

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

August 19, 2019

A meeting of the Louisville Metro Board of Zoning Adjustment was held on August 19, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Dwight Young, Chair
Rosalind Fishman, Vice Chair
Lula Howard
Lester Turner, Jr. (left at approximately 7:35 p.m.)
Kimberly Leanhart, Secretary
Richard Buttorff

Members Absent:

Lindsey Jagoe

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Steve Hendrix, Planning & Design Coordinator
Beth Jones, Planner II
Zach Schwager, Planner I
Jay Lockett, Planner I
Jon Crumby, Planning & Design Coordinator
Paul Whitty, Legal Counsel (left at approximately 2:20 p.m.)
Travis Feichter, Legal Counsel (arrived at approximately 2:20 p.m.)
Sue Reid, Management Assistant

The following cases were heard:

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

APPROVAL OF MINUTES

AUGUST 5, 2019 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on August 5, 2019.

The vote was as follows:

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

Abstain: Member Buttorff

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

BUSINESS SESSION

CASE NUMBER STR_RD_01.2019

Request: **RECONSIDERATION REQUEST**
Short Term Rental Residency Determination
Project Name: n/a
Location: 1834 Sherwood Ave
Owner/Applicant/Host: Ashley Santos
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
Case Manager: Joseph Haberman, AICP, Planning Manager

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.

The following spoke in opposition of the request:

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

Summary of testimony of those in opposition:

00:04:01 Beth Rose spoke in opposition of the request. Ms. Rose read a letter from the next door neighbor who was not present. Ms. Rose stated this property has continued to be used for short term rentals (see recording for detailed presentation).

00:08:11 Dan Rose spoke in opposition of the request. Mr. Rose stated after the last BOZA meeting this property was rented out the following weekend (see recording for detailed presentation).

The following spoke in favor of the request:

Alexandria Bolton, 117 W. Breckinridge St., Louisville, KY 40203

Summary of testimony of those in favor:

00:09:26 Alexandria Bolton spoke in favor of the request. Ms. Bolton stated they were not prepared at the last meeting and a Board Member was absent, so they would like to request reconsideration. Ms. Bolton responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

BUSINESS SESSION

CASE NUMBER STR_RD_01.2019

00:14:49 **Board Members' deliberation**

00:17:02 The Board of Zoning Adjustment, by general consensus, in Case Number STR_RD_01.2019 agreed to deny the Reconsideration Request. Therefore, no vote or action was taken.

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

BUSINESS SESSION

CASE NUMBER 19-VARIANCE-0006

Request: Variance to allow a proposed sign to exceed the maximum height in the Regional Center Form District
Project Name: Dupont Circle Variance
Location: 4000 Dupont Circle
Owner: BEC SD, LLC
Applicant: Mark Kidwell – Commonwealth Sign Co.
Jurisdiction: City of St. Matthews
Council District: 26 – Brent Ackerson
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:

00:17:47 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Mark Kidwell, Commonwealth Sign Co., 1824 Berry Blvd., Louisville, KY 40215
Glenn Sullivan, 11813 Springhill Gardens Dr., Louisville, KY 40223
Jan Gordon, 4021 Landherr Drive, Louisville, KY 40299
Mike Fowler, 14206 Pauleys Gap Rd., Louisville, KY 40272

Summary of testimony of those in favor:

00:21:05 Mark Kidwell spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

BUSINESS SESSION

CASE NUMBER 19-VARIANCE-0006

00:23:39 Glenn Sullivan spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:25:53 Jan Gordon spoke in favor of the request (see recording for detailed presentation).

00:27:04 Mike Fowler spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:28:59 Glenn Sullivan spoke in regard to the lighting of the sign (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

00:29:49 Board Members' deliberation

00:29:59 On a motion by Vice Chair Fishman, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, the presentation, and the discussion, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance to exceed the maximum height will not adversely affect the public health, safety, or welfare as the sign is attached to the building and will not have any changing image components, and

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

WHEREAS, the Board further finds that the requested variance to exceed the maximum height will not cause a hazard or nuisance to the public as the sign will not obstruct views for drivers or pedestrians, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed sign would be installed at the top of the façade of the existing building; now, therefore be it

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

BUSINESS SESSION

CASE NUMBER 19-VARIANCE-0006

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0006 does hereby **APPROVE** Variance from City of St. Matthews Development Code Section 11.D.2.c to allow an attached sign in the C-1 Zoning District to exceed a height of 25 feet above the ground (**Requirement 25 ft., Request 40 ft., Variance 15 ft.**).

