



Louisville Metro Government

Old Jail Auditorium
514 W. Liberty Street
Louisville, KY 40202

Agenda - Final-revised Board of Zoning Adjustment

Monday, June 29, 2026

1:00 PM

OldJail Auditorium

The Board of Zoning Adjustment meeting will be conducted in-person at the Old Jail Building Auditorium, 514 West Liberty Street, Louisville, KY 40202.

Anyone wishing to join the meeting virtually using a computer, laptop, or mobile device, as well as anyone wishing to sign up to speak in support, in opposition, or as other for any case, should visit the following link:

<https://louisvilleky.gov/government/upcoming-public-meetings>

You can access case materials (staff reports, proposed plans, etc.) by clicking on the link below and selecting this meeting in the Calendar tab:

<https://louisville.legistar.com/Calendar.aspx>

If you have any questions, please contact the case manager, or call the Office of Planning at 502-574-6230.

Call To Order

Approval Of Minutes

1. [6.15.2026 BOZA Minutes](#)

Attachments: [06.15.2026 BOZA Minutes.pdf](#)

Business Session

2. 26-VARIANCE-0047

Request: Variance from Indian Hills Land Development Code Section 4.4.C.2 to allow an encroachment into the required side yard setback

Project Name: Variance Application

Location: 57 Indian Hills Trail

Owner: Jeffrey Michael Emonz

Applicant: Jeffrey Michael Emonz

Representative: Bailey Remodeling & Construction

Jurisdiction: Indian Hills

Council District: District 16 - Scott Reed

Case Manager: Tyler Pobiedzinski, Planner I

Attachments: 26-VARIANCE-0047_BOZASTaffReport_062926.pdf
26-VARIANCE-0047_Plan.pdf
26-VARIANCE-0047_Elevation with Height.pdf
26-VARIANCE-0047_Adjacent Owner Affidavits.pdf
26-VARIANCE-0047_Justification.pdf

Public Hearing**3. [26-CUP-0079](#)**

Request: Conditional Use Permit to allow an Accessory Dwelling Unit in a residential (R-4) zoning district

Project Name: Accessory Dwelling Unit

Location: 11811 Mahogany Drive

Owner: Lanita Grimes

Applicant: Lanita Grimes

Representative: Ballart Remodeling

Jurisdiction: Louisville Metro

Council District: 14 - Crystal Bast

Case Manager: Kaitlin Dever, AICP, Planner II

Attachments: [26-CUP-0079_StaffReport.pdf](#)
[26-CUP-0079_Plan_061026.pdf](#)
[26-CUP-0079_Elevations_061026.pdf](#)
[26-CUP-0079_Justification_043026.pdf](#)
[26-CUP-0079_LetterofExplanation_021726.pdf](#)
[26-CUP-0079_NeighborhoodMeeting_043026.pdf](#)

4. [26-VARIANCE-0062](#)

Request: Variance to allow a fence to exceed the maximum permitted height along the front yard and for an accessory structure to encroach into the front yard setback

Project Name: Variance
Location: 4904 Hyde Park Dr
Applicant: Maisy Avila
Representative: Maisy Avila
Jurisdiction: Louisville Metro
Council District: District 12 - Jonathan Joseph
Case Manager: Catherine Gomez, Planner I

Attachments: [26-VARIANCE-0062_BOZASTaffReport.pdf](#)
[26-VARIANCE-0062_PLAN_060526.pdf](#)
[26-VARIANCE-0062_Justification.pdf](#)

5. [26-VARIANCE-0063](#)

Request: Variance to allow a structure to encroach into the required infill front yard setback

Project Name: Victoria Drive Variance
Location: 7208 Victoria Drive
Applicant: Lou Developments, LLC
Representative: James Judd
Jurisdiction: Louisville Metro
Council District: 24 - Ginny Mulvey-Woolridge
Case Manager: Zach Schwager, Planner I

Attachments: [26-VARIANCE-0063_BOZA_Staff_Report_062926.pdf](#)
[26-VARIANCE-0063_Plan.pdf](#)
[26-VARIANCE-0063_Elevations.pdf](#)
[26-VARIANCE-0063_LetterofExplanation.pdf](#)
[26-VARIANCE-0063_ApplicantJustification.pdf](#)

6. [26-VARIANCE-0064](#)

Request: Variance to allow a fence to exceed the maximum permitted height along the street side yard

Project Name: 1469 Bland Street Privacy Fence Variance

Location: 1469 Bland Street

Applicant: Latosha Mathis

Representative: Latosha Mathis

Jurisdiction: Louisville Metro

Council District: District 6 - JP Lyninger

Case Manager: Sydney Fawcett, Planner I

Attachments: [26-VARIANCE-0064_BOZASTaffReport.pdf](#)
[26-VARIANCE-0064_Plan_052626.pdf](#)
[26-VARIANCE-0064_Justification.pdf](#)

7. [26-VARIANCE-0065/ 26-WAIVER-00](#)

Request: Variance from Land Development Code Section 5.4.1.E.1. to allow the accessory use area to exceed a depth of 60' (26-VARIANCE-0065) and a Waiver of Land Development Code Section 5.4.1.E.4. to allow an accessory structure to exceed the footprint of the principal structure. (26-WAIVER-0066)

Project Name: Merhoff St Storage & ADU

Location: 2635 Merhoff St

Applicant: Frank Vaxter Living Trust

Representative: Frank Vaxter

Jurisdiction: Louisville Metro

Council District: District 15 - Jennifer Chappell

Case Manager: Abby Bills, Planner I

Attachments: [26-VARIANCE-0065_BOZASTaffReport.pdf](#)
[26-VARIANCE-0065_Plan.pdf](#)
[26-VARIANCE-0065_Justification.pdf](#)
[26-VARIANCE-0065_LetterofExplanation.pdf](#)
[26-WAIVER-0066_Justification.pdf](#)

8. [26-VARIANCE-0072](#)

Request: Variance to allow a structure to encroach into the required
infill front yard setback

Project Name: Victoria Drive Variance

Location: 7210 Victoria Drive

Applicant: Lou Developments, LLC

Representative: James Judd

Jurisdiction: Louisville Metro

Council District: 24 - Ginny Mulvey-Woolridge

Case Manager: Zach Schwager, Planner I

Attachments: [26-VARIANCE-0072_BOZA Staff Report_062926.pdf](#)
[26-VARIANCE-0072_Plan.pdf](#)
[26-VARIANCE-0072_Elevations.pdf](#)
[26-VARIANCE-0072_ApplicantJustification.pdf](#)
[26-VARIANCE-0072_LetterofExplanation.pdf](#)

9. [26-MCUP-0002](#)

Request: Modified Conditional Use Permit for a Private Institutional
Use with an associated Variance and Waivers.

Project Name: First Baptist Church of Fairdale

Location: 413 Fairdale Rd

Owner: First Baptist Church of Fairdale

Applicant: First Baptist Church of Fairdale

Representative: Mindel Scott

Jurisdiction: Louisville Metro

Council District: 13 - Dan Seum Jr.

Case Manager: Mark Pinto, Planner II

Attachments: [26-MCUP-0002_BOZA Staff Report_062926.pdf](#)
[26-MCUP-0002_Plan_060326 \(2\).pdf](#)
[26-MCUP-0002_Elevations_031926 \(1\).pdf](#)
[26-MCUP-0002_ApplicantJustificationStatements.pdf](#)
[26-MCUP-0002_ApplicantLetterofExplanation.pdf](#)
[26-MCUP-0002_PublicCommentsasof061826.pdf](#)

10. [26-MCUP-0010](#)

Request: Modified Conditional Use Permit for a Private Proprietary Club with an associated Variance.
Project Name: Rockdale Private Proprietary Club
Location: 12111 Taylorsville Rd
Owner: Donald Wenzel Jr.
Applicant: Donald Wenzel Jr.
Representative: Donald Wenzel Jr.
Jurisdiction: Louisville Metro
Council District: 11 - Kevin Kramer
Case Manager: Mark Pinto, Planner II

Attachments: [26-MCUP-0010_BOZA Staff Report_062926.pdf](#)
[26-MCUP-0010_SitePlan.pdf](#)
[26-MCUP-0010_Elevations.pdf](#)
[26-MCUP-0010_ApplicantLetterofExplanation.pdf](#)

11. [26-CUP-0083](#)

Request: Conditional Use Permit to allow an Accessory Dwelling Unit (ADU) in R-5 zoning
Project Name: Accessory Dwelling Unit
Location: 4561 S. 3rd St
Applicant: Zachariah Saleh
Representative: Zachariah Saleh
Jurisdiction: Louisville Metro
Council District: 21 - Betsy Ruhe
Case Manager: Jude Mattingly, Planner II

Attachments: [26-CUP-0083 Staff Report BOZA 06292026.pdf](#)
[26-CUP-0083 Exterior Photos.pdf](#)
[26-CUP-0083 Interior Photos.pdf](#)
[26-CUP-0083 Letter of Explanation.pdf](#)
[26-CUP-0083 Neighborhood Meeting Summary.pdf](#)

12. [26-CUP-0075](#)

Request: Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63)

Project Name: Short Term Rental

Location: 1601 Newburg Rd

Applicant: Peachtree Manor LLC

Representative: Farooq Shaheen

Jurisdiction: Louisville Metro

Council District: 8 - Ben Reno-Weber

Case Manager: Abby Bills, Planner I

Attachments: [26-CUP-0075_BOZASTaffReport_062926.pdf](#)
[26-CUP-0075_BedroomPhotos.pdf](#)
[26-CUP-0075_Justification.pdf](#)
[26-CUP-0075_LetterofExplanation.pdf](#)
[26-CUP-0075_NeighborhoodMeetingInfo.pdf](#)

13. [26-CUP-0088](#)

Request: Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63)

Project Name: Short Term Rental

Location: 1535 S 32nd St

Applicant: Elmore George III

Representative: Elmore George III

Jurisdiction: Louisville Metro

Council District: 1 - Tammy Hawkins

Case Manager: Catherine Gomez, Planner I

Attachments: [26-CUP-0088_StaffReport_062926.pdf](#)
[26-CUP-0088_Bedroom Photos.pdf](#)
[26-CUP-0088_Justification.pdf](#)
[26-CUP-0088_Neighborhood Meeting.pdf](#)

Adjournment

This meeting will begin at 1:00 PM Eastern/12:00PM Central.



Louisville Metro Government

Text File

File Number: 6.15.2026 BOZA Minutes

Agenda Date: 6/29/2026

Version: 1

Status: Minutes to be Approved

In Control: Board of Zoning Adjustment

File Type: Minutes

Agenda Number: 1.

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT
JUNE 15, 2026**

A regular meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, June 15, 2026, at the Old Jail Building, located at 514 West Liberty Street, Louisville, KY 40202.

Board Members Present:

Sharon Bond, Chair
Marilyn Lewis, Vice Chair
Jan Horton
Yani Vozos
Miguel Rodriguez
Keon Scott

Board Members Absent:

Brandt Ford

Staff Members Present:

Brian Davis, Planning Director
Julia Williams, Assistant Planning Director
Laura Ferguson, Assistant County Attorney
Joseph Haberman, Planning Manager
Mark Pinto, Planner II
Zack Schwager, Planner I
Catherine Gomez, Planner I
Abby Bills, Planner I
Haritha Gurivindapalli, Management Assistant

The following matters were considered:

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00:03:45 Keon Scott was sworn in as a member of the Board of Zoning Adjustment by the Assistant County Attorney.

APPROVAL OF MINUTES

JUNE 1, 2026, BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:04:47 On a motion by Member Horton, seconded by Member Lewis, the following resolution was adopted:

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the June 1, 2026, Board of Zoning Adjustment meeting.

The vote was as follows:

YES: Members Vozos, Horton, Lewis, and Bond

ABSTAIN: Members Rodriguez and Scott

ABSENT: Member Ford

**BOARD OF ZONING ADJUSTMENT
MINUTES
JUNE 15, 2026**

PUBLIC HEARING

CASE NO. 26-VARIANCE-0043

Request: Variance from Land Development Code Section 5.1.12.B.2.e.i.1 to allow two (2) accessory structures to encroach in the front and street side yard infill setbacks. Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence to exceed 48 inches in the front and street side yard infill setbacks.

Project Name: Terudon Dr Fence & Accessory Structures
Location: 1201 Terudon Dr
Applicant: Michel Acosta
Representative: Michel Acosta
Jurisdiction: Louisville Metro Government
Council District: District 12 – Jonathan Joseph
Case Manager: Abby Bills, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:05:35 Abby Bills provided an overview of the request and presented a PowerPoint Presentation. Bills responded to questions from Board Members (see recording for details)

The following spoke in favor of the request:

Michel Acosta, 1201 Terudon Drive, Louisville, KY 40214

Summary of testimony of those in support of the request:

00:10:20 Michel Acosta stated that the 6-foot fence and shed were constructed on the side of the lot due to lack of backyard space and to align with existing other structures in the neighborhood. The fence serves as a necessary safety barrier against a high- traffic roadway, following severe security incidents including an attempted vehicle theft. Acosta stated that shed functions as a storage unit for tools and property maintenance

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PUBLIC HEARING

CASE NO. 26-VARIANCE-0043

equipment. Acosta responded to questions from Board Members (see recording for details)

**The following spoke in opposition to the request:
None**

Deliberation:

00:13:40 Board deliberation

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

Variances:

00:15:20 On a motion by Member Vozos, seconded by Member Horton, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

1. Variance from Land Development Code Section 5.1.12.B.2.e.i.1 to allow two (2) accessory structures to encroach in the front and street side yard infill setbacks. Front Yard Infill Setback (Requirement 30-40', Request 3', Variance 27'). Streetside Yard Infill Setback (Requirement 40', Request 21', Variance 19').

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public, as the accessory structures are screened from view partially by the existing fence, and partially by existing landscaping adjacent to Manslick Rd, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will alter the essential character of the general vicinity, as there are no other residential properties along Manslick Rd and Terudon Dr with accessory structures encroaching in infill setbacks. However, the request will not allow an unreasonable circumvention of the requirements, as the subject lot is oriented in a unique way that justifies the location of the accessory structures, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance arises from special circumstances which do not generally apply to the land in the general vicinity, or

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in the same zone. The subject site is a corner lot with the front property line facing the minor arterial Manslick Rd, rather than the local Terudon Dr where all other front property lines are facing. For this reason, the applicant has significantly less space to place structures in the side and rear yards compared to the neighboring properties, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant, as the applicant has already constructed the buildings that the variance is being requested for. Additionally, as the orientation of the lot is unique to the vicinity and the applicant has reduced space in the side and rear yards, there is little to no area for the structures to be moved into a complaint location, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has constructed both accessory structures; now, therefore be it.

2. Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence to exceed 48 inches in the front and street side yard infill setbacks. Front & Street Side Yard Infill Setback (Requirement 48", Request 72", Variance 24").

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public, as the existing fence is internal to the site and does not impede the safe movement of vehicles along either street, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations because the fence is largely screened from view along Manslick Rd and Terudon Dr by existing landscaping, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance arises from special circumstances which do not generally apply to the land in the general vicinity, or in the same zone. Because the subject site is a corner lot and has a street side yard, it is unlike most properties in the vicinity. Most properties along Terudon Dr would be permitted to construct a 72 inch fence on the side of their house, and

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WHEREAS, the Board of Zoning Adjustment finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant, as the fence has already been constructed. Additionally, due to the unique orientation of the applicant's lot and house, strict application of the provisions would deprive the applicant of having a 6' fence on nearly the entire parcel, which would not be the case for a typical lot on this street, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, as the fence is existing on site; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance (1) from Land Development Code Section 5.1.12.B.2.e.i.1 to allow two (2) accessory structures to encroach in the front and street side yard infill setbacks. Front Yard Infill Setback (**Requirement 30-40', Request 3', Variance 27'**). Streetside Yard Infill Setback (**Requirement 40', Request 21', Variance 19'**) and Variance (2) from Land Development Code Section 4.4.3.A.1.a.i to allow a fence to exceed 48 inches in the front and street side yard infill setbacks. Front & Street Side Yard Infill Setback (**Requirement 48", Request 72", Variance 24"**).

The vote was as follows:

YES: Members Vozos, Horton, Lewis, Rodriguez, Scott and Bond

ABSENT: Member Ford

**BOARD OF ZONING ADJUSTMENT
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PUBLIC HEARING

CASE NO. 26-VARIANCE-0051

Request: Variances from Land Development Code (LDC) Section 5.3.1, Table 5.3.2 (Associated with 26-CAT2-0012).
Project Name: LeafSpring at Whipps Mill
Location: Whipps Mill Road (Parcel ID: #002105890000)
Applicant: LeafSpring Daycare
Representative: Dinsmore; Clifford Ashburner
Jurisdiction: Louisville Metro
Council District: District 18 – Marilyn Parker
Case Manager: Mark Pinto, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:17:30 Mark Pinto provided an overview of the request and presented a PowerPoint Presentation. Pinto outlined the development plan, access, elevations, and variance exhibit. Pinto responded to questions from Board Members (see recording for details)

The following spoke in favor of the request:

Cliff Ashburner, 101 S 5th Street, Suite 2500, Louisville, KY 40202

Steve Porter, 3109 Westone Way, Louisville, KY 40241

Summary of testimony of those in support of the request:

00:24:30 Cliff Ashburner provided an overview of the request and presented a PowerPoint Presentation. Ashburner stated that the project meets all code requirements except for two small variances (a 3-foot height variance and a front-yard setback variance). Ashburner stated that the reworked design places the building in the non-floodplain area to address prior community concerns about traffic, access, and

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proximity to nearby homes. Ashburner responded to questions from Board Members (see recording for details)

00:34:00 Steve Porter representing the City of Bellemeade, expressed support for the revised childcare center plan, requesting only that the dumpster and a small portion of the driveway be shifted about 30 feet farther east to increase distance from nearby Bellemeade homes. Porter responded to questions from Board Members. (see recording for details).

The following spoke in opposition to the request:

Daniel Auter, 8808 Perry Road, Louisville, KY 40222

Summary of testimony of those in opposition of the request:

00:38:00 Daniel Auter spoke in opposition to the proposal, raised concerns that the proposed building height still exceeds code even with the variance, questions whether the existing grove of trees which an important buffer for nearby residents, will be preserved. Auter worried about operational hours, potential light pollution, asking for commitments to dark-sky lighting and limits on nighttime illumination. Auter also requested clarification on long-term maintenance and oversight of the underground stormwater detention system. (See recording for details).

Rebuttal:

00:43:30 Cliff Ashburner responded that keeping the current location minimizes environmental impact and preserves tree canopy. Ashburner addressed issues such as building height meets the code regulations, downward-directed and minimal after hours lighting, required maintenance agreements for drainage, and parking needs for the childcare use. Ashburner also noted operational details, operating hours from 7 a.m. to 7 p.m., capacity up to 192 children and stated that features like the dumpster and storm outlet are intentionally placed to reduce visibility and disruption. Ashburner responded to questions from Board Members. (see recording for details)

Deliberation:

00:52:00 Board deliberation

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CASE NO. 26-VARIANCE-0051

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

00:53:00 On a motion by Member Horton, seconded by Member Rodriguez, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

Variance from Land Development Code (LDC) Section 5.3.1, Table 5.3.2 to allow the proposed building to exceed the 80 ft. maximum front yard setback by 494 ft. Front Yard Infill Setback (Requirement 80', Request 574', Variance 494').

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public because the proposal will be required to comply with all applicable building and fire code regulations. The proposed buildings, parking, and landscaping are within the subject property and do not encroach into the right-of-way or adjacent, residential properties. Given the proposed building setback, there is not a sight distance issue for vehicles and pedestrians travelling along Old Whipps Mill and Whipps Mill Road, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations. Residential properties are located across the street along Whipps Mill and Old Whipps Mill Road. The requested variance to exceed the maximum setback would permit the proposed building to be located a greater distance away from adjacent residential property, thereby reducing the visible impact of the proposal on adjacent, lower-intensity residential properties, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance arises from special circumstances which do not generally apply to the land in the general vicinity, or in the same zone. The subject site is not developed residentially and is significantly larger than other R-4, Neighborhood form district properties that are adjacent. Also, the site has environmental concerns such as the floodplain, floodway, existing mature tree canopy, and a protected waterway, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant, as the front yard setback would require

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the proposed building to be located closer to adjacent R-4, single-family residences. This area of the site is located primarily within the City of Lyndon zoning jurisdiction, which would not permit the request as currently proposed. This portion of the site is green space which could be preserved as open space with the requested variance for the building to be constructed elsewhere on the site. Environmental constraints are present on the property consisting of the floodplain, floodway, mature tree canopy, and a protected waterway. The strict application of the setback requirement could disrupt existing environmental features on site, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has requested the variance and construction has not yet begun; now, therefore be it.

**Variance from LDC Section 5.3.1, Table 5.3.2 to allow the proposed building to exceed the 30 ft. maximum building height by 3 ft.
Building Height (Requirement 30', Request 33', Variance 3')**

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public because the proposal will be required to comply with all applicable building and fire code regulations. The building is located a significant distance from property lines that are adjacent to existing single-family residential properties that are mostly one-story. The existing zoning district is R-4, which does not permit land uses that are potentially hazardous, as potentially hazardous and nuisance uses generally require industrial zoning or additionally a conditional use permit, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The requested variance is to exceed the maximum permitted height by 3 ft, which appears to be primarily due to the gable roof style, which adds architectural value to the proposed building. The increased setback from adjacent properties and Old Whipps Mill Road should reduce the visual impact of the proposed building on nearby residential properties. The site across Old Whipps Mill is developed with the University of Louisville Shelby Campus, within the Campus Form District, and comprised of office buildings that exceed three stories. The Campus form district has a maximum permitted height of 150 ft, and

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WHEREAS, the Board of Zoning Adjustment finds the requested variance arises from special circumstances which do not generally apply to the land in the general vicinity, or in the same zone. The subject site is not developed residentially and is significantly larger than other R-4, Neighborhood form district properties that are adjacent, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provision of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship since the proposed building height could be reduced by 3 ft. to meet the maximum permitted building height. However, this could reduce the architectural interest of the building, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has requested the variance and construction has not yet begun; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance **(1)** from Land Development Code (LDC) Section 5.3.1, Table 5.3.2 to allow the proposed building to exceed the 80 ft. maximum front yard setback by 494 ft. Front Yard Infill Setback (**Requirement 80', Request 574', Variance 494'**) and Variance **(2)** from LDC Section 5.3.1, Table 5.3.2 to allow the proposed building to exceed the 30 ft. maximum building height by 3 ft. Building Height. (**Requirement 30', Request 33', Variance 3'**).

The vote was as follows:

YES: Members Vozos, Horton, Lewis, Rodriguez, Scott, and Bond

ABSENT: Member Ford

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PUBLIC HEARING

CASE NO. 26-VARIANCE-0053

Request:	Variance to allow a structure to encroach into the required street side yard setback
Project Name:	Hycliffe Avenue Variance
Location:	3800 Hycliffe Avenue
Applicant:	Blake Buck & Kaitlin Cary
Representative:	SNDBX Design Collaborative
Jurisdiction:	St. Matthews
Council District:	District 9 – Andrew Owen
Case Manager:	Zach Schwager, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:54:20 Zach Schwager provided an overview of the request and presented a PowerPoint Presentation. Schwager responded to questions from Board Members (see recording for details)

The following spoke in favor of the request:

Chris Manzo, 139 N Bayly Avenue, Louisville, KY 40206

Summary of testimony of those in support of the request:

00:57:30 Chris Manzo spoke in support of the proposal and stated he was available to answer any questions on the owner's behalf. (See recording for details).

The following spoke in opposition to the request:

None

Deliberation:

00:58:25 Board deliberation

**BOARD OF ZONING ADJUSTMENT
MINUTES
JUNE 15, 2026**

PUBLIC HEARING

CASE NO. 26-VARIANCE-0053

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

Variance from St. Matthews Development Code Section 4.6.C.2.c to allow a structure to encroach into the required street side yard setback. Street Side Yard (Requirement 30', Request 15', Variance 15').

00:58:55 On a motion by Member Vozos, seconded by Member Lewis, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety, or welfare, because the proposed structure would not impact vision clearance or any other public health or safety issue, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity as there are other structures in the area that encroach into street side yard setbacks, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance does not arise from circumstances which do generally apply to land in the general vicinity, or in the same zone as the subject property is similar to the neighboring properties, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land because the structure is proposed to have a similar setback to structures on adjacent properties, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as work has not begun on the proposed alterations for which the variance is being requested; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance from St. Matthews Development Code Section 4.6.C.2.c to allow a structure to encroach into the required street side yard setback. Street Side Yard (Requirement 30', Request 15', Variance 15').

**BOARD OF ZONING ADJUSTMENT
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PUBLIC HEARING

CASE NO. 26-VARIANCE-0053

The vote was as follows:

YES: Members Vozos, Horton, Lewis, Rodriguez, Scott, and Bond

ABSENT: Member Ford

**BOARD OF ZONING ADJUSTMENT
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PUBLIC HEARING

CASE NO. 26-VARIANCE-0060

Request: Variance from Land Development Code Section 5.3.2.C.2.b. to allow parking, a drive-thru lane, and dumpsters to encroach in the side yard setback. (26-VARIANCE-0060) Waiver of Land Development Code Section 10.2.10. to omit the VUA LBA along Belmont Rd and reduce the VUA LBA along Bardstown Rd. (26-WAIVER-0064)

Project Name: McDonalds Bardstown Rd
Location: 3340 Bardstown Rd
Applicant: Frank Metts Trust
Representative: STV Group, Inc.
Jurisdiction: Louisville Metro Government
Council District: District 10 – Josie Raymond
Case Manager: Abby Bills, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

01:00:10 Member Lewis recused herself from the case:

Agency Testimony:

01:00:15 Abby Bills provided an overview of the request and presented a PowerPoint Presentation. Bills responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Michelle Gonsalves, 65 Aberdeen Drive, Glasgow, KY 42141

Summary of testimony of those spoke in favor of the request:

01:05:28 Michelle Gonsalves spoke in support of the proposal and explained that the McDonald's is being rebuilt after a 2023 fire. The new building follows modern McDonald's standards, keeps the same general site layout, slightly expands the footprint and parking,

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PUBLIC HEARING

CASE NO. 26-VARIANCE-0060

relocates the dumpster for better circulation, and maintains existing entrances and exits. Waivers are needed because the original site predated current landscape and circulation requirements. Gonsalves responded to questions from Board Members (see recording for details).

The following spoke in opposition to the request:

None

Deliberation:

01:11:10 Board deliberation

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

Variance from Land Development Code Section 5.3.2.C.2.b. to allow parking, a drive-thru lane, and dumpsters to encroach in the side yard setback. (26-VARIANCE-0060)

Side Yard Setback (Requirement 25', Request 5', Variance 20')

01:12:00 On a motion by Member Vozos, seconded by Member Horton, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public because the building itself will not be encroaching in the setback, and the applicant will provide a 5' Landscape Buffer Area with appropriate screening between the parking lot and the residentially used property, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations. Most properties fronting the Bardstown Rd corridor are developed with high intensity commercial uses adjacent to residential properties in the rear. The majority of these commercial properties are not currently providing the required setback between their parking lots and the residential properties, similar to the subject site, and

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CASE NO. 26-VARIANCE-0060

WHEREAS, the Board of Zoning Adjustment finds the requested variance does not arise from special circumstances which do not generally apply to the land in the general vicinity, or in the same zone, as there is a prevailing pattern of residential uses located behind the commercial corridor on either side of Bardstown Rd, similar to the subject site. However, this pattern of development generally does not include the required setbacks between commercial and residential uses, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant, as the proposal is not substantially different from the existing McDonalds property on site. Strict application of the provision would deprive the applicant of a large portion of the land that has previously been used for the same purpose, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has requested the variance and construction has not yet begun; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance from Land Development Code Section 5.3.2.C.2.b. to allow parking, a drive-thru lane, and dumpsters to encroach in the side yard setback. **(26-VARIANCE-0060)**. Side Yard Setback (**Requirement 25', Request 5', Variance 20'**).

The vote was as follows:

YES: Members Vozos, Horton, Rodriguez, Scott, and Bond

RECUSED: Member Lewis

ABSENT: Member Ford

Waiver of Land Development Code Section 10.2.10. to omit the VUA LBA along Belmont Rd and reduce the VUA LBA along Bardstown Rd. (26-WAIVER-0064)

01:12:55 On a motion by Member Vozos, seconded by Member Horton, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the requested waiver will not adversely affect adjacent property owners, as there are no residential properties adjacent to the

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CASE NO. 26-VARIANCE-0060

subject site along Belmont Rd or Bardstown Rd. Additionally, the applicant will be required to provide street trees along both Belmont Rd and Bardstown Rd in accordance with Chapter 10 of the LDC, which will provide screening for the adjacent commercial properties, meeting the intent of the regulation, and

WHEREAS, the Board of Zoning Adjustment finds the requested waiver will not violate specific guidelines of Plan 2040. Community Form Goal 1, Policy 4 seeks to “Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District.” The majority of the adjacent commercial properties along Bardstown Rd do feature Landscape Buffer Areas where required. While the applicant is requesting to omit the LBA along Belmont and reduce the LBA along Bardstown, there will still be trees and sizeable buffers provided in the right of way along both frontages. Therefore, the proposal will be compatible with existing development despite the waivers to reduce buffers within the parcel.

Additionally, the desired pattern of development within the Suburban Marketplace Corridor features buildings set back from the roadway with parking lots in front. The proposed development falls in line with this pattern and will not violate the intent of the form district or comprehensive plan, and

WHEREAS, the Board of Zoning Adjustment finds the requested extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as the applicant is still providing nearly 40’ of greenspace in the right of way adjacent to Belmont Rd, and approximately 11’ of greenspace adjacent to Bardstown Rd, when combining the proposed 4.9’ buffer with about 6’ of greenspace in the right of way, and

WHEREAS, the Board of Zoning Adjustment finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived, as the proposed plan provides additional greenspace in the right of way that exceeds the 10’ requirement. The 6’ street tree area along Bardstown Rd, paired with the proposed 4.9’ VUA LBA on the parcel, provides a buffer that exceeds the 10’ requirement on that frontage as well.

The applicant will additionally be required to provide a detailed landscape plan to demonstrate compliance with all other landscape requirements of the Land Development Code; now, therefore be it.

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CASE NO. 26-VARIANCE-0060

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Waiver of Land Development Code Section 10.2.10. to omit the VUA LBA along Belmont Rd and reduce the VUA LBA along Bardstown Rd. (**26-WAIVER-0064**).

The vote was as follows:

YES: Members Vozos, Horton, Rodriguez, Scott, and Bond

RECUSED: Member Lewis

ABSENT: Member Ford

**BOARD OF ZONING ADJUSTMENT
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PUBLIC HEARING

CASE NO. 26-CUP-0082

Request:	Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner
Project Name:	Short Term Rental
Location:	16071 Winding Ridge Trail
Applicant:	Rebecca Eisenback
Representative:	Rebecca Eisenback
Jurisdiction:	Louisville Metro
Council District:	District 20 – Stuart Benson
Case Manager:	Catherine Gomez, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

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

Agency Testimony:

01:14:10 Catherine Gomez provided an overview of the request and presented a PowerPoint Presentation. Gomez responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Rebecca Eisenback, 16071 Winding Ridge Trail, Louisville, KY 40299

Summary of testimony of those in favor:

01:16:35 Rebecca Eisenback spoke in support of the proposal. Eisenback stated that they live next door, will manage the property, and mainly want it for 30-day rentals, using short-term stays only during major events. Neighbors were generally supportive, and they're already familiar with rental registration rules. Eisenback responded to questions from Board Members (see recording for details).

The following spoke in opposition to the request:

None

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PUBLIC HEARING

CASE NO. 26-CUP-0082

Deliberation:

01:19:20 Committee deliberation

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

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63).

01:19:40 On a motion by Member Rodriguez, seconded by Member Lewis, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

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

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area, including considerations such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and overall appearance. As no exterior modifications to the property are proposed, the existing compatibility with the neighborhood will be maintained, and

WHEREAS, the Board of Zoning Adjustment finds the adequate on-site and off-site public facilities, including transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation, are available to support the proposed use, and

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated, or will be required to demonstrate, compliance with each of the lettered standards for a Conditional Use Permit. The proposed short-term rental will not be located within 600 feet of another short-term rental with an approved Conditional Use Permit, nor within 600 feet of any OR, OR-1, or OR-2 zoned property operating as a non-conforming short-term rental without the required owner occupancy. The principal structure contains three (3) bedrooms, allowing a maximum occupancy of twelve (12) guests. Off-street parking will be provided via an existing rear alley and the detached garage on the property; now, therefore be it.

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PUBLIC HEARING

CASE NO. 26-CUP-0082

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the conditional use permit to allow a short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63) **SUBJECT** to the following Conditions of Approval:

1. The conditional use permit for this short term rental approval shall allow up to three (3) bedrooms (with a maximum of twelve (12) guests at any one time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.
2. Prior to commencement of any short term rental on the subject property, the owner 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.

The vote was as follows:

YES: Members Vozos, Horton, Lewis, Rodriguez, Scott, and Bond

ABSENT: Member Ford

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PUBLIC HEARING

CASE NO. 26-APPEAL-0001

Request: Appeal of a Citation related to a Short-Term Rental
Project Name: 3004 Cleveland Blvd Citation Appeal
Location: 3004 Cleveland Blvd
Applicant: Osman Sufi
Representative: Osman Sufi
Jurisdiction: Louisville Metro
Council District: 9 – Andrew Owen
Case Manager: Jay Lockett, AICP, Planning Supervisor

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

Agency Testimony:

01:21:00 Joe Haberman presented the case on behalf of Jay Lockett and the administrative official that issued the citation, Alicia Pedreira. Joe Haberman provided an overview of the request and presented a PowerPoint presentation. Haberman supported the administrative decision and explained that the appeal stems from a zoning citation for a short-term rental that violated the “one contract at a time” requirement by hosting multiple unrelated guests simultaneously. Evidence from Airbnb listings and reviews suggested shared spaces with other guests, indicating overlapping rentals. The appellant did not provide any direct booking records to support his claim that he was the other guest being referenced. Haberman responded to questions from Board Members. (see recording for details).

The following spoke in favor of the request:

Osman Sufi, 3004 Cleveland Blvd, Louisville, KY 40206

Summary of testimony of those in favor:

01:36:30 Osman Sufi, acting as the appellant, argued that complaints stem from a personal dispute with a neighbor and maintained that he does not rent to multiple parties at the same time. Sufi stated that Airbnb listings are linked to prevent overlapping bookings and that he lives on-site, which explains references to shared spaces. Sufi also acknowledged past lack of clarity to guests but said he has since improved communication about the shared, owner-occupied arrangement. Sufi responded to questions from Board Members. (See recording for details).

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PUBLIC HEARING

CASE NO. 26-APPEAL-0001

Rebuttal:

02:03:00 Joe Haberman acknowledged that the Airbnb feature that can prevent overlapping bookings but noted there is no way to verify whether it was actually used. The citation is based on guest reviews suggesting multiple occupants at the same time, which staff believes are tied to this property. The board was advised that the key issue is whether evidence supports overlapping rentals, and if upheld, the citation results in a fine and contributes to the “two-strike” rule. Haberman responded to questions from Board Members. (see recording for details).

Deliberation:

02:14:35 Committee deliberation

02:18:00 Member Horton noted that the applicant did not provide any new evidence to support his case, making it difficult to justify overturning the citation. (See recording for details).

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

Appeal of a citation for permitting multiple simultaneous contracts for a single short term rental unit.

