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. The proposed location is appropriate since the lot has frontage on a major arterial road, buffers will still be provided and the applicant is saving most of the existing trees, and

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WHEREAS, the Board further finds that the extent of the waivers of the regulation are the minimum necessary to afford relief to the applicant since the site layout allows the minimum area needed to allow the conditional use permit parking area, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulations would create an unnecessary hardship on the applicant, since the parking is needed to allow adequate customer parking at Vision First and since the applicant intends to save most of the existing trees, 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 18CUP1082 does hereby **APPROVE** Waivers to reduce the required property line perimeter buffer requirements along the southern property line (**Requirement 15 ft., Request 3 ft., Waiver 12 ft.**) as well as a portion of the northern property line (**Requirement 25 ft., Request 10 ft., Waiver 15 ft.**) (LDC 10.2.4), and Waiver to allow Interior Landscape Areas to be less than 290 square feet and 8 feet (LDC 10.2.12).

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

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CASE NUMBER 18CUP1147

Request:	Conditional Use Permit for a short term rental unit that is not the primary residence of the host in a R-6 District
Project Name:	Short Term Rental
Location:	425 East Oak Street
Owner	Louisville Home Buyers, LLC
Applicant:	Key Source Properties, Jonathan Klunk
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:

01:31:04 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:

Eric George, 11419 Top Walnut Loop, Louisville, KY 40229
Jonathan Klunk, 1372 S. 6th St., Louisville, KY 40208

Summary of testimony of those in favor:

01:34:29 Eric George spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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01:39:18 Jonathan Klunk 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.

01:44:52 Board Members' deliberation

01:45:00 On a motion by Vice Chair Young, seconded by Member Howard, 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. 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 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.

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- 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 three bedrooms, that will allow a maximum number of ten guests, however, the applicant is limiting the number of guests to six, (6).**
- 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.
- 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 18CUP1147 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 a R-6 Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

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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 shall be limited to the lesser of that which is allowed by Code, or six (6).
4. The parking garage shall be made available to guests for parking purposes.

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

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CASE NUMBER 18CUP1142

Request:	Conditional Use Permit for Private Institutional Use in a Single-Family Zoning District and associated waiver
Project Name:	Visually Impaired Preschool Parking
Location:	1906 Goldsmith Lane
Owner/Applicant:	Visually Impaired Preschool Services, Inc.
Representative:	Bardenwerper Talbott & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency testimony:

01:49:52 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the appeal:

John Talbott, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Diane Nelson, 1906 Goldsmith Lane, Louisville, KY 40218

Summary of testimony of those in favor:

02:01:11 John Talbott spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:27:42 Diane Nelson spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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02:31:04 Beth Jones advised the Board Members there are four total Conditions of Approval (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

02:32:02 Board Members' deliberation

02:32:19 On a motion by Vice Chair Young, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Conditional Use Permit for Private Institutional Use in a Single-Family Zoning District (LDC 4.2.65) with relief to permit parking within 30 ft. of the property line (LDC 4.2.65.A):

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with Comprehensive Plan policies regarding Private Institutional Use in a Single-Family Zoning District, and

WHEREAS, the Board further finds that the proposed parking area is compatible with development in the vicinity and adequately mitigates potential negative impacts on adjoining residential uses, and

WHEREAS, the Board further finds that the proposal will not create substantial additional public facility requirements for the site, and

WHEREAS, the Board further finds that:

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

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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.

STAFF: The site is located within an R-5 zone. The applicant is requesting relief from this requirement along the north and south property lines. While the adjoining property to the north is zoned R-5, it is fully developed for commercial use. The southern property line is largely bordered by a residentially developed site already under the ownership of the applicant. Buffering and plantings will be installed to mitigate impacts on the two remaining residential sites at the east end of the subject property.

- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated.

STAFF: A 6 ft. privacy fence matching existing fencing on the VIPS site will be installed, beginning at the northeast corner of the subject site, proceeding west along the east boundary line and then south to Meadowcreek Drive. This will screen the site from all adjoining residential uses. Plantings will also be provided as required in the east portion of the site in the areas directly adjacent to these same residential uses. A gate will be installed along the north property line at the access point to the adjoining commercial site. This will be closed and locked to prohibit cross-access except during specific times the site is in use by the buses.