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

BUSINESS SESSION

CASE NUMBER 19-VARIANCE-0007

Request: **THIS CASE IS BEING CONTINUED**
Variance to allow a fence in the front and street side yards to exceed 48 inches in height

Project Name: Arroyo Trail Variance
Location: 4710 Arroyo Trail
Owner: Terry L. Henderson
Applicant: Terry L. Henderson
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox
Case Manager: Zach Schwager, Planner I

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.

00:31:10 Chair Young requested a motion to continue Case Number 19-VARIANCE-0007 (see recording for detailed presentation).

00:31:25 Chris French responded to a question from Vice Chair Fishman regarding the continuation date (see recording for detailed presentation).

00:31:36 On a motion by Member Howard, seconded by Member Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 19-VARIANCE-0007 to the September 23, 2019 Board of Zoning Adjustment meeting.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

BUSINESS SESSION

CASE NUMBER 19-VARIANCE-0009

Request: Variance to allow a fence in the street side yard to exceed 48 inches in height
Project Name: Melda Lane Variance
Location: 3910 Melda Lane
Owners: Willie & Glenna Steele
Applicant: Sammie Taylor – Taylor Fencing
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:

00:32:28 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Glenna Steele, 3910 Melda Lane, Louisville, KY 40219

Summary of testimony of those in favor:

00:34:43 Glenna Steele spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

BUSINESS SESSION

CASE NUMBER 19-VARIANCE-0009

00:37:15 Board Members' deliberation

00:37:22 Member Howard requested to see a photo of the fence from Jeanine Drive. Mr. Schwager showed the photo and indicated where the intersection would be (see recording for detailed presentation).

00:39:00 On a motion by Member Turner, seconded by Vice Chair Fishman, the following resolution, based upon the Standard of Review and Staff Analysis, and the variance justification statement, 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 existing fence is not within the sight triangle and there is adequate vision clearance for motorists and pedestrians, 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 fences over 48 inches in height in front and street side yards 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 fence will not obstruct sight lines or create a hazard for motorists or pedestrians at the intersection, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the fence is needed to provide privacy in the rear yard of a corner lot, 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 19-VARIANCE-0009 does hereby **APPROVE** Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence in the street side yard in a Neighborhood Form District to exceed 48 inches in height (**Requirement 48 inches, Request 72 inches, Variance 24 inches**).

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

BUSINESS SESSION

CASE NUMBER 19-VARIANCE-0009

The vote was as follows:

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

No: Member Buttorff

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0011

Request:	Variance to allow a proposed structure to encroach into the required side yard setback
Project Name:	E. Brandeis Avenue Variance
Location:	405 E. Brandeis Avenue
Owner:	Karen Stewart
Applicant:	Karen Stewart
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Zach Schwager, Planner I

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

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

Agency Testimony:

00:40:40 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:

Karen Stewart, 405 E. Brandeis Ave., Louisville, KY 40217

Summary of testimony of those in favor:

00:43:30 Karen Stewart spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0011

00:45:09 Board Members' deliberation

00:45:15 On a motion by Vice Chair Fishman, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, the discussion, the presentation, the site plan, 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 need to 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 additions will be setback the same distance as the existing structure, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the additions will be setback the same distance 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 encroachment is the same as the existing 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 19-VARIANCE-0011 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 ft. 6 in., Request 0 ft., Variance 2 ft. 6 in.**), **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. A survey of the western 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

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0011

line; any such projections shall be accommodated by stepping back the proposed structure from the property line.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0027

Request: Conditional Use Permit for Private Institutional Use in a Single-Family Residential Zoning District with Waiver
Project Name: Life Apostolic Church of Louisville
Location: 10600 AND 10700 Lower River Road
Owner: Riverport Community Church
Applicant: Cornerstone Community Church
Owner: Heritage Engineering LLC
Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler
Case Manager: Beth Jones, AICP, Planner II

NOTE: The address for this case was listed incorrectly on the agenda. However, the notice which was sent in regard to this case listed the correct address.