02:20:00 On a motion by Member Lewis, seconded by Member Horton, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds that it is unknown how often the dwelling unit is simultaneously rented to multiple contracts in violation of LDC 4.23.B and LMCO 115.520.B. The violation depends in part on opportunity. On Airbnb.com, separate listings allow rental of each bedroom independently or the entire dwelling. A violation occurs when separate parties rent each bedroom independently at the same or overlapping timeframes. Customer reviews indicate that it is a regular occurrence for multiple years leading up to the issuance of the citation. The way the host is referred to consistently separately from “other guests” etc. indicate to staff that the violation has occurred multiple times, leading to issuance of the citation, and

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CASE NO. 26-APPEAL-0001

WHEREAS, the Board of Zoning Adjustment finds the property is also required to be the primary residence of the owner. It is unknown how often the owner resides in the residence and whether or not he in fact shares the dwelling with guests. The owner also serves as the host. While the owner may contend that he was the other party staying in the dwelling, the comments refer to other “guest” or “guests” and not the host. It is not typical or common to refer a host as another guest. Airbnb rental records, which could confirm or dispute the violation, have not been provided, and

WHEREAS, the Board of Zoning Adjustment finds that the property owner is subject to the fine as indicated in the citation, and

WHEREAS, the Board of Zoning Adjustment finds that in review of the appellant’s basis of appeal and other information with the record, no error was made in determining that the property has been regularly rented to multiple contracts; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the Appeal of a citation and affirm the administrative decision of the zoning enforcement officer.

The vote was as follows:

YES: Members Vozos, Horton, Lewis, Rodriguez, Scott, and Bond

ABSENT: Member Ford

**BOARD OF ZONING ADJUSTMENT
MINUTES
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PUBLIC HEARING

CASE NO. 26-APPEAL-0003

Request:	Appeal of a Citation related to a Short-Term Rental
Project Name:	3004 Cleveland Blvd Citation Appeal
Location:	3004 Cleveland Blvd
Applicant:	Osman Sufi
Representative:	Osman Sufi
Jurisdiction:	Louisville Metro
Council District:	9 – Andrew Owen
Case Manager:	Jay Lockett, AICP, Planning Supervisor

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

Agency Testimony:

02:31:00 Joe Haberman presented the case on behalf of Jay Lockett and the administrative official that issued the decision, Brian Davis. Joe Haberman provided an overview of the request and presented a PowerPoint presentation. Haberman explained that the appeal concerns revocation of the short-term rental registration under the “two-strike rule,” based on multiple substantiated citations or complaints within a year, including property maintenance and rental-related violations. Haberman mentioned that the ordinance requires revocation once two violations are confirmed, the board’s role is to determine whether any nuance or circumstances justify overturning that decision. If upheld, the owner must cease short-term rentals but may reapply after a one-year period. Haberman responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Osman Sufi, 3004 Cleveland Blvd, Louisville, KY 40206

Summary of testimony of those in favor:

02:52:30 Osman Sufi, acting as the appellant, argued that the multiple citations were essentially repeat notices from separate inspections of the same issues, not distinct violations, and that he was unaware of them due to being sent to the wrong address. Sufi stated that once aware, he promptly corrected the issues and that some citations were conditionally discharged. Sufi contended that he was not properly informed about the implications of those actions, including that they could still count as violations toward revocation. Sufi responded to questions from Board Members. (See recording for details).

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PUBLIC HEARING

CASE NO. 26-APPEAL-0003

03:08:20 Joe Haberman clarified that a “conditional discharge” means the violation is still acknowledged, but the fine is waived unless the offense occurs again. The enforcement action itself remains on record and can still count toward violations. In this case, the property maintenance case was ultimately closed after compliance was achieved, but the underlying violations were not erased. Haberman responded to questions from Board Members. (See recording for details).

03:11:20 Joe Haberman clarified that the citations were not duplicates but separate violations documented under a single parent case, with each inspection resulting in its own citation. Although tied to the same complaint, each instance is treated as an independent offense under code, and gaps between citations may reflect inspections, discretion, or procedural steps like posting notices. Haberman responded to questions from Board Members. (See recording for details).

03:13:20 Osman Sufi stated that he promptly repaired all cited issues (siding, railing, lawn damage) once he became aware of them and provided documentation of contractor work completed in June 2025. Sufi emphasized that delays were due to citations being sent to the wrong address and difficulties accessing the property during flooding, as well as delays with lawn care services. Sufi mentioned that he acted quickly and responsibly once notified and worked to correct communication issues to prevent future problems. Sufi responded to questions from Board Members. (See recording for details).

Rebuttal:

03:21:00 Joe Haberman clarified that the citations were separate violations, even if tied to the same case number, and emphasized that inspection evidence supports those conditions existed at each visit. Haberman stated that while there may have been past mailing issues, the specific citations used for revocation were documented under the correct address and remain valid substantiated complaints. The board was advised to focus on whether the violations meet the two-strike threshold and whether revocation is warranted, rather than re-evaluating the underlying property maintenance findings. Haberman responded to questions from Board Members. (See recording for details).

Deliberation:

03:24:50 Committee deliberation

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PUBLIC HEARING

CASE NO. 26-APPEAL-0003

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

Appeal of administrative action to revoke a registration for an owner-occupied Short-Term Rental.

03:28:00 On a motion by Member Horton, seconded by Member Rodriguez, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds that four citations were issued within 365 days of the February 5, 2026, administrative decision to revoke the short term rental registration, dated February 5, 2025, April 14, 2025, April 24, 2025, and February 4, 2026 respectively, and

WHEREAS, the Board of Zoning Adjustment finds that the Board of Zoning Adjustment denied the appeal in 26-APPEAL-0001 and upheld the citation for permitting multiple simultaneous contracts for a single short term rental unit, and

WHEREAS, the Board of Zoning Adjustment finds that while the property owner successfully filed appeals for the subject violations each of the citations were ultimately upheld and constitutes a substantiated complaint; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the appeal of the administrative decision to revoke the subject short term rental annual registration.

The vote was as follows:

YES: Members Vozos, Horton, Lewis, Rodriguez, and Bond

ABSTAIN: Member Scott

ABSENT: Member Ford

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ADJOURNMENT

The meeting adjourned at approximately 4:36 p.m.

Chair

Planning Director



Louisville Metro Government

Text File

File Number: 26-VARIANCE-0047

Agenda Date: 6/29/2026

Version: 1

Status: Business Session

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 2.

Board of Zoning Adjustment

Staff Report

June 29, 2026



Case No:	26-VARIANCE-0047
Project Name:	Variance Application
Location:	57 Indian Hills Trail
Applicant:	Jeffrey Michael Emonz
Representative:	Bailey Remodeling & Construction
Jurisdiction:	Indian Hills
Council District:	16 – Scott Reed
Case Manager:	Tyler Pobiedzinski, Planner I

REQUEST

- **Variance** from Indian Hills Development Code Section 4.4.C.2 to allow an encroachment into the required side yard setback

Location	Minimum Requirement	Request	Variance
Side Yard Setback	10 ft	4 ft	6 ft

CASE SUMMARY

The subject site is approximately 1.24 acres and is zoned R-2 Single Family Residential, located south of River Road and north of Brownsboro Road. The property is currently developed with a single-family residence and an existing detached semi-underground garage.

The applicant is proposing to remove the existing garage and construct a new detached garage approximately 750 square feet in size and one-and-one-half stories in height. A breezeway is also proposed to connect the new garage to the principal structure.

The Indian Hills Development Code requires a minimum side yard setback of 10 feet. However, a 30-foot total side yard setback is required along both side property lines. The proposed garage encroaches into the required side yard setback, necessitating the requested variance.

STAFF FINDING

The requested variance is adequately justified for approval based on the analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.

STAFF: The requested variance arises from special circumstances that do not generally apply to residential properties. The combination of the site's steep terrain, existing driveway location, and

property line configuration limits reasonable locations for a replacement garage while utilizing the established access point.

2. The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the regulation would create an unnecessary hardship by limiting the applicant's ability to replace the existing deteriorated garage with a functional accessory structure. The proposed garage utilizes the existing driveway and does not require expansion of the driveway area, leaving limited alternatives for relocation on the property.

3. Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations. The proposed garage has not been constructed, and the need for the variance results from existing site conditions and property configuration.

4. Reasons that the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public.

STAFF: The requested variance will not adversely affect public health, safety, or welfare, as the proposed garage is a customary residential accessory structure that will remain compatible with surrounding development and will not create a hazard, nuisance, or alter the character of the neighborhood.

REQUIRED ACTION

- **APPROVE** or **DENY** the **Variance** from Indian Hills Development Code Section 4.4.C.2 to allow an encroachment into the required side yard setback.

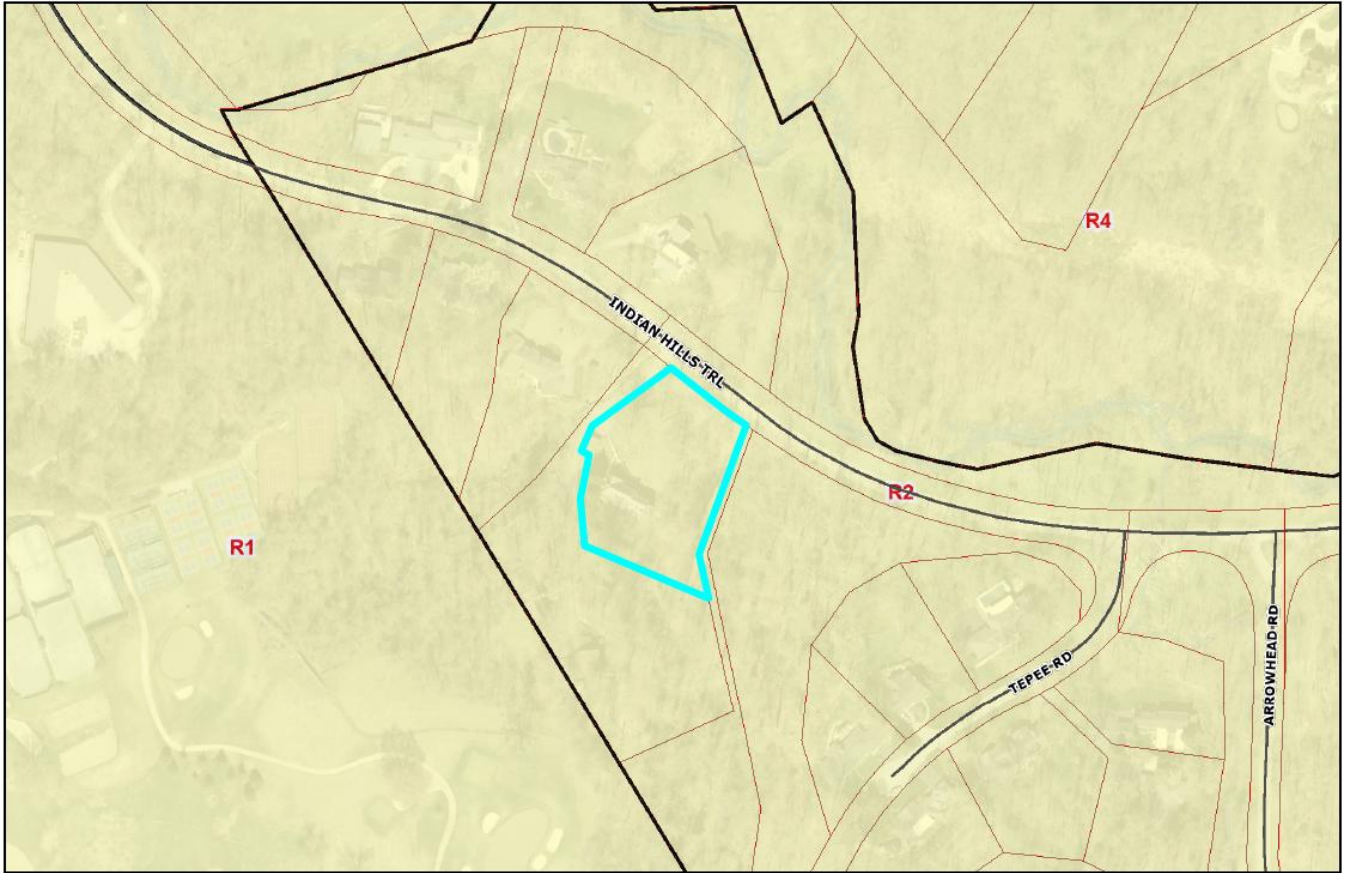
NOTIFICATION

The applicant has collected signatures for all adjoining property owners, allowing this case to be heard in Business Session, so no additional notice was required.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph



3D VIEWS ARE NOT TO SCALE AND MAY NOT REFLECT EXACTLY WHAT IS AVAILABLE FOR THE PROJECT. RENDER VIEWS ARE REPRESENTATIONS OF WHAT THE VIEW COULD LOOK LIKE, NOT WHAT IT WILL LOOK LIKE. 2D VIEWS ALWAYS SUPERCEDE 3D VIEWS

201 MERIDIAN AVE.
LOUISVILLE, KY 40207
(502) 749-1886
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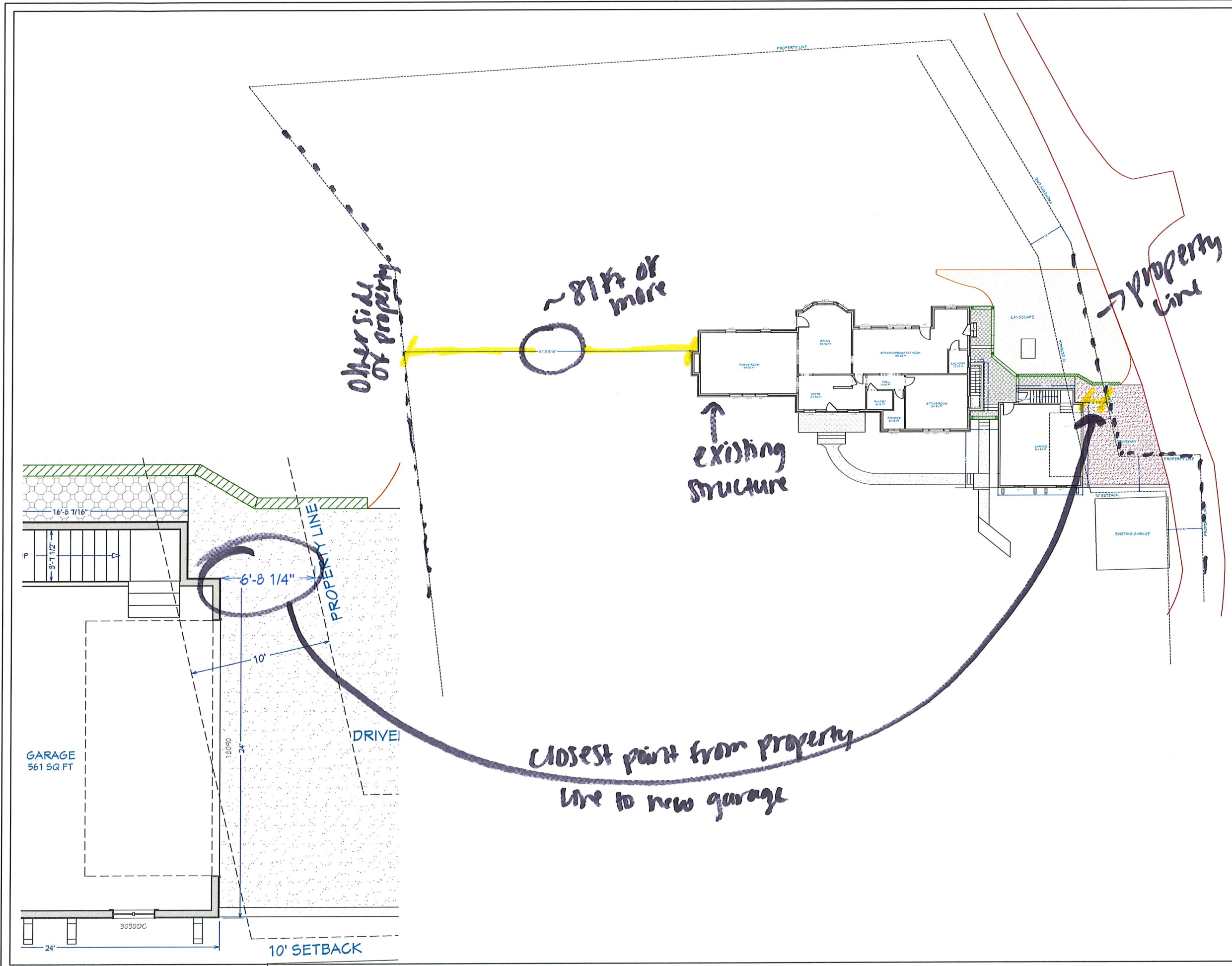


CONTRACTOR ID:
14967

NEW HOME PLANS FOR:
Jeff Emontz
57 Indian Hills Trail
Indian Hills, KY 40059
Email: jeff@baileyremodel.com
Phone #: 502-387-6638

PAGE TITLE:
Garage - Site Plan
Zoomed Out

DRAWN BY:
DB
DATE:
6/9/2026
SCALE:
1/16" = 1'0"
SHEET #:
10



3D VIEWS ARE NOT TO SCALE AND MAY NOT REFLECT EXACTLY WHAT IS AVAILABLE FOR THE PROJECT. RENDER VIEWS ARE REPRESENTATIONS OF WHAT THE VIEW COULD LOOK LIKE, NOT WHAT IT WILL LOOK LIKE. 2D VIEWS ALWAYS SUPERCEDE 3D VIEWS

201 MERIDIAN AVE.
LOUISVILLE, KY 40207
(502) 749-1586
BAILEYREMODEL.COM

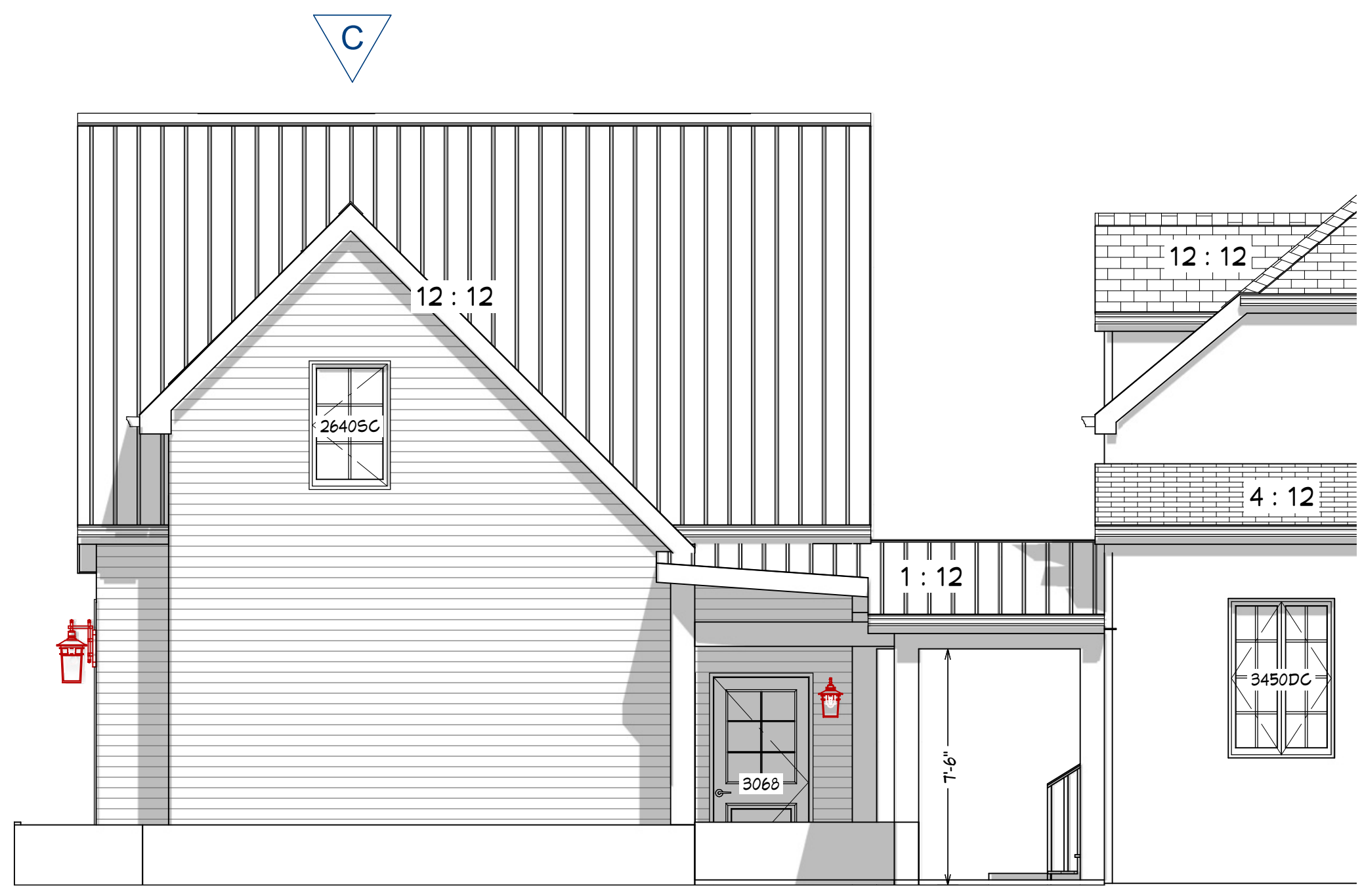


CONTRACTOR ID:
14967

NEW HOME PLANS FOR:
Jeff Emonz
57 Indian Hills Trail
Indian Hills, KY 40059
Email: jeff@ougeek.com
Phone #: 502-387-6639

PAGE TITLE:
Garage - Elevations

DRAWN BY:
DB
DATE:
6/9/2026
SCALE:
1/4" = 1'0"
SHEET #:
7



ADJACENT OWNER AFFIDAVITS

Date: 4-06-26

I (We) have seen a drawing of the proposed (e.g. garage, addition etc.) GARAGE ADDITION to be constructed at (address) 57 INDIAN HILLS TRAIL 40207.

As owner(s) adjacent to the above address, we give our consent and do not object to the planned construction or to the variance that will be required.

Note: If the property is in joint ownership, all owners must sign, or an authorized person must sign (authorized persons must also complete the certification statement). If there is a POA, the property owner is deceased or there are extenuating circumstances, please indicate on the signature line. For additional signatures, use additional copies of the affidavit form.

The signatures of all adjoining property owners required by the Board of Zoning Adjustment's bylaws have been submitted to the Board so that the variance may be acted upon within a public hearing.

1. Address: 58 Indian Hills Trail

Signature of Owner: Charles Clark

Print Name: Charles Clark

Signature of Owner: MaryBeth Clark

Print Name: MaryBeth Clark

2. Address: _____

Signature of Owner: _____ Print Name: _____

Signature of Owner: _____ Print Name: _____

3. Address: _____

Signature of Owner: _____ Print Name: _____

Signature of Owner: _____ Print Name: _____

4. Address: _____

Signature of Owner: _____ Print Name: _____

Signature of Owner: _____ Print Name: _____

CERTIFICATION STATEMENT

A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, _____, in my capacity of _____, hereby certify that _____ is (are) the owner(s) of the property which is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

I further understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void.

I further understand that pursuant to KRS 523.010, et seq, knowingly making a materially false statement, or otherwise, providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

Signature: _____ Date: _____

ADJACENT OWNER AFFIDAVITS

Date: 4/8/26

I (We) have seen a drawing of the proposed (e.g. garage, addition etc.) GARAGE ADDITION
to be constructed at (address) 57 INDIAN HILLS TRAIL 40207.

As owner(s) adjacent to the above address, we give our consent and do not object to the planned construction or to the variance that will be required.

Note: If the property is in joint ownership, all owners must sign, or an authorized person must sign (authorized persons must also complete the certification statement). If there is a POA, the property owner is deceased or there are extenuating circumstances, please indicate on the signature line. For additional signatures, use additional copies of the affidavit form.

The signatures of all adjoining property owners required by the Board of Zoning Adjustment's bylaws have been submitted to the Board so that the variance may be acted upon within a public hearing.

1. Address: 56 INDIAN HILLS TRAIL

Signature of Owner: [Signature] Print Name: RAYMOND ORTHOBAR

Signature of Owner: _____ Print Name: _____

2. Address: _____

Signature of Owner: _____ Print Name: _____

Signature of Owner: _____ Print Name: _____

3. Address: _____

Signature of Owner: _____ Print Name: _____

Signature of Owner: _____ Print Name: _____

4. Address: _____

Signature of Owner: _____ Print Name: _____

Signature of Owner: _____ Print Name: _____

CERTIFICATION STATEMENT

A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, _____, in my capacity of _____, hereby certify that _____ is (are) the owner(s) of the property which is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

I further understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void.

I further understand that pursuant to KRS 523.010, et seq, knowingly making a materially false statement, or otherwise, providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

Signature: _____ Date: _____

ADJACENT OWNER AFFIDAVITS

Date: 5-12-2026

I (We) have seen a drawing of the proposed (e.g. garage, addition etc.) GARAGE ADDITION to be constructed at (address) 57 INDIAN HILLS TRAIL 40207.

As owner(s) adjacent to the above address, we give our consent and do not object to the planned construction or to the variance that will be required.

Note: If the property is in joint ownership, all owners must sign, or an authorized person must sign (authorized persons must also complete the certification statement). If there is a POA, the property owner is deceased or there are extenuating circumstances, please indicate on the signature line. For additional signatures, use additional copies of the affidavit form.

The signatures of all adjoining property owners required by the Board of Zoning Adjustment's bylaws have been submitted to the Board so that the variance may be acted upon within a public hearing.

1. Address: 64 Indian Hills Trail

Signature of Owner: [Signature] Print Name: Vance vonBorries

Signature of Owner: _____ Print Name: _____

2. Address: _____

Signature of Owner: _____ Print Name: _____

Signature of Owner: _____ Print Name: _____

3. Address: _____

Signature of Owner: _____ Print Name: _____

Signature of Owner: _____ Print Name: _____

4. Address: _____

Signature of Owner: _____ Print Name: _____

Signature of Owner: _____ Print Name: _____

CERTIFICATION STATEMENT

A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, _____, in my capacity of _____, hereby certify that _____ is (are) the owner(s) of the property which is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

I further understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void.

I further understand that pursuant to KRS 523.010, et seq, knowingly making a materially false statement, or otherwise, providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

Signature: _____ Date: _____

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The proposed garage and breezeway addition will have zero negative impact on public health, safety, or welfare. In fact, it will improve safety conditions on the property. The current detached garage is partially underground and suffers from significant, ongoing water infiltration and structural degradation. Replacing this failing structure with a modern, professionally engineered, attached garage will resolve these drainage issues and eliminate a potential safety hazard. All construction will comply fully with current local building and safety codes.

2. Explain how the variance will not alter the essential character of the general vicinity.

The essential character of the neighborhood will be completely preserved. Residential garages—both attached and detached—are standard, defining features of the homes in this general vicinity. While the new garage will technically encroach into the 10-foot side setback, it is positioned directly adjacent to the existing driveway. Because this area is already utilized for vehicular use and parking, the visual profile and footprint of the property from the street and neighboring lots will remain entirely consistent with a traditional residential neighborhood.

3. Explain how the variance will not cause a hazard or nuisance to the public.

The variance will not create any hazards or nuisances. The garage addition will not obstruct sightlines for drivers on the public roadway, block pedestrian pathways, or interfere with any public utilities. Furthermore, by constructing a modern garage that can actually accommodate modern vehicles, we will be able to park our vehicles securely inside rather than on the street or exposed in the driveway, thereby reducing visual clutter and improving neighborhood logistics. Water runoff will also be professionally managed to ensure it does not impact public property or neighboring lots.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements to the zoning regulations.

This request is not an attempt to bypass zoning intent, but rather a request for reasonable relief due to severe physical constraints. The zoning regulations are designed to prevent overcrowding and maintain separation between structures. Because our property line uniquely runs right down the middle of the existing driveway, the garage is only encroaching toward our own established vehicle area, not toward a neighbor's living space or home. The variance seeks the minimum relief necessary to build a standard, functional garage that conforms as closely as possible to the spirit of the code given the lot's restrictions.

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity.

The property suffers from two highly unique physical circumstances that do not generally apply to other lots in the vicinity:

Severe Topography: The lot slopes significantly from the back to the front. This steep incline makes it physically and financially unfeasible to position a garage behind the home, as it would require massive, destructive excavation and retaining walls.

Property Line Anomaly: The side property line uniquely bisects the middle of the existing driveway. On a standard lot, a driveway sits fully within the property bounds, but here, simply building next to our own driveway triggers a setback violation.

6. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

Strict application of the 10-foot setback would create an unnecessary hardship by entirely depriving us of a basic, reasonable residential amenity: a functional, secure garage. The existing underground garage is functionally obsolete, too small for modern vehicles, and suffers from severe water damage. Because the steep backyard topography prevents us from building behind the house, the side yard next to the driveway is the only viable location on the entire lot. Denying this variance would force us to abandon having a usable garage altogether, which is an unfair deprivation of standard property use.

7. Are the circumstances the result of actions the applicant taken after the adoption of the regulation from which relief is sought.

No, the circumstances are entirely inherent to the natural terrain of the land and the historic layout of the property lines. The significant, steep slope of the lot is a natural geographical feature that existed long before the adoption of current zoning regulations. Additionally, the positioning of the home, the existing driveway, and the unique property line placement were established by past developers and previous owners, and have not been altered or caused by any actions taken by the current applicant.



Louisville Metro Government

Text File

File Number: 26-CUP-0079

Agenda Date: 6/29/2026

Version: 1

Status: Public Hearing

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 3.

Board of Zoning Adjustment

Staff Report

June 29, 2026



Case No:	26-CUP-0079
Project Name:	Accessory Dwelling Unit
Location:	11811 Mahogany Drive
Applicant:	Lanita Grimes
Representative:	Ballart Remodeling
Jurisdiction:	Louisville Metro
Council District:	14 – Crystal Bast
Case Manager:	Kaitlin Dever, AICP, Planner II

REQUEST

- **Conditional Use Permit** to allow an Accessory Dwelling Unit in a residential (R-4) zoning district with relief from Items B and E.2 (LDC 4.2.3).

CASE SUMMARY

The subject site is approximately 0.2132 acres zoned R-4 Single-Family Residential in the Neighborhood form district generally located south of the Greenbelt Highway and east of Dixie Highway in the Leemont Acres subdivision. The site is currently developed with a 1-story, 1,050 square-foot residential structure and 1-story, 1,152 square-foot accessory garage with driveway access to Mahogany Drive.

The applicant is requesting a conditional use permit (CUP) to allow the construction of a second floor, 832 square foot accessory dwelling unit (ADU) above the existing detached garage that does not otherwise meet the special standards of LDC 4.3.27. The unit is proposed to be accessed via exterior stairs facing the side yard leading to the second floor. Five (5) off-street parking spaces are available behind the principal structure and within the accessory garage to serve both units in accordance with LDC Table 9.1.3B. The property owner will reside in the principal structure unit.

STAFF FINDING

The requested relief from Items B and E.2 of the conditional use permit standards under LDC 4.2.3 are adequately justified for approval based on staff’s analysis contained in the standard of review.

The proposal is adequately justified for approval based on staff’s analysis contained in the standard of review and appears to meet all standards of the conditional use permit for accessory dwelling units, with the exception of the request relief from Items B and E.2.

TECHNICAL REVIEW

Louisville Metro Land Development Code (2025); South Dixie Highway Master Plan (2018)

This site is subject to the South Dixie Highway Master Plan (2018), which makes the following recommendations:

- The Natural Assets map identifies potential wetlands in this area (p. 27).

Transportation Planning and MSD have preliminarily approved the proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal does not conflict with the applicable policies of the Comprehensive Plan.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is generally compatible with surrounding land uses and the general character of the area including factors such as bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance since no changes to the exterior of the property are being proposed which reduce compatibility with the existing neighborhood pattern. The height of the proposed second-story addition above the garage is not consistent with the pattern of development in the immediate area, but still appears to meet the zoning and form district requirements in the Land Development Code relating to building height.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: The subject property is served by existing public utilities and facilities.

4.2.3 Accessory Dwelling Unit (ADU). Accessory dwelling units that do not meet the provisions of Section 4.3.27 may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements.

A. One ADU, either attached or detached is permitted per single family dwelling per lot.

B. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.

C. Location Requirements:

1. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or behind the principal structure.
2. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or behind the principal structure.

D. ADU Access:

1. For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure.

2. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.

E. Maximum Height:

1. For an attached ADU, the maximum height shall not exceed the height of the principal structure.

2. For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with Chapter 5 of the LDC. The maximum height shall not exceed the height of the principal structure.

F. ADUs approved under this provision shall not be used as a short term rental.

G. Any property that has been subject to a zoning, property maintenance, or building code violation(s) in the 12 months prior to application shall be reviewed and approved by the directors of Planning & Design Services and Codes & Regulations, or their designees. Any violations shall be resolved prior to approval.

H. Off-street parking shall meet the requirements of Chapter 9 of the LDC.

I. ADUs that include new construction that results in habitable floor area (for example, additions to principal structures or new accessory structures) shall not be allowed on any areas of lots that contain environmental constraints (LDC Section 4.6.2.A).

J. The owner of the property shall reside within either the principal or the accessory dwelling unit.

K. To avoid any confusion, since there is no language to the contrary, this section does not override any deed restriction or homeowners' association declarations restricting accessory dwelling units.

STAFF: The applicant is requesting a conditional use permit (CUP) to allow the construction of a second floor, 832 square foot accessory dwelling unit (ADU) above the existing detached garage that does not otherwise meet the special standards of LDC 4.3.27. Five (5) off-street parking spaces are available behind the principal structure and within the accessory garage to serve both units in accordance with LDC Table 9.1.3B. The property owner will reside in the principal structure unit. The accessory structure is not proposed or permitted to operate a short-term rental in the ADU.

The proposed 832 square foot ADU exceeds the 800 square foot maximum permitted gross floor area by 32 square feet and will require relief from Item B. The 1,152 square foot accessory garage is greater in size than the 1,050 square foot principal structure, which is an existing site condition. The proposed use and addition will maintain the residential character of the surrounding neighborhood and will conform to the residential site design standards of LDC Chapter 5. The proposed ADU is appropriately located behind the principal structure and meets the required setbacks for accessory structures. The unit is proposed to be accessed via exterior stairs facing the side yard leading to the second floor. Furthermore, the proposed addition remains within the existing accessory garage footprint and therefore does not increase its nonconformity, nor will it result in the loss of green space on site.

The applicant also seeks relief from Item E.2 of the conditional use permit to allow the ADU to exceed the height of the principal structure. The proposed height of the second-floor accessory structure addition will be 24' 2", which is greater than the 14' 3" height of the principal structure. Notably, accessory structure height is not regulated for suburban form districts in LDC Chapter 5. New residential construction is merely limited to 35' in height, meaning that homes generally up to 2 and 3 stories in height are appropriate in the Neighborhood form district, but the special standards for ADUs anticipate for the additional unit to be subordinate in size to the principal structure. The surrounding neighborhood is largely contextualized with single-story homes with several 1.5 to 2-story homes to the south of the subject property. In the alternative, the site has very limited available space behind the principal structure for a single-story attached or detached ADU because it is constrained by existing conditions, including the significant size of the garage and the width of the driveway to both access the garage and provide vehicular maneuverability on a 9,286 square foot lot. This alternative would functionally eliminate any substantial remaining green space on site, thereby necessitating the request for relief. The applicant will be required to provide compliance with each of the lettered standards of the conditional use permit, except where relief may be necessary.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Conditional Use Permit** to allow an Accessory Dwelling Unit in a residential (R-4) zoning district with relief from Items B and E.2 (LDC 4.2.3).

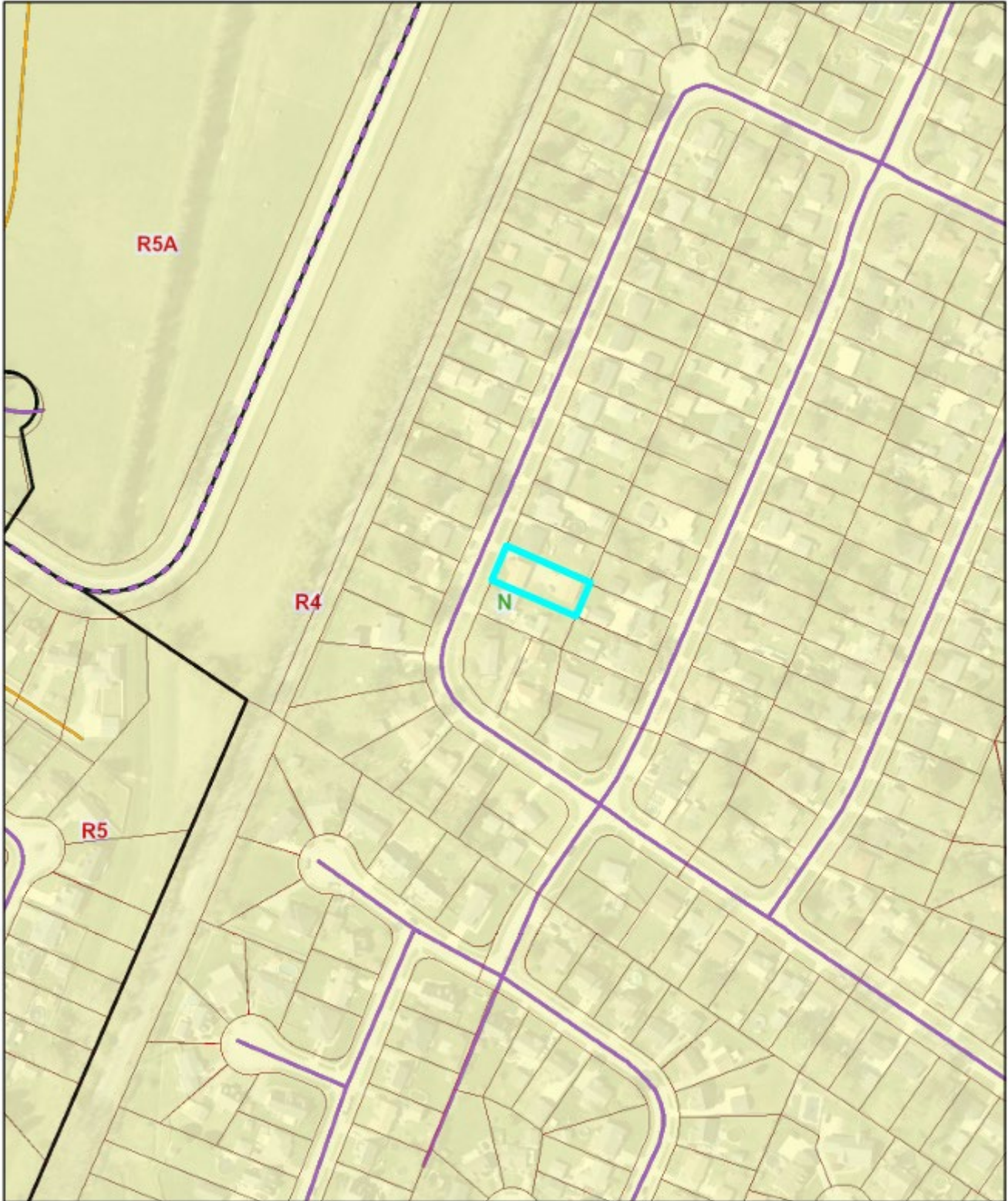
NOTIFICATION

Date	Purpose of Notice	Recipients
6/11/2026	Hearing before BOZA	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 14
6/12/2026	Hearing before BOZA	Sign posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Conditions of Approval

1. Zoning Map



2. Aerial Photograph

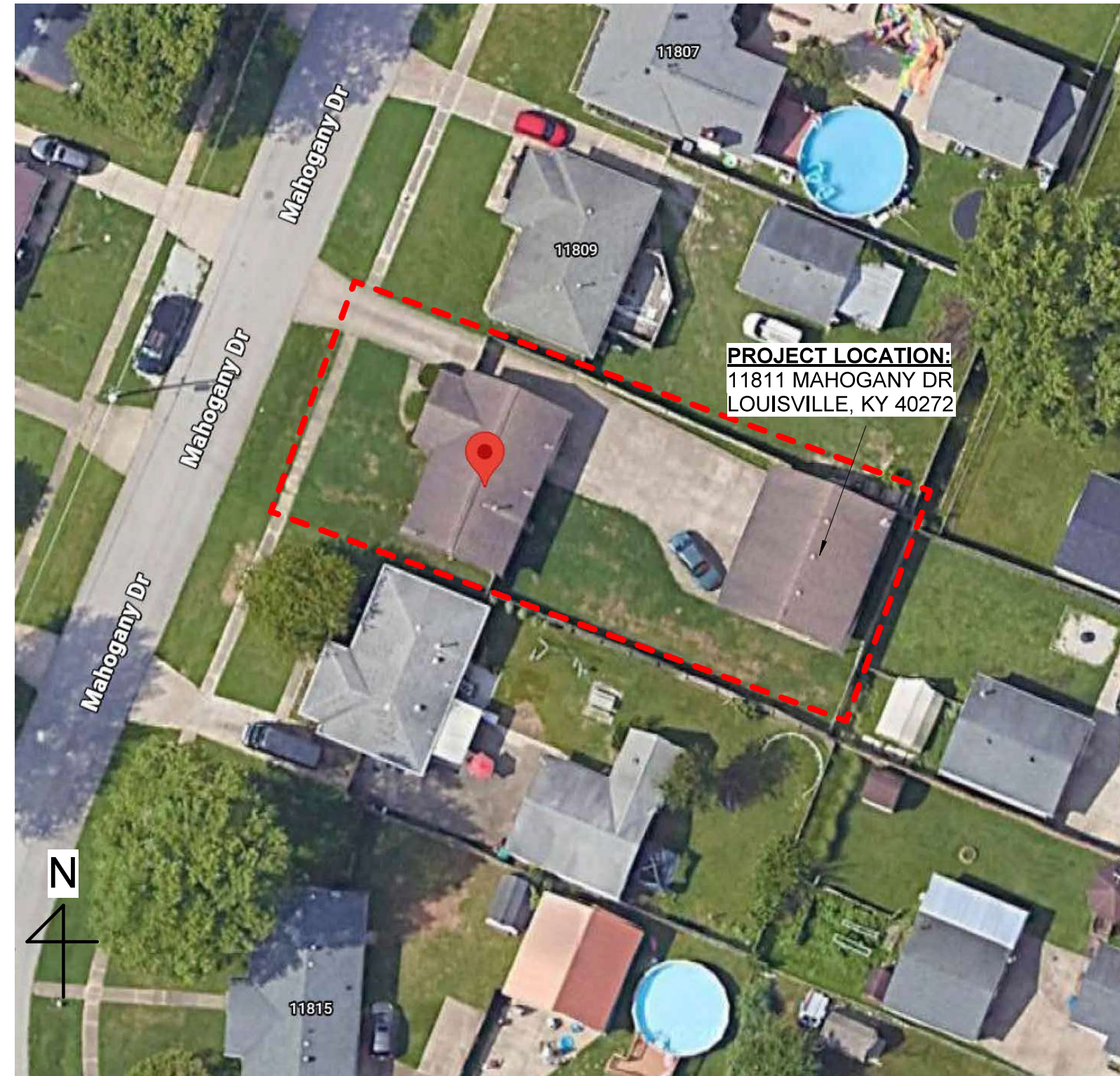


3. Proposed Conditions of Approval

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

GARAGE CONVERSION TO ADU

11811 MAHOGANY DR, LOUISVILLE KY 40272



PROPERTY INFO

PROJECT LOCATION:
11811 MAHOGANY DR
LOUISVILLE, KY 40272

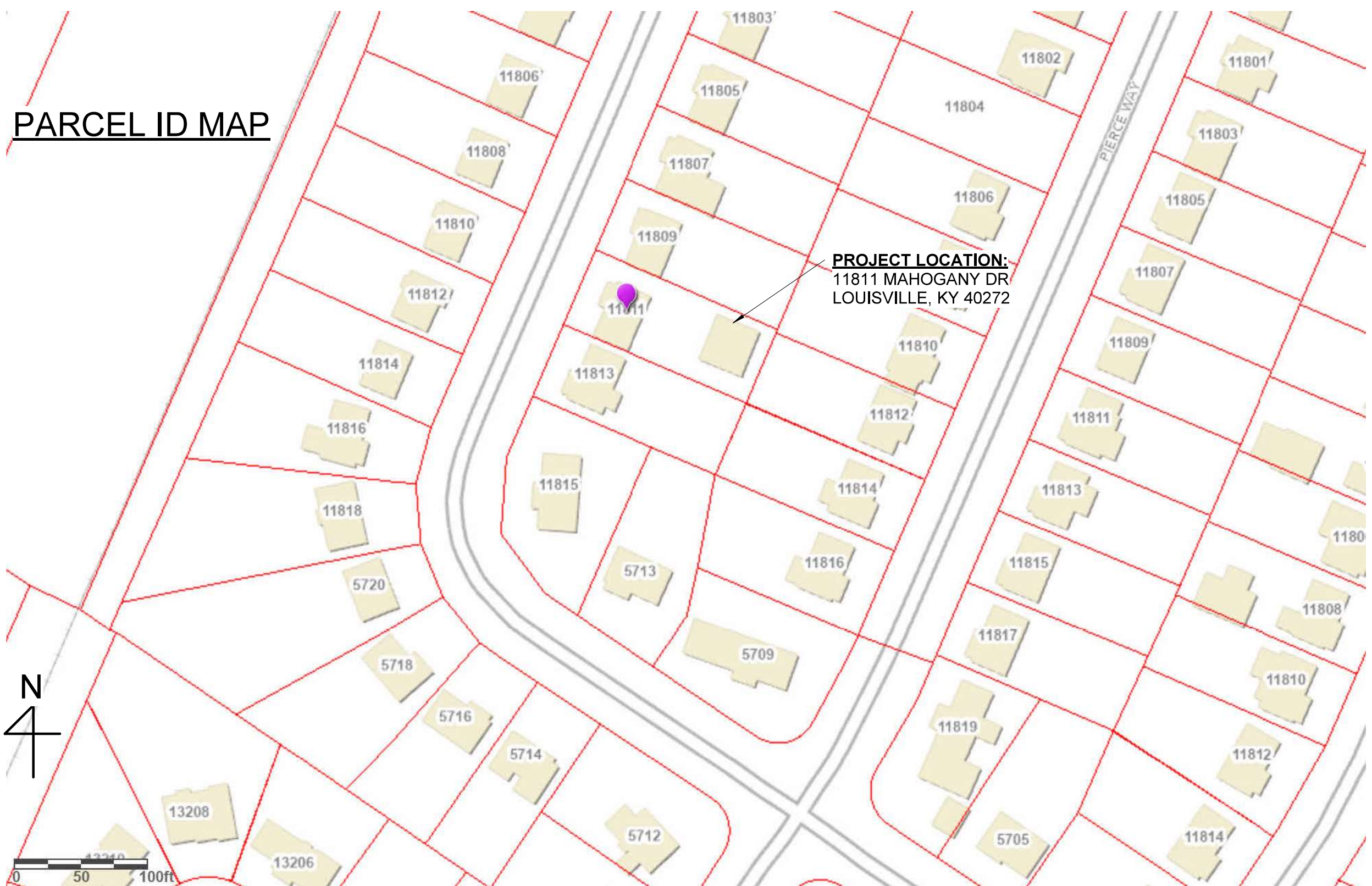
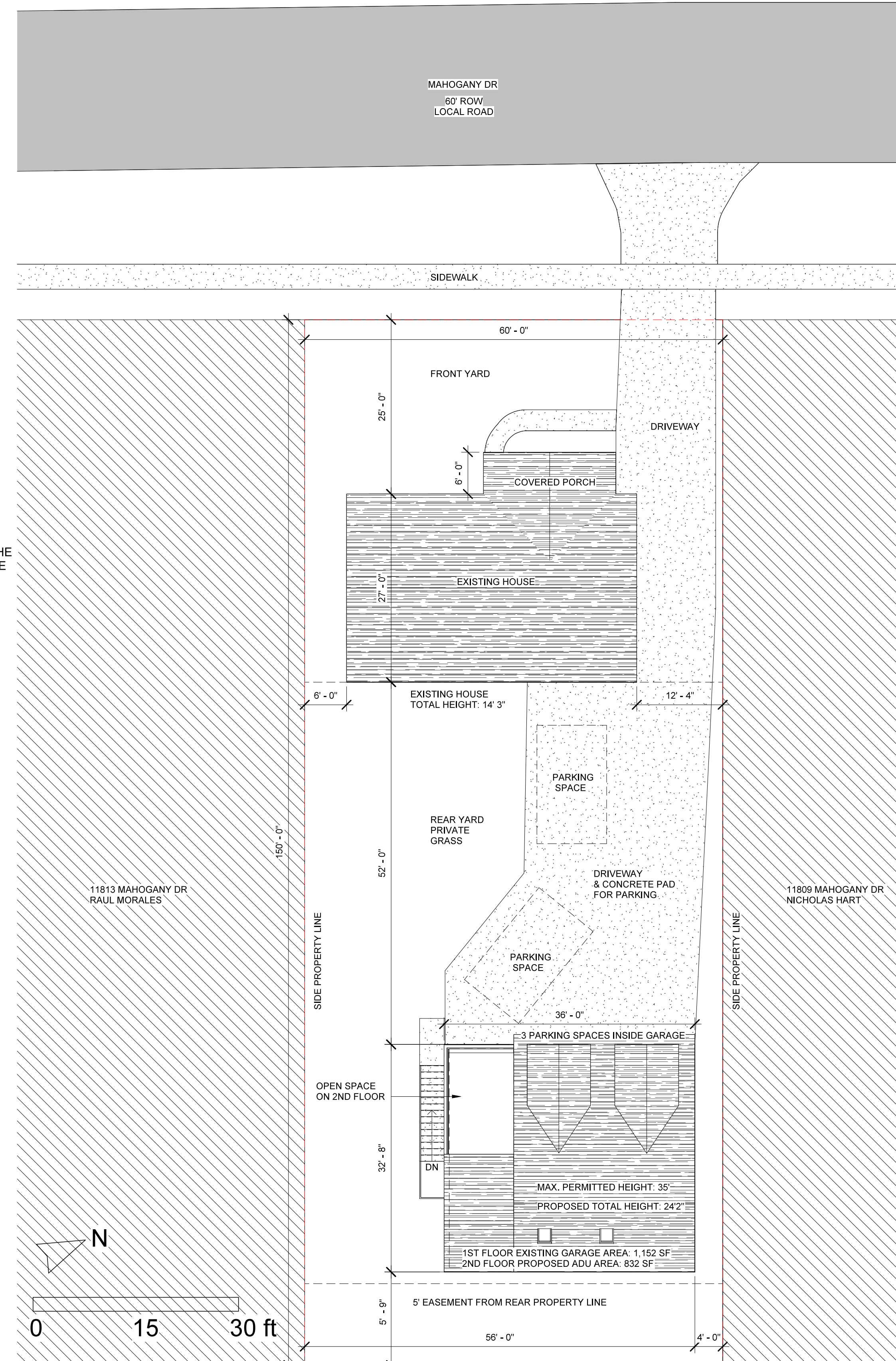
OWNER:
LANITA GRIMES
11811 MAHOGANY DR
LOUISVILLE, KY 40272

PARCEL ID	134000800000
ZONING	R4
FORM DISTRICT	NEIGHBORHOOD
HISTORIC SITE	NO
OVERLAY DISTRICT	NO
CONSTRUCTION TYPE	V-B
EXISTING USE	SINGLE FAMILY RESIDENTIAL
PROPOSED USE	SINGLE FAMILY RESIDENTIAL
SITE AREA	0.2132 ACRES
ADJACENT PROP. ZONING	R4
PARKING SPACES	MIN. 4 - MAX 10. 5 PROVIDED

CODE REVIEW

APPLICABLE BUILDING CODE:
2018 KENTUCKY BUILDING CODE (BASED ON THE 2015 IBC)

PROJECT DESCRIPTION:
THIS PROJECT CONSIST OF THE ALTERATION TO THE EXISTING GARAGE. ADDING A SECOND LEVEL ON TOP OF THE EXISTING FIRST FLOOR TO BE USED AS A ADU, KEEPING THE EXISTING FOOTPRINT.



OWNER/TENANT:
LANITA GRIMES
11811 MAHOGANY DR
LOUISVILLE, KY 40272

Project Name
GARAGE CONVERSION TO ADU

11811 MAHOGANY DR
LOUISVILLE, KY 40272

Client
LANITA GRIMES

06/09/2026

FOR PERMIT

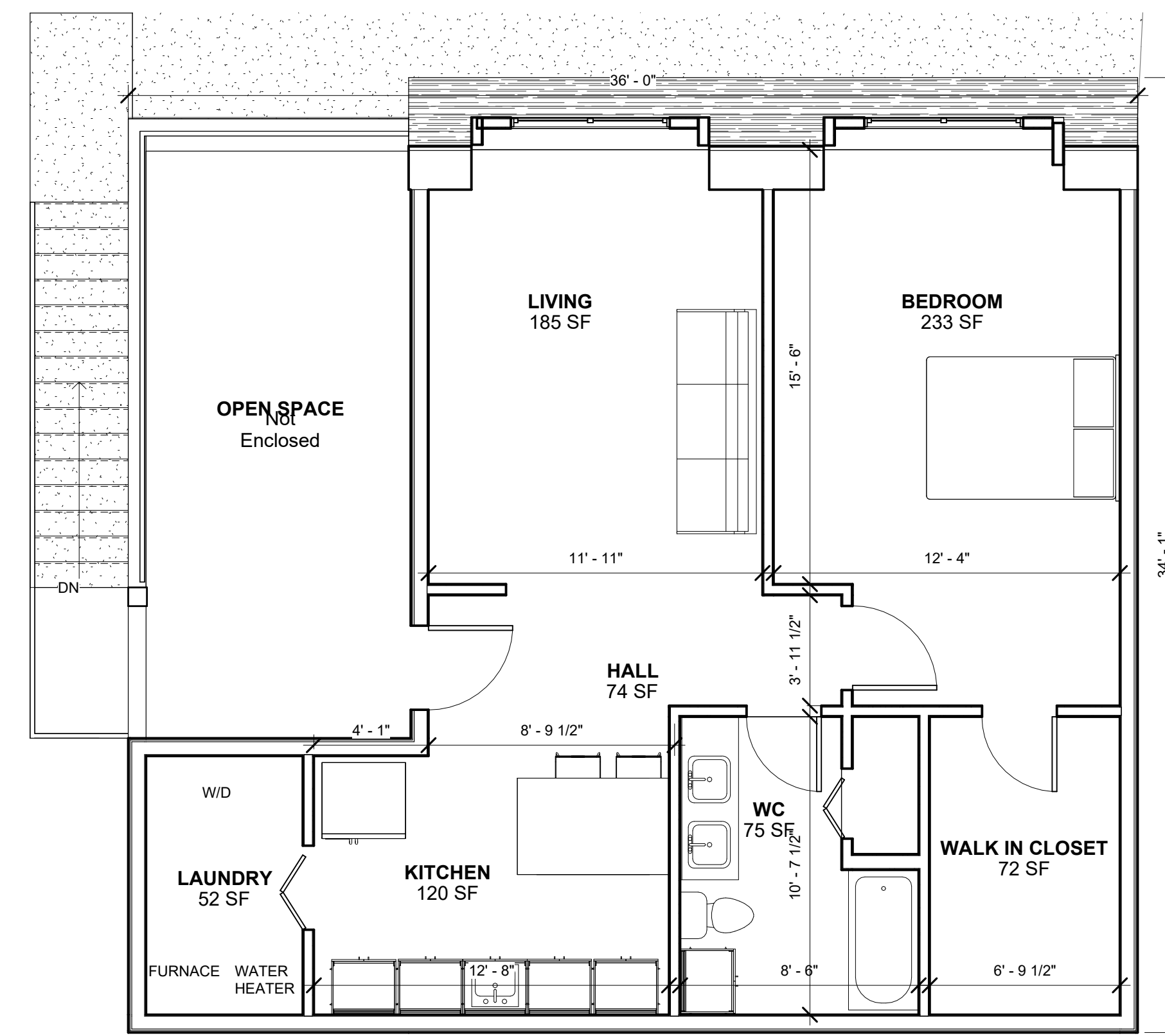
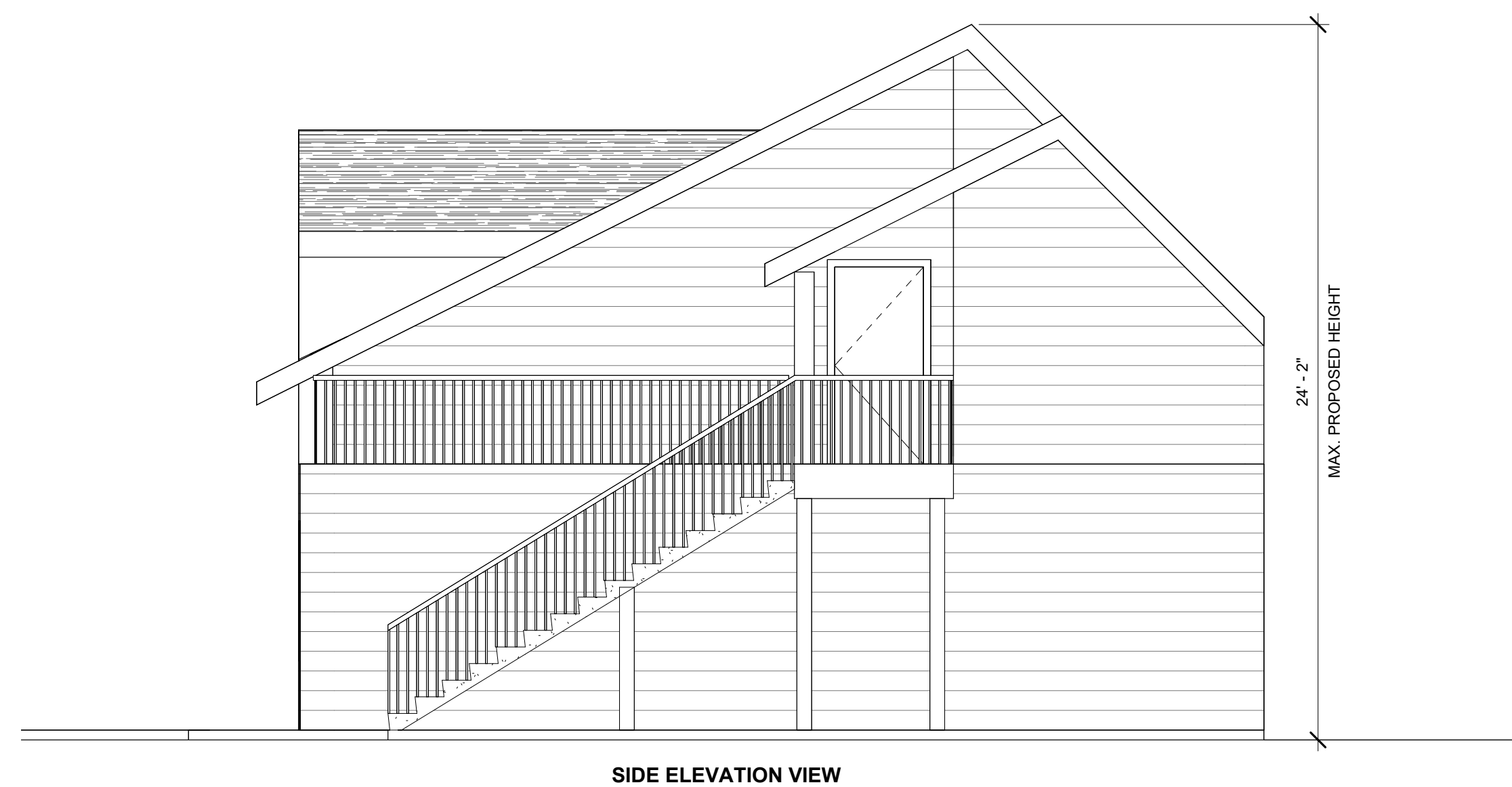
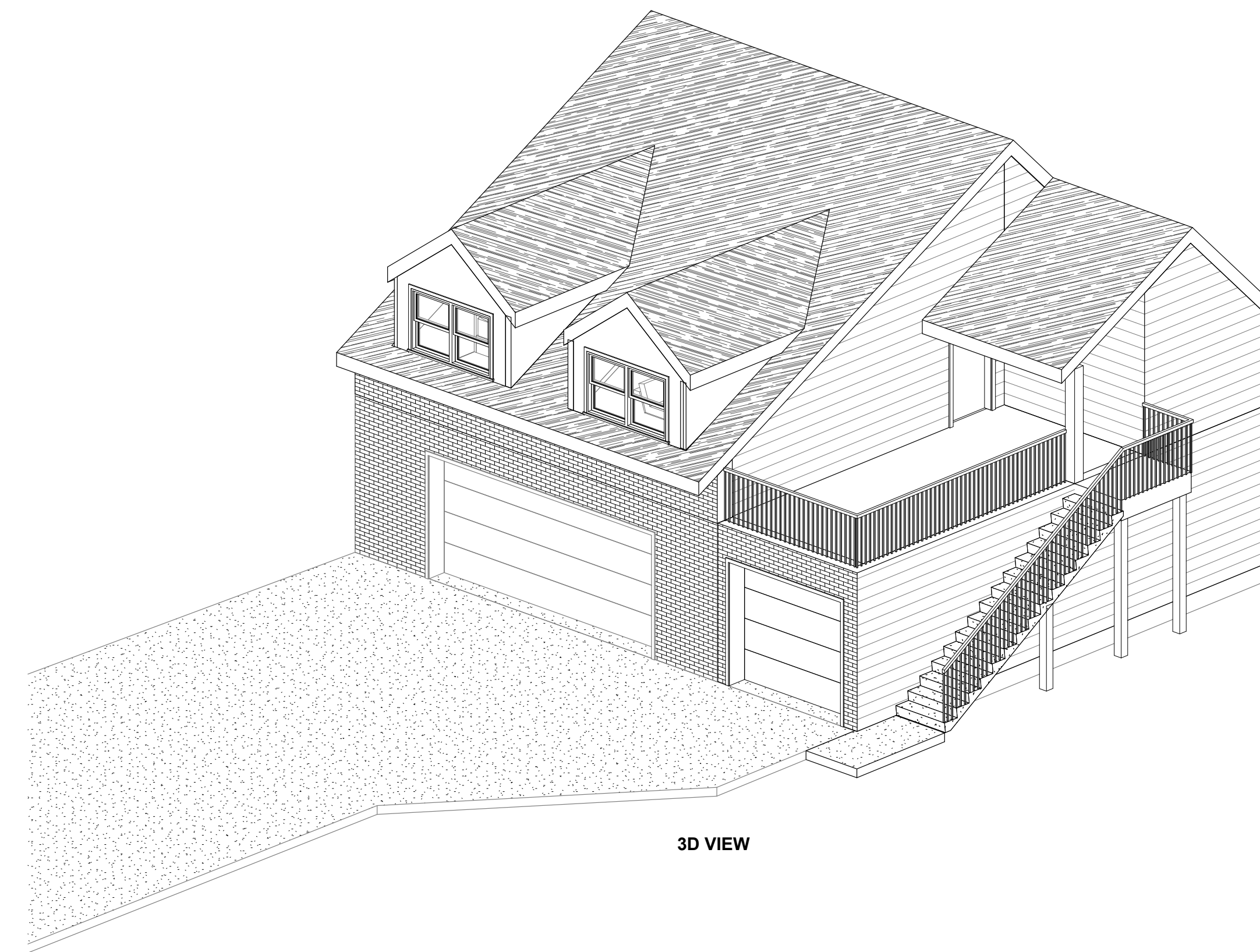
Revisions		
No.	Description	Date
1	SITE REV	05/25/2026
2	SITE REV	06/09/2026

SITE PLAN

Project number 001
Date 6/9/26

A-1
Scale 1" = 10'-0"

① SITE PLAN
1" = 10'-0"



OWNER/TENANT:
LANITA GRIMES
11811 MAHOGANY DR
LOUISVILLE, KY 40272

Project Name
**GARAGE
CONVERSION
TO ADU**

11811 MAHOGANY DR
LOUISVILLE, KY 40272

Client
LANITA GRIMES

06/09/2026

FOR PERMIT

Revisions		
No.	Description	Date
1	SITE REV	05/25/2026
2	SITE REV	06/09/2026

FLOORPLAN

Project number 001
Date 6/9/26

A-2

Scale 1/4" = 1'-0"

To: Louisville Metro Office of Planning & Design Services / Board of Zoning Adjustment

Subject: Justification Statement for Conditional Use Permit – 11811 Mahogany Drive

Case Number: 26-CUPPA-0036

To Whom It May Concern:

I am submitting this justification statement in support of my application for a Conditional Use Permit to establish an owner-occupied Accessory Dwelling Unit (ADU) above the existing garage on my property located at 11811 Mahogany Drive in Louisville, Kentucky. The proposed ADU is designed to comply with Louisville Metro Land Development Code requirements and to contribute positively to the character, functionality, and long-term stability of the neighborhood.

1. Consistency with the Comprehensive Plan and Neighborhood Character The proposed ADU aligns with the goals of *Plan 2040*, which encourages a wider range of housing options, supports infill development, and promotes efficient use of existing infrastructure. The ADU will be modest in scale, architecturally compatible with the primary residence, and consistent with the surrounding residential pattern. Its placement above the garage ensures minimal visual impact and preserves the existing streetscape.

2. Owner Occupancy and Responsible Stewardship As required, I will continue to reside on the property as the full-time owner-occupant. This ensures responsible management of the ADU, ongoing maintenance of the property, and continued investment in the quality and stability of the neighborhood. The ADU is intended for my adult son, supporting multigenerational living and providing a flexible housing option without altering the residential character of the area.

3. Compatibility With Surrounding Properties The ADU has been designed to respect privacy, scale, and setbacks. Window placement, building height, and exterior materials have been selected to minimize any potential impact on adjacent properties. The structure will not create noise, traffic, or light impacts beyond what is typical for a single-family residential lot.

4. Adequate Infrastructure and Services The property is already served by existing public utilities, including water, sewer, and electrical service. The ADU will not require new infrastructure or place undue burden on public services. Off-street parking is available on the property and will continue to meet or exceed applicable requirements.

5. Support for Housing Diversity and Community Goals Louisville continues to experience a need for diverse, flexible, and attainable housing options. This ADU contributes to that goal by adding a small, well-integrated unit that supports aging-in-place, family support, and long-term neighborhood vitality. The project represents a responsible and sustainable way to increase housing availability without altering the established residential character.

Conclusion For these reasons, I respectfully request approval of the Conditional Use Permit for an owner-occupied ADU above the garage. I am committed to ensuring that the ADU is an asset to the neighborhood and remains fully compliant with all applicable regulations.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Lanita Grimes". The signature is written in black ink and is positioned above the typed name.

Lanita Grimes

lanitagrimes@gmail.com

(502) 403-9223

Feb, 17th, 2026


Señores
Office of Planning
LMG,
Louisville, KY

El proyecto consiste en la construcción de la adición de un segundo nivel sobre el footprint existente del garage.

Se va a encerrar el porche existente en el garage.

Por favor revisar documentos adjuntos que muestran graficamente las dimensiones y el scope of work.

Quedo Atento a cualquier pregunta

Isaiah Ballant


RECEIVED

FEB 17 2026

**OFFICE OF
PLANNING**

Address: 11811 Mahogany dr, Louisville KY 40272.

See PVA attachment. 1st floor area (main house) 1,050 sf.
Basement (main house) 1,000 sf.
Garage (existing) 1,152 sf.

22-CUPPA-0022

NOTICE OF DEVELOPMENT APPLICATION
FILED WITH OFFICE OF PLANNING
NEIGHBORHOOD MEETING NOTIFICATION

04/06/2026:

To the Adjoining Property Owners, Neighborhood Group Representatives expressing interest in this area and Metro Councilperson for the 14 District,

A Conditional Use Permit application to allow an Accessory dwelling unit at the address below was filed with the department of Louisville Metro Office of Planning on 02/18/2026

ADDRESS: 11811 MAHOGANY DR LOUISVILLE KY 40272
CASE NO: 26-CUPPA-0036
CASE MANAGER: Kaitlin Dever, AICP
CASE MANAGER EMAIL: kaitlin.dever@louisvilleky.gov
COUNCIL DISTRICT: 14
APPLICANT: **Ibrahim Ballart** on behalf of Lanita Grimes (owner)

In accordance with the procedures of Louisville Metro Office of Planning, we have been directed to invite you to discuss this proposal before a formal application can be filed. This will be an informal meeting to give you the opportunity to review the proposed plan and discuss the proposal with the applicant or its representative. We encourage you to attend this meeting and to share your thoughts. This meeting will be held in addition to the established public meeting procedures of the Planning Commission and/or the Board of Zoning Adjustment.

The meeting to discuss this application will be held on:
DATE: April 22nd, 2026 @ 6:30 pm
LOCATION: 11811 MAHOGANY DR LOUISVILLE KY 40272

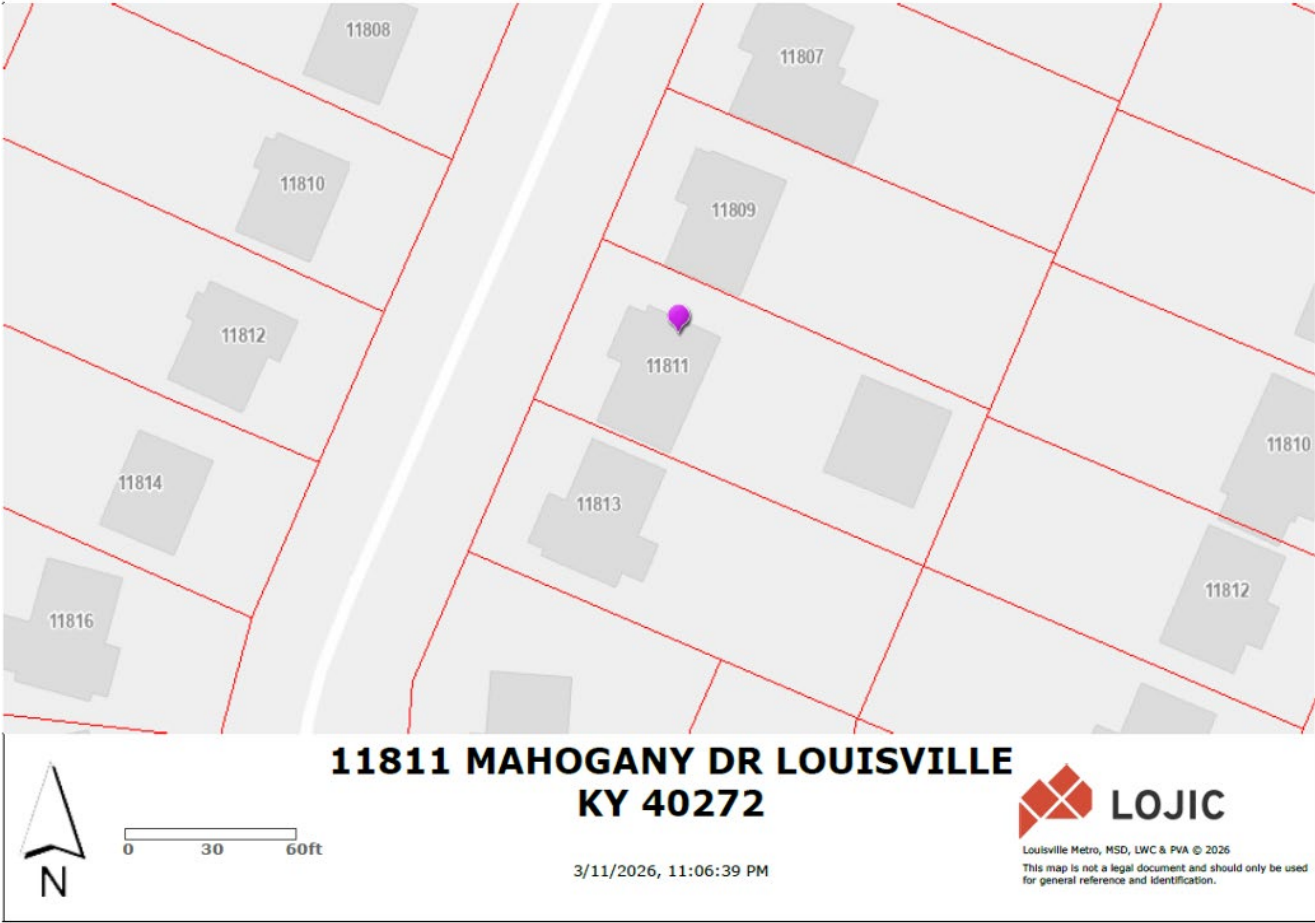
Ibrahim Ballart is the primary point of contact for any questions or comments. Any questions or comments received will be incorporated into the meeting record. The contact information is below:

Name: **Ibrahim Ballart**
Email: ballartremodeling@gmail.com

If you have questions about this application, or would like to view the case file, please visit <http://louisvilleky.gov/government/planning-design> or contact Louisville Metro Office of Planning at:

Metro Development Center
444 S 5th St, 3rd Floor
Louisville, KY 40202
(502) 574-6230

Subject Site:



Summary of the Neighborhood meeting - 04/22/2025

11811 MAHOGANY DR, LOUISVILLE KY 40272

The meeting started at 6:30 pm as planned, the attendance was 5 people. (See the meeting attendance sheet for names and information of attendees.)

The meeting started with a presentation for the ADU (Accessory dwelling unit) project, where the owner explained to the neighbors that the project consists of building a one-bedroom apartment over the garage for owner-use only.

The owner explained the main reason for building the ADU is to provide additional space for family use only. The owner's son will start college soon, and he will need a living solution, so instead of paying extra for rent, he can stay living close to his parents.

The neighbors expressed the concern that the ADU might become a short-term rental in the future, which the owner affirmed again, that the main use will be for family-use only, for her son, and they have no intention of selling the property in the upcoming years. She also explained that, as part of the process to get the conditional permit, she had to modify the deed, so it has a restriction on it, where the property can't be sold separately.

The neighbors expressed that they have no issues if the ADU will be used exclusively to accommodate family and to be used only by the owner.

The neighbors expressed the concern about the size of the ADU, the owner replied confirming that it will follow the footprint of the existing garage and side covered patio area that is next to it. The floorplan area for the apartment upstairs will be the same or less than the downstairs area, but it is not planned to exceed or extend the footprint.

The meeting finished at 7 pm.

Owner: Lanita Grimes

Applicant: Ibrahin Ballart (Contractor).



Louisville Metro Government

Text File

File Number: 26-VARIANCE-0062

Agenda Date: 6/29/2026

Version: 1

Status: Public Hearing

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 4.

Board of Zoning Adjustment

Staff Report

June 29, 2026



Case No:	26-VARIANCE-0062
Project Name:	Fence and Infill Setback Variance
Location:	4904 Hyde Park Dr
Applicant:	Maisy Avila
Representative:	Maisy Avila
Jurisdiction:	Louisville Metro
Council District:	12 – Jonathan Joseph
Case Manager:	Catherine Gomez, Planner I

REQUESTS

- **Variance** from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a 6’ fence to exceed the maximum permitted height of 4’ in the required front yard setback.
- **Variance** from Land Development Code (LDC) Section 5.1.12.B.2.a to allow an accessory structure to encroach into the required front yard setback.

Location	Requirement	Request	Variance
Front Yard Height	4 ft	6 ft	2 ft
Infill Setback	38 ft	26 ft	12 ft

CASE SUMMARY

The subject site is zoned R-4 Single Family Residential in the Neighborhood Form District and is located at the corner of Elmore Street and Hyde Park Drive. The applicant has an existing 6’ fence parallel to the front yard setback along Elmore Street, starting from the intersection of Elmore Street and Hyde Park Drive and extending to the rear property line. The applicant has an existing 10’ by 16’ accessory structure that is encroaching into the front yard setback as well. Both the fence and the accessory structure received a violation notice from zoning enforcement.

STAFF FINDING

The requested variance is adequately justified for approval based on the analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #1

1. The requested variance will not adversely affect the public health, safety, or welfare and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety, or welfare, or cause a hazard or nuisance to the public because the proposed fence must be constructed to comply with all building codes and the Land Development Code except for the requested relief. The distance between the nearest edge of the pavement and the proposed fence is sufficient to not impede vision clearance or adversely impact the safe movement of vehicles.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as there are other corner lots within the neighborhood with fences that exceed the maximum height in the required street side yard.

3. The requested variance arises from circumstances which do not generally apply to land in the general vicinity or in the same zone.

STAFF: The requested variance does not arise from circumstances which do not generally apply to land in the general vicinity as the subject property is similar in size and shape to other properties in the area.

4. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as adherence to the setback standards would not permit the applicant to maintain the already constructed fence.

5. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

STAFF: The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, as the applicant has requested the Variance after installing the fence.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #2

6. The requested variance will not adversely affect the public health, safety, or welfare and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety, or welfare, or cause a hazard or nuisance to the public because the accessory structure must be constructed to comply with all building codes and the Land Development Code except for the requested relief.

7. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as the applicant is simply requesting a small storage shed adjacent to the principal structure, which is not an uncommon request for residential land use.

8. The requested variance arises from circumstances which do not generally apply to land in the general vicinity or in the same zone.

STAFF: The requested variance does arise from circumstances which do not generally apply to land in the general vicinity as the subject property is an abnormal shape on a corner lot that is constrained in size. The principal structure is facing Hyde Park Drive, which is considered a street side yard, and the technical front yard faces Elmore Street. Because of this configuration, the only reasonable space to have the storage shed would be in the front infill setback established by the Land Development Code.

9. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create unnecessary hardship on the applicant as adherence to the setback standards would not permit the applicant to maintain the already constructed storage shed.

10. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

STAFF: The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, as the applicant has requested the Variance after installing the fence.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance** from Land Development Code (LDC), Section 4.4.3.A.1.a.i to allow a 6’ fence to exceed the maximum permitted height of 4’ in the required front yard setback.
- **APPROVE** or **DENY** the **Variance** from Land Development Code (LDC) Section 5.1.12.B.2.a to allow an accessory structure to encroach into the required front yard setback.

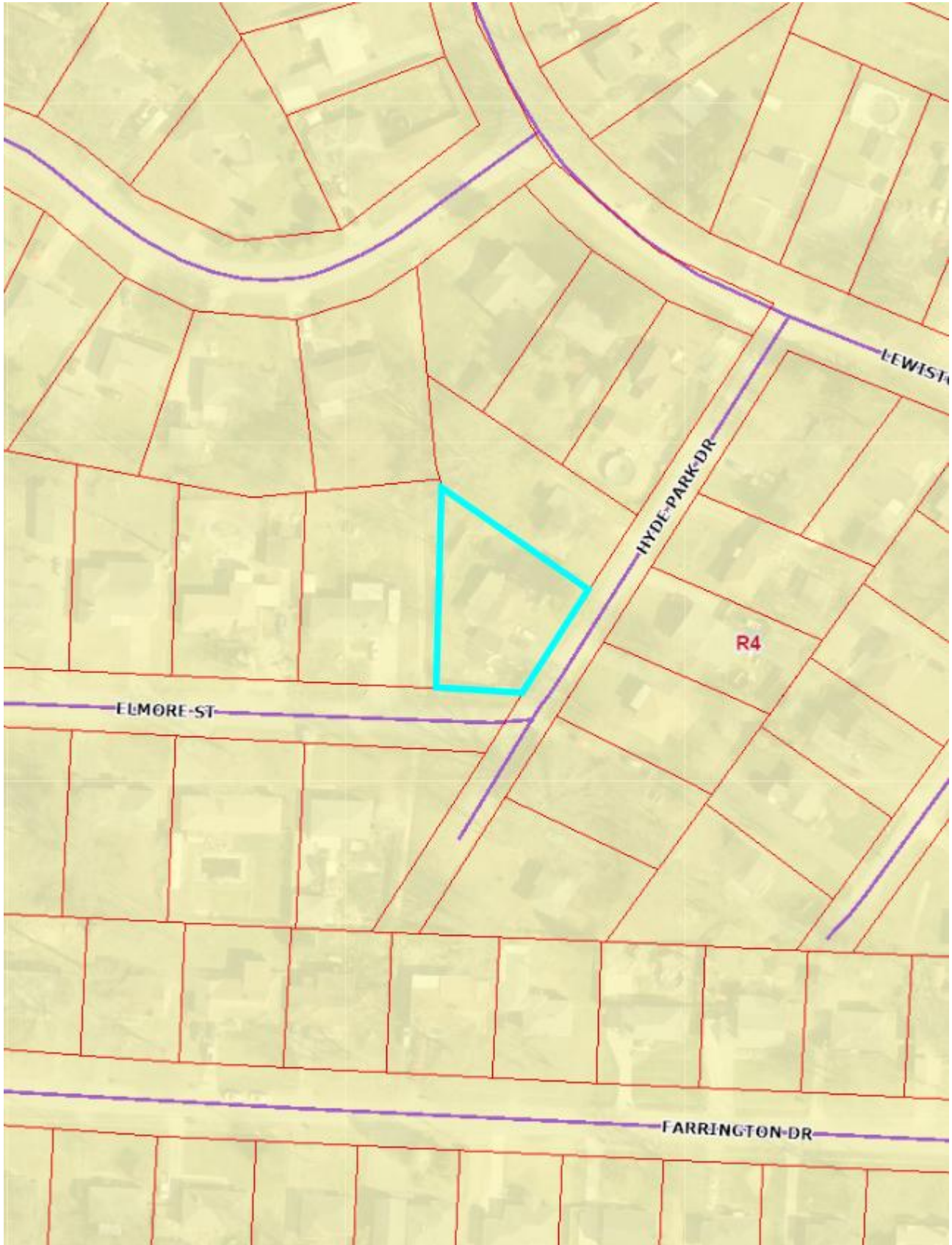
NOTIFICATION

Date	Purpose of Notice	Recipients
6/12/2026	Hearing before BOZA	1 st tier adjoining property owners and current residents. Registered Neighborhood Groups in Council District 12
6/12/2026	Hearing before BOZA	Sign Posting on property

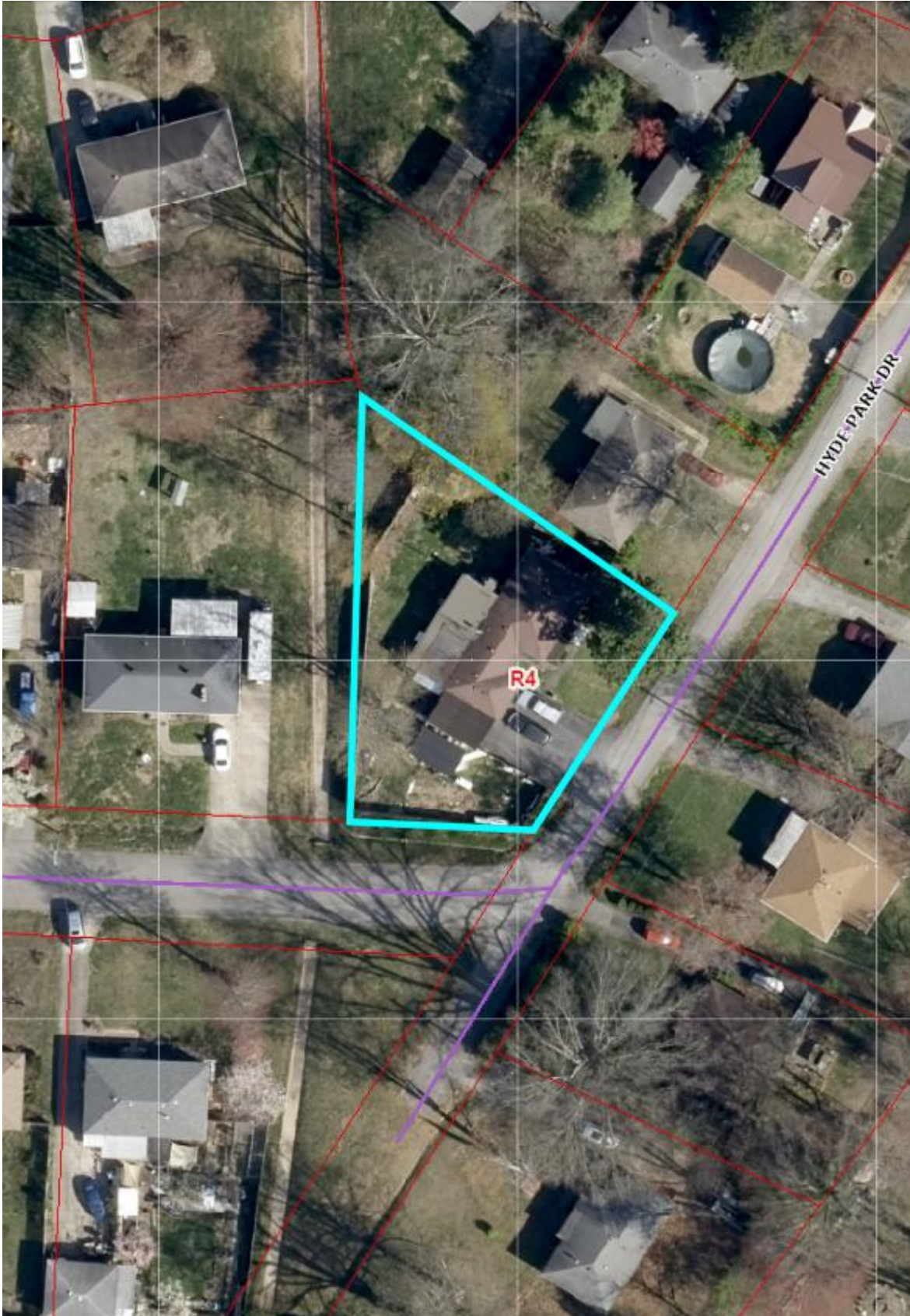
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph





6' fence
all around

4904 Hyde Park Dr

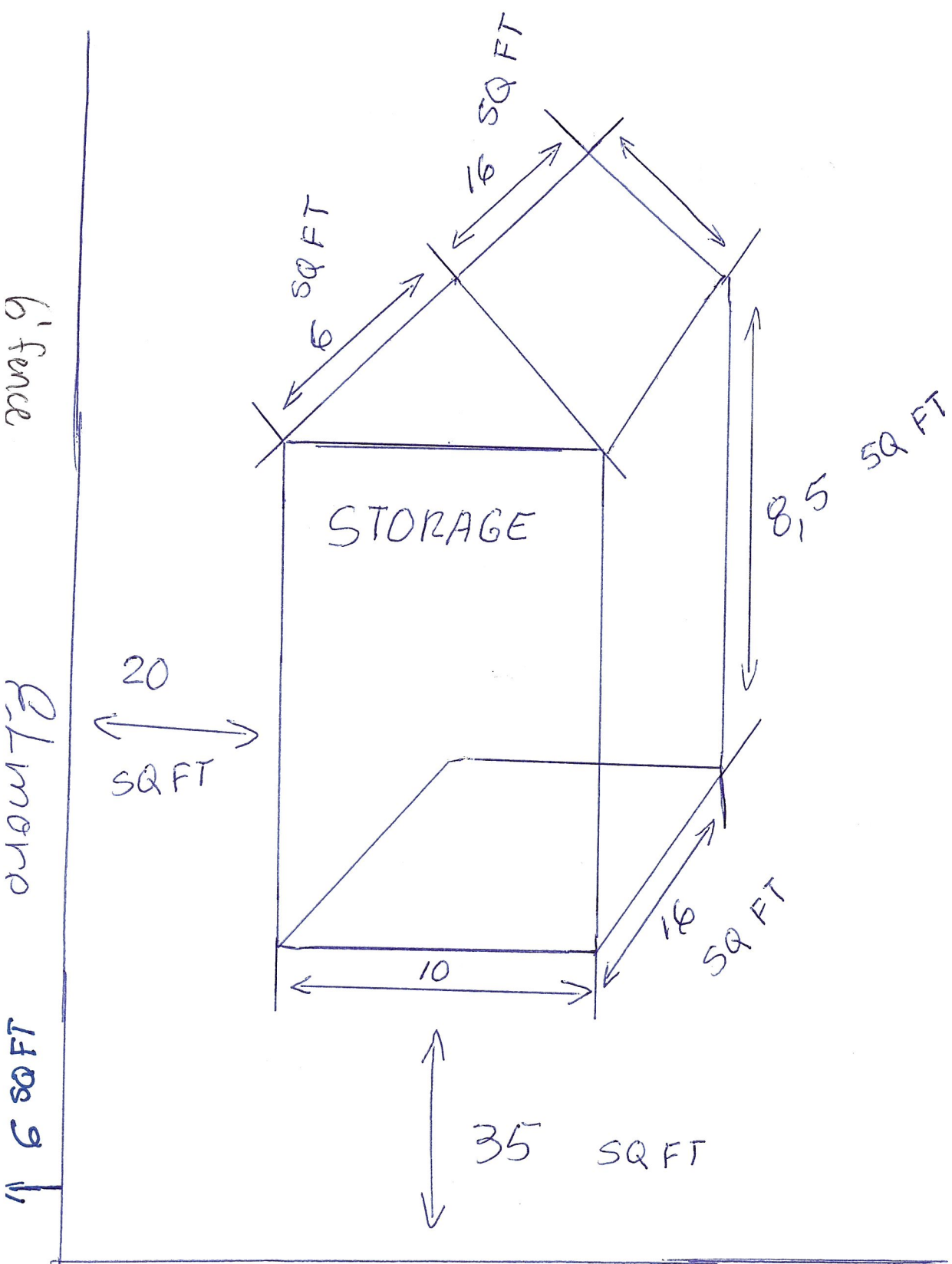
Friday, June 5, 2026 | 9:52 AM



LOJIC

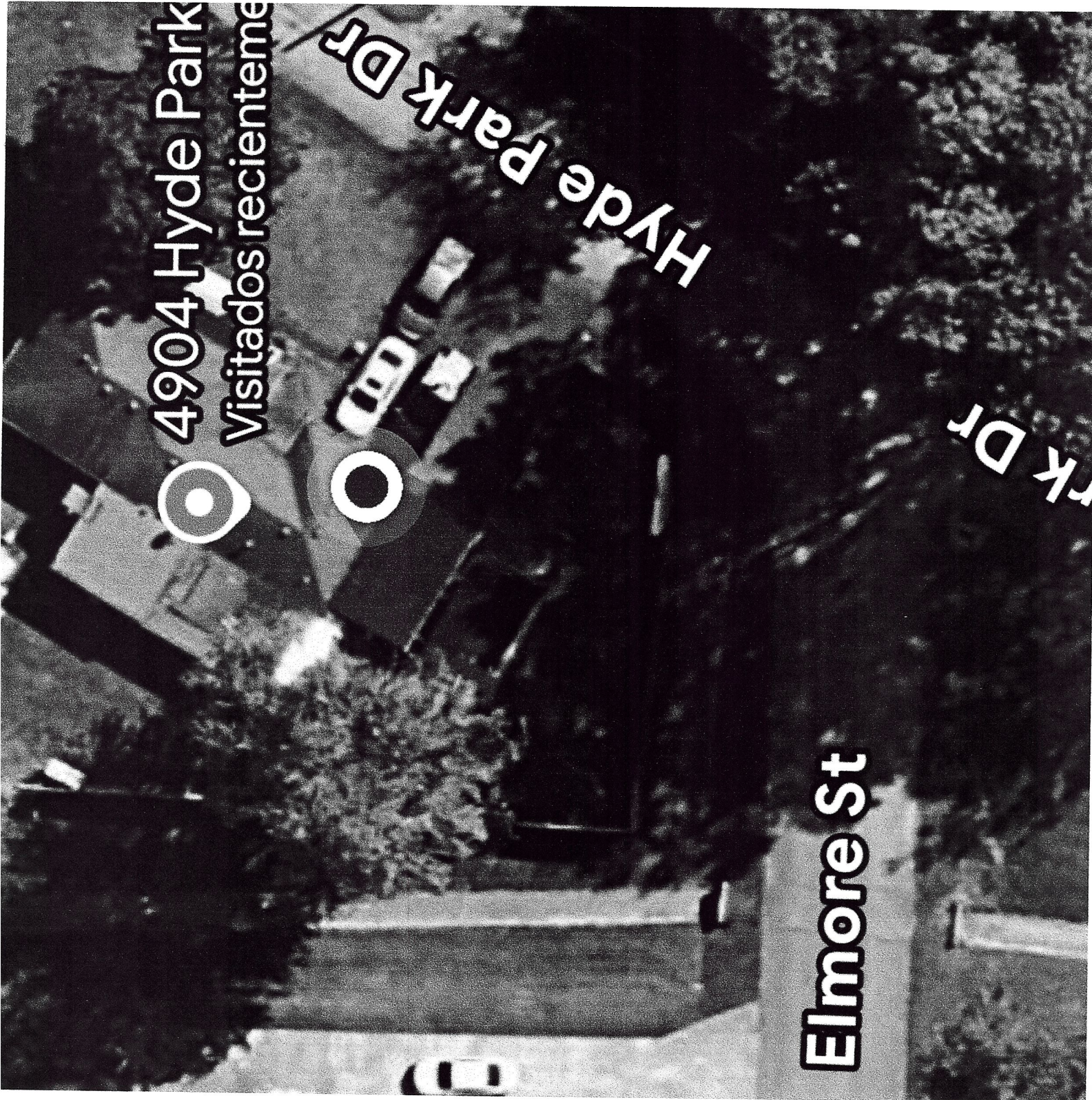
LOJIC © 2026

This map is not a legal document and should only be used for general reference and identification.



Received 6/5/26 Hyde Park Drive Planning & Design

26-VARIANCE-0062



RECEIVED

JUN 05 2026

Received 6/5/26

Planning & Design

OFFICE OF
PLANNING

26-VARIANCE-0062

JUSTIFICATION

To justify approval of any variance, the Board or Commission considers the following criteria.

Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes, No, or N/A** will **NOT** be accepted.

1. Explain how the variance will not adversely affect the public health, safety, or welfare.

The shed does not affect the public in any way to the public.

2. Explain how the variance will not alter the essential character of the general vicinity.

It has been existing for a certain amount of time and its not a problem.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The shed is nothing that abstracts the view of traffic and its hard to even seeing from outside.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Its in residential zoning district and its not very different from existing rules.

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

It has been existing for a while it doesnt affect in any way It would be much easier getting a variance than taking down.

6. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The variance would prevent the owner from being burdened.

7. Are the circumstances the result of actions of the applicant taken after the adoption of the regulation from which relief is sought?

Yes.

RECEIVED

JUN 05 2026

OFFICE OF
PLANNING



Louisville Metro Government

Text File

File Number: 26-VARIANCE-0063

Agenda Date: 6/29/2026

Version: 1

Status: Public Hearing

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 5.

Board of Zoning Adjustment

Staff Report

June 29, 2026



Case No:	26-VARIANCE-0063
Project Name:	Victoria Drive Variance
Location:	7208 Victoria Drive
Applicant:	Lou Developments, LLC
Representative:	James Judd
Jurisdiction:	Louisville Metro
Council District:	24 – Ginny Mulvey-Woolridge
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code Section 5.1.12.B.2.a to allow a structure to encroach into the required infill front yard setback.

Location	Requirement	Request	Variance
Infill Front Yard	53 ft. to 57 ft.	5 ft.	48 ft.

CASE SUMMARY

The site is approximately 0.25 acres and is in the R-4 Single-Family Residential zoning district and Neighborhood form district. It is located on the northwestern corner of Victoria Drive and Briscoe Lane. The applicant is proposing to construct a single-family residence that would encroach into the required front yard setback, which is set by the infill development standards.

STAFF FINDING

The requested variance is adequately justified for approval based on the analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

1. The requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety, or welfare, because the proposed structure would not impact vision clearance or any other public health or safety issue.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity as there are other similarly used structures in the area with a variety of lot sizes and setbacks.

3. The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.

STAFF: The requested variance does arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone as the subject property is smaller in area and depth than the surrounding properties, therefore requiring further encroachment toward the front property line.

4. The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land because the property is not as deep as surrounding properties and the applicant would not be able to construct a residence with the same setback as the surrounding properties.

5. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as work has not begun on the proposed alterations for which the variance is being requested.

REQUIRED ACTION

- **APPROVE** or **DENY** the **Variance** from Land Development Code Section 5.1.12.B.2.a to allow a structure to encroach into the required infill front yard setback.

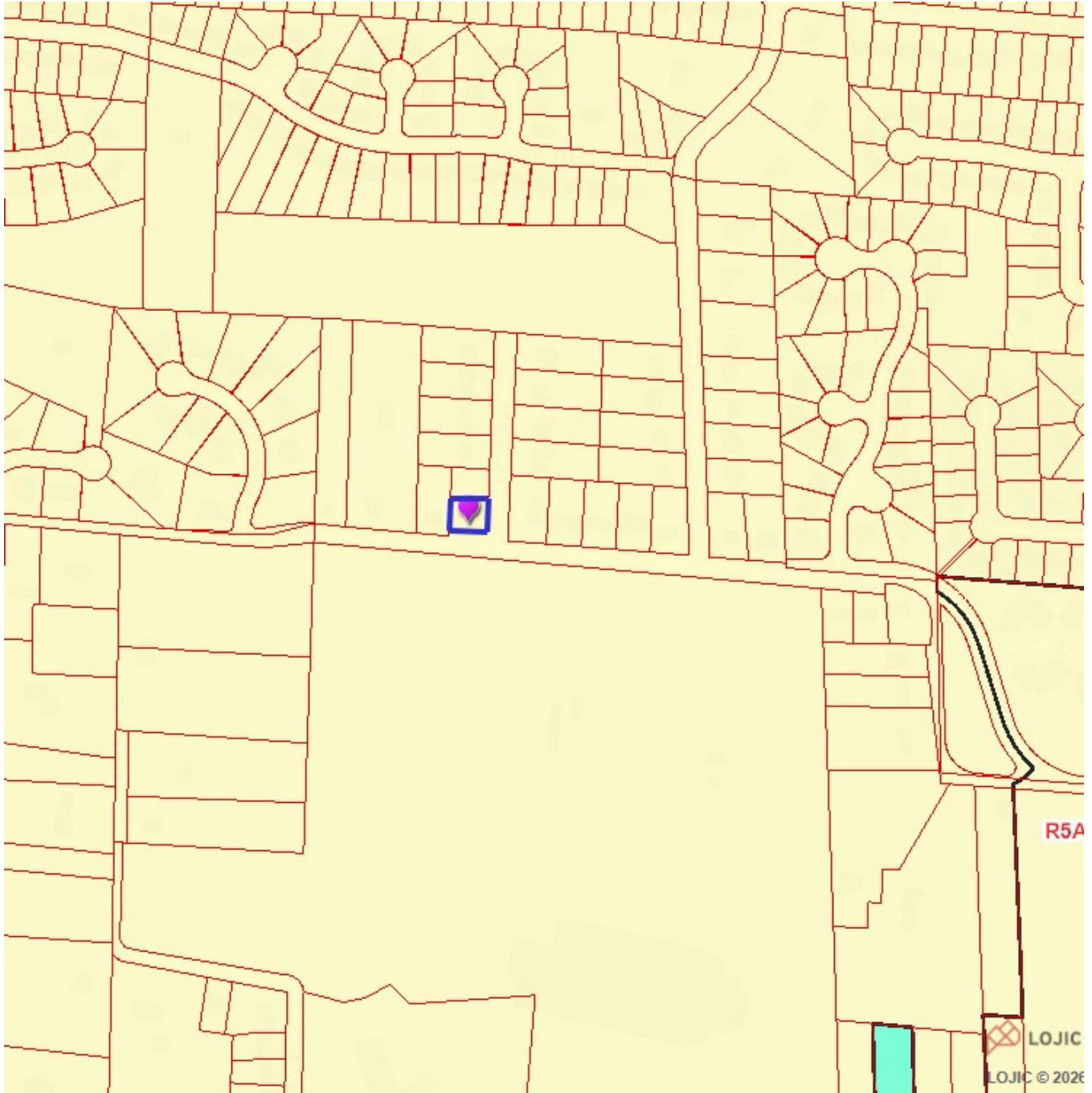
NOTIFICATION

Date	Purpose of Notice	Recipients
6/11/2026	Hearing before Board of Zoning Adjustment	1 st tier adjoining property owners and current residents
6/11/2026		Registered Neighborhood Groups in Council District 24

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



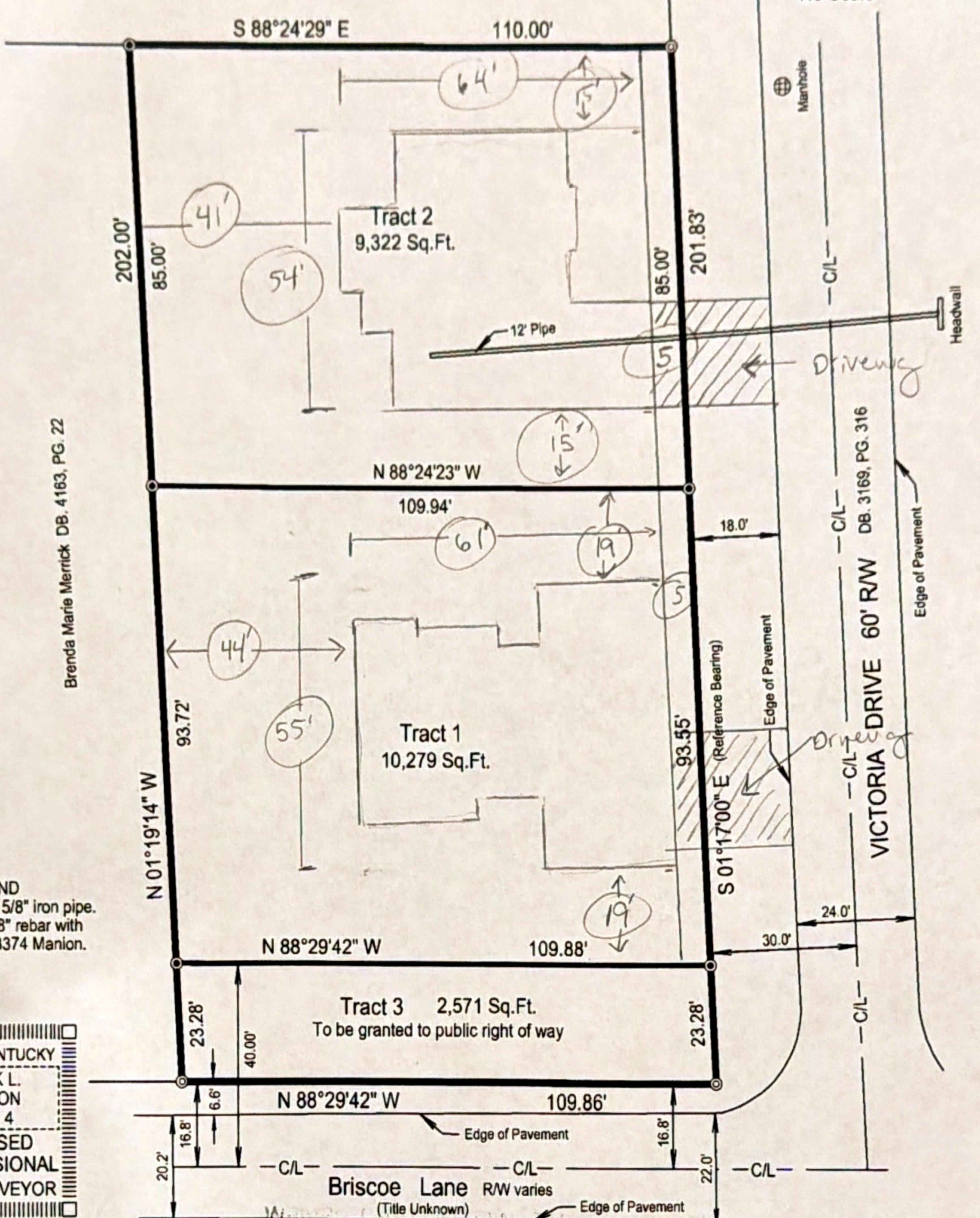
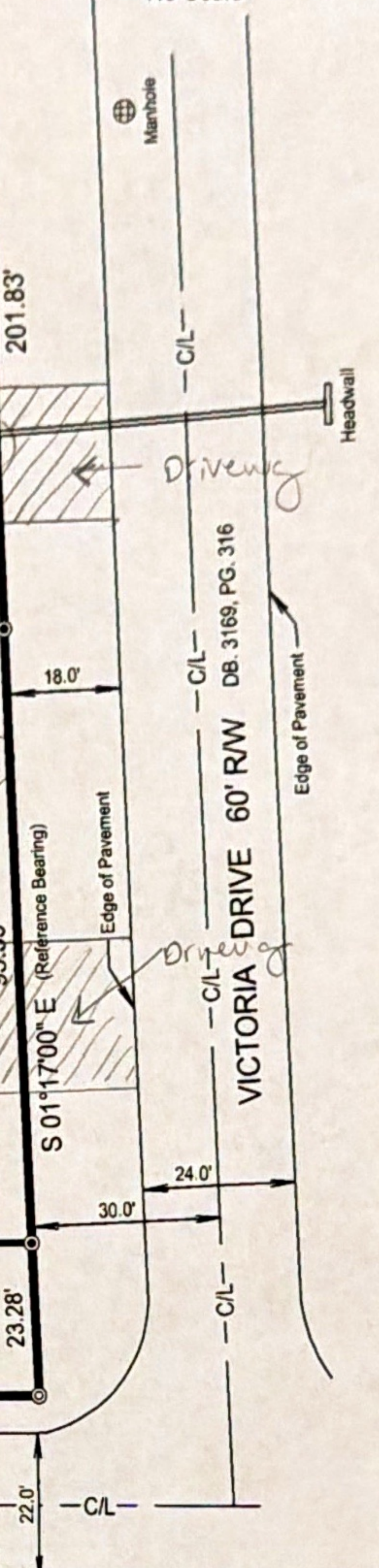
2. Aerial Photograph



- NOTES:
1. The unadjusted closure error was 1 in 25,240.
No adjustments were made for closure.
 2. A Title Examination may reveal roads and easements not shown hereon.
 3. Reference of meridian was taken from the record deed in DB. 9044, PG. 317 shown as reference bearing on the plat.
 4. The property shown hereon is not in the 100 year flood area as located by F.E.M.A. Map No. 21111C 0095F dated 02-26-2021.
 5. This site lies within the karst terrain area. Any subsequent development on site is subject to the requirements of Chapter 4, Section 9 of the Land Development Code.
 6. Vehicular access must come from Victoria Drive.

Travis N. & Franchesca Laws DB. 10368, PG. 374

LOCATION MAP
No Scale



Brenda Marie Merrick DB. 4163, PG. 22

- LEGEND**
- ⊙ = Existing 5/8" iron pipe.
 - ⊙ = Set a 5/8" rebar with a cap #3374 Manion.

STATE OF KENTUCKY
 MARK L. MANION
 3374
 LICENSED PROFESSIONAL LAND SURVEYOR

LAND SURVEYORS CERTIFICATE

I hereby certify that this plat and survey were made by me or under my direct supervision and that the angular and linear measurements as witnessed by monuments shown hereon are true and correct to the best of my knowledge and belief. This Urban Boundary Survey meets or exceeds the minimum standards of 201 KAR 18"150.

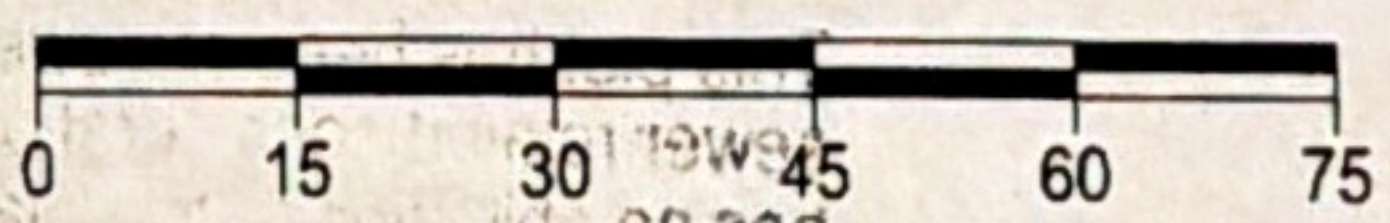
Mark L. Manion 04/03/26
 Mark L. Manion Date
 Professional Land Surveyor, Kentucky Registration No. 3374

CERTIFICATE OF APPROVAL

Approved this 14 day of April, 20 26
 Invalid if not recorded by this date: 4/14/27
 By: *Rahel*
 Louisville and Jefferson County Planning Commission
 Approval Subject to attached certificates.

Special Requirements _____

DOCKET NO. 26-MPLAT-0020



MINOR SUBDIVISION PLAT

To Create Two Lots from One Lot
PROPERTY OWNER INFORMATION
 Owner: Lou Developments, LLC
 Owners Address: PO Box 20731, Louisville, KY. 40250
 Property Address: 7208 Victoria Drive, Louisville, Ky. 40228
 Deed Book: 13252, Page: 988, Tax Block: 0645-0259-0000
 Zoning District: R4, Form District: Neighborhood
 Date: 04/03/26 Scale: 1" = 30' Job No. 26014

MANION & ASSOCIATES INC.

P.O. Box 416
 BRANDENBURG, KY. 40108
 PHONE: 502-643-6175

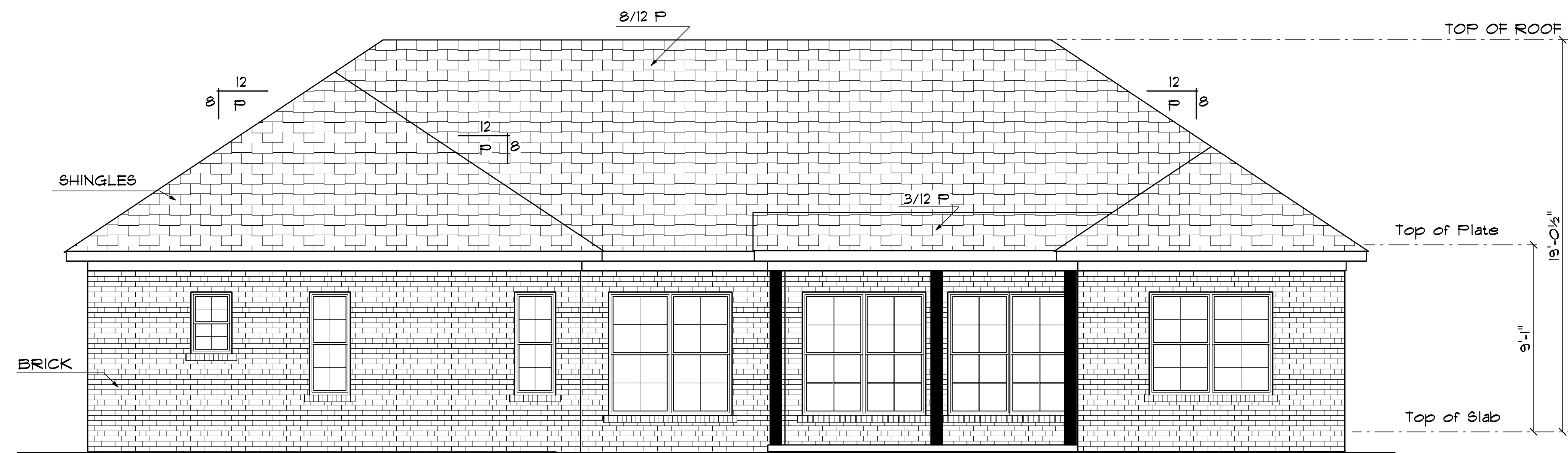
NOTE:

BUILDER MUST VERIFY DRAWINGS

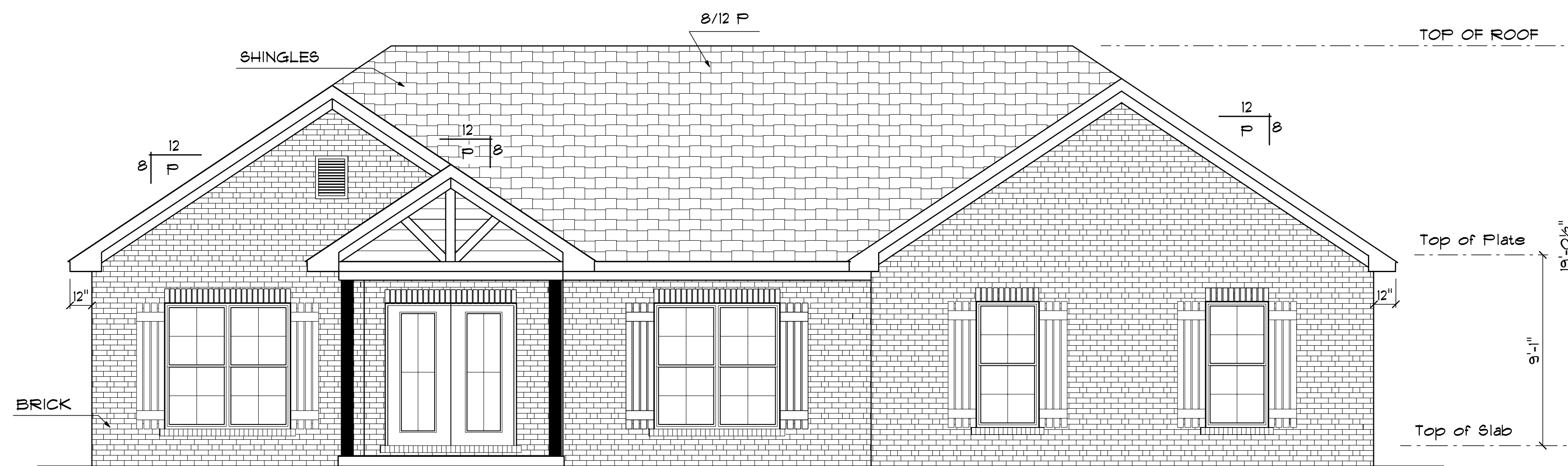
for all revisions, dimensions
square footage, structural sizes/spans
and all building code compliances are
satisfied before starting any construction.

DRAFTSMAN IS NOT RESPONSIBLE

if these procedures are ignored!

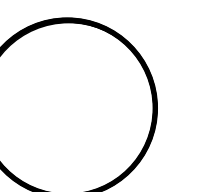


REAR ELEVATION



FRONT ELEVATION

JUDD
1/22/26



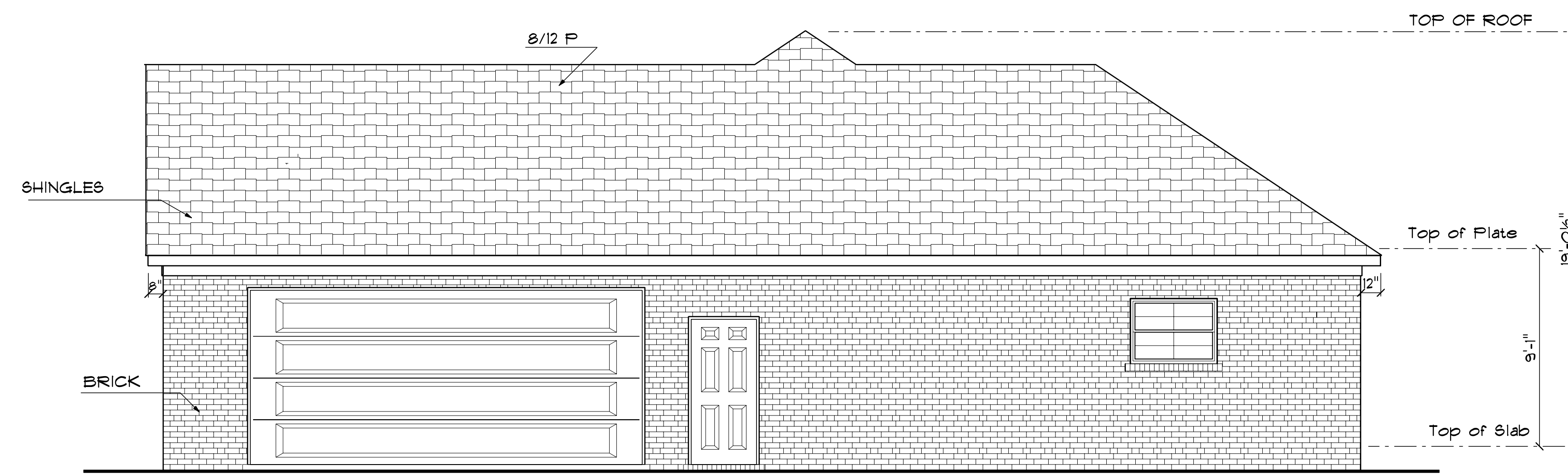
NOTE:

BUILDER MUST VERIFY DRAWINGS

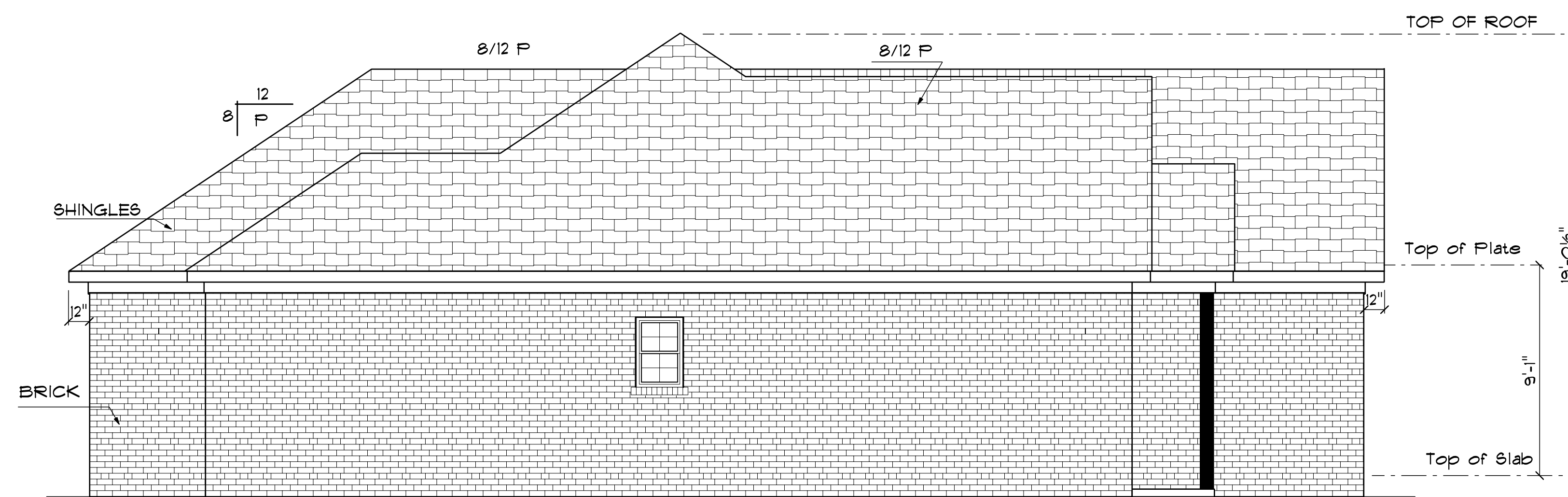
for all revisions, dimensions
square footage, structural sizes/spans
and all building code compliances are
satisfied before starting any construction.

DRAFTSMAN IS NOT RESPONSIBLE

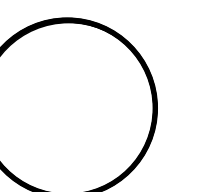
if these procedures are ignored !



RIGHT ELEVATION



LEFT ELEVATION



To whom it may concern,

The intent of this letter is to request permission for variance on recently approved minor plat 26-MPLAT-0020. The variance is in relation to the proposed development of two new construction single family homes. Due to the smaller lot size and opposing layout of these properties in relation to the other adjacent neighborhood homes, the existing front setbacks do not allow for new structures to meet the dimensional standards of Land Development code for Traditional Neighborhoods. Newly developed structures would be required to be placed too far from the road so that the rear setback requirements could also not be met. This is a principal determining factor as to why no housing has existed in these locations prior.

Without a proper variance for these two plats there are many other issues to consider, such as: a new structure would virtually be on top of the rear property line and eliminate a traditional backyard, it would be awkwardly placed and impede upon the privacy of existing neighbors, the poor location of a new structure would be unsightly and lack appeal and contradict the current standard character of the neighborhood. There are a number of negative environmental factors to consider as well if a variance is not approved. First, a substantial number of established trees will have to be removed to allow the footprint of new dwellings. This can be minimized with a variance allowing the new dwellings to be located closer to the street. Secondly the topography of the land slopes heavily towards the back of the property. Adding a structure in these lower areas can cause a significant change in the natural water runoff and potentially create new drainage issues for existing neighbors.

On a positive note, the approval of a variance for a shorter front setback will allow more new housing units to be created within the city limits. New, contemporary, single-family homes will enhance the aesthetic of the neighborhood along with increasing the areas' property values. If the variance is approved, there will be substantially less concrete and building materials used in construction and therefore making the homes more affordable. Lastly, with a shorter variance more green space will be left to enjoy for future families. We hope you will consider the overall benefit of the variance request for the future homeowner, the neighborhood, the environment and the Jefferson County community.

Sincerely,

James Judd
Lou Developments, LLC

JUSTIFICATION

To justify approval of any variance, the Board or Commission considers the following criteria.

Please answer ALL of the following items. Use additional sheets if needed. Responses of Yes, No, or N/A will NOT be accepted.

1. Explain how the variance will not adversely affect the public health, safety, or welfare.

The variance will allow multiple single family homes to be constructed and available for residents in Jefferson County.

2. Explain how the variance will not alter the essential character of the general vicinity.

The variance will allow new homes to be constructed on the buildable portion of properties, at an appropriate and appealing distance from the adjoining neighbors, and fulfill all other dimensional preferences outlined in the land development code.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The variance will not impede any visual or aesthetic line of site for neighbors or create any transportation visibility issues. If the variance is denied, the remaining buildable portion of land is not environmentally friendly and could create new potential drainage issues to neighbors.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The variance follows the normal established requirements of the Traditional Neighborhood dimensional standards.

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The infill set backs for the adjoining neighbors is based upon larger plots of land that are in opposing orientation to the two smaller plots of land seeking variance relief.

6. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

If the front setback variance is not approved, it will be necessary to seek other variances (rear-setback variances) so the new family homes can be built. If the setback variance is not approved, then construction of new dwelling units will infringe upon the privacy of adjoining neighbors.

7. Are the circumstances the result of actions of the applicant taken after the adoption of the regulation from which relief is sought?

No. The site circumstances are existing. The variance request is in conjunction with the approved subdivide/minor plat completion for the property. The variance request is part of pre-planning stage to construct and provide more available housing units within Jefferson County.



Louisville Metro Government

Text File

File Number: 26-VARIANCE-0064

Agenda Date: 6/29/2026

Version: 1

Status: Public Hearing

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 6.

Board of Zoning Adjustment

Staff Report

June 29, 2026



Case No:	26-VARIANCE-0064
Project Name:	1469 Bland Street Privacy Fence Variance
Location:	1469 Bland Street
Applicant:	Latosha Mathis
Representative:	Latosha Mathis
Jurisdiction:	Louisville Metro
Council District:	6 – JP Lyninger
Case Manager:	Sydney Fawcett, Planner I

REQUEST:

- **Variance** from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a fence to exceed the maximum permitted height along the street side yard.

Location	Requirement	Request	Variance
Street Side Yard Setback	3.5 ft.	6 ft.	2.5 ft.

CASE SUMMARY

The subject property is approximately 0.09 acres zoned R-6 Multi-Family Residential in the Traditional Neighborhood form district. The site is located at the intersection of Bland Street and E Burnett Avenue east of I-65. A portion of the fence along the street side yard exceeds the maximum permitted height. The applicant is requesting a variance to bring the existing 6 ft. privacy fence into compliance with the Land Development Code.

STAFF FINDING

The requested variance is adequately justified for approval based on the analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

1. The requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety, or welfare as the existing fence does not exceed the maximum permitted height in front of the existing home. The fence along the front yard is 3 ft. allowing for visibility at the intersection of E Burnett Avenue and Bland Street.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity as properties along E Burnett Avenue have fences that exceed the maximum permitted height along their front yards. Additionally, residential properties along Bland Street have varying fence heights along their front and street side yards.

3. The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.

STAFF: The requested variance does not arise from circumstances which do not generally apply to land in the general vicinity or in the same zone since the property is similar in shape, size, and scale to properties in the general vicinity.

4. The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provision of the regulation would create unnecessary hardship for the applicant as the layout of the site limits where the fence could have been installed. Requiring the entirety of the fence along E Burnett Avenue would significantly limit the effectiveness of the fence for privacy and screening purposes.

5. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has indicated that the fence was installed for safety purposes.

REQUIRED ACTION

- **APPROVE** or **DENY** the **Variance** from Land Development Code (LDC) Section 4.4.3.A.1.a.i to allow a fence to exceed the maximum permitted height along the street side yard.

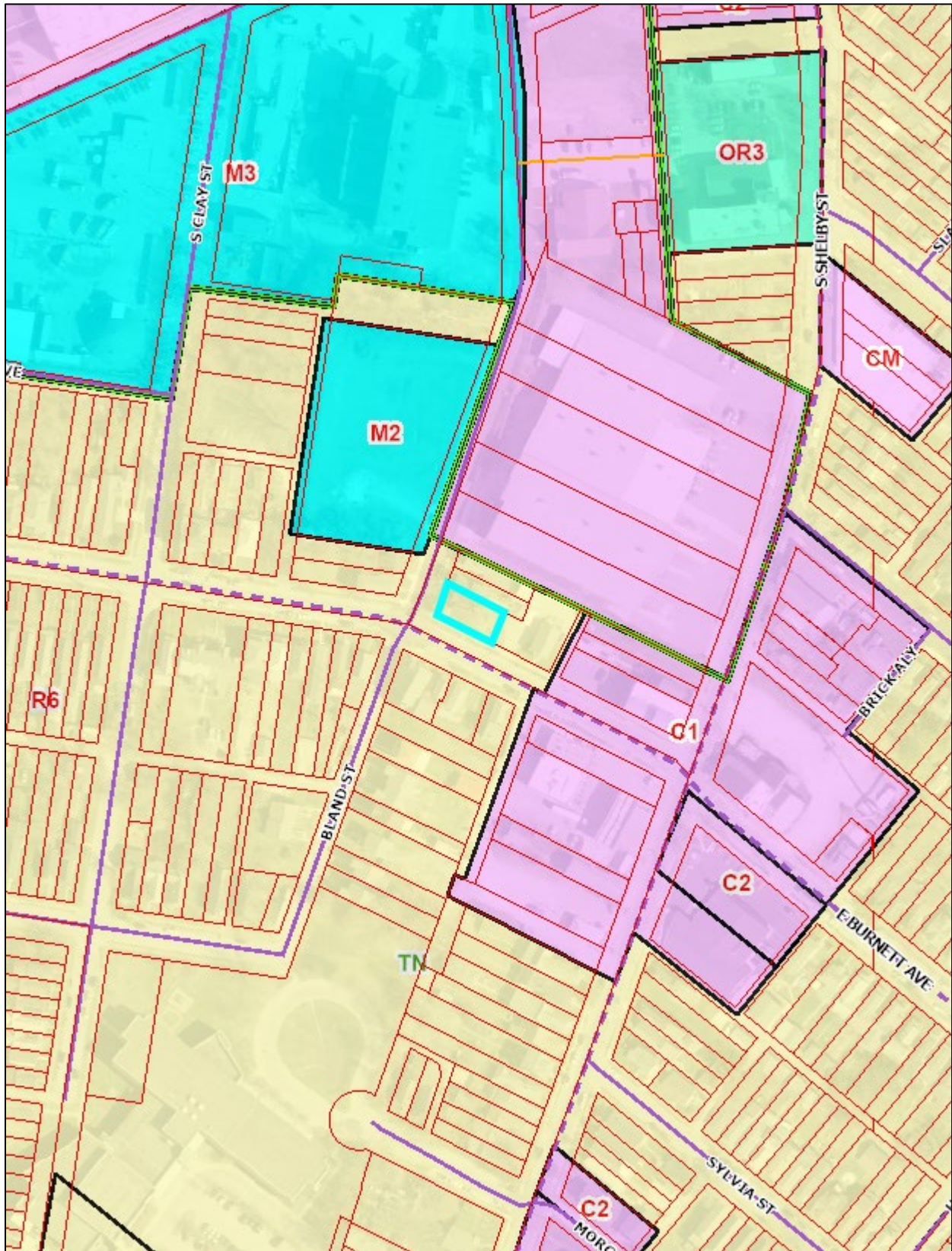
NOTIFICATION

Date	Purpose of Notice	Recipients
6/14/2026	Hearing before BOZA	1 st tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 6
6/12/2026	Hearing before BOZA	Sign posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph





EXISTING FENCE PLAN 1469 BLAND ST

LEGEND

- 3 FT FENCE (Existing)
- 6 FT FENCE (Existing)

FENCE HEIGHT DESCRIPTION

- • 3 FT FENCE: Along the front yard facing Bland St, wraps around the corner onto E. Burnett Ave, and ends where the house structure begins.
- • 6 FT FENCE: Begins where the house structure starts alongside E. Burnett Ave, continues alongside the house, wraps around the backyard to the end of the property line, and then continues back up the middle property line between the houses along Bland St.
- • 3 FT FENCE: Transitions back down to 3' at the front yard area along Bland St.

NOTES:

- Fence heights are measured from finished grade.
- Fence locations are existing.
- This plan is for variance request purposes.



SCALE: 1" = 20'-0"

JUSTIFICATION STATEMENT FOR VARIANCE REQUEST

Property Address: 1469 Bland Street, Louisville, KY 40217

The requested variance is to allow portions of a 6-foot privacy fence on a residential corner lot property to improve safety, privacy, and security for the household. The variance will not adversely affect the public health, safety, or welfare because the fence will remain within property boundaries and will not interfere with traffic visibility or neighboring properties.

The variance will not alter the essential character of the neighborhood, as privacy fences are common residential improvements throughout the surrounding area. The proposed fence is consistent with the residential nature of the community and is intended to maintain a safe and secure outdoor environment for the family.

The fence will not create a hazard or nuisance to the public. Instead, it will improve safety for the household, particularly for the applicant's nonverbal autistic son who has a history of elopement and wandering behaviors. The fence is necessary to help prevent unsafe access to nearby streets and provide a secure outdoor area for the child's protection and well-being.

Strict application of the zoning regulations creates an unnecessary hardship by limiting the family's ability to safely use and enjoy the property due to the unique layout of the corner lot and the specific safety needs of the household. These circumstances are unique to the property and family situation and are not generally applicable to other properties in the area.

The requested variance is the minimum necessary to provide reasonable use of the property while maintaining compatibility with the surrounding neighborhood. The circumstances requiring the variance were not created by the applicant after adoption of the zoning regulations.



Louisville Metro Government

Text File

File Number: 26-VARIANCE-0065/ 26-WAIVER-00

Agenda Date: 6/29/2026

Version: 1

Status: Public Hearing

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 7.

Board of Zoning Adjustment

Staff Report

June 15, 2026



Case No:	26-VARIANCE-0065 / 26-WAIVER-0066
Project Name:	Merhoff St Storage & ADU
Location:	2635 Merhoff St
Applicant:	Frank Vaxter Living Trust
Representative:	Frank Vaxter
Jurisdiction:	Louisville Metro
Council District:	15– Jennifer Chappell
Case Manager:	Abby Bills, Planner I

REQUEST

- **Variance** from Land Development Code Section 5.4.1.E.1. to allow the accessory use area to exceed the maximum depth of 60'. (26-VARIANCE-0065)
- **Waiver** of Land Development Code Section 5.4.1.E.4. to allow an accessory structure to exceed the footprint of the principal structure. (26-WAIVER-0066)

Location	Requirement	Request	Variance
Accessory Use Area	60 ft.	126 ft.	66 ft.

CASE SUMMARY

The subject site is approximately 0.19 acres in the R-5 Single Family Residential zoning district and Traditional Neighborhood form district. The site is located on Merhoff St, north of Locust Ln. The subject site is developed with an existing single-family residence with a building footprint of 625 square feet. The applicant is proposing to construct a 3,120 square foot accessory structure behind the existing residence. 2,400 square feet will be dedicated to storage, and the front 720 square feet will be dedicated to a proposed accessory dwelling unit (ADU). Separate approval of the ADU will be required.

STAFF FINDING

Staff finds that the requested variance and waivers are adequately justified for approval based on the analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (26-VARIANCE-0065)

1. The requested variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public, as the accessory use area is located entirely behind the principal structure and screened from view by existing fencing. Additionally, the rear of the property is abutting a cemetery and is not visible to any adjoining properties.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will alter the essential character of the general vicinity, as there are no residential accessory structures of a similar scale that would require the accessory use area to exceed the required depth. However, there won't be a large impact on the general vicinity as the accessory use area is adequately screened from view.

3. The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to the land in the general vicinity, or in the same zone. The subject site is deeper than most lots in the general vicinity, while still maintaining the same small width as many of the neighboring properties. Because of the lot's unique size and shape, the applicant will still be able to provide all the required areas of Traditional Neighborhood site design (public realm, principal structure, and private yard) with the requested variance.

4. The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. Limiting the applicant to only 60 feet in depth would deprive the applicant of developing a large portion of their backyard. This portion would be a significant deprivation compared to the neighboring properties due to the unique length.

5. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has not yet constructed the proposed structure.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (26-WAIVER-0066)

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners. The proposed structure will be completely screened from view and will not be visible to any adjoining property owners or to the public street.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Goal 1, Policy 9 seeks to "ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The

transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.” The proposed structure will be substantially larger in scale than any other accessory structure in the general vicinity, however, the existing conditions of the site do create the appropriate transition between the neighboring residential properties with accessory structures of smaller scales/intensities. The rear yard of the subject property is screened on all sides by existing trees, vegetation, and a fence. The proposed accessory structure will additionally be in compliance with all design, height, and setback requirements of the form district, with the exception of the requested variance and waiver.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as the applicant has the necessary space on the lot to construct a structure of this size, and the applicant will be able to provide all other requirements of the Traditional Neighborhood form district with the exception of the waiver.

- (d) Either:
 - (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
 - (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the proposed structure will be screened from view, and strict application of the provisions of the regulation would deprive the applicant of developing a large portion of their property.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance** from Land Development Code Section 5.4.1.E.1. to allow the accessory use area to exceed the maximum depth of 60'. (26-VARIANCE-0065)
- **APPROVE** or **DENY** the **Waiver** of Land Development Code Section 5.4.1.E.4. to allow an accessory structure to exceed the footprint of the principal structure. (26-WAIVER-0066)

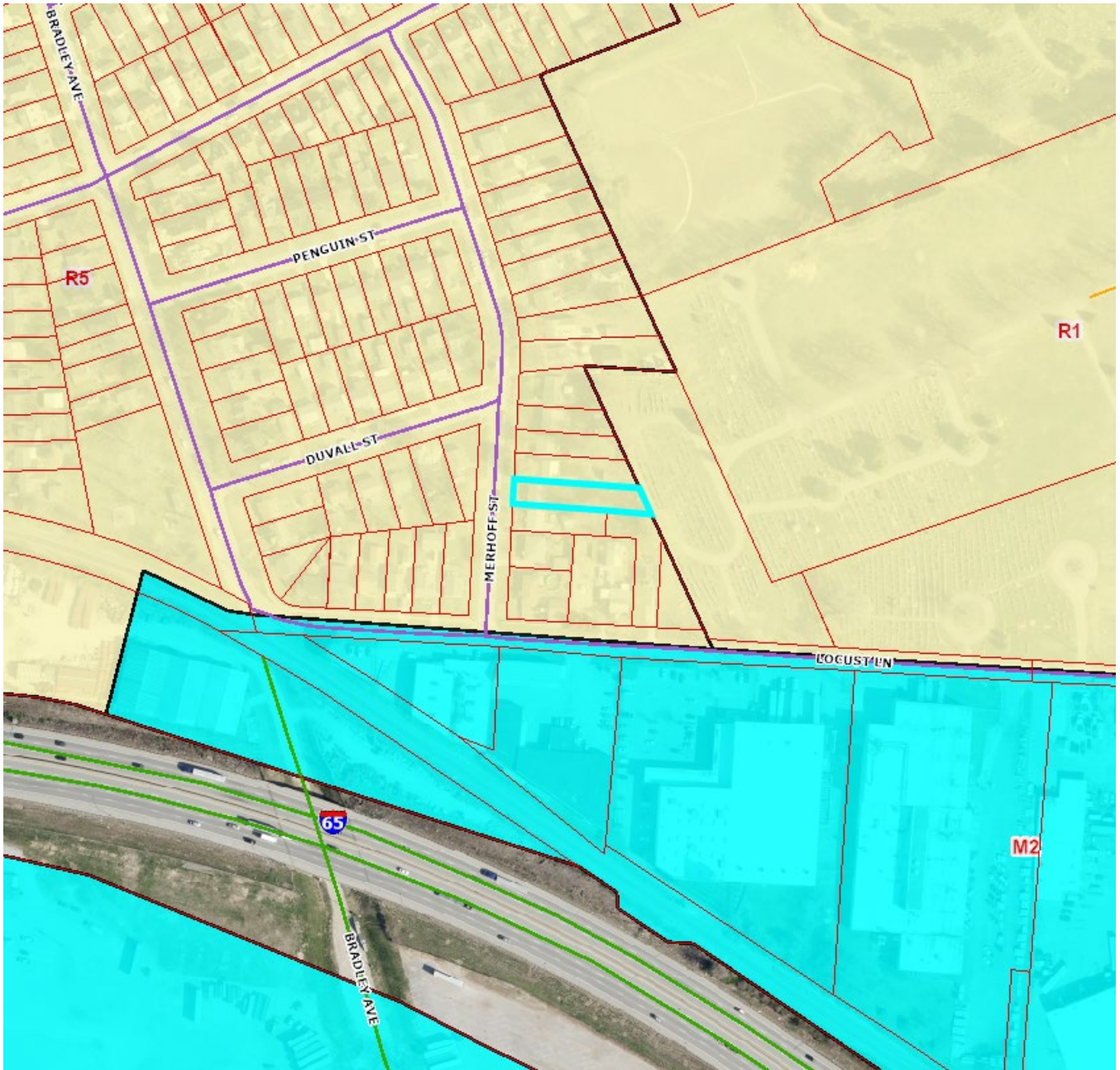
NOTIFICATION

Date	Purpose of Notice	Recipients
6/3/2026	Hearing before BOZA	1 st tier adjoining property owners and current residents
6/1/2026		Registered Neighborhood Groups in Council District 15

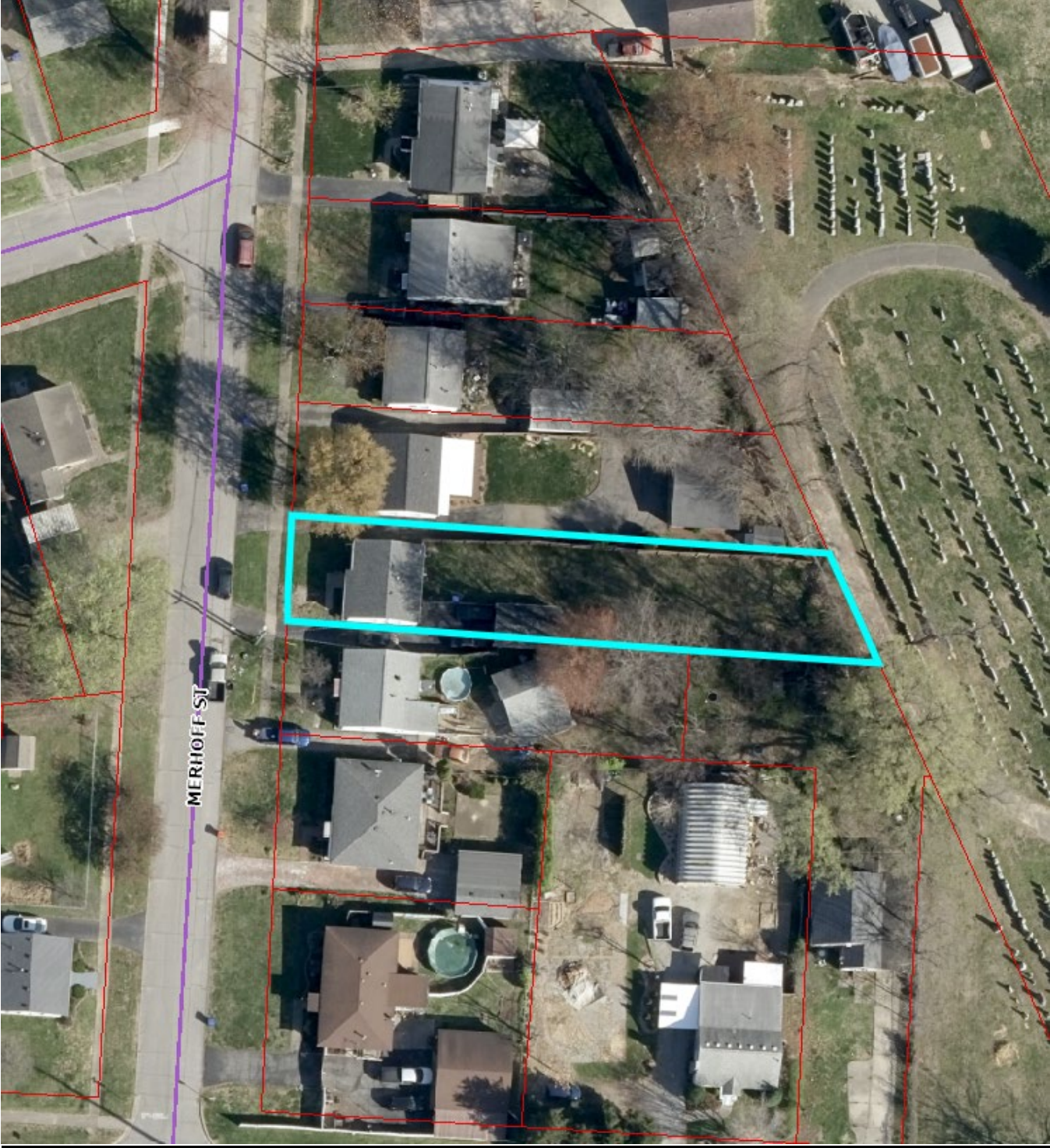
ATTACHMENTS

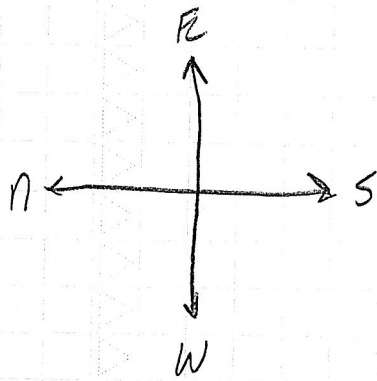
1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph





2635 Merhoff St.
Louisville KY 40217

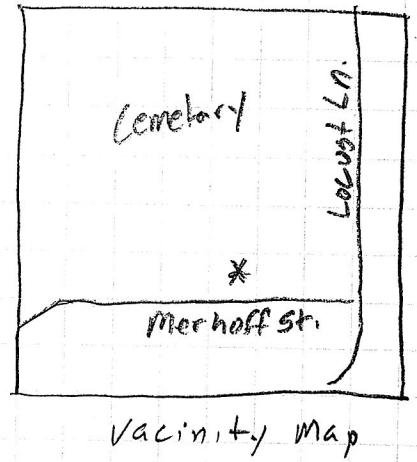
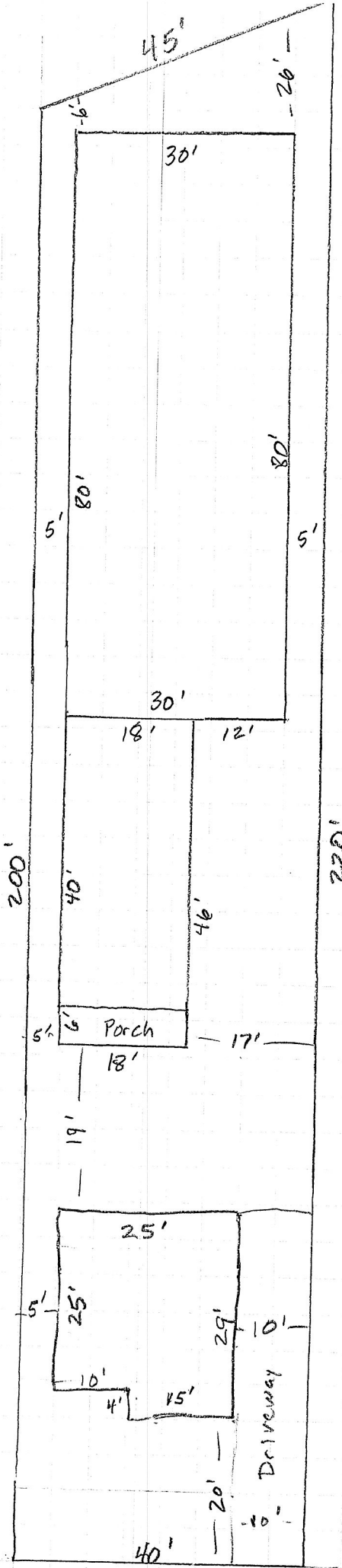
owner - Frank Vaxter

1/4" = 5'

Plot Plan

For ADU Permit
Auxillary Dwelling Unit
Construction

5-19-2026



Merhoff St.
↓

JUSTIFICATION

To justify approval of any variance, the Board or Commission considers the following criteria.

Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes, No, or N/A** will **NOT** be accepted.

1. Explain how the variance will not adversely affect the public health, safety, or welfare.

It is for private use in the back of the residence

2. Explain how the variance will not alter the essential character of the general vicinity.

There are several "like" projects existing in the neighborhood already & no one will see it.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

It is in the back yard and not visible from the street other than neighbors @ each side & cemetery behind

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Because other properties have similar structures, and it does not change the residential character of the property

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

Because the necessary structure is larger than residence.

6. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

Because it would prevent the owner from placing a functional private garage/necessary structure in the practical buildable area of the lot.

7. Are the circumstances the result of actions of the applicant taken after the adoption of the regulation from which relief is sought?

This is a new project - we are just now finding out about the need for the variance/waiver.

May 19, 2026

Frank Vaxter Jr.
2635 Merhoff St
Louisville, Kentucky 40217

To: Louisville Metro Planning & Zoning / Board of Zoning Adjustment

Re: Letter of Explanation for Proposed Private Garage / Accessory Structure

Property Address: 2635 Merhoff St, Louisville, Kentucky 40217

Applicant / Owner: Frank Vaxter Jr.

To Whom It May Concern:

This letter is being submitted as part of my variance request for the proposed construction of a private residential garage/accessory structure at my property located at 2635 Merhoff St, Louisville, Kentucky 40217. The proposed development consists of a detached garage structure intended for my private residential use. The structure is not being proposed for commercial use and is not intended to change the residential character of my property or the surrounding neighborhood.

The proposed structure is planned as a detached garage/accessory building that will provide functional garage space, utility space, and related residential accessory use. The building is intended to be constructed in a manner consistent with residential construction standards and will be subject to all required permits, inspections, building code requirements, utility requirements, and drainage considerations through Metro Louisville.

A variance is being requested because the proposed structure encroaches into the required rear setback and exceeds the maximum depth guidelines applicable to the property. The request is based on the practical layout of the lot, the intended functional use of the garage, and the limited practical placement options available on the property. Strict application of the rear setback and maximum depth requirements would substantially reduce the usefulness of the proposed private garage/accessory structure and would create an unnecessary hardship in making reasonable residential use of the land.

The surrounding property conditions are also important to this request. The property has neighboring residences to the left and right, a neighbor to the right rear, a neighbor across the street, and a cemetery directly behind the rear property line. Because the rear of the property adjoins a cemetery rather than an active residential backyard, the rear setback encroachment is not expected to create the same type of impact on privacy, noise, or residential use that might occur if the property directly backed up to another active residential home site.

The requested variance is limited and site-specific. It does not seek to avoid the zoning regulations generally, nor does it request approval for a use that is inconsistent with the

residential nature of the property. The proposed structure will remain a private residential garage/accessory structure and will still be required to comply with applicable building codes, permitting, inspections, utility connections, drainage requirements, and all other applicable regulations.

It is also my understanding that similar private garage/accessory structures already exist on at least four or five nearby properties in the local neighborhood. For that reason, the proposed development is consistent with the general pattern and character of the surrounding area and should not create an unreasonable impact on neighboring properties, public safety, traffic, light, air, or the overall character of the neighborhood.

The circumstances requiring the variance are not the result of actions I have taken after the adoption of the zoning regulation. Rather, the need for relief is based on the existing lot configuration, surrounding property conditions, rear cemetery boundary, and practical limitations of placing a functional private garage/accessory structure on the property.

For these reasons, I respectfully request approval of the variance so I may make reasonable residential use of my land while maintaining the character of the neighborhood and complying with all applicable construction, permitting, and inspection requirements.

Respectfully submitted,

Frank Vaxter Jr.
2635 Merhoff St
Louisville, Kentucky 40217

JUSTIFICATION

To justify approval of any waiver, the Board or Commission considers the following criteria.

Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes, No, or N/A** will **NOT** be accepted.

1. Will the waiver adversely affect adjacent property owners?

NO the back yard is private w/ fence on left + trees on right + cemetery @ back

2. Will the waiver violate the Comprehensive Plan?

NO This is a garage on private property

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

yes in order to fit on the property this is the only way.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

It would hinder building the size garage needed



Louisville Metro Government

Text File

File Number: 26-VARIANCE-0072

Agenda Date: 6/29/2026

Version: 1

Status: Public Hearing

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 8.

Board of Zoning Adjustment

Staff Report

June 29, 2026



Case No:	26-VARIANCE-0072
Project Name:	Victoria Drive Variance
Location:	7210 Victoria Drive
Applicant:	Lou Developments, LLC
Representative:	James Judd
Jurisdiction:	Louisville Metro
Council District:	24 – Ginny Mulvey-Woolridge
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code Section 5.1.12.B.2.a to allow a structure to encroach into the required infill front yard setback.

Location	Requirement	Request	Variance
Infill Front Yard	53 ft. to 57 ft.	5 ft.	48 ft.

CASE SUMMARY

The site is approximately 0.2 acres and is in the R-4 Single-Family Residential zoning district and Neighborhood form district. It is located on the west side of Victoria Drive north of Briscoe Lane. The applicant is proposing to construct a single-family residence that would encroach into the required front yard setback, which is set by the infill development standards.

STAFF FINDING

The requested variance is adequately justified for approval based on the analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

1. The requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety, or welfare, because the proposed structure would not impact vision clearance or any other public health or safety issue.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity as there are other similarly used structures in the area with a variety of lot sizes and setbacks.

3. The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.

STAFF: The requested variance does arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone as the subject property is smaller in area and depth than the surrounding properties, therefore requiring further encroachment toward the front property line.

4. The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land because the property is not as deep as surrounding properties and the applicant would not be able to construct a residence with the same setback as the surrounding properties.

5. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as work has not begun on the proposed alterations for which the variance is being requested.

REQUIRED ACTION

- **APPROVE** or **DENY** the **Variance** from Land Development Code Section 5.1.12.B.2.a to allow a structure to encroach into the required infill front yard setback.

NOTIFICATION

Date	Purpose of Notice	Recipients
6/11/2026	Hearing before Board of Zoning Adjustment	1 st tier adjoining property owners and current residents
6/11/2026		Registered Neighborhood Groups in Council District 24

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



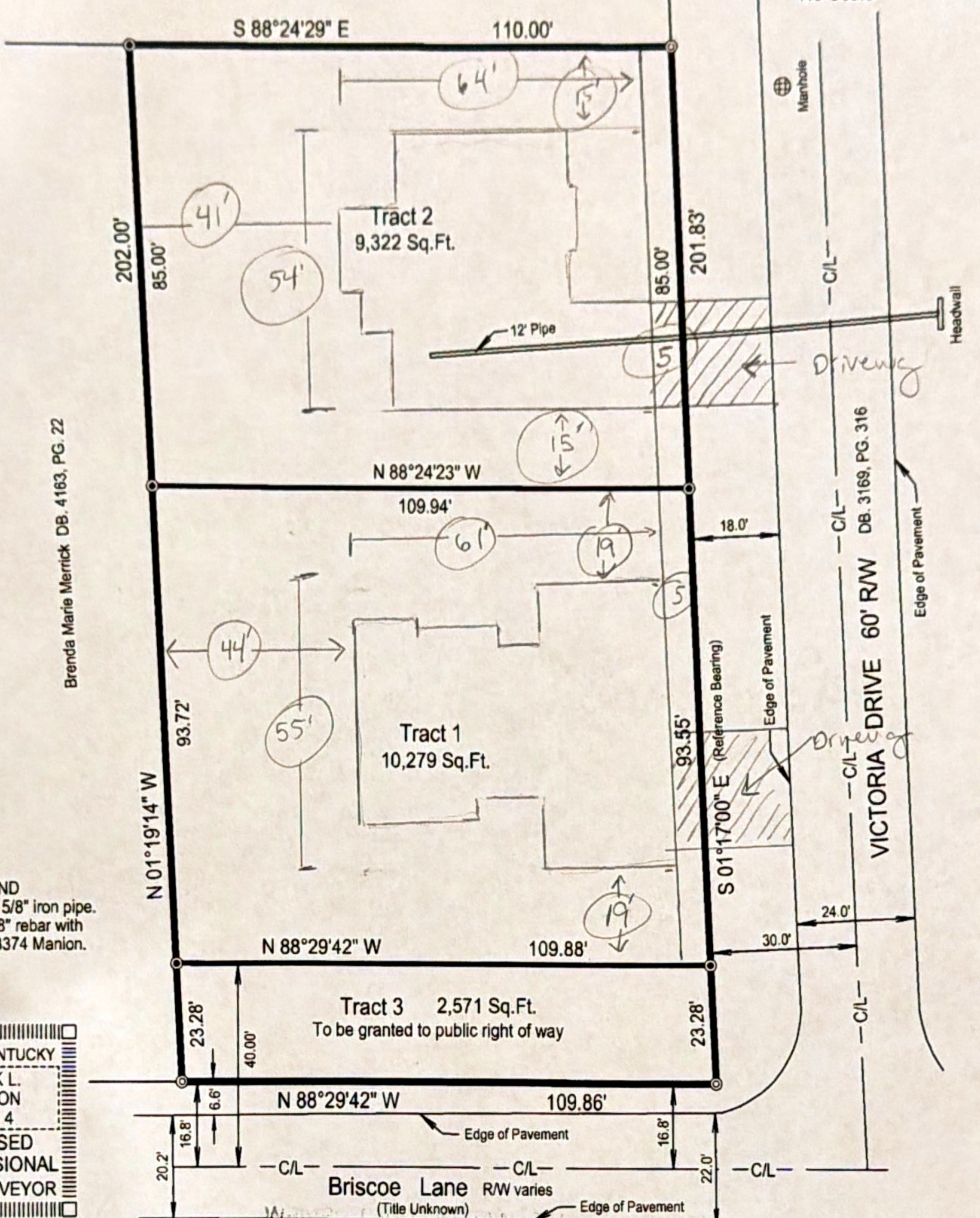
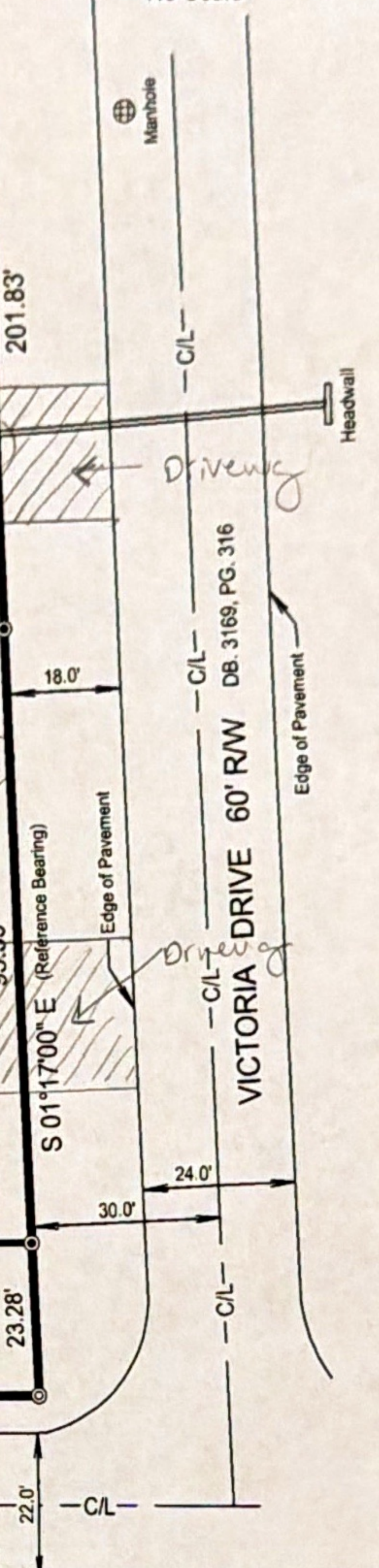
2. Aerial Photograph



- NOTES:
1. The unadjusted closure error was 1 in 25,240.
No adjustments were made for closure.
 2. A Title Examination may reveal roads and easements not shown hereon.
 3. Reference of meridian was taken from the record deed in DB. 9044, PG. 317 shown as reference bearing on the plat.
 4. The property shown hereon is not in the 100 year flood area as located by F.E.M.A. Map No. 21111C 0095F dated 02-26-2021.
 5. This site lies within the karst terrain area. Any subsequent development on site is subject to the requirements of Chapter 4, Section 9 of the Land Development Code.
 6. Vehicular access must come from Victoria Drive.

Travis N. & Franchesca Laws DB. 10368, PG. 374

LOCATION MAP
No Scale



Brenda Marie Merrick DB. 4163, PG. 22

- LEGEND**
- ⊙ = Existing 5/8" iron pipe.
 - ⊙ = Set a 5/8" rebar with a cap #3374 Manion.

STATE OF KENTUCKY
 MARK L. MANION
 3374
 LICENSED PROFESSIONAL LAND SURVEYOR

LAND SURVEYORS CERTIFICATE

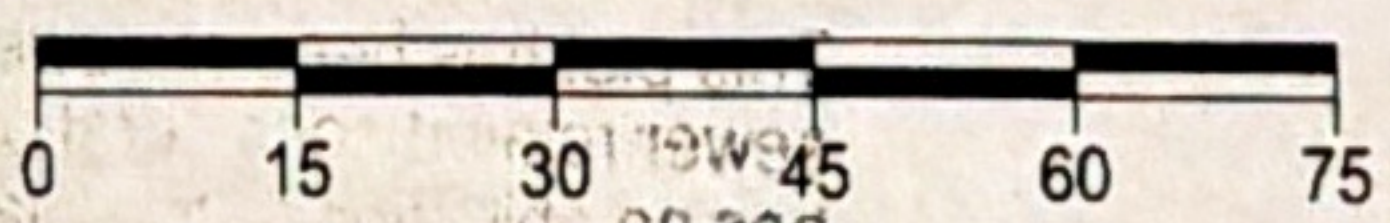
I hereby certify that this plat and survey were made by me or under my direct supervision and that the angular and linear measurements as witnessed by monuments shown hereon are true and correct to the best of my knowledge and belief. This Urban Boundary Survey meets or exceeds the minimum standards of 201 KAR 18"150.

Mark L. Manion 04/03/26
 Mark L. Manion Date
 Professional Land Surveyor, Kentucky Registration No. 3374

CERTIFICATE OF APPROVAL

Approved this 14 day of April, 20 26
 Invalid if not recorded by this date: 4/14/27
 By: *Rahel*
 Louisville and Jefferson County Planning Commission
 Approval Subject to attached certificates.

Special Requirements _____
DOCKET NO. 26-MPLAT-0020



MINOR SUBDIVISION PLAT

To Create Two Lots from One Lot
PROPERTY OWNER INFORMATION
 Owner: Lou Developments, LLC
 Owners Address: PO Box 20731, Louisville, KY. 40250
 Property Address: 7208 Victoria Drive, Louisville, Ky. 40228
 Deed Book: 13252, Page: 988, Tax Block: 0645-0259-0000
 Zoning District: R4, Form District: Neighborhood
 Date: 04/03/26 Scale: 1" = 30' Job No. 26014

MANION & ASSOCIATES INC.

P.O. Box 416
 BRANDENBURG, KY. 40108
 PHONE: 502-643-6175

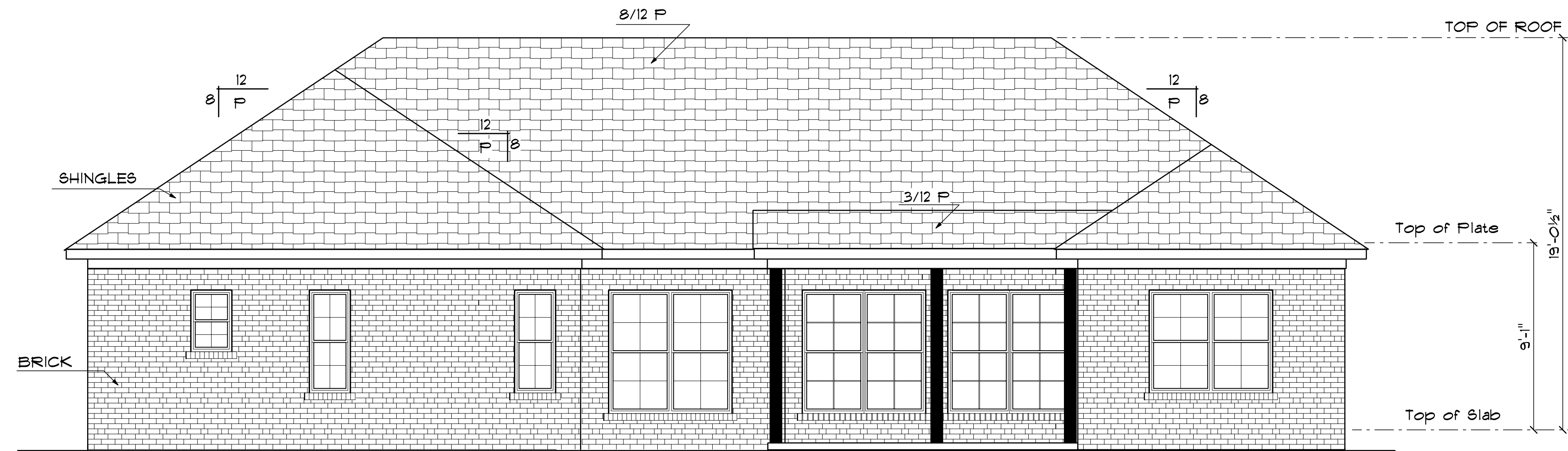
NOTE:

BUILDER MUST VERIFY DRAWINGS

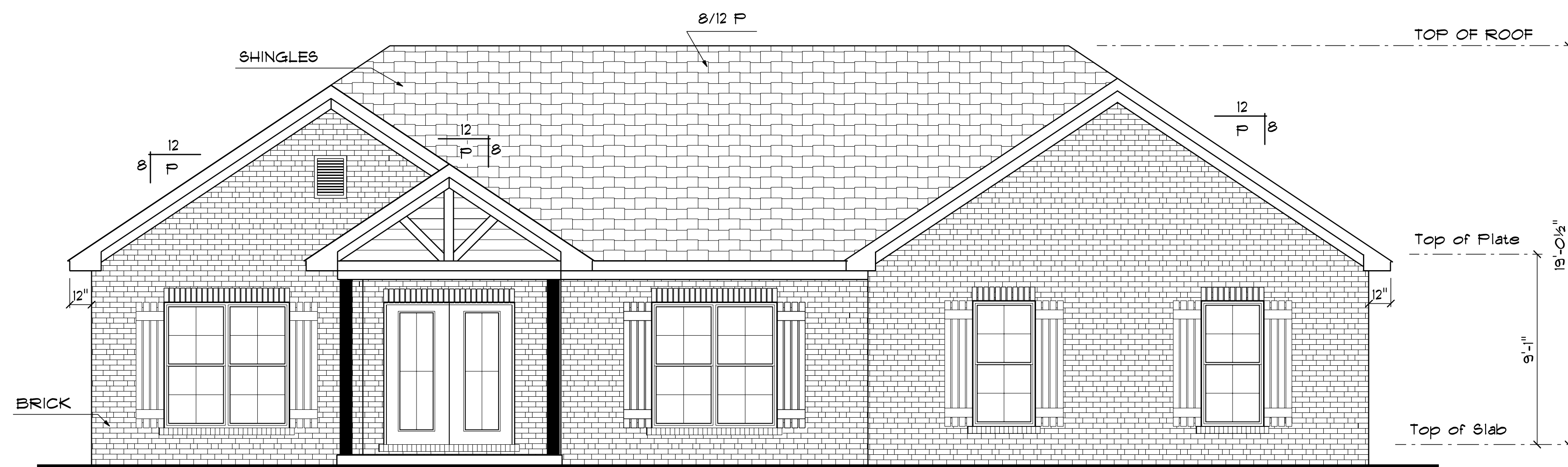
for all revisions, dimensions
square footage, structural sizes/spans
and all building code compliances are
satisfied before starting any construction.

DRAFTSMAN IS NOT RESPONSIBLE

if these procedures are ignored!

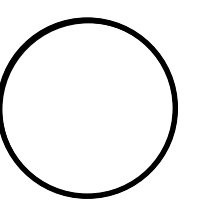


REAR ELEVATION



FRONT ELEVATION

JUDD
1/22/26



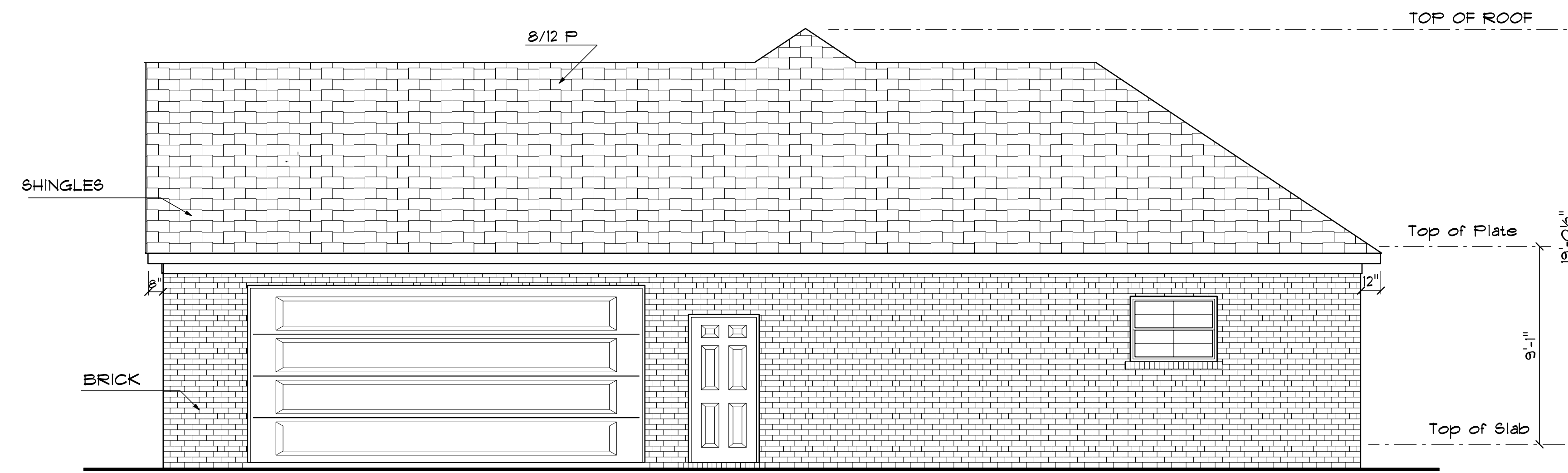
NOTE:

BUILDER MUST VERIFY DRAWINGS

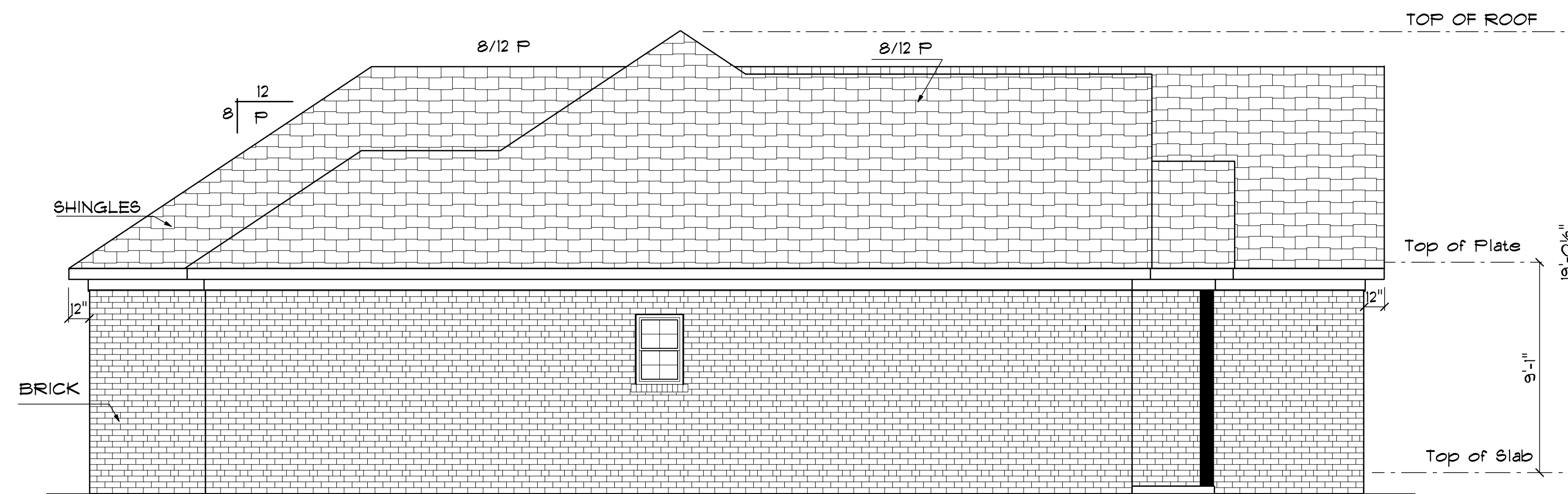
for all revisions, dimensions
square footage, structural sizes/spans
and all building code compliances are
satisfied before starting any construction.

DRAFTSMAN IS NOT RESPONSIBLE

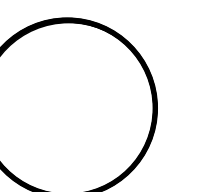
if these procedures are ignored !



RIGHT ELEVATION



LEFT ELEVATION



JUSTIFICATION

To justify approval of any variance, the Board or Commission considers the following criteria.

Please answer ALL of the following items. Use additional sheets if needed. Responses of Yes, No, or N/A will NOT be accepted.

1. Explain how the variance will not adversely affect the public health, safety, or welfare.

The variance will allow multiple single family homes to be constructed and available for residents in Jefferson County.

2. Explain how the variance will not alter the essential character of the general vicinity.

The variance will allow new homes to be constructed on the buildable portion of properties, at an appropriate and appealing distance from the adjoining neighbors, and fulfill all other dimensional preferences outlined in the land development code.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The variance will not impede any visual or aesthetic line of site for neighbors or create any transportation visibility issues. If the variance is denied, the remaining buildable portion of land is not environmentally friendly and could create new potential drainage issues to neighbors.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The variance follows the normal established requirements of the Traditional Neighborhood dimensional standards.

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The infill set backs for the adjoining neighbors is based upon larger plots of land that are in opposing orientation to the two smaller plots of land seeking variance relief.

6. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

If the front setback variance is not approved, it will be necessary to seek other variances (rear-setback variances) so the new family homes can be built. If the setback variance is not approved, then construction of new dwelling units will infringe upon the privacy of adjoining neighbors.

7. Are the circumstances the result of actions of the applicant taken after the adoption of the regulation from which relief is sought?

No. The site circumstances are existing. The variance request is in conjunction with the approved subdivide/minor plat completion for the property. The variance request is part of pre-planning stage to construct and provide more available housing units within Jefferson County.

To whom it may concern,

The intent of this letter is to request permission for variance on recently approved minor plat 26-MPLAT-0020. The variance is in relation to the proposed development of two new construction single family homes. Due to the smaller lot size and opposing layout of these properties in relation to the other adjacent neighborhood homes, the existing front setbacks do not allow for new structures to meet the dimensional standards of Land Development code for Traditional Neighborhoods. Newly developed structures would be required to be placed too far from the road so that the rear setback requirements could also not be met. This is a principal determining factor as to why no housing has existed in these locations prior.

Without a proper variance for these two plats there are many other issues to consider, such as: a new structure would virtually be on top of the rear property line and eliminate a traditional backyard, it would be awkwardly placed and impede upon the privacy of existing neighbors, the poor location of a new structure would be unsightly and lack appeal and contradict the current standard character of the neighborhood. There are a number of negative environmental factors to consider as well if a variance is not approved. First, a substantial number of established trees will have to be removed to allow the footprint of new dwellings. This can be minimized with a variance allowing the new dwellings to be located closer to the street. Secondly the topography of the land slopes heavily towards the back of the property. Adding a structure in these lower areas can cause a significant change in the natural water runoff and potentially create new drainage issues for existing neighbors.

On a positive note, the approval of a variance for a shorter front setback will allow more new housing units to be created within the city limits. New, contemporary, single-family homes will enhance the aesthetic of the neighborhood along with increasing the areas' property values. If the variance is approved, there will be substantially less concrete and building materials used in construction and therefore making the homes more affordable. Lastly, with a shorter variance more green space will be left to enjoy for future families. We hope you will consider the overall benefit of the variance request for the future homeowner, the neighborhood, the environment and the Jefferson County community.

Sincerely,

James Judd
Lou Developments, LLC



Louisville Metro Government

Text File

File Number: 26-MCUP-0002

Agenda Date: 6/29/2026

Version: 1

Status: Public Hearing

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 9.

Board of Zoning Adjustment Staff Report

June 1, 2026



Case No:	26-MCUP-0002
Project Name:	First Baptist Church of Fairdale
Location:	413 Fairdale Rd
Owner(s):	First Baptist Church of Fairdale
Representative:	Mindel Scott
Jurisdiction:	Louisville Metro
Council District:	13 – Dan Seum Jr.
Case Manager:	Mark Pinto, Planner II

REQUEST(S)

- **Modified Conditional Use Permit (MCUP)** for a Private Institutional Use in the R-4 Single-Family Residential zoning district with relief from standard A (LDC 4.2.65).
- **Variance** from Land Development Code (LDC) Section 5.2.2.C, Table 5.2.2 to allow the proposed building to exceed the maximum 25 ft. front yard setback (26-VARIANCE-0031).
- **Waiver** of LDC Section 10.2.4 to reduce the required 20 ft. landscape buffer area (LBA) to 5 ft. and screening requirement from 6 ft. to 3 ft. along the northern property line (26-WAIVER-0031).
- **Waiver** of LDC Section 5.6.1.D of the LDC is requested to not provide roofline variation for a building that exceeds 100 ft in length (26-WAIVER-0055).

Location	Requirement/Maximum	Request	Variance
Front Yard Setback	25 ft.	174 ft.	149 ft.

CASE SUMMARY

The subject property is approximately 9.8 acres and developed with an existing private institutional use with associated parking, a playground area, and storage buildings. The property is in the Village Center form district. The site is associated with a conditional use permit for a private institutional use under case #21-CUP-0177 that permitted the 2,000 accessory structure for storage. The modified conditional use permit is to allow a new 11,930 sq ft. building which will primarily be used for an athletic facility associated with the religious institution. The newly proposed building will be located where the existing playground is located. As a result, the playground will be moved to in front of the proposed building.

STAFF FINDING

The modified conditional use permit and associated variance and waivers are adequately justified for approval based on staff analysis in the standard of review.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal. The Board of Zoning Adjustments will have final action on this request.

INTERESTED PARTY COMMENTS

All public comments staff receives shall be placed in the record and made available to the Board prior to the public hearing.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR FRONT YARD SETBACK VARIANCE

1. The requested variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public because the proposal will be required to comply with all applicable building and fire code regulations. The proposed building, parking, and landscaping are within the subject property and do not encroach into the right-of-way or adjacent residential properties. Considering the proposed building setback, there is not a sight-distance issue for vehicles and pedestrians travelling along Fairdale Road. Lastly, the proposed building will be required to comply with all applicable building and fire code regulations.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations. Buildings located in the area along Fairdale Road observe a greater setback than the maximum 25 ft. The existing religious building on site is setback approximately 45 ft. from the front property line. The playground will be located in front of the proposed building which will provide visual interest between the building and front property line.

3. The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.

STAFF: The requested variance does not arise from circumstances which do not generally apply to land in the general vicinity, or the in the same zone. The site is zoned R-4 residential and within the Village Center form district, as are properties in the area.

4. The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provision of the regulation would create an unnecessary hardship on the applicant. The building would be required to be located within the required setback, which could effect existing site conditions including vehicular circulation, mature tree canopy, and proposed playground relocation.

5. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has requested the variance and construction has not yet begun.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since there are no proposed buildings located within required setbacks or landscape buffer areas. The proposed drive lane encroaches into the landscape buffer area, which will be screened with a five-foot area with plantings and screening to shield headlights. Also, there is extensive mature tree canopy that is proposed to be preserved.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

The waiver will not violate specific guidelines of the Comprehensive Plan. Community Form Goal 1, Policy 6 calls to ensure appropriate transitions from non-residential to residential uses. The transitions should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. There is extensive mature tree canopy on site that shall provide an appropriate transition between the existing private institutional use and adjacent residential use. Also, a five-foot landscape buffer area with screening will be provided to adequately shield the access drive from adjacent residential property.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the proposed five-foot LBA is the greatest width possible to provide considering the location of the access drive.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures that exceed the minimums. The existing mature tree canopy that is proposed to be preserved exceeds the required tree canopy for the site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR ROOFLINE VARIATION WAIVER

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since there are no proposed buildings located within required setbacks or landscape buffer areas. The proposed building will be required to meet all applicable building and fire code regulations.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Goal 1, Policy 4 calls to ensure that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the form district. The proposal is consistent with the pattern of the Village Center form district, as the property is developed with an established private institutional use. The existing primary religious building has architectural interest including a steeple and roofline variation.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant. The proposed building could be redesigned to meet the roofline variation requirement.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures that exceed the minimums of the district and compensate for noncompliance with the requirement to be waived. There is approximately 113,574 sq ft. of existing tree canopy on site that is proposed to be preserved.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR MODIFIED CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance. The site is located within the Village Center, which contains a variety of

zoning districts and land uses including a mix of residential densities, commercial, and institutional uses.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: All necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use are available or will be provided. MSD and Transportation Planning have reviewed the proposal and given preliminary approval.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

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

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

C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use.