- 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.

STAFF: The proposed parking area meets the location requirement of this condition. The plan has received preliminary approval from Transportation Planning.

- D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).

STAFF: The applicant has been informed of this requirement.

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- 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.

STAFF: The subject site will serve an institutional use with established hours of operation; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1142 does hereby **APPROVE** Conditional Use Permit for Private Institutional Use in a Single-Family Zoning District (LDC 4.2.65) with **RELIEF** to permit parking within 30 ft. of the property line (LDC 4.2.65.A), **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 by and approval of 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 Private Institutional Use in a Single-Family Zoning District without further review by and approval of the Board.
3. The subject parcel shall be consolidated by deed with the primary parcel at 1906 Goldsmith Lane prior to construction plan approval.
4. A cross-access agreement between the subject parcel and the parcel at 3337 Newburg Road shall be executed prior to construction plan approval.

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

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02:33:22 On a motion by Vice Chair Young, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Waiver of required Perimeter Landscape Buffer Areas (LBAs) along the north and south property lines (LDC 10.2.4.B.6):

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners since (1) the north perimeter is adjoined by fully-developed commercial properties; (2) the requirement will be met at the east and northeast boundary with a buffer area, plantings and privacy fencing; and (3) the residential property to the south is owned by the applicant, and

WHEREAS, the Board further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants, 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 since the applicant is providing the required buffering in the areas of the site adjoining residential uses, and

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WHEREAS, the Board further finds that the applicant is providing privacy fencing, buffering and plantings in the critical areas of the site to mitigate effects on adjoining residential properties; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1142 does hereby **APPROVE** Waiver of required Perimeter Landscape Buffer Areas (LBAs) along the north and south property lines (LDC 10.2.4.B.6).

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

02:34:19 Meeting was recessed.

02:34:37 Meeting was reconvened.

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PUBLIC HEARING

CASE NUMBER 18CUP1129

Request: Conditional Use Permit for short term rental of two dwelling units not the primary residence of the host
Project Name: Winter Avenue Short Term Rental
Location: 1516 Winter Avenue
Owner: JSB LLC
Applicant/Host: David Orange
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
Case Manager: Beth Jones, AICP, Planner II

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

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

Agency Testimony:

02:34:49 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

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

Summary of testimony of those in favor:

02:42:30 David Orange spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:50:36 Jay Bowman 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.

02:52:06 Board Members' deliberation

02:52:13 On a motion by Member Leanhart, seconded by Vice Chair Young, the following resolution, based upon the Staff Report, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that 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 will not create substantial additional requirements for the site, and

WHEREAS, the Board further finds that:

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

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

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located on the first floor. LDC regulations permit up to six guests; the applicant is restricting it to two. A two-bedroom unit is on the first and second floors. LDC regulations permit up to eight guests; the applicant is restricting it to four.

- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **The dwelling unit is a duplex residence.**
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **LDC regulations credit the site with one on-street parking space. A parking pad accessible via a rear alley can accommodate up to three vehicles.**
- 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 18CUP1129 does hereby **APPROVE** Conditional Use Permit to allow short term rental of dwelling units not the primary residence of the host (LDC 4.2.63), **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

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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 shall be limited to the lesser of that which is allowed by Code, or four (4) for the bottom unit, and two (2) for the top unit.

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

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CASE NUMBER 18CUP1113

Request:	Conditional Use Permit for Mini-Warehouse
Project Name:	Bardstown Road Mini-Warehouse
Location:	4401 Bardstown Road
Owner:	Salt River Investment LLC
Applicant:	Sterling Development LLC
Representative:	Dinsmore & Shohl LLP
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency Testimony:

02:54:44 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones stated staff is supporting the requested CUP and associated reliefs, but is not supporting the waivers. Ms. Jones stated MSD has reviewed the site and has provided preliminary approval, but Transportation Planning has not. Ms. Jones responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Cliff Ashburner, 101 S. 5th Street, Suite 2500, Louisville, KY 40202
Kent Gootee, 5151 Jefferson Blvd., Louisville, KY 40219
Clint Patterson, 3900 Edison Lakes Pkwy., Suite 201, Mishawaka, IN 46545
Todd Grace, 4405 Bardstown Road, Louisville, KY 40218