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:

00:47:31 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

John Campbell, 642 S. 4th Street, Louisville, KY 40202

Summary of testimony of those in favor:

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0027

00:58:00 John Campbell spoke in favor of the request and showed a Powerpoint presentation. Mr. Campbell responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:06:25 Board Members' deliberation

01:06:47 On a motion by Member Howard, seconded by Vice Chair Fishman, the following resolution, based upon the Standard of Review and Staff Analysis, the staff presentation, the applicant presentation, and the testimony heard today, was adopted:

Conditional Use Permit for Private Institutional Use in a Single-Family Residential Zoning District (LDC 4.2.65):

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

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

WHEREAS, the Board further finds that existing public infrastructure and facilities are adequate to serve the proposed development, and

WHEREAS, the Board further finds that:

4.2.65 Private Institutional Use in a Single-Family Zoning District

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

- A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0027

and all off-street parking shall be at least 30 feet from any property line. **Relief is required to accommodate existing development on the southern portion of the site. The proposal meets this requirement on the remainder of the site.**

- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated **The proposed development plan has received preliminary approval from Transportation Planning.**
- C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use. **The proposed development plan has received preliminary approval from Transportation Planning.**
- 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; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0027 does hereby **APPROVE** Conditional Use Permit for Private Institutional Use in a Single-Family Residential Zoning District (LDC 4.2.65), with **RELIEF** from CUP requirement to accommodate existing development located less than 30 feet from the southern property line adjacent to an existing residential use (LDC 4.2.65.A), and **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. All development shall be in accordance with the approved district development plan, including all notes thereon, and with all applicable sections of the Land Development Code (LDC). No further development shall occur on the site without prior review of and approval by the Board of Zoning Adjustment (BOZA).

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0027

2. The Conditional Use Permit shall be exercised as proscribed by KRS 100.237 within two years of BOZA approval. If it is not so exercised, the site shall not be used for a Private Institutional Use without further review and approval by BOZA.
3. The parcels at 10600 Lower River Road and 10700 Lower River Road shall be consolidated prior to any request for a permit for land disturbance or construction.
4. A legal instrument shall be submitted to Louisville Metro Planning & Design Services consolidating the lots as shown on the development plan prior to construction.

The vote was as follows:

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

Absent: Member Jagoe

01:08:49 On a motion by Member Howard, seconded by Vice Chair Fishman, the following resolution, based on the development plan, and the testimony and evidence received today, was adopted:

Waiver to permit the principal building entrance to be located internal to the site (LDC 5.5.2.A.1):

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that all of the applicable Guidelines of Plan 2040 are being met; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0027 does hereby **APPROVE** Waiver to permit the principal building entrance to be located internal to the site (LDC 5.5.2.A.1).

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0027

01:09:26 Meeting was recessed.

01:09:56 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1060

Request: Conditional Use Permit for short term rental of a dwelling unit not the primary residence of the host
Project Name: Fernwood Short Term Rental
Location: 1722 Fernwood Avenue
Owner/Applicant/Host: Scott Bailey
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:

01:10:12 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Scott Bailey, 1722 Fernwood Ave., Louisville, KY 40205

Summary of testimony of those in favor:

01:19:46 Scott Bailey spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1060

01:23:00 Board Members' deliberation

01:26:27 On a motion by Vice Chair Fishman, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the presentation, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal 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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **A CUP request for an accessory apartment (18CUP1165) was granted on 4/29/19. The previously approved Accessory Apartment CUP restricts occupancy to two adults. A Condition of Approval for this CUP will restrict short-term**

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1060

rental guests to a maximum of two adult guests or a total of four persons (Attachment 4).

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there is one property with an approved conditional use permit for short term rental of a dwelling unit not the primary residence of the host within 600 ft. of the subject property (Attachment 3). A condition of the existing Accessory Apartment CUP specifies that the dwelling unit may be occupied only while the property owner resides in the principal residence.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The dwelling unit is part of a duplex residence, based on the LDC definition as “Any group of two dwelling units occupying a single lot or building site”.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1060

parking shall be based on the land uses and density of the immediate vicinity. ***A paved parking space adjacent to the unit will be reserved for use by guests. The property frontage on Fernwood Avenue will accommodate one vehicle.***

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1060 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), with **RELIEF** from Standard 4D because the property itself is the primary residence of

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1060

the host and the only other short term rental is at the very edge of the 600 foot buffer, and **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. Occupancy of the dwelling unit shall be limited to no more than two adult guests.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1198

Request:	Conditional Use Permit for a short term rental of a single family dwelling that is not the primary residence of the host
Project Name:	Fulton Short Term Rental
Location:	1137 Mulberry Street
Owner:	Katy Fulton, LLC
Representative:	John C. Talbott
Jurisdiction:	Louisville Metro
Council District:	10- Pat Mulvihill
Case Manager:	Jon E. Crumbie, Planning and Design Coordinator

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

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

Agency testimony:

01:30:08 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:

John Talbott, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223

Summary of testimony of those in favor:

01:32:39 John Talbott spoke in favor of the request and showed a Powerpoint presentation. Mr. Talbott responded to questions from the Board Members (see recording for detailed presentation).

The following spoke neither for nor against the request:

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1198

Councilman Bill Hollander, 601 W. Jefferson St., Louisville, KY 40202
Councilman Brandon Coan, 601 W. Jefferson St., Louisville, KY 40202

Summary of testimony of those neither for nor against:

02:06:42 Councilman Bill Hollander spoke neither for nor against the request. Councilman Hollander discussed the 600 foot rule and its application. Councilman Hollander stated he does not think it is mentioned enough that every non-owner-occupied short term rental that is granted takes a home out of use for people who live here year-round. He stated we are reducing the housing stock in the community as we grant more and more non-owner-occupied short term rentals, and that has an effect on the affordability of housing in this community. Councilman Hollander stated the 600 foot rule, applied appropriately, can preserve affordable housing in the community. Councilman Hollander responded to questions from the Board Members (see recording for detailed presentation).

02:18:55 Councilman Brandon Coan spoke neither for nor against the request. Councilman Coan discussed land use and the 600 foot rule. Councilman Coan stated they did have the opportunity in drafting to include some sort of “this shall not be waived” language, or the 600 foot rule could have been put in the Louisville Metro Code of Ordinances and there would have been no discretion. Councilman Coan stated he thought it was important because of the vast number of different fact patterns that exist in neighborhoods. Councilman Coan stated it’s a waivable or modifiable condition that BOZA has discretion over, but of the various different kinds of waivers and variances and permissions that people seek, there’s a big difference in them. Councilman Coan stated he is confident that BOZA understands their intent (see recording for detailed presentation).

The following spoke in opposition of the request:

Ray Brundige, 1718 Edgeland Ave., Louisville, KY 40204
Nicholas Seivers, 814 Fetter Ave., Louisville, KY 40217

Summary of testimony of those in opposition:

02:24:32 Ray Brundige spoke in opposition of the request. Mr. Brundige stated he is sort of neutral about this particular case, but he’s very much opposed

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1198

in general to the 600 foot rule being eroded. Mr. Brundige responded to questions from the Board Members (see recording for detailed presentation).

02:32:01 Nicholas Seivers spoke in opposition of the request. Mr. Seivers stated his concern is that there are so many short term rentals. Mr. Seivers responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

02:34:41 John Talbott spoke in rebuttal. Mr. Talbott stated they believe there are sufficient grounds for waiving the 600 foot rule, and the rule does not require a higher standard. Mr. Talbott stated you did not hear one single fact from the opposition; you heard a lot of opinion and a lot of thoughts on what they thought the rule should state, but they didn't read the rule because it doesn't state that. Mr. Talbott stated they've given lots of reasons to waive this rule and he would ask the Board to consider them and to apply the same standard that is applied to other rules for CUP's when it comes to waiving (see recording for detailed presentation).

02:39:16 Board Members' deliberation

02:39:26 Travis Fiechter, Legal Counsel, stated there are two legal issues he may need to touch on. One is the status of short term rentals that claim to be in operation prior to the initial short term rental ordinance. Mr. Fiechter stated it has been the position of the County Attorney's Office and Planning & Design and the City of Louisville that those were not permissible operations, they were illegal uses and many of them were cited, so they disagree with any nonconforming rights, pre-existing status argument. Mr. Fiechter stated we have a process by which nonconforming rights are determined, and that is not what this hearing is. Mr. Fiechter stated there's been a lot of words thrown around that people may or may not want to use as a standard and an important note for him to make there is that there was a case that established a zoning standard known as compelling need which was a way for the court to step in when a Planning Commission made an erroneous decision about a zoning. Mr. Fiechter stated he doesn't believe that's even in use any more, and more importantly it's not in play here. Mr. Fiechter stated even though the word compel may have come up, the Board has never been advised that there's a formal standard known as compelling here, and furthermore it clearly doesn't exist in the ordinance. Mr. Fiechter

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1198

stated when it's appropriate to grant a waiver is squarely within this Board's purview. Mr. Fiechter responded to questions from the Board Members (see recording for detailed presentation).

02:50:07 On a motion by Member Leanhart, seconded by Member Turner, the following resolution, based upon the testimony heard today, was adopted:

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1198 does hereby **DENY** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner/host in an R-6 Zoning District and Traditional Neighborhood Form District.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1201

Request:	Conditional Use Permit for a short term rental of a single family dwelling that is not the primary residence of the host
Project Name:	Short Term Rental
Location:	1509 Texas Avenue
Owner/Applicant:	Katy Ashford II, LLC
Representative:	John C. Talbott
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:

02:52:54 Steve Hendrix stated this case and the following two cases on the agenda are all on Texas Avenue. Mr. Hendrix stated this case by itself is not within the 600 foot rule, but once it is approved that would kick in the 600 foot rule for the other two on Texas. Chair Young asked if the Board should ask the applicant which order they would prefer. Joe Haberman, Planning & Design Manager, stated that is at the discretion of the Board. Chair Young asked the applicant/representative to speak (see staff report and recording for detailed presentation).

02:55:51 John Talbott stated they will stick with the order of the agenda (see recording for detailed presentation).

02:56:49 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix stated he had received emails over the weekend, three in support and one in opposition, and asked permission to submit them to

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1201

the Board Members; Chair Young accepted the emails and the Board Members reviewed them (see recording for detailed presentation).

The following spoke in favor of the request:

John Talbott, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223

Summary of testimony of those in favor:

03:02:27 John Talbott spoke in favor of the request and showed a Powerpoint presentation. Mr. Talbott responded to questions from the Board Members (see recording for detailed presentation).

The following spoke neither for nor against the request:

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

Zack Pennington, 1550 Frankfort Ave., Louisville, KY 40206

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

Ray Brundige, 1718 Edgeland Ave., Louisville, KY 40204

Summary of testimony of those neither for nor against:

03:21:23 Walter Harvey spoke neither for nor against the request (see recording for detailed presentation).

03:26:37 Zack Pennington spoke neither for nor against the request (see recording for detailed presentation).

03:32:25 David Orange spoke neither for nor against the request (see recording for detailed presentation).

03:36:01 Ray Brundige spoke neither for nor against the request (see recording for detailed presentation).

The following spoke in opposition of the request:

Barrie Price-Kerr, 931 Samuel Street, Louisville, KY 40204

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1201

Summary of testimony of those in opposition:

03:40:00 Barrie Price-Kerr spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

03:44:36 Eric Carrico (8700 Oldbury Place, Louisville, KY 40222) spoke in regard to the delay in applying for his CUP, and responded to questions from the Board Members (see recording for detailed presentation).

03:49:35 John Talbott cross-examined Walter Harvey (see recording for detailed presentation).

03:53:31 John Talbott cross-examined Barrie Price-Kerr (see recording for detailed presentation).

03:55:35 Mr. Talbott spoke in rebuttal (see recording for detailed presentation).

03:56:52 Board Members' deliberation

03:58:27 On a motion by Member Buttorff, seconded by Vice Chair Fishman, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, the presentation, and the owner's justification, 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

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1201

WHEREAS, the Board further finds that:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The applicant states that the residence has three bedrooms which will allow for eight guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there are two other properties scheduled for this same hearing requesting a Conditional Use Permit allowing short term rental that is not the primary residence of the host. The applicant will need to request relief to this provision in accordance with LDC Section 4.2.2.B. If the Board does not grant relief, the application does not meet all of the listed requirements and the Conditional Use Permit cannot be approved. Justification letter is attached.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1201

unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The dwelling unit is a single family residence.**

- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has credit for four parking spaces along Texas Avenue.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1201

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code, 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 18CUP1201 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in an R-5 Zoning District and Traditional Neighborhood Form District.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1202

Request:	Conditional Use Permit for a short term rental of a single family dwelling that is not the primary residence of the host
Project Name:	Short Term Rental
Location:	1535 Texas Avenue
Owner/Applicant:	Carrico, LLC
Representative:	John C. Talbott
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:

03:59:50 Steve Hendrix presented the case and showed a Powerpoint presentation. Chair Young asked if the Board could see a map of the buffer area. Mr. Hendrix responded to questions from the Board Members (see recording for detailed presentation).

04:05:26 Meeting was recessed.

04:05:40 Meeting was reconvened.

04:05:49 Mr. Hendrix provided the Board Members with a map indicating the 600 foot buffer (see recording for detailed presentation).

The following spoke in favor of the request:

John Talbott, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Eric Carrico, 8700 Oldbury Place, Louisville, KY 40222

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1202

Summary of testimony of those in favor:

04:08:21 John Talbott spoke in favor of the request and showed a Powerpoint presentation. Mr. Talbott responded to questions from the Board Members (see recording for detailed presentation).

04:25:13 Eric Carrico spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

04:27:17 Mr. Talbott spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke neither for nor against the request:

Councilman Bill Hollander, 601 W. Jefferson Street, Louisville, KY 40202

Summary of testimony of those neither for nor against:

04:33:52 Councilman Bill Hollander spoke neither for nor against the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

Ray Brundige, 1718 Edgeland Ave., Louisville, KY 40204

Matthew Gorman, 927 Texas Ave., Louisville, KY 40217

Summary of testimony of those in opposition:

04:37:49 Ray Brundige spoke in opposition of the request (see recording for detailed presentation).

04:40:41 Matthew Gorman spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1202

04:47:09 John Talbott spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

04:54:29 Board Members' deliberation

05:01:51 A motion was made by Vice Chair Fishman, seconded by Member Howard, that Case Number 18CUP1202, Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in an R-5 Zoning District and Traditional Neighborhood Form District, be **APPROVED**, based upon the Standard of Review and Staff Analysis, with **RELIEF** from Standard 4D because the property backs up to Manual Stadium and is on a corner lot. The motion **FAILED**.

The vote was as follows:

Yes: Vice Chair Fishman

No: Members Buttorff, Turner, Leanhart, Chair Young

Abstain: Member Howard

Absent: Member Jagoe

05:03:20 On a motion by Member Buttorff, seconded by Member Leanhart, 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 request does not meet all of the listed requirements and the Conditional Use Permit cannot be approved; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1202 does hereby **DENY** Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in an R-5 Zoning District and Traditional Neighborhood Form District.

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1202

The vote was as follows:

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

No: Vice Chair Fishman

Abstain: Member Howard

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1203

Request:	Conditional Use Permit for a short term rental of a single family dwelling that is not the primary residence of the host
Project Name:	Short Term Rental
Location:	1530 Texas Avenue
Owner:	Jason Carrico
Representative:	John C. Talbott
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:

05:04:34 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 request:

John Talbott, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223

Summary of testimony of those in favor:

05:06:50 John Talbott spoke in favor of the request and showed a Powerpoint presentation. Mr. Talbott responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1203

The following spoke neither for nor against the request:

William Ransdell, 1410 Rufer, Louisville, KY 40204
Walter Harvey, 1422 Rufer, Louisville, KY 40204

Summary of testimony of those neither for nor against:

05:33:52 William Ransdell spoke neither for nor against the request (see recording for detailed presentation).

05:35:45 Walter Harvey spoke neither for nor against the request (see recording for detailed presentation).

The following spoke in opposition of the request:

Ray Brundige, 1718 Edgeland Ave., Louisville, KY 40204
Barrie Price-Kerr, 931 Samuel Street, Louisville, KY 40217
Matthew Gorman, 927 Texas Ave., Louisville, KY 40217

Summary of testimony of those in opposition:

05:39:03 Ray Brundige spoke in opposition of the request (see recording for detailed presentation).

05:41:32 Barrie Price-Kerr spoke in opposition of the request (see recording for detailed presentation).

05:48:40 Matthew Gorman spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

05:52:47 John Talbott spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

05:57:23 Board Members' deliberation

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1203

06:02:32 A motion was made by Member Leanhart, seconded by Vice Chair Fishman, that Case Number 18CUP1203, Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in an R-5 Zoning District and Traditional Neighborhood Form District, be **APPROVED**, based upon the testimony heard today, with **RELIEF** from Standard 4D because the property has not generated any opposition, the CUP is actively supported by neighbors, the CUP will not harm the fabric of the neighborhood, and the significant investment will improve the neighborhood. The motion **FAILED**.

The vote was as follows:

Yes: Member Leanhart, and Vice Chair Fishman
No: Members Buttorff, Turner, and Chair Young
Abstain: Member Howard
Absent: Member Jagoe

06:07:26 On a motion by Member Buttorff, seconded by Member Turner, 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 request does not meet all of the listed requirements and the Conditional Use Permit cannot be approved; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1203 does hereby **DENY** Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in an R-5 Zoning District and Traditional Neighborhood Form District.

The vote was as follows:

Yes: Members Buttorff, Turner, and Chair Young
No: Member Leanhart, and Vice Chair Fishman
Abstain: Member Howard
Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1203

06:08:17 Meeting was recessed.

06:08:38 Meeting was reconvened.

06:08:44 Chair Young advised that due to time going longer than expected, the Board of Zoning Adjustment will have to continue items #17, 18 and 19 on the agenda until the September 9, 2019 Board of Zoning Adjustment Special meeting. Please see pages 60, 61, and 62 of these minutes for motions to continue these cases.

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1093

Request: Conditional use permit to allow a short term rental of a dwelling unit that is not the primary residence of the host
Project Name: Eleanor Ave Short Term rental
Location: 3010 Eleanor Ave
Owner/Applicant: Kristin Crinot – Mago PropertiesLLC
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
Case Manager: Jay Lockett, AICP, Planner I

NOTE: Board Member Turner left at approximately 7:35 p.m.

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

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

Agency testimony:

06:12:09 Jay Lockett presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Kristin Crinot, 3011 Eleanor Ave., Louisville, KY 40205

Summary of testimony of those in favor:

06:13:51 Kristin Crinot spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1093

The following spoke in opposition of the request:

No one spoke.

06:16:11 Board Members' deliberation

06:16:16 On a motion by Vice Chair Fishman, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, the presentation, and the discussion, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property**

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1093

is smaller than two acres. The applicant states that the residence has three bedrooms that will allow a maximum number of eight guests.

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there are no properties with approved conditional use permits allowing short term rentals that are not the primary residence of the host.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has credit for two on-street parking spaces and additional spaces are located at the rear of the site.**

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1093

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1093 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner/host in an R-5 Zoning District and Neighborhood Form District.

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1093

The vote was as follows:

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

Absent: Members Jagoe, and Turner

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1084

Request:	Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the owner/ host
Project Name:	Show Short Term Rental
Location:	619 Barret Avenue
Owner:	Michael Show
Applicant:	Brandon Perkins
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Jon E. Crumbie, Planning and Design Coordinator

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

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

Agency testimony:

06:17:42 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:

Michael Show, 505 Eastern Pkwy., Louisville, KY 40217
Brandon Perkins, 505 Eastern Pkwy., Louisville, KY 40204

Summary of testimony of those in favor:

06:20:05 Michael Show spoke in favor of the request (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1084

06:27:08 Brandon Perkins spoke in favor of the request and showed a Powerpoint presentation. Mr. Perkins responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:
Ray Brundige, 1718 Edgeland Ave., Louisville, KY 40204

Summary of testimony of those in opposition:

06:37:50 Ray Brundige spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

06:40:05 Brandon Perkins spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

06:42:20 Board Members' deliberation

06:45:42 On a motion by Member Howard, seconded by Vice Chair Fishman, the following resolution, based upon the Standard of Review and Staff Analysis, was adopted:

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

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

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

WHEREAS, the Board further finds that:

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1084

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The applicant states that the residence has two bedrooms that will allow a maximum number of six guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there are 2 properties with an approved conditional use permit allowing short term rentals that is not the primary residence of the host. The applicant is requesting relief to the provision in accordance with LDC Section 4.2.2.B. If provided, the applicant's justification for this relief is attached to this report. If the Board does not grant relief, the application does not meet all of the listed requirements and the conditional use permit cannot be approved.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1084

unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.

- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has credit for one on-street parking and a one car garage is located at the rear of the property along the alley.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1084

of the issuance of the conditional use permit, the permit shall become null and void.

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1084 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner/host in an R-6 Zoning District and Traditional Neighborhood Form District, with **RELIEF** from Standard 4D because the site is not in a strict residential neighborhood, instead it is in a mixed land use area with EZ-1 Zoning directly across the street, there is M-2 Zoning and Commercial Zoning, the home itself is in an R-6 Zoning District which also allows multi-family housing.