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

E. The Board of Zoning Adjustment may set hours of operation for institutional use in order to minimize potential negative impacts on surrounding residential properties.

STAFF: The applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit, except where relief is required. The proposed building is located approximately 25 ft. from the side property line that abuts an adjacent R-4 Single-Family Residential property. Therefore, the Board shall consider granting relief from standard A. The building is meeting the required 5 ft. side yard setback per LDC Table 5.2.2. The proposed building is not directly adjacent to the existing home on the abutting R-4 lot and is directly adjacent to the rear yard.

REQUIRED ACTIONS

- **APPROVE OR DENY** the **Modified Conditional Use Permit** for a Private Institutional Use in the R-4 Single-Family Residential zoning district with relief from standard A (LDC 4.2.65).
- **APPROVE** or **DENY** the **Variance** from LDC Section 5.2.2.C, Table 5.2.2 to allow the proposed building to exceed the maximum 25 ft. front yard setback (26-VARIANCE-0031).
- **APPROVE** or **DENY** the **Waivers**:

1. **Waiver** of LDC Section 10.2.4 to reduce the required 20 ft. landscape buffer area (LBA) to 5 ft. and screening requirement from 6 ft. to 3 ft. along the northern property line (26-WAIVER-0031).
2. **Waiver** of LDC Section 5.6.1.D of the LDC is requested to not provide roofline variation for a building that exceeds 100 ft in length (26-WAIVER-0055).

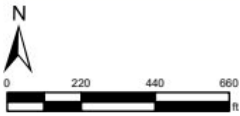
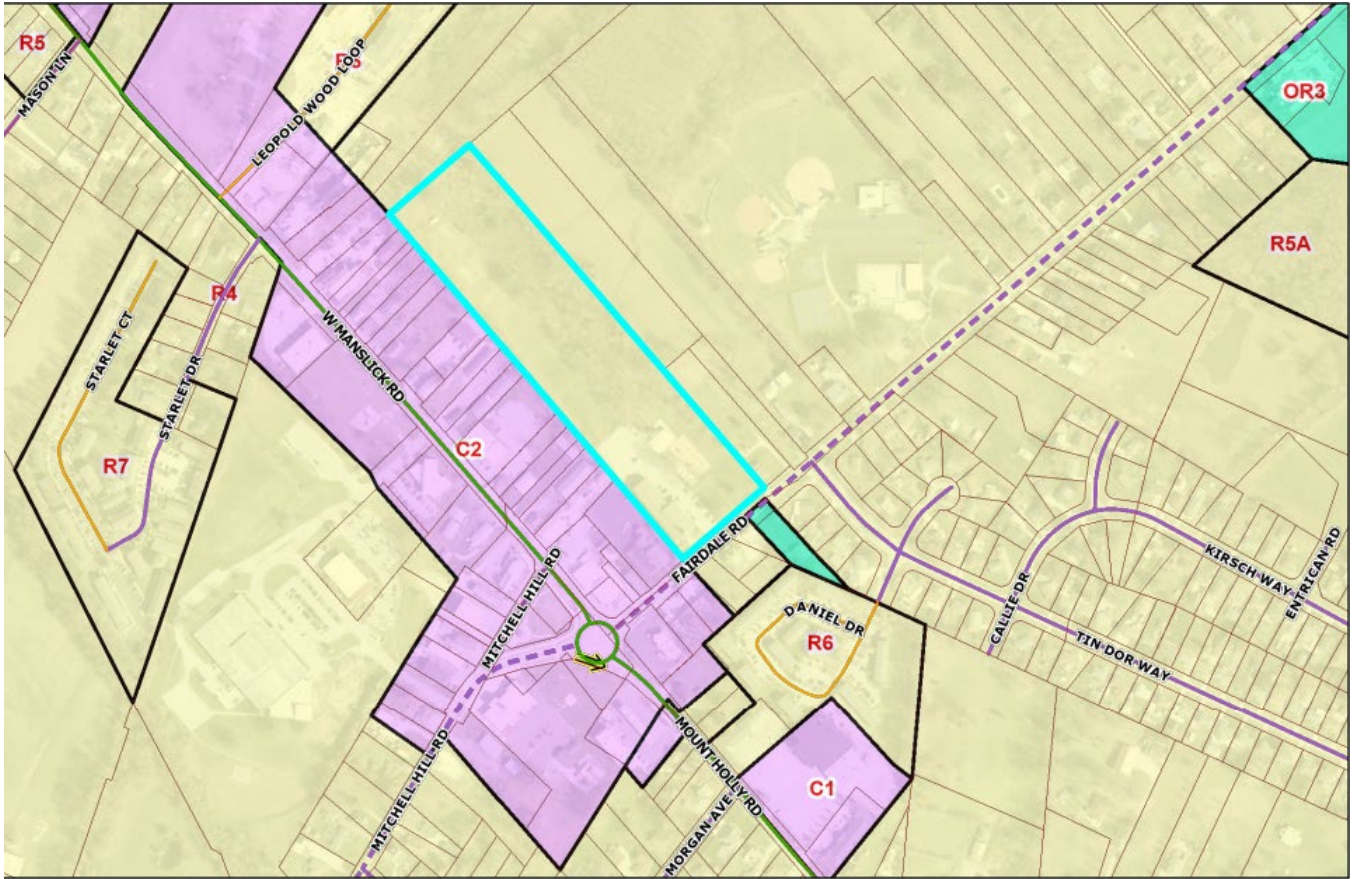
NOTIFICATION

Date	Purpose of Notice	Recipients
6/11/2026	Hearing before BOZA	1st and 2nd tier adjoining property owners and residents and registered Neighborhood Groups in Council District 13.
6/12/2026	Hearing before BOZA	Notice posted on property.

ATTACHMENTS

1. Zoning Map
2. Aerial Map
3. Existing Conditions of Approval
4. Proposed Conditions of Approval

1. **Zoning Map**



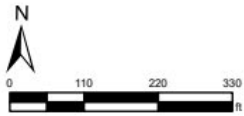
Tuesday, June 16, 2026 | 3:30 PM



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2. Aerial Map



Tuesday, June 16, 2026 | 3:30 PM



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This map is not a legal document and should only be used for general reference and identification.

3. Existing Conditions of Approval

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

4. Proposed Conditions of Approval

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

Justification for Variance of LDC Table 5.2.2 to exceed the maximum 25 ft setback by 150':

Project: First Baptist Church of Fairdale MCUP
Address: 413, 415, 507, and 601 Fairdale Rd, Fairdale, KY 40118

The requested variance will not have a negative effect on public health, safety, or welfare. Instead, the variance will allow Fairdale Church to support the health and welfare of the community without undue burden. As the proposed building will in part support the Dare to Care foodbank already running out of the existing accessory building, keeping the two close to each other will help with their operations and ability to offer food security to the community.

The variance will not alter the essential character of the general vicinity. The existing church will remain close to the street and keep the site consistent with the Village Center Form District. Placing the accessory building behind a playground was done at Nelson Hornbeck Park, just four lots north of the site.

The variance will not cause a hazard or nuisance to the public.

The variance does not reflect an unreasonable circumvention of the zoning. As this multi-purpose site is much deeper than it is wide than the typical lot in Louisville, it is reasonable to consider relaxing the regulations that would make utilizing the site more difficult.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant. The applicant would like the proposed building to be close to the existing accessory building as they will be able to share a utility pad for electric and HVAC. Additionally, this new building will help support the food bank that runs out of the accessory building. Keeping the buildings next to each other would be reasonable and doing otherwise would cause unnecessary hardship.

The circumstances resulting in this request are not the result of actions taken by the applicant after the adoption of the regulation from which relief is sought. Instead, the variance arises from the unique dimensions of the lot and the operational needs to locate the building near the existing one. The request is also directly related to the expansion of the church's longstanding use of the property in service to the community. These conditions are inherent to the property and an expansion of its existing uses, not a result of actions by the applicant.

JUSTIFICATION

To justify approval of any waiver, the Board or Commission considers the following criteria.

Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes, No, or N/A** will **NOT** be accepted.

1. Will the waiver adversely affect adjacent property owners?

2. Will the waiver violate the Comprehensive Plan?

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

Justification for Waiver of LDC section 10.2.4. to allow a reduction of the 20-foot LBA to 5 feet, and reduce the 6-foot screen to 3 feet.:

Project: First Baptist Church of Fairdale MCUP

Address: 413, 415, 507, and 601 Fairdale Rd, Fairdale, KY 40118

The waiver will not adversely affect adjacent property owner since the drive lane will not include parking spaces and will serve only as an entrance with limited hours of operation, and since the reduced buffer will only affect one property owner which has expressed support for the project.

Community Form Goal 1, Policy 6 states that transitions from non-residential to residential uses should depend on the pattern of development of the Form District. Community Form Goal 1, Policies 9 and 10 call for appropriate transitions between uses that are substantially different in scale and intensity or density of development and to mitigate the impacts caused when incompatible developments occur adjacent to one another. The site is located in the Village Center Form District which is characterized by a mixture of uses and housing types that may be higher in density than the rest of the district. The church use is an appropriate transition between the commercial core of the Village Center, and the residential uses to the east. The proposed drive lane does not include parking spaces and will have limited use. The 3-foot screen will provide an appropriate transition between the church and residential use.

The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the drive lane does not include parking spaces, since the drive lane will have limited hours of operation, since the 3-foot screen will provide an appropriate transition between the church and residential use, and since the affected property owner has expressed support for the project.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant since the building is being located to allow for a shared utility pad between the two accessory buildings since the 3-foot screen will provide an appropriate transition between the church use and adjacent residential use, and since the affected residential property owner has expressed support for the project.



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January 20, 2026

Case Manager
Louisville Metro Office of Planning
444 S. 5th Street, Suite 300
Louisville, KY 40202

Re: First Baptist Church of Fairdale
413, 415, 507, and 601 Fairdale Rd, Fairdale, KY 40118
Request: Modified Conditional Use Permit
Related Case #21-CUP-0177

Dear Case Manager:

With this submittal, we are requesting modification to the existing Conditional Use Permit 21-CUP-0177. The site consists of 9.82 acres within the Village Center Form District and is zoned R4.

The previously approved CUP allowed a storage building on the northeastern side of the parking lot to support food services offered by the First Baptist Church of Fairdale. Since that approval and construction, demand has increased. This Modified Conditional Use Permit proposes a 95' by 125', 11,930 square foot building to be located in front of the existing storage building. This building will be set back approximately 185' from the Fairdale Road right-of-way and 26' from the adjacent property to the east.

To accommodate the anticipated increase in traffic, a one way entrance from Fairdale Road is proposed. The entrance will loop around the back of the buildings, providing approximately 500' of vehicle queuing space. While this configuration will result in the removal of three parking spaces, the queuing capacity will reduce the number of visitors parking.

Please contact me if you have any questions. Thanks in advance for your time and assistance in completing a review of this proposal.

Respectfully,

Rayko Simona Anderson

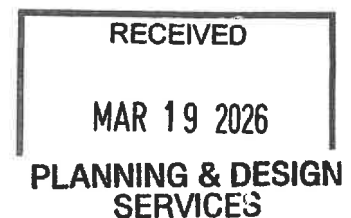
Rayko Simona Anderson

From: rgoff7@twc.com
To: [Rayko Simona Anderson](#)
Subject: FW: Church building drive next to property
Date: Tuesday, March 17, 2026 1:15:13 PM

EXTERNAL email. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

From: "Jayme Harris"
To: rgoff7@twc.com
Cc:
Sent: Tuesday March 17 2026 12:28:55PM
Subject: Church building drive next to property

To who it may concern: My name is James Harris. I own the home at 603 Fairdale road 40118. I live next next door to my church 1st baptist church of Fairdale. They are wanting to build a bigger building for the church and also add driveway to get around the back of the dare to care building. I was told the driveway was being built roughly 20 feet from my property line. I and also my wife do not have an issue or problem with the driveway being installed where it is planned to be. The only thing I request is that a metal fence will not be put up blocking me and my family to walk to church through the grass. Thank you



26-MCUP-000-132



Louisville Metro Government

Text File

File Number: 26-MCUP-0010

Agenda Date: 6/29/2026

Version: 1

Status: Public Hearing

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 10.

Board of Zoning Adjustment Staff Report

June 1, 2026



Case No:	26-MCUP-0010
Project Name:	Rockdale Private Proprietary Club
Location:	12111 Taylorsville Rd
Owner(s):	Donald Wenzel Jr.
Representative:	Donald Wenzel Jr.
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Mark Pinto, Planner II

REQUEST(S)

- **Modified Conditional Use Permit (MCUP)** for a Private Proprietary Club in the R-4 Single-Family Residential zoning district with relief from Standard A (LDC 4.2.44).
- **Variance** from Land Development Code (LDC) Section 5.3.1.C, Table 5.3.2 to allow the proposed building to encroach into the 15 ft. non-residential to residential building setback (26-VARIANCE-0066).

Location	Requirement/Maximum	Request	Variance
Nonresidential to Residential (Side)	15 ft.	3 ft.	12 ft.

CASE SUMMARY

The site is in the R-4 Single-Family Residential zoning district and Neighborhood form district. The property is located near the intersection of Tucker Station and Taylorsville Road, approximately 6.3 acres, and developed with an existing barn structure, small log cabin, and densely populated with mature tree canopy and natural landscaping. The subject site is associated with a previously approved conditional use permit under case #25-CUP-0041 for a Private Proprietary Club. The applicant proposed to remove the exiting barn structure and construct an approximate 1800 sq ft. new structure with an 800 sq ft. covered patio for the private club which anticipated a maximum of 70 guests at any given time.

No new construction or alteration of the previously approved conditional use permit is requested with the modified conditional use permit request. The proposed building previously met the 15 ft. nonresidential to residential building setback along the side property line. Following the approval of the conditional use permit and survey of the site, the proposed building will be located approximately 3 ft. from the side property line. Since the location of the building with respect to the side property line is changing, a modified conditional use permit and subsequent variance have been requested.

STAFF FINDING

The modified conditional use permit and associated variance are adequately justified for approval based on staff analysis in the standard of review.

INTERESTED PARTY COMMENTS

All public comments staff receives shall be placed in the record and made available to the Board prior to the public hearing. At the time of this report, staff have not received any interested party comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR SETBACK VARIANCE

1. The requested variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public because the proposal will be required to comply with all applicable building and fire code regulations. The single-family residence on the neighboring property is located approximately 125 ft. from the side property line.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The residential lots along Taylorsville Road adjacent to the site are large lots with accessory structures, residences that have significant open space and tree canopy.

3. The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.

STAFF: The requested variance does arise from circumstances which do not generally apply to land in the general vicinity, or the in the same zone. The adjoining property that shares the side property line where the variance is being requested is owned by the applicant and operator and is the primary residence of the applicant. The residential properties in the area are comprised of large lots with single-family homes that were constructed a measurable distance from the property lines.

4. The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provision of the regulation would create an unnecessary hardship on the applicant since the location of the building could require associated parking and construction to be altered. Redesigning the site could adversely impact existing mature tree canopy and landscaping on the site that is proposed to be preserved.

5. The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has requested the variance and construction has not yet begun.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR MODIFIED CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the land use and development policies of Plan 2040. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between land uses that are different in scale and intensity. The barn structure is exceeding the side yard setback requirements for the neighboring residential properties. Parking spaces are also meeting the required side yard setback. The property is densely populated with trees and natural landscaping, which is to remain. The barn structure and parking are located a substantial distance from Taylorsville Road and screened with natural vegetation on site, thereby softening the visual impact of the proposal.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with surrounding development and land uses. The proposed barn structure is similar in height, materials, and square footage to the residential structures in the immediate area. The property is densely populated with trees and natural landscaping, which are to remain, which is consistent with neighboring properties. The proposed barn structure and parking are naturally buffered and screened from adjacent residential uses due to existing vegetation and location of the off-street parking area and structure.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: All necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use are available or will be provided. MSD and Transportation Planning have reviewed the proposal and given preliminary approval.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

A. All new buildings, structures and facilities shall be at least 30 feet from any property line.

B. Outdoor swimming pools shall be enclosed with a fence at least six feet high.

C. All recreation areas or play fields and parking lots shall be separated from adjacent properties by a solid fence or dense evergreen shrubbery plantings at least five feet high.

D. One sign only may be permitted showing the name and address of the club. An attached sign shall not exceed 30 square feet in area, shall be attached flat to the face of the building, and shall

not project more than 18 inches from the face of the building. A free-standing sign shall not exceed 20 square feet in area per side, shall not have more than two sides, and shall not exceed a height of six feet. Either an attached sign or a free-standing sign may be permitted, but not both. No sign shall project into any required yard. The sign may be illuminated but nonflashing.

STAFF: The applicant shall demonstrate compliance with each of the lettered standards, except where relief is necessary and granted. The previous approval of the conditional use permit also included requested relief from lettered Standard C. The Board granted relief to standard C and accepted the preservation of existing landscaping and installation of the four-board horse fence as justification for relief, as shown on the site plan. Since the variance is requested for the structure to be located roughly 3 ft. from the side property line, the Board shall consider granting relief to standard A that requires all new buildings to be at least 30 ft. from the property line.

REQUIRED ACTIONS

- **APPROVE OR DENY** the **Modified Conditional Use Permit** for a Private Institutional Use in the R-4 Single-Family Residential zoning district with relief from standard A (LDC 4.2.44).
- **APPROVE** or **DENY** the **Variance** from LDC Section 5.3.1.C, Table 5.3.2 to allow the proposed building to encroach into the 15 ft. non-residential to residential building setback (26-VARIANCE-0066).

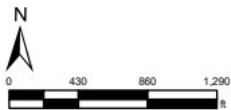
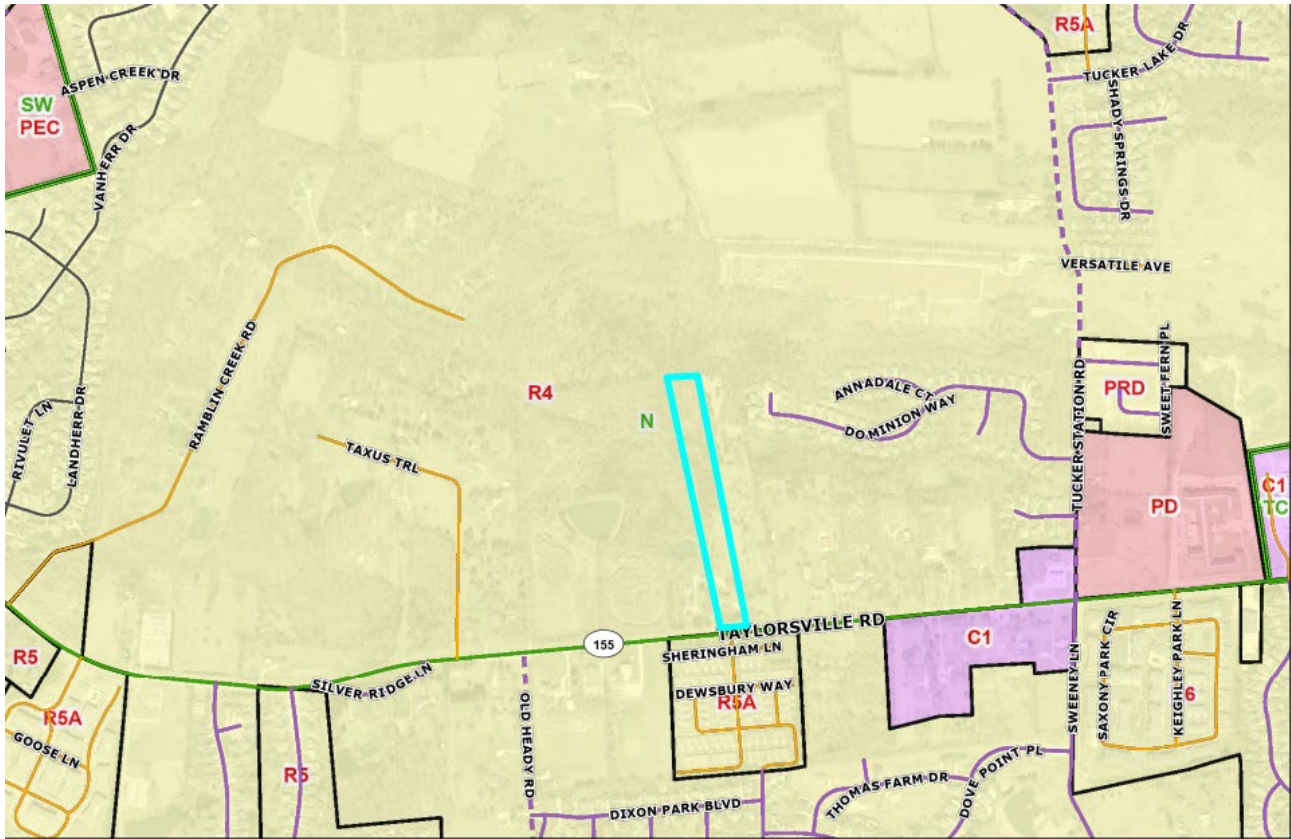
NOTIFICATION

Date	Purpose of Notice	Recipients
6/12/2026	Hearing before BOZA	1st and 2nd tier adjoining property owners and residents and registered Neighborhood Groups in Council District 11.
6/12/2026	Hearing before BOZA	Notice posted on property.

ATTACHMENTS

1. Zoning Map
2. Aerial Map
3. Existing Conditions of Approval
4. Proposed Conditions of Approval

1. **Zoning Map**

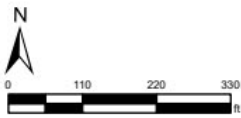
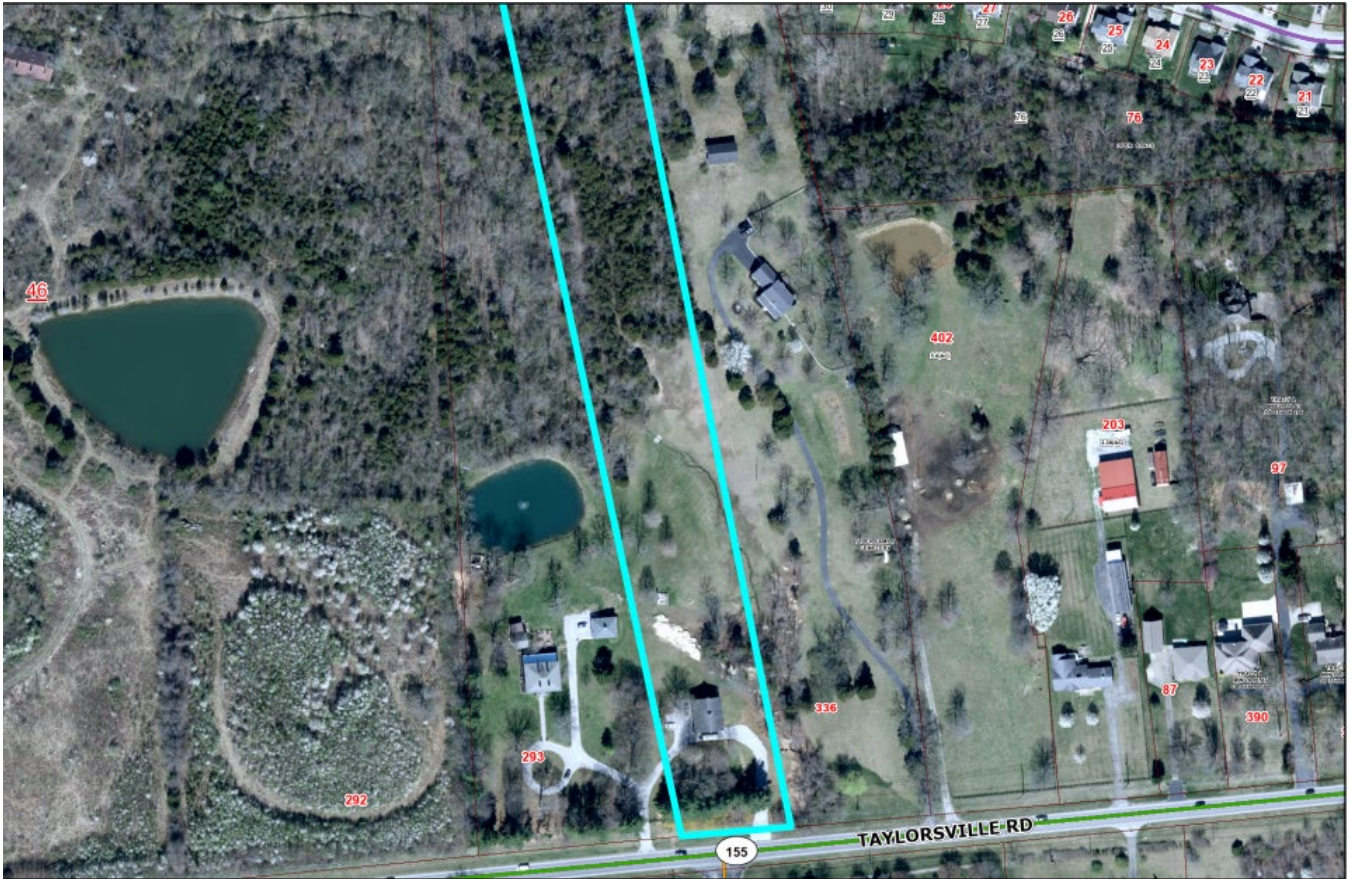


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2. Aerial Map



Wednesday, June 17, 2026 | 12:43 PM



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3. Existing Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a private proprietary club until further review and approval by the Board.
3. A 4-board horizontal fence of at least 48 inches in height shall be maintained along the eastern property line beginning roughly 10 ft. into the property beyond the culvert, extending back to the parking lot area of a distance at least 150 ft, separating the parking area and adjacent residential property as shown on the development plan.
4. The property owner shall maintain the existing trees along the eastern property line within the conditional use permit boundary area. In the event a tree is damaged or removed out of necessity, the applicant shall replace the tree with a similar tree in approximately the same location.
5. The maximum occupancy shall not exceed 80 individuals at any given time. The applicant may request a change to the maximum occupancy through a modified conditional use permit application.
6. There shall be no outdoor amplified music or voice after 10 PM on Sunday evenings through Thursday evenings and 11 PM on Friday and Saturday evenings. All event contracts or agreements shall include this prohibition.
7. All event contracts or agreements shall include a provision prohibiting vehicular parking on any streets within the Carrington Greene development or any other neighboring property.
8. All exterior lighting, whether freestanding or attached to any structure, including driveway lights and lighting for any signage, shall be shielded from adjacent properties, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. The following are exceptions to this requirement:
 - i) A partly shielded or unshielded decorative wall sconce(s) shall be allowed at the front entry if the total output in lumens does not exceed 2000 lumens,
 - ii) Open flame gas lamps,
 - iii) Low voltage landscape lighting aimed away from adjacent properties and not exceeding 2000 lumens in output.

4. Proposed Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a private proprietary club until further review and approval by the Board.
3. A 4-board horizontal fence of at least 48 inches in height shall be maintained along the eastern property line beginning roughly 10 ft. into the property beyond the culvert, extending back to the parking lot area of a distance at least 150 ft, separating the parking area and adjacent residential property as shown on the development plan.
4. The property owner shall maintain the existing trees along the eastern property line within the conditional use permit boundary area. In the event a tree is damaged or removed out of necessity, the applicant shall replace the tree with a similar tree in approximately the same location.
5. The maximum occupancy shall not exceed 80 individuals at any given time. The applicant may request a change to the maximum occupancy through a modified conditional use permit application.
6. There shall be no outdoor amplified music or voice after 10 PM on Sunday evenings through Thursday evenings and 11 PM on Friday and Saturday evenings. All event contracts or agreements shall include this prohibition.
7. All event contracts or agreements shall include a provision prohibiting vehicular parking on any streets within the Carrington Greene development or any other neighboring property.
8. All exterior lighting, whether freestanding or attached to any structure, including driveway lights and lighting for any signage, shall be shielded from adjacent properties, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. The following are exceptions to this requirement:
 - i) A partly shielded or unshielded decorative wall sconce(s) shall be allowed at the front entry if the total output in lumens does not exceed 2000 lumens,
 - ii) Open flame gas lamps,
 - iii) Low voltage landscape lighting aimed away from adjacent properties and not exceeding 2000 lumens in output.

Project: Rockdale Barn – Site Plan Updated 5/20/2026

CUP North Area Boundary



NOTES

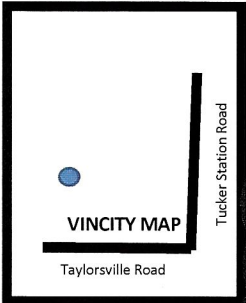
- Total vehicular use area = ~17,000 sq. ft.
- Total site disturbance = ~20,100 sq. ft.; existing impervious area = ~8,500 sq. ft.; proposed impervious area = ~20,100 sq. ft.; net increase in impervious area = ~11,600 sq. ft.
- Parking Notes: Parking spaces = 22 plus 2 handicap based on LDC Chap. 9.1.3B range between 6 and 30 spaces for restaurant use
- Total new construction = 2,875 sq. ft. total (barn = 1800 sq. ft.; repurposed cabin = 256 sq. ft.; patio – 800 sq. ft. for total of 2,875 sq. ft.
- KYTC approved 30' wide driveway entrance/culvert on 5/16/2023 (KYTC KEPT# 01-2023-00621)
- KYTC requested increase in right of way from 30' to 50'
- Parcel size = 6.3 acres; CUP area 1.28 acres
- No public sewer service available, septic permit filed
- Construction plans and documents shall comply with Louisville and Jefferson County MSD Design Manual and Standard Specifications and other local, state, and federal ordinances
- Site shall remain a sheet flow condition and is subject to MSD stormwater regional facility fees.
- This site is subject to MS4 Water Quality Regulations once the incremental area of disturbance sums equal to or greater than 1 acre of disturbance. Per this site plan, the area of disturbance is 4/10 of an acre.
- Separate Waiver submitted from Section 10.2 LBA requirement; and Separate Variance submitted from Section 5.3.2 Front Setback requirement

Owner: Sallie Noe Living Trust
 Address: 12203 Taylorsville Road
 Deed Book/Page: 12941/449
 Zoning: R-4
 Form District: Neighborhood

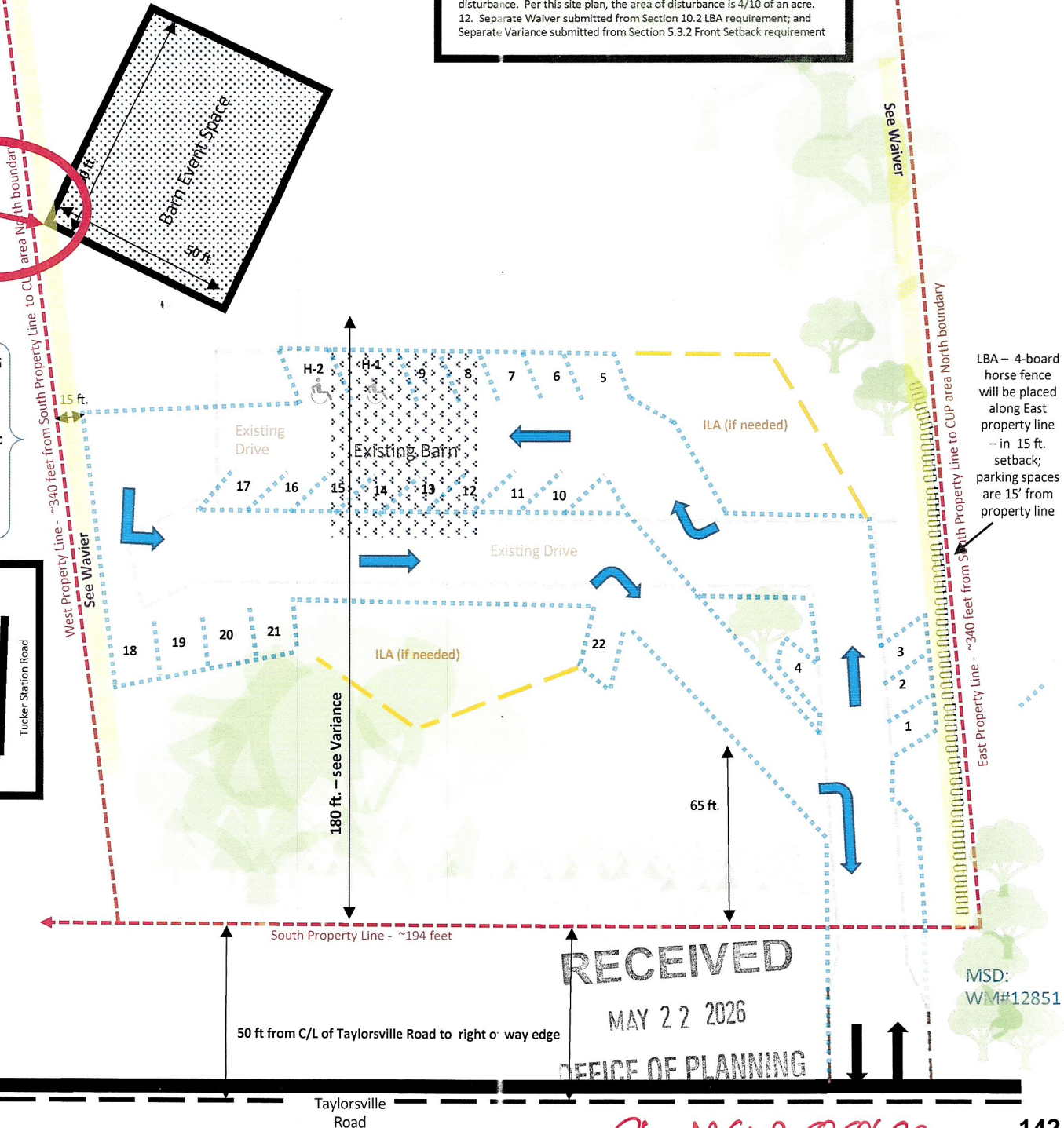
Owner: Donald G Wenzel Jr
 Address: 12111 Taylorsville Road
 Deed Book/Page: 12002/787
 Zoning: R-4
 Form District: Neighborhood

~3 ft.

Owner: Donald G Wenzel Jr
 Address: 12109 Taylorsville Road
 Deed Book/Page: 12002/787
 Zoning: R-4
 Form District: Neighborhood



1 in = 40 ft

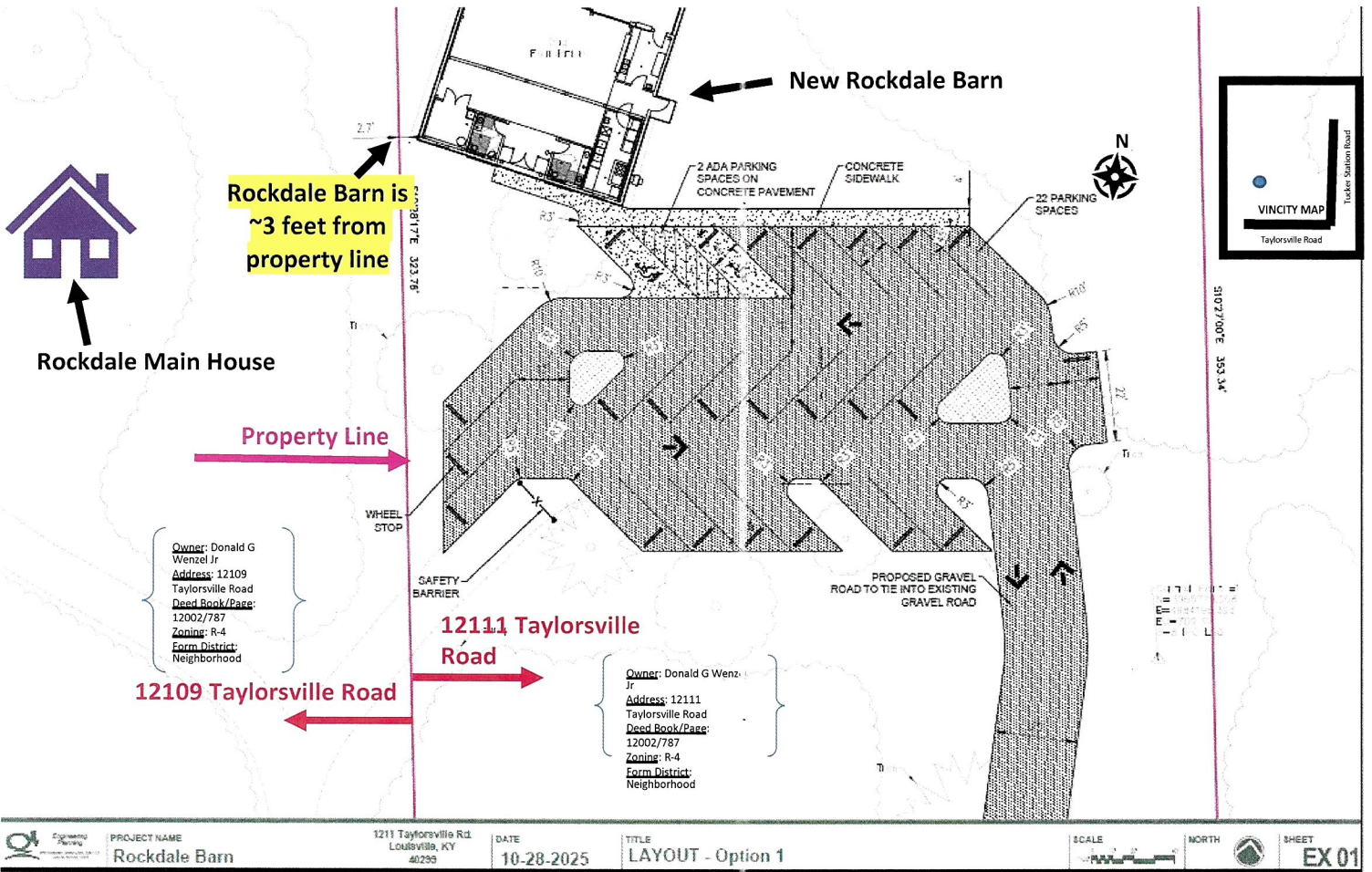


LBA – 4-board horse fence will be placed along East property line – in 15 ft. setback; parking spaces are 15' from property line

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 MAY 22 2026
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MSD: WM#12851

26-MCUP-00060



Rockdale Barn Civil Engineer Renderings

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MAY 22 2026

OFFICE OF PLANNING

26-Mar-2016

Statement of Explanation for Variance

Re: 25-CUP-0042

Project: The Barr at Rockdale

Statement of Explanation:

CUP Application 25-CUP-0041 was approved in April, 2025 for use of a barn structure as a 'private proprietary club' under the Louisville Metro Land Development Code (Chapter 4.2.44).

Since the CUP approval, a historic barn frame has been sourced, and construction underway under approved building permit #COM-NEW-25-00188.

Site conditions (location of underground bedrock) necessitate a slight adjustment to the barn's location such that a small portion of the barn structure falls within the 15-foot setback on the west property boundary. This Variance is for the purpose of obtaining an exception for the barn structure standing approximately 3 feet from the west property line.

Applicant owns both the subject parcel and the parcel to the west of the subject parcel where the variance is needed. The Applicant, who is also the owner of the impacted property to the west, consents to the barn structure falling within the 15-foot setback. No other neighbors or property owners are impacted by this Variance, and the Variance will have no impact on the character of the surrounding area.

Respectfully Submitted –

Donald G Wenzel Jr, Applicant

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MAY 22 2026

OFFICE OF PLANNING

26-MCUP-0010
~~26-VARIANCE-0066~~ 145



Louisville Metro Government

Text File

File Number: 26-CUP-0083

Agenda Date: 6/29/2026

Version: 1

Status: Public Hearing

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 11.

Board of Zoning Adjustment

Staff Report

June 29, 2026



Case No:	26-CUP-0083
Project Name:	Accessory Dwelling Unit CUP
Location:	4561 South 3 rd Street
Applicant:	Zachariah Saleh
Representative:	Zachariah Saleh
Jurisdiction:	Louisville Metro
Council District:	21 – Betsy Ruhe
Case Manager:	Jude Mattingly, Planner II

REQUEST(S)

- **Conditional Use Permit** to allow an Accessory Dwelling Unit (ADU) in R-5 zoning that does not meet the provisions of Section 4.3.27 of the Land Development Code (LDC 4.2.3)

CASE SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU) in R-5 zoning and a Traditional Neighborhood form district. ADUs in compliance with the special standards of Louisville Metro Land Development Code (LDC) section 4.3.27 can be approved at staff level. If one or more standards are not met a CUP is required. The subject property is located north of the South 3rd Street and West Wellington Avenue intersection and is currently developed with a single-family residential structure and detached garage containing the ADU.

The applicant has indicated that the ADU is 600 sq. ft and the intention is to offer the space to a long-term tenant.

STAFF FINDING

Item “J” in LDC section 4.3.27 requires the property owner to reside within either the principal or accessory dwelling unit on site. The property owner once resided within the main structure but has since established residency at a different property within Louisville Metro and would like to be able to offer both units as long term rentals.

TECHNICAL REVIEW

Land Development Code; Comprehensive Plan 2040

- *1.2.2 Dwelling Unit, Accessory (ADU):* A smaller, secondary dwelling unit located on the same lot as a principal dwelling. ADUs provide complete, independent living facilities (which at a minimum includes permanent provisions for living, sleeping, eating, cooking and sanitation which are accessed independently). The ADU shall not constitute a dwelling unit for the purposes of calculating permissible density. There are two types of ADUs:

(a) Attached ADUs which are connected to or part of the principal dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.

(b) Detached ADUs which are separate accessory structures from the principal dwelling. Examples include converted garages or new construction

- 4.2.3 *Accessory Dwelling Unit (ADU) CUP*: Accessory dwelling units that do not meet the provisions of Section 4.3.27 may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and UN districts upon the granting of a conditional use permit and compliance with listed requirements.

- 4.3.27 *Accessory Dwelling Unit (ADU) Permitted with Special Standards*: Accessory dwelling units may be permitted in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and UN districts that permit residential use in accordance with the applicable standards.

INTERESTED PARTY COMMENTS

No interested party comments have been received at the time of publishing this staff report.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: Yes, the proposal is consistent with applicable policies of the Comprehensive Plan. The subject site is located within a Traditional Neighborhood form district which encourages a significant range of housing opportunities. Housing Goal 1, Policy 1 reiterates the encouragement of housing types including accessory residential structures. Housing Goal 1, Policy 3 calls for the development of a variety of housing types to meet the needs of all residents by offering a supply of affordable and physically accessible housing. Housing Goal 3, Policy 3 encourages accessory apartments to increase the production of fair and affordable housing.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: Yes, the proposal is compatible with surrounding land uses and the general character of the area. The detached garage where the ADU is located is compliant with the height and setback requirements of the LDC and as a result no variances or waivers are associated with this request. The property owner has provided off-street parking and there is on-street parking available in the immediate area. There are a mix of higher density residential zoning (R-6 and R-7) in the general vicinity.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: Yes, necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation are adequate to serve the proposed use. Agency comments have been received and resolved prior to a public hearing.

4. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

4.2.3 Accessory Dwelling Unit (ADU):

Accessory dwelling units that do not meet the provisions of Section 4.3.27 may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and UN districts upon the granting of a conditional use permit and compliance with listed requirements.

- A. All special standards outlined within Section 4.3.27 are met unless relief is granted by the Board. Applications requesting relief from special standards in Section 4.3.27 shall provide written justification demonstrating the reasons why relief should be granted and how such relief would retain the accessory nature of the dwelling unit

4.3.27 Accessory Dwelling Units (ADUs) Permitted with Special Standards:

Accessory dwelling units may be permitted in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and UN districts that permit residential use in accordance with the following standards:

- A. One ADU, either attached or detached is permitted per single family dwelling per lot
- B. Maximum ADU size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.
- C. Location Requirements:
 - 1: For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or behind the principal structure.
 - 2: For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side of behind the principal structure.
- D. ADU Access:
 - 1: For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure.
 - 2: For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.
- E. Maximum Height:
 - 1: For an attached ADU, the maximum height shall not exceed the height of the principal structure.
 - 2: For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with Chapter 5 of the LDC. The maximum height shall not exceed the height of the principal structure.
- F. ADUs approved under this provision shall not be used as a short term rental.
- G. Any property that has been subject to a zoning, property maintenance, or building code violation(s) in the 12 months prior to application shall be reviewed and approved by the directors of Planning & Design Services and Codes & Regulations, or their designees.

Any violations shall be resolved prior to approval.

- H. Off-street parking shall meet the requirements of Chapter 9 of the LDC
- I. ADUs that include new construction that results in habitable floor area (for example, additions to principal structures or new accessory structures) shall not be allowed on any areas of lots that contain environmental constraints (LDC Section 4.6.2.A)
- J. The owner of the property shall reside within either the principal or the accessory dwelling unit.
- K. To avoid any confusion, since there is no language to the contrary, this section does not override any deed restriction or homeowners' association declarations restricting accessory dwelling units.

STAFF: Relief from item J will be required. The owner occupied requirement was included by Metro Council during the LDC amendments concerning ADUs in 2021, with the ability to waive the provision through a CUP review. The subject property has not been the subject of any enforcement violations or reports at the time of publishing this staff report. The ADU provides a different form of housing that is of quality in an area more than capable of integrating the use.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Conditional Use Permit** to allow an **Accessory Dwelling Unit** with relief from item J in a R-5 zoning district.

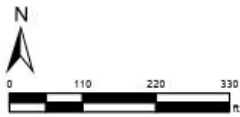
NOTIFICATION

Date	Purpose of Notice	Recipients
06/09/2026	Hearing before BOZA	1 st and 2 nd tier adjoining property owners and current residents
06/15/2026		Registered Neighborhood Groups in Council District 21
06/12/2026	Hearing before BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Conditions of Approval

1. Zoning Map



Zoning Map

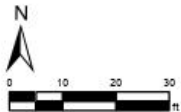
Monday, June 15, 2026 | 1:55 PM



LOJIC © 2026

This map is not a legal document and should only be used for general reference and identification.

2. **Aerial Photograph**



Aerial Photograph

Monday, June 15, 2026 | 1:56 PM



This map is not a legal document and should only be used for general reference and identification.

3. **Proposed Conditions of Approval**

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for an Accessory Dwelling Unit (ADU) without further review and approval by the Board.
3. Within 60 days, the property owner shall contact Louisville Metro Emergency Services to have a unique address assigned to the accessory dwelling unit.

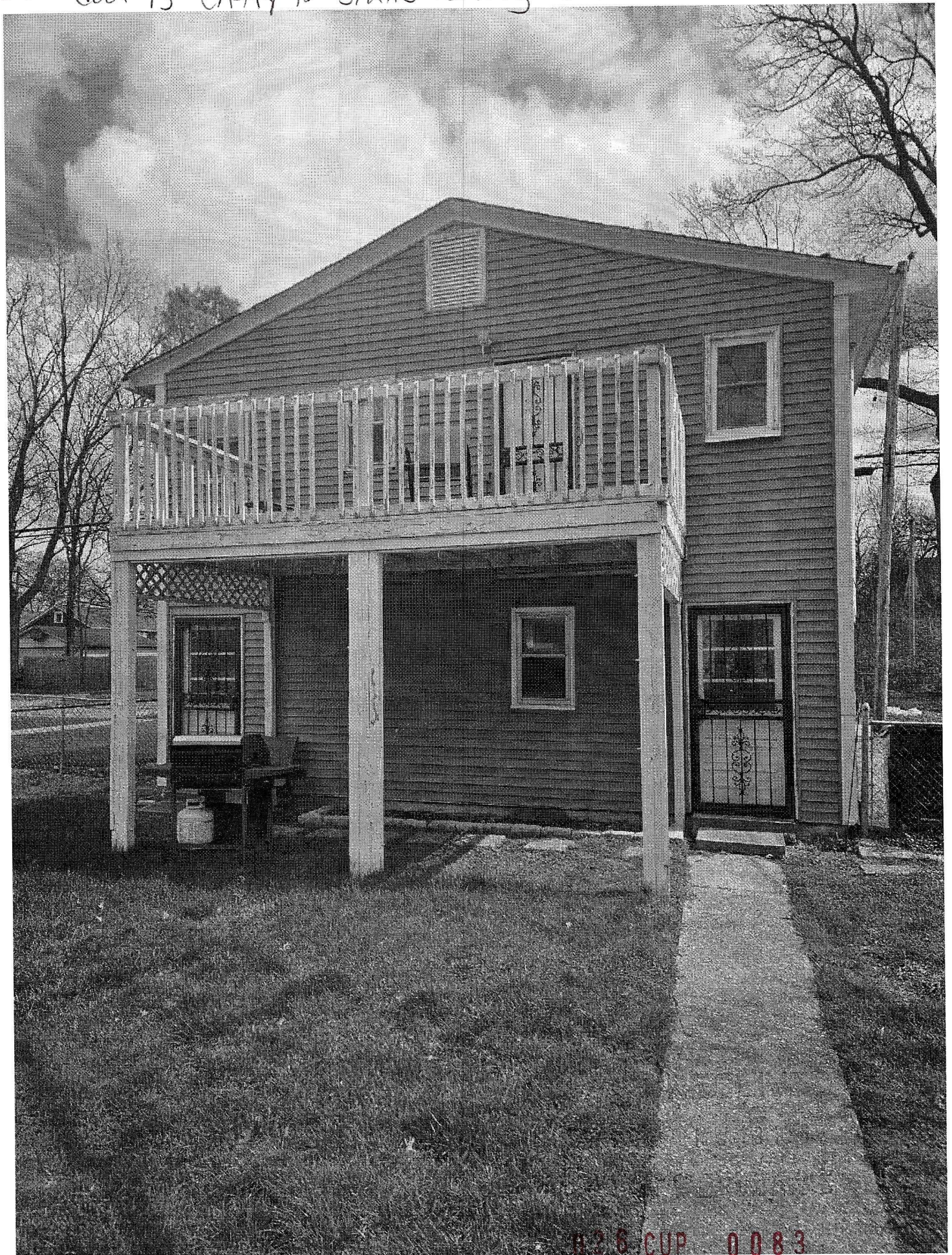
2 dedicated parking spots

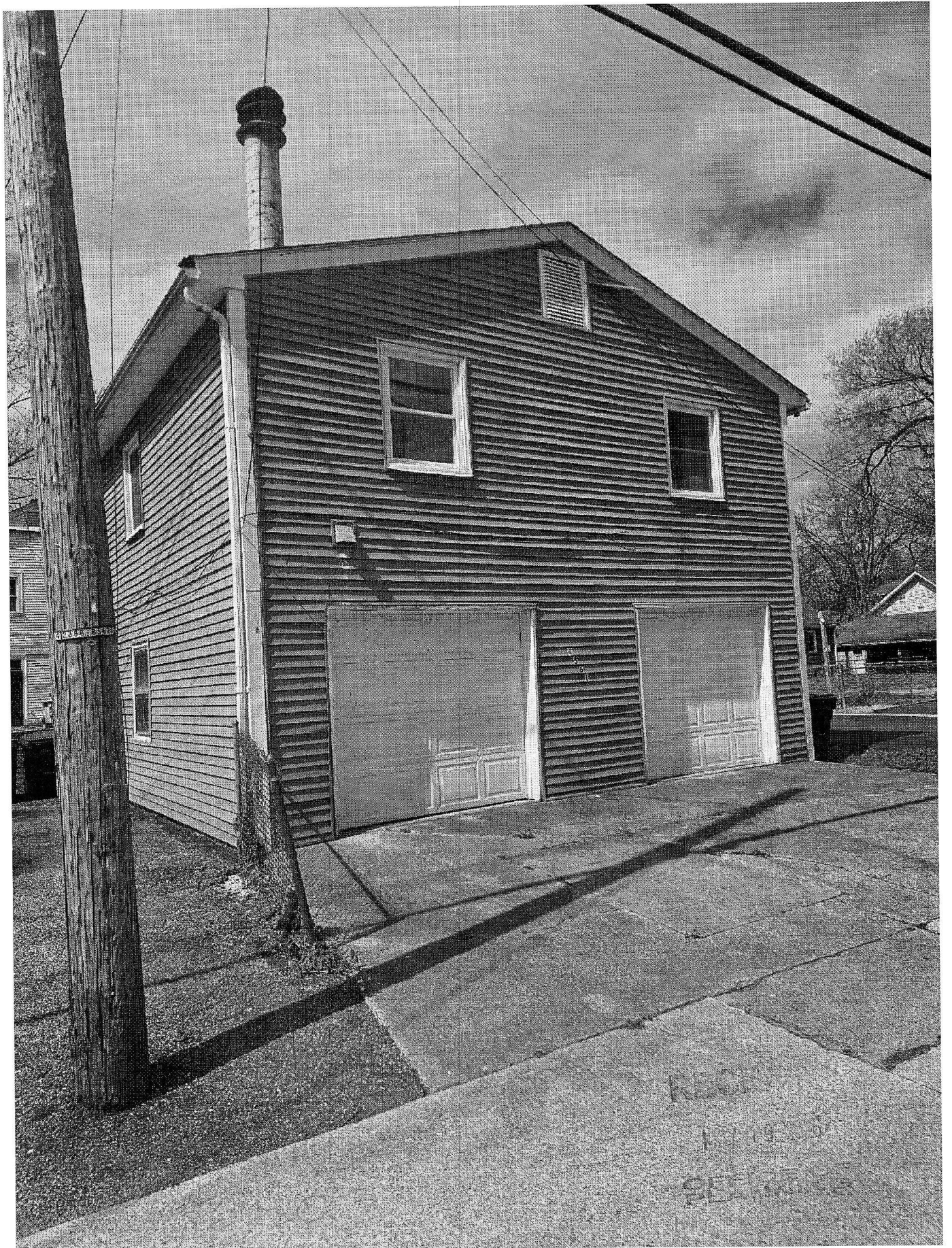


026 CUP 0083

OFFICE OF PLANNING

Left door is entry to stairs leading to ADU





026 CUP 0083



026 CUP 0083

OFFICE OF
PLANNING









Dear Office of Planning Staff and Board of Zoning Adjustment Members,

I am writing to respectfully request approval of a **Conditional Use Permit (CUP)** for the construction and operation of an Accessory Dwelling Unit (ADU) on the property located at **4561 S 3rd St, Louisville, KY 40214**.

The proposed ADU will comply with all applicable standards in the Louisville Metro Land Development Code Section 4.3.27 regarding Accessory Dwelling Units with the exception of part J which is the reason for my request.

Key details of the proposal:

- **Location:** 4561 S 3rd St, Louisville, KY 40214
- **Property Owner/Applicant:** Zachariah Saleh
- **Proposed Use:** Accessory Dwelling Unit
- **Intended Purpose:** Set up both the primary and accessory dwelling units as long term rental units.
- **Design/Size:** ~600sqft studio apartment above detached garage. Dedicated parking next to ADU, and dedicated entry point facing the main dwelling unit.

I am available to provide any additional information regarding this request. Thank you for your consideration of this request. I believe the ADU will be a positive addition to the community, contributing to housing diversity without adverse impacts on neighboring properties.

Please feel free to contact me at 502-601-6523 or Zsnale01@gmail.com with any questions.

Sincerely,

Zachariah Saleh

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026 CUP 0083

NOTICE OF DEVELOPMENT APPLICATION FILED WITH
OFFICE OF PLANNING
NEIGHBORHOOD MEETING NOTIFICATION

2/9/2026

To the Adjoining Property Owners, Neighborhood Group Representatives expressing interest in this area and Metro Councilperson for the 21st District

A Conditional Use Permit application for an Accessory Dwelling Unit (ADU) at the address below was filed with the department of Louisville Metro Office of Planning on 12/22/2025.

ADDRESS: 4561 S 3rd St Louisville, KY 40214
CASE NO: 25-CUPPA-0218
CASE MANAGER: Jude Mattingly
CASE MANAGER EMAIL: jude.mattingly@louisvilleky.gov
COUNCIL DISTRICT: 21
APPLICANT: Zachariah Nathaniel Saleh

In accordance with the procedures of Louisville Metro Office of Planning, we have been directed to invite you to discuss this proposal before a formal application can be filed. This will be an informal meeting to give you the opportunity to review the proposed plan and discuss the proposal with the applicant or its representative. We encourage you to attend this meeting and to share your thoughts. This meeting will be held in addition to the established public meeting procedures of the Planning Commission and/or the Board of Zoning Adjustment.

The meeting to discuss this application will be held on:
DATE: 2/25/2026 @ 6:00 PM
LOCATION: Iroquois Library 601 W Woodlawn Ave. Louisville, KY 40215

Zachariah Saleh is the primary point of contact for any questions or comments. Any questions or comments received will be incorporated into the meeting record. The contact information is below:

Name: Zachariah Saleh
Email: Znsale01@gmail.com

If you have questions about this application, or would like to view the case file, please visit <http://louisvilleky.gov/government/planning-design> or contact Louisville Metro Planning & Design Services at:

Metro Development Center
444 S 5th St, 3rd Floor
Louisville, KY 40202
(502) 574-6230

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To whom it may concern,

On 2/25/2026 at 6:00 PM a neighborhood meeting was held at the Iroquois Library to discuss the conditional use permit application for 4561 S 3rd St. Louisville, KY 40214. There were no attendees to the aforementioned meeting.

If there are any questions regarding this please feel free to reach out via call or email.

Thanks,
Zachariah Saleh
502-601-6523
Znsale01@gmail.com

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MAY 19 2026

OFFICE OF
PLANNING

026 CUP 0083



Louisville Metro Government

Text File

File Number: 26-CUP-0075

Agenda Date: 6/29/2026

Version: 1

Status: Public Hearing

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 12.

Board of Zoning Adjustment
Staff Report
June 29, 2026



Case No:	26-CUP-0075
Project Name:	Short Term Rental
Location:	1601 Newburg Rd
Applicant:	Peachtree Manor LLC
Representative:	Farooq Shaheen
Jurisdiction:	Louisville Metro
Council District:	8 – Ben Reno-Weber
Case Manager:	Abby Bills, Planner I

REQUEST

- **Conditional Use Permit** to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63).

CASE SUMMARY

The applicant is requesting approval to operate a short-term rental within a dwelling unit that is not the owner’s primary residence. The subject property is zoned R-5 Single-Family Residential and is located within the Neighborhood Form District. The subject site is developed with a single-family dwelling unit. The applicant has stated that the principal structure contains four (4) bedrooms, allowing a maximum occupancy of ten (10) guests. Off-street parking is provided via the existing driveway. At the time of this report, there are no short-term rentals approved by Conditional Use Permit within 600 feet of the subject property.

STAFF FINDING

The proposal is adequately justified for approval based on staff’s analysis contained in the standard of review, and it meets all standards of the conditional use permit for short-term rentals.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with surrounding land uses and the general character of the area, including considerations such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and overall appearance. As no exterior modifications to the property are proposed, the existing compatibility with the neighborhood will be maintained.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: Adequate on-site and off-site public facilities, including transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation, are available to support the proposed use.

4. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

4.2.63 Short Term Rental of a dwelling unit that is not the primary residence of the owner or the short term rental of a condominium unit that is the primary residence of the owner 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; Short Term Rental of a dwelling unit that is not the primary residence of the owner or a condominium unit that is the primary residence of the owner that is in a OR, OR-1, or OR-2 district and a TN form district; and Short Term Rental of any dwelling unit in a TNZD district:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 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 registered property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. If the aforementioned occupancy allows for more than 12 individuals, there shall be a maximum of 12 persons over the age of 16. The Board may further restrict the number of individuals. Relief to this provision may be provided by the Board on a case-by-case basis if the applicant can demonstrate that a greater occupancy will be in compliance with life safety and occupancy standards and the short term rental is of a sufficient distance to not adversely impact neighboring property.
- 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 nearest property line) to any property (i) on which another approved short term rental that required a conditional use permit is situated or (ii) located in an OR, OR-1 or OR-2 district and a TN form district which has an active registration and has maintained an active registration prior to the effective date of this provision and it has not been conclusively proven to the Board that the holder of the registration is the owner of the property, and the property is the owner's primary residence. Relief to this provision may be provided by the Board on case-by-case basis for the following reasons; however relief may be denied upon consideration of other factors and the burden is on the applicant to demonstrate that the subject short term rental would not contribute to an overconcentration of short term rentals in the immediate area and/or adversely affect the affordable housing stock in the immediate area.

(1) Reasons for Potential Relief:

(a) The Property is adjacent to nonresidential zoning districts that allow short term rentals by right

(b) There is a significant environmental feature or primary collector or higher classification road that separates the proposed short term rental from other short term rentals within the buffer area

(c) A short term rental property within the buffer area is located on the perimeter of the buffer area, with part of the property being located outside of the buffer area

(d) A neighborhood plan encourages and supports short term rentals in the subject area

In applications where the entire area encapsulated by the 600 foot buffer is residentially zoned (including TNZD areas mapped Neighborhood General), under no circumstance shall the Board provide relief to this provision in cases in which two or more short term rentals with conditional use permits are already in existence within 600 feet.

(2) The following exceptions to this separation requirement apply:

(a) The separation requirement shall not apply to a property on which the conditional use permit is conditioned that the owner acts as host and maintains their primary residency within another dwelling unit in the same building or on the same parcel of land.

(b) The separation requirement shall not apply between two or more short term rentals on a single property being reviewed under the same conditional use permit application. However, if the property is subdivided after the conditional use permit is granted, a new conditional use permit shall be required in order for any new lot(s) to have a short term rental, with the separation requirements applying to that subsequent application.

(c) The separation requirement shall not apply to a property in the TNZD district on which the conditional use permit is conditioned that the host shall maintain their primary residency within the dwelling unit.

- E. The building in which dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit in a multi-family building, the condominium unit must be the primary residence of the owner. 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. This evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board wherein all condominium owners were notified that short term rental of the subject 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.
- 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 registration pursuant to section 4.3.23. When the Planning Director revokes an approved registration, staff shall schedule a public hearing for the Board to consider revoking the associated conditional use permit. The Board may also revoke the conditional use permit for other reasons pursuant to section 11.5A.6.
- 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. In order to commence short term rentals, a new conditional use permit must be granted if required by this Land Development Code
- L. An active registration of 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 thirty (30) days, or in the event of a changer of ownership and/or host, a new registration is not issued within thirty (30) days 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 such conditional permit must satisfy the applicable requirements for a conditional use permit in effect at the time the new application for a conditional use permit is filed.

STAFF: The applicant has demonstrated, or will be required to demonstrate, compliance with each of the lettered standards for a Conditional Use Permit. The proposed short-term rental will not be located within 600 feet of another short-term rental with an approved Conditional Use Permit, nor within 600 feet of any OR, OR-1, or OR-2 zoned property operating as a non-conforming short-term rental without the required owner occupancy. The principal structure contains four (4) bedrooms, allowing a maximum occupancy of ten (10) guests. Off-street parking will be provided via an existing driveway.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **CONDITIONAL USE PERMIT** to allow a short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63)

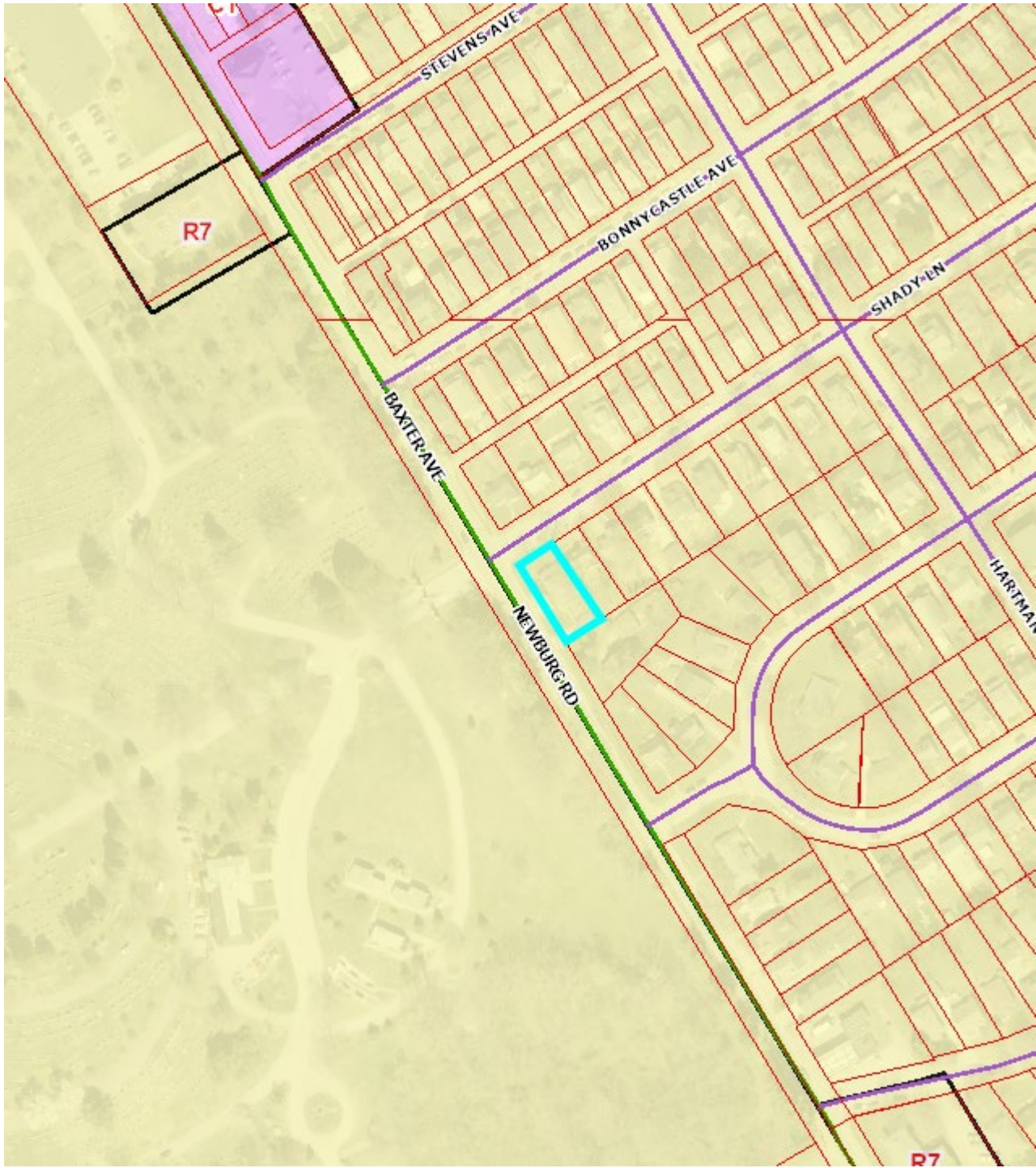
NOTIFICATION

Date	Purpose of Notice	Recipients
5/19/26 6/15/2026	Hearing before BOZA	1 st and 2 nd tier adjoining properties Registered Neighborhood Groups in Council District 8
6/12/26	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proximity Map
4. Proposed Conditions of Approval

1. Zoning Map

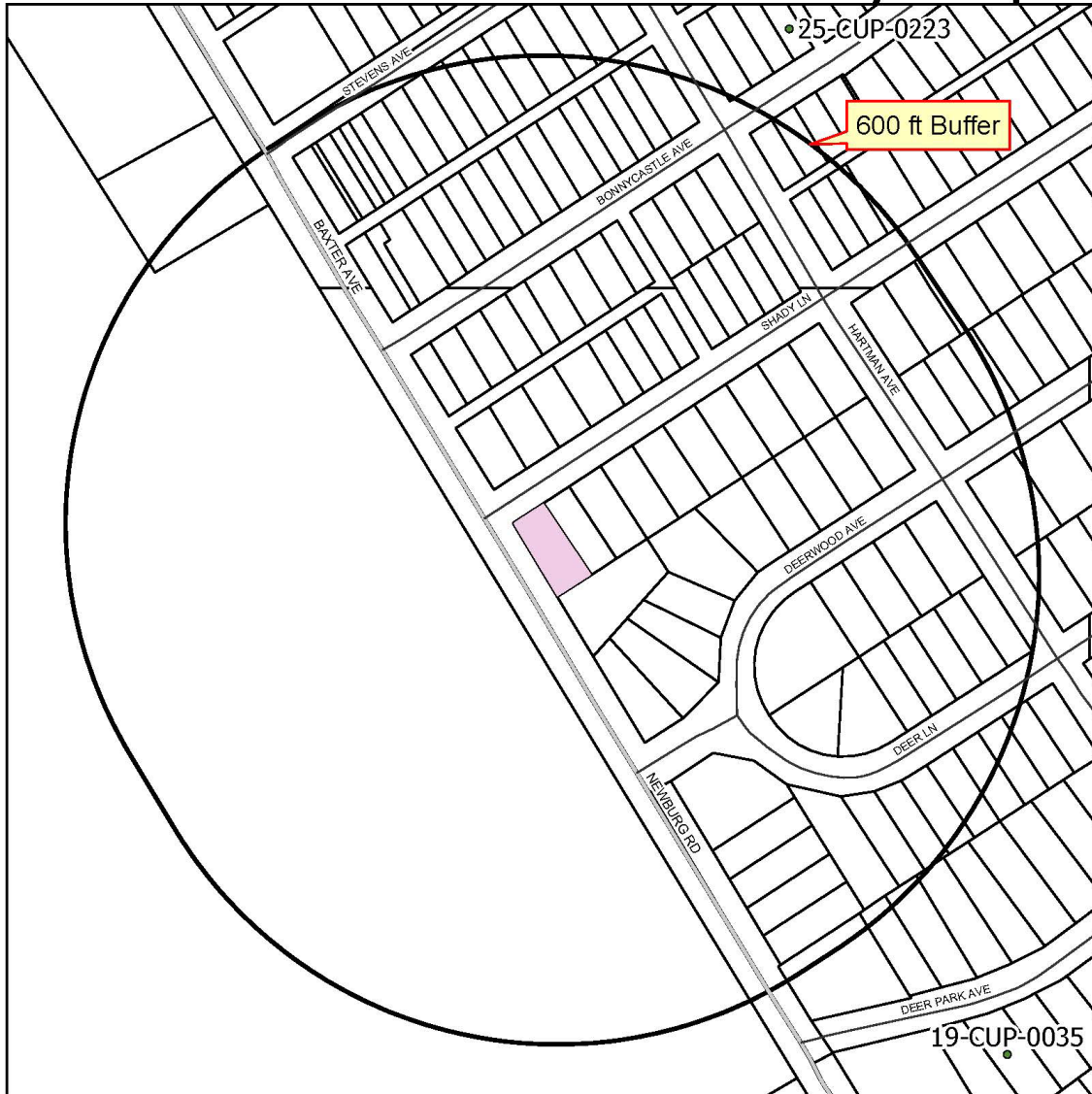


2. Aerial Photograph



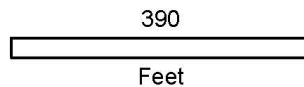
3. Proximity Map

Short-term Rental Proximity Map



- Legend**
-  SUBJECT SITE
 -  Buffer

Case # 26-CUP-0075
1601 Newburg Rd
Map Created: 5/1/2026



Copyright (c) 2025, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

This map is subject to change upon the Board of Zoning Adjustment granting approvals to other Short-term Rental Conditional Use Permits.



4. Proposed Conditions of Approval