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Summary of testimony of those in favor:

03:06:07 Cliff Ashburner spoke in favor of the request and showed a Powerpoint presentation. Mr. Ashburner stated certainly they agree with parts of Beth's Staff Report, but they disagree with the part of her report that states they should not be able to avoid these connections to the adjacent commercial properties. Mr. Ashburner discussed existing connectivity stubs on the adjacent properties. Mr. Ashburner reviewed a rendering of the plan that demonstrated, if approved, where the access points will be and how the properties will relate to one another. Mr. Ashburner discussed the waivers they are seeking, and the reason why these waivers are justified. Mr. Ashburner responded to questions from the Board Members (see recording for detailed presentation).

03:28:25 Kent Gootee spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

03:32:48 Clint Patterson spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

03:35:01 Cliff Ashburner stated Condition of Approval Number 5 would need to be removed if the vote were to approve (see recording for detailed presentation).

03:37:38 Todd Grace spoke in favor of the request (see recording for detailed presentation).

03:40:21 Cliff Ashburner responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

03:41:14 Beth Jones stated she wanted to clarify some issues regarding the technical definition of a median, and the cross access agreement (see recording for detailed presentation).

03:44:50 Cliff Ashburner commented further on the median and access points. Mr. Ashburner responded to questions from the Board Members (see recording for detailed presentation).

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03:50:24 **Board Members' deliberation**

04:00:34 On a motion by Vice Chair Young, seconded by Member Howard, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1113 does hereby **CONTINUE** the case to the January 22, 2019 Board of Zoning Adjustment meeting.

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

04:02:08 **Meeting was recessed.**

04:02:26 **Meeting was reconvened.**

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CASE NUMBER 18APPEAL1005

Request: Appeal of an administrative decision
Project Name: Oak Street Appeal
Location: 508 East Oak Street
Appellant: Luke Neubauer
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Chris French, AICP, Planning Supervisor

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

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

Agency Testimony:

04:02:44 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).

The following spoke in favor of the appeal:
Luke Neubauer, 115 Waverly Ct., Louisville, KY 40206

Summary of testimony of those in favor:

04:11:40 Luke Neubauer spoke in favor of the appeal and responded to questions from the Board Members (see recording for detailed presentation).

04:22:38 Joe Haberman, Planning & Design Manager, responded to questions from the Board Members (see recording for detailed presentation).

04:24:11 Mr. Neubauer responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 18APPEAL1005

REBUTTAL:

04:26:30 Chris French spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

04:30:06 **Board Members' deliberation**

05:01:52 A motion was made by Vice Chair Young, seconded by Member Howard, that Case Number 18APPEAL1005 be **DENIED**. The motion **FAILED**.

The vote was as follows:

Yes: Member Howard, and Vice Chair Young

No: Members Leanhart, Turner, and Chair Fishman

05:04:44 On a motion by Member Leanhart, seconded by Member Turner, the following resolution, based upon the case file and the testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18APPEAL1005 does hereby **OVERTURN STAFF DETERMINATION**, Appeal of a staff determination issued by the Office of Planning and Design Services concerning a request for nonconforming rights for a two-family dwelling (duplex) at 508 E. Oak Street, Louisville, Kentucky, and the Board further finds that the property was a duplex in 1985 and has continuously remained a duplex to date.

The vote was as follows:

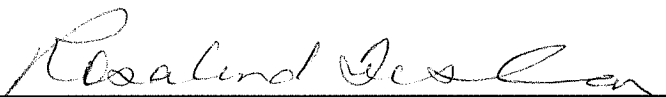
Yes: Members Leanhart, Turner, and Chair Fishman


No: Member Howard, and Vice Chair Young

Absent: Members Buttorff, and Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
January 7, 2019

The meeting adjourned at approximately 6:35 p.m.


Chair


Secretary