

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

December 3, 2018

A meeting of the Louisville Metro Board of Zoning Adjustment was held on December 3, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Rosalind Fishman, Chair
Lula Howard, Secretary
Lester Turner, Jr.
Kimberly Leanhart
Richard Buttorff

Members Absent:

Dwight Young, Vice Chair

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Jon Crumbie, Planning & Design Coordinator
Steve Hendrix, Planning & Design Coordinator
Jay Lockett, Planner I
Joel Dock, Planner II
Beth Jones, Planner II
John Carroll, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

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APPROVAL OF MINUTES

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

00:03:02 On a motion by Member Turner, 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 November 19, 2018.

The vote was as follows:

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

Abstain: Member Buttorff

Absent: Vice Chair Young

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BUSINESS SESSION

CASE NUMBER 18CUP1151

Request:	Modified Conditional Use Permit
Project Name:	LG&E Staging Lot
Location:	201 Cabel Street
Owner:	Louisville Gas & Electric Co.
Applicant:	Louisville Metro and JBS/Swift
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Chris French, Planning & Design Supervisor

NOTE: This case was heard out of order, after Item #4 on the agenda.

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:

00:05:36 Chris French presented the case. Mr. French stated the applicant is present, and can provide more detail on this request (see recording for detailed presentation).

00:06:22 Laura Ferguson, Assistant Director, Louisville Forward (444 S. 5th Street, Louisville, KY 40202) spoke in favor of the request. Ms. Ferguson stated as far as the soccer project, utility work is going to be done. Ms. Ferguson stated utility work is going to be laid down in part through Cabel Street which will require the closure of Cabel Street for that work to be done. Ms. Ferguson stated the terms of the Conditional Use Permit have the sole access going in and out of Cabel Street which they're not going to be able to do because the road will be shut for the utilities. Ms. Ferguson stated they are seeking a temporary modification of some of these conditions for the duration of the utility work. Ms. Ferguson stated as soon as the utility work is done and the road is reopened everything goes back to where it is today. Ms. Ferguson responded to questions from the Board Members. Ms. Ferguson clarified the modification should apply

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to both 8A and 8B for the duration of the construction (see recording for detailed presentation).

00:08:52 Chris French responded to questions from the Board Members (see recording for detailed presentation).

00:13:10 On a motion by Member Howard, 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 proposed modification is consistent with the applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that the proposed modification is compatible with the general character of the surrounding neighborhoods in terms of scale, intensity, traffic, noise, dust, drainage, and appearance because the proposed changes are temporary and will not alter the intensity of the development or the associated conditional use permit plan, and

WHEREAS, the Board further finds that no changes are proposed to the existing plan except for operational changes on a temporary basis to facilitate utility improvements for the area. There are sufficient public facilities (both on-site and off-site) to support the use, and

WHEREAS, the Board further finds that The proposed modification complies with the specific standards of the CUP because the modification does not permanently alter the conditional permit plan and will only alter those conditions of approval for a specified timeframe based on the needed utility improvement project; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1151 does hereby **APPROVE** Modified Conditional Use Permit to amend conditions of approval 1, 8, 11, and 12 as follows:

Amended Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development

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shall occur on the site without prior review and approval by the Board. General Note 1 of the development plan shall not take effect until Cabel street reopens following Louisville Gas & Electric Co. utility work in the right-of-way.

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 (“CUP”) is not so exercised, the site shall not be used for a staging lot for trucks and trailers without further review and approval by the Board.
3. Installation of fencing, Acoustifence®, landscaping and bioswale.
 - A. Except for the area bordering the Webster Street right-of-way partial closure (see B. below), the fencing and Acoustifence® shown on the approved development plan shall be implemented within four (4) months of final approval of the CUP in favor of Applicant together with all time remaining for further appeal having elapsed.
 - B. Following completion of item A. and upon obtaining closure of the Webster Street right- of-way as shown on the CUP Plan together with any zoning-related approvals, construction of the wooden fence and Acoustifence® bordering the closed right-of-way shall be implemented within thirty (30) days of closure and approvals.
 - C. Weather permitting, all landscaping and the bioswale as shown on the CUP Plan shall be implemented immediately following the completion of Item A., except for landscaping adjacent to the Webster Street right-of-way closure which shall be implemented immediately upon completion of Item B., weather permitting.
 - D. A sign conforming to the Land Development Code identifying the JBS/Swift Cabel Street Lot shall be attached to the fence near the entrance.
4. Removal of all barbed and razor wire and MSD signage on building: Within thirty (30) days of final approval (regardless of whether an appeal has been filed) all (i) barbed wire and razor wire on the site and (ii) all signs on buildings identifying them as MSD buildings shall be removed.
5. Within four (4) months of final approval (regardless of whether an appeal has been filed), the Applicant shall submit a certification statement to the Division of Planning and Design Services, from an engineer or other qualified professional, stating that the lighting of the development site

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conforms to Chapter 4, Part 1 of the Land Development Code. Lighting in conformance with the Land Development Code shall be maintained thereafter. No Certificate of Occupancy shall be issued unless such certification statement is submitted.

6. Weather permitting, areas of the lot scheduled for paving as shown on the Paving Plan shall be paved within sixty (60) days of having received approval from all reviewing governmental agencies (regardless of whether an appeal has been filed).
7. No truck idling shall occur within the 100-foot setback line shown on the CUP Plan between the hours of 10 PM and 6 AM.
8. Operation:
 - A. No empty trailers or Transportation Refrigeration Units (“TRUs”) located east of the “10 PM to 6 AM line” shown on the approved CUP Plan shall be moved or connected to a tractor or shag truck; nor shall any tractor or shag trucks be operated in this area. Empty trailers and over-the-road haulers shall be allowed to move across the “10 PM to 6AM line” without immediate removal until Cabel Street reopens.
 - B. Exception: Empty trailers brought to the Cabel street Lot by over-the-road haulers may be taken to the Washout Building for cleaning, but must be moved immediately thereafter to the west of the “10 PM to 6 AM line” shown on the approved CUP Plan. Empty trailers and over-the-road haulers shall be allowed to move across the “10 PM to 6AM line” without immediate removal until Cabel Street reopens.
9. Grass cutting and landscape maintenance: The applicant shall maintain the grass and landscaping along its boundaries within the Cabel Street right-of-way and otherwise on-site. Grass shall be cut and landscaping shall be maintained and litter shall be removed from the site on a regular basis as necessary to maintain the premises in a presentable condition, including weed control and removal.
10. Dust Control: The site shall be maintained free of dust at all times in conformance with the Fugitive Dust Control and Trailer Staging Plan of October 7, 2010 which shall include the regular application of MSD-approved surfactant.

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11. Late night shag truck/trailer movement. Following the completion of improvements required by the Louisville Department of Public Works at the intersection of Buchanan Street and Franklin Street, and between the hours of 12 AM to 6 AM shag trucks/trailers shall use the following route to move between the Cabel Street Lot and the JBS/Swift plant at 1200 Story Avenue (the "plant"):
 - A. Movement from the Cabel Street Lot to the plant. Shag trucks/trailers shall travel Cabel Street to Franklin Street to Buchanan Street to Bickel Avenue to Mellwood Avenue to Spring Street to Story Avenue to the plant (thereby avoiding movement on Cabel Street between Franklin Street and Story Avenue).
 - B. Movement from the plant to the Cabel Street Lot. Shag trucks/trailers shall travel from the plant to Story Avenue to Buchanan Street to Franklin Street to Cabel Street Lot (thereby avoiding movement on Cabel Street between Franklin Street and Story Avenue).
 - C. This condition shall not take effect until Cabel Street reopens following Louisville Gas & Electric Co. utility work in the right-of-way.
12. An 8 ft. tall wooden perimeter fence shall surround the property and be substantially the same as what was presented in the Applicant's PowerPoint presentation at today's hearing, with the exception of the installation of a 12 ft. tall Acoustifence® as delineated on the plan. The existing chain link fence along the northern perimeter of the site adjacent to Marshall's Auto Parts business shall remain. This condition shall not take effect until Cabel Street reopens following Louisville Gas & Electric Co. utility work in the right-of-way.
13. The on-site diesel fuel tank near the Webster Street right-of-way shall be screened from view of the adjacent residential property owners pursuant to Section 10.2.6 of the Land Development Code.
14. Landscaping shall be provided as shown on the CUP Plan In the Cabel Street right-of-way; the Quincy Street right-of-way; the Webster Street right-of-way; and along Adams Street frontage of the site and meet the minimum planting requirements of Section 10.2.2 of the Land Development Code.
15. Landscaping and buffer widths along Cabel Street and Quincy Street perimeters of the property shall be implemented pursuant to the

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minimum requirements of the LDC with the exception of a 10 ft. Landscape Buffer Area from the right-of-way on Cabel Street.

16. Decorative litter receptacles similar to receptacles on Story Avenue in Butchertown shall be provided in the Cabel Street right-of-way near the entrance to the Lot, and thereafter, placed approximately every 100 feet southwardly in the right-of-way immediately outside of the Lot.
17. A minimum 4-foot wide sidewalk shall be constructed along the Cabel Street frontage of the site extending from a point opposite Franklin Street to the northernmost point of the Cabel Street Lot as shown on the CUP Plan.
18. Within 18 months of January 11, 2016, the applicant shall reduce or eliminate diesel particulate matter by using electric or hybrid TRUs on the subject property by implementing the current California standards for diesel fuel emissions.
19. All diesel trucks shall be shut down within 15 minutes of being on the subject site.
20. The applicant shall submit a Revised Plan to staff illustrating all the conditions of approval noted herein.
21. The applicant shall submit a documented truck route to staff by February 10, 2016, illustrating the route to and from the Cabel Street Lot before and after "the bridges project" is complete.

The vote was as follows:

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

Absent: Vice Chair Young

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BUSINESS SESSION

CASE NUMBER 18VARIANCE1100

Request:	Variance to allow a structure to encroach into the required rear yard setback
Project Name:	House Addition
Location:	1112 Girard Drive
Owner/Applicant:	Arthur W. Kestler
Jurisdiction:	Louisville Metro
Council District:	7 –Angela Leet
Case Manager:	Steve Hendrix, 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:

00:15:32 Steve Hendrix presented the case (see staff report and recording for detailed presentation).

00:17:02 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 requested variance will not adversely affect the public health, safety or welfare as the addition will have to be constructed according to 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 since there are other rear encroachments in the neighborhood, and

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WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed addition will have 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 since encroachments into the rear yard setback are common in the neighborhood, 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 due to the size and shape of the lot and the location of the existing house, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the applicant to reduce the size of the garage, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1100 does hereby **APPROVE** Variance from Land Development Code Section 4.6.C.2.d to allow a structure to encroach into the required rear yard setback (**Requirement 25 ft., Request 12 ft., Variance 13 ft.**).

The vote was as follows:

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

Absent: Vice Chair Young

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BUSINESS SESSION

CASE NUMBER 2019 Public Mtg Dates

2019 Public Meeting Dates

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.

NOTE: This item as heard out of order, prior to Item #2 on the agenda in Business Session.

00:03:37 Chair Fishman asked the Board Members to review the proposed 2019 Public Meeting Dates Calendar for BOZA (see recording for detailed presentation).

00:04:37 On a motion by Member Howard, seconded by Member Turner, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the 2019 Public Meeting dates for the Board of Zoning Adjustment.

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1098

Request:	Private Yard Area Variance *REQUEST BEING WITHDRAWN*
Project Name:	Sheppard Square Private Yards
Location:	742 S Hancock St
Owner/Applicant:	Louisville Metro Housing Authority
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Jay Lockett, Planner I

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

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:

00:18:17 Jay Lockett stated it has been determined that the variance is not necessary, but remained on the agenda since it had already been noticed. Therefore, this case has been withdrawn (see staff report and recording for detailed presentation).

Case Number 18VARIANCE1098 was WITHDRAWN. Therefore, no vote or action was taken.

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1103

Request: Variance to encroach protected waterway buffer
Project Name: Kameri Auto Sales
Location: 8500 National Turnpike
Owner/Applicant: Sami Kameri
Jurisdiction: Louisville Metro
Council District: 13 – Vicki Aubrey Welch
Case Manager: Joel Dock, AICP, Planner II

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

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

Agency Testimony:

00:19:55 Joel Dock presented the case and showed a Powerpoint presentation. Mr. Dock responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

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

Summary of testimony of those in favor:

00:25:31 Mark Madison spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:29:31 Mr. Dock responded to questions from the Board Members (see recording for detailed presentation).

00:30:21 Mr. Madison responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 18VARIANCE1103

The following spoke in opposition of the request:

No one spoke.

00:32:16 Board Members' deliberation

00:33:53 Mr. Dock responded to questions from the Board Members (see recording for detailed presentation).

00:34:51 On a motion by Member Howard, 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 proposed development would not appear to present any adverse impacts, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the existing limits of disturbance are being maintained, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the C-2 zoning district does not permit industrial operations such as manufacturing and salvage yards that might result in pollutants into the waterway, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the site is mostly contained with the waterway buffer, and

WHEREAS, the Board further finds that the requested variance does arise from special circumstances as the site is mostly contained within the waterway buffer, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the land would be restricted from development with the full application of the waterway buffer, and

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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 no development has occurred, and

WHEREAS, the Board further finds that the variance is necessary because the requirements of this section represent an extreme hardship such that minimal or no reasonable economic use of the land is available without reducing the width of the required Buffer Area as the buffer occupies nearly the entire development site, and

WHEREAS, the Board further finds that the encroachment appears to be the minimum necessary to develop the site consistent with existing improvements, and

WHEREAS, the Board further finds that the applicant has not demonstrated prior to the public hearing any mitigation measures; however, the proposed development under the current zoning district would not appear to present any adverse impacts, and

WHEREAS, the Board further finds that the Metropolitan Sewer District has approved the preliminary plan, 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 18VARIANCE1103 does hereby **APPROVE** Variance from Land Development Code Section 4.8 to allow proposed encroachments into the outer and middle protected waterway buffer zones as shown on the development plan.

The vote was as follows:

Yes: Members Buttorff, Turner, Howard, and Chair Fishman

No: Member Leanhart

Absent: Vice Chair Young

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1101

Request:	Variance to permit a fence to exceed the permitted height
Project Name:	Salvation Army Fence Height Variance
Location:	911 S. Brook Street
Owner/Applicant:	Salvation Army
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency Testimony:

00:37:32 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:

Tony Bellis, Salvation Army, 911 S. Brook St., Louisville, KY 40203

Summary of testimony of those in favor:

00:47:11 Tony Bellis 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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CASE NUMBER 18VARIANCE1101

00:58:33 **Board Members' deliberation**

00:59:38 On a motion by Member Leanhart, 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 added fence height does not affect public health, safety or welfare. It offers additional security for the site and does not interfere with sight lines for vehicles traveling on S. Brook Street, and

WHEREAS, the Board further finds that the requested fence height is in character with existing development on the site and in the vicinity, and

WHEREAS, the Board further finds that the fence height will not cause a public hazard or nuisance through excessive noise, vibration, odor or light, and

WHEREAS, the Board further finds that permitting the proposed fencing is not an unreasonable circumvention of zoning regulations, and

WHEREAS, the Board further finds that the proposed fencing will tie into existing permitted fencing, and

WHEREAS, the Board further finds that the application of the regulation would create an unnecessary hardship in that it is not out of character for the site or the area, and

WHEREAS, the Board further finds that the circumstances are not the result of actions taken by the applicant; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1101 does hereby **APPROVE** Variance to permit a fence to exceed the permitted height in a Traditional Neighborhood form district (LDC 4.4.3.A.1.a.i) (**Requirement 42 in., Request 72 in., Variance 30 in.**), **SUBJECT** to the following Condition of Approval:

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CASE NUMBER 18VARIANCE1101

Condition of Approval:

1. Before construction of the approved fence, the applicant will resolve the exact location of the proposed gate with Transportation Planning.

The vote was as follows:

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

Absent: Vice Chair Young

01:01:15 Meeting was recessed.

01:01:48 Meeting was reconvened.

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PUBLIC HEARING

CASE NUMBER 18CUP1123

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

Project Name: Melford Avenue Short Term Rental

Location: 855 Melford Avenue

Owner/Applicant/Host: Mary Tortorice

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:

01:02:04 Beth Jones presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Mary Tortorice, 13409 Hampton Circle, Goshen, KY 40026

Summary of testimony of those in favor:

01:04:36 Mary Tortorice 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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01:09:38 Board Members' deliberation

01:11:21 On a motion by Member Buttorff, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the variance justification, 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 appear to be required, and

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

WHEREAS, the Board further finds that:

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 single-family residence. According to the applicant the residence contains three bedrooms; LDC regulations permit up to 10 guests.**

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- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **PVA lists the existing principal structure as a single-family residence.**
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **The site includes a two-vehicle detached garage which will be available for guest use. Based on LDC standards, up to four vehicles may also park on the driveway and the property frontage on Melford will accommodate one additional vehicle.**
- 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 18CUP1123 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63), **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.

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The vote was as follows:

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

Absent: Vice Chair Young

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PUBLIC HEARING

CASE NUMBER 18CUP1132

Request: Conditional Use Permit for a private institutional use
in a Single Family Zoning District
Project Name: Sleeping Rooms for church use only
Location: 9020 Stonestreet Road
Owner/Applicant: Christian Assembly Church
Representative: BlueStone Engineers, PLLC, Christopher Crumpton,
P.E.
Jurisdiction: Louisville Metro
Council District: 25 – David Yates
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:

01:14:49 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:

Chris Crumpton, Bluestone Engineers, 3703 Taylorsville Rd., Suite 205,
Louisville, KY 40220
Joseph Woodruff, 9020 Stonestreet Rd., Louisville, KY 40272

Summary of testimony of those in favor:

01:19:38 Chris Crumpton spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 18CUP1132

01:26:24 Joseph Woodruff 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.

01:32:53 Board Members' deliberation

01:33:26 On a motion by Member Howard, 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 is consistent with the applicable policies of the Comprehensive Plan, since the sleeping rooms will be a function of the church and used for only church guests, and

WHEREAS, the Board further finds that the proposal is compatible with the surrounding land uses and the general character of the area since the sleeping rooms will be within an existing building on the church campus and part of the service provided by the church, and

WHEREAS, the Board further finds that Transportation Planning and MSD have given preliminary approval. The site is within the Pleasure Ridge Park Fire Protection District, 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 district all structures, except fencing, shall be at least 150 feet

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from any property line and all off-street parking shall be at least 30 feet from any property line.

- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated.
- 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.
- D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
- E. The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1132 does hereby **APPROVE** Conditional Use Permit to allow a Private Institutional Use in a Single Family Zoning District, Land Development Code 4.2.65 (existing multi-purpose building to be used for overnight sleeping rooms for church usage only), **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

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

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The vote was as follows:

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

Absent: Vice Chair Young

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PUBLIC HEARING

CASE NUMBER 18CUP1138

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

Project Name: Barret Avenue Short Term Rental

Location: 602 Barret Avenue

Owner/Applicant: Glenn Davis, GMJ Properties, LLC

Host: Jonathan Klunk, Key Source Properties

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:

01:35:40 Steve Hendrix presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the appeal:

Jonathan Klunk, 1372 S. 6th Street, Louisville, KY 40208

Summary of testimony of those in favor:

01:42:13 Jonathan Klunk spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:48:26 Joe Haberman, Planning & Design Manager, responded to a question by Board Member Howard (see recording for detailed presentation).

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CASE NUMBER 18CUP1138

01:49:23 Mr. Klunk responded to questions from the Board Members (see recording for detailed presentation).

01:51:31 Mr. Haberman reviewed the time frame for exercising the Conditional Use Permit (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:52:25 Board Members' deliberation

01:52:50 On a motion by Member Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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 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:

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CASE NUMBER 18CUP1138

- 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 three bedrooms that will allow a maximum number of ten guests. **The applicant states that the unit will be marketed with an eight occupant maximum.**
- 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 appears to have one on-street parking space and two spaces in the back off of the alley.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1138 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

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CASE NUMBER 18CUP1138

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.
3. The maximum number of guests is eight, (8).

The vote was as follows:

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

No: Member Turner

Absent: Vice Chair Young

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PUBLIC HEARING

CASE NUMBER 18CUP1125

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

Project Name: Rogers Short Term Rental

Location: 1227 Wolfe Avenue

Owner/Applicant: Cynthia Rogers and John Carli

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:

01:54:25 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:

Cynthia Rogers, 4308 Hannah Ave., Louisville, KY 40213
John Carli, 518 Oxford Place, Louisville, KY 40207

Summary of testimony of those in favor:

01:57:32 Cynthia Rogers spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:00:23 John Carli spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 18CUP1125

02:00:48 Ms. Rogers and Mr. Carli responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

02:04:52 Board Members' deliberation

02:05:58 Joe Haberman responded to questions from the Board Members regarding placing conditions of approval based upon house rules provided by the applicant (see recording for detailed presentation).

02:11:20 On a motion by Member Leanhart, 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, 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:

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- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **The applicant states that the residence has three bedrooms that will allow 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. **The site has credit for one on-street parking space and on the existing driveway.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1125 does hereby **APPROVE** Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the owner in an R-5 zoning district and 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.

The vote was as follows:

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

Absent: Vice Chair Young

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PUBLIC HEARING

CASE NUMBER 18CUP1109

Request:	Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Brainard Short Term Rental
Location:	321 South Peterson Avenue
Owner/Applicant:	Benjamin and Amanda Brainard
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

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

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

Agency Testimony:

02:12:56 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Amanda Brainard, 321 S. Peterson Ave., Louisville, KY 40206

Summary of testimony of those in favor:

02:18:03 Amanda Brainard spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:19:56 Joe Haberman explained the definition of dwelling unit/primary residence (see recording for detailed presentation).

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CASE NUMBER 18CUP1109

02:20:55 Ms. Brainard responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

02:21:54 Board Members' deliberation

02:22:24 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:

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.

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- 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 carriage house has two bedrooms that will allow a maximum number of eight guests.***
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. ***The site has credit for one on-street parking space and a four car garage at the rear.***
- 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 18CUP1109 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-5A 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

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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. A Certificate of Occupancy must be obtained before the carriage house can be used as a short term rental.

The vote was as follows:

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

02:23:37 Joe Haberman stated after the Board Members approved the 2019 BOZA calendar, Planning & Design Management Assistants began booking this meeting room and found there is a conflict on July 8th from 2:30 to 5:00. Mr. Haberman stated this is an organization that regularly cancels their meetings, so we can leave the BOZA meeting at 1:00 until we get a little closer or consider meeting earlier on that date. The Board Members discussed this and decided to leave the calendar approved as is at this time (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 18NONCONFORM1032

Request:	A change in nonconforming use from a package liquor store to a convenience grocery store
Project Name:	Kentucky Street Change in Nonconforming Use
Location:	701 E. Kentucky Street
Owner/Applicant:	Clay Street Properties, LLC
Representative:	Jonathan Wall
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Chris French, Planning & Design Supervisor

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

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

Agency Testimony:

02:25:48 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:

Jon Wall, 2709 Lamont Road, Louisville, KY 40205

Summary of testimony of those in favor:

02:30:51 Jon Wall 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 18NONCONFORM1032

02:34:40 Board Members' deliberation

02:34:45 Mr. French stated he just wanted to point out the Board Members did receive an email from the Smoketown Neighborhood Association in support of this request.

02:36:25 On a motion by Member Howard, seconded by Member Buttorff, the following resolution, based upon the case file, the Standard of Review and Staff Analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that based on a determination by staff under case number 18NONCONFORM1025, the first floor of the structure has legal nonconforming rights for a liquor store, and

WHEREAS, the Board further finds that the proposed change in nonconforming rights to a convenience grocery would not increase floor area dedicated to the nonconforming use, and

WHEREAS, the Board further finds that The new nonconforming use, convenience grocery is in the same restrictive classification as the first nonconforming use, package liquor store. The new nonconforming use (convenience grocery) will be no more odious or offensive to surrounding property than the first nonconforming use (package liquor store); now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18NONCONFORM1032 does hereby **APPROVE** change in nonconforming use from a package liquor store to a convenience grocery store. The Board further finds the new nonconforming use (convenience grocery) is in the same of more restrictive classification than current nonconforming use (package liquor store), and the new nonconforming use (convenience grocery) will be no more odious or offensive to surrounding properties than the current nonconforming use (package liquor store).

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The vote was as follows:

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

Absent: Vice Chair Young

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PUBLIC HEARING

CASE NUMBER 18APPEAL1001

Request:	Review of Land Use Determination
Project Name:	Conley Appeal
Location:	4301 Mud Lane
Owner:	Rickey and Janice Conley
Representative:	Bart Greenwald
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch
Case Manager:	Chris French, AICP, Planning & Design Supervisor

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:

02:38:13 Joe Haberman, Planning & Design Manager, stated staff wanted to clarify why Case Number 18APPEAL1001 was not on the agenda. Mr. Haberman stated this was an appeal that was deferred to see if staff and the appellant could work things out. Mr. Haberman stated they had a new survey performed which resolved one of the outstanding issues. Mr. Haberman stated they withdrew the Appeal so it didn't need to be on the agenda, and the Board does not need to take any action. Mr. Haberman stated if the Board is curious, there were some other violations and they accepted the NOV (see staff report and recording for detailed presentation).

Case Number 18APPEAL1001 was **WITHDRAWN**. Therefore, no vote or action was taken.

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02:39:07 Chair Fishman reminded everyone the holiday luncheon will be 12/17/18 at noon.


02:42:01 Joe Haberman advised the Board Members that Metro Council has appointed the new Board Member, so we will have a new member maybe at the next meeting. John Carroll stated her name is Lindsey Jagoe.

02:43:13 Mr. Haberman advised the Short Term Rental requirements are going to be considered at Thursday's Planning Commission meeting which will begin at 1:00 p.m. Mr. Haberman stated this item will be last on the agenda and will not be heard before 3:00 p.m.

The meeting adjourned at approximately 4:04 p.m.



Chair


Secretary