The vote was as follows:

Yes: Members Howard, Leanhart, and Vice Chair Fishman

No: Member Buttorff, and Chair Young

Absent: Members Jagoe, and Turner

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0013

Request:	Conditional Use Permit for short term rental of a dwelling unit not the primary residence of the host
Project Name:	Bonnycastle Short Term Rental
Location:	2038 Bonnycastle Avenue
Owner:	Tricia Lister, Fletcher Curry
Applicant:	NYC Monthly Rentals LLC
Host:	Michael Hogan
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:

06:48:40 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones provided a letter in opposition to the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Michael Hogan, 2703 Costigan Way, Louisville, KY 40220

Summary of testimony of those in favor:

06:55:05 Michael Hogan spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0013

The following spoke in opposition of the request:

Ray Brundige, 1718 Edgeland Ave., Louisville, KY 40204

Summary of testimony of those in opposition:

06:57:19 Ray Brundige spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

07:00:56 Michael Hogan declined rebuttal (see recording for detailed presentation).

07:01:01 Board Members' deliberation

07:02:23 On a motion by Member Buttorff, seconded by Member Leanhart, 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 request does not meet all of the listed requirements and the Conditional Use Permit cannot be approved; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0013 does hereby **DENY** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63).

The vote was as follows:

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

Absent: Members Jagoe, and Turner

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0015

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

Project Name: Short Term Rental

Location: 1550 Frankfort Avenue

Owner/Applicant: Zack Pennington

Jurisdiction: Louisville Metro

Council District: 9 – Bill Hollander

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:

07:03:46 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:

Zack Pennington, 1550 Frankfort Ave., Louisville, KY 40206

Summary of testimony of those in favor:

07:14:27 Zack Pennington spoke in favor of the request and showed a Powerpoint presentation. Mr. Pennington responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0015

The following spoke in opposition of the request:

Ray Brundige, 1718 Edgeland Ave., Louisville, KY 40204

Summary of testimony of those in opposition:

07:25:42 Ray Brundige spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

07:27:14 Zack Pennington spoke in rebuttal (see recording for detailed presentation).

07:28:11 Board Members' deliberation

07:31:46 On a motion by Vice Chair Fishman, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, was adopted:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. 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 or the Short Term Rental of a condominium unit that is the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term Rental of any dwelling unit in a

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0015

TNZZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The applicant states that the residence has three bedrooms which will allow for eight guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there is one property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host. The applicant will need to request relief to this provision in accordance with LDC Section 4.2.2.B. If the Board does not grant relief, the application does not meet all of the listed requirements and the Conditional Use Permit cannot be approved. Justification letter is attached.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0015

condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The dwelling unit is a single family residence.**

- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has credit for one parking space along Frankfort Avenue and at least four spaces on the driveway.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0015

and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0015 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in an R-7 Zoning District and Traditional Marketplace Corridor Form District, with **RELIEF** from Standard 4D because it is totally surrounded by commercial and industrial.

The vote was as follows:

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

Absent: Members Jagoe, and Turner

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1028

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

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

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

06:09:44 On a motion by Vice Chair Fishman, seconded by Member Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 19CUP1028 to the September 9, 2019 Board of Zoning Adjustment Special Meeting.

The vote was as follows:

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

Absent: Members Jagoe, and Turner

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1038

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

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

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

06:10:26 On a motion by Vice Chair Fishman, seconded by Member Howard, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 19CUP1038 to the September 9, 2019 Board of Zoning Adjustment Special Meeting.

The vote was as follows:

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

Absent: Members Jagoe, and Turner

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1018

Request:	Conditional use permit to allow a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Franklin Street Short Term Rental
Location:	813 Franklin Street
Owner/Applicant:	Colin Clark – Double C Realty, LLC
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.

06:11:00 On a motion by Vice Chair Fishman, seconded by Member Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 19CUP1018 to the September 9, 2019 Board of Zoning Adjustment Special Meeting.

The vote was as follows:

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

Absent: Members Jagoe, and Turner

BOARD OF ZONING ADJUSTMENT MINUTES
August 19, 2019

The meeting adjourned at approximately 9:15 p.m.

Chair

Secretary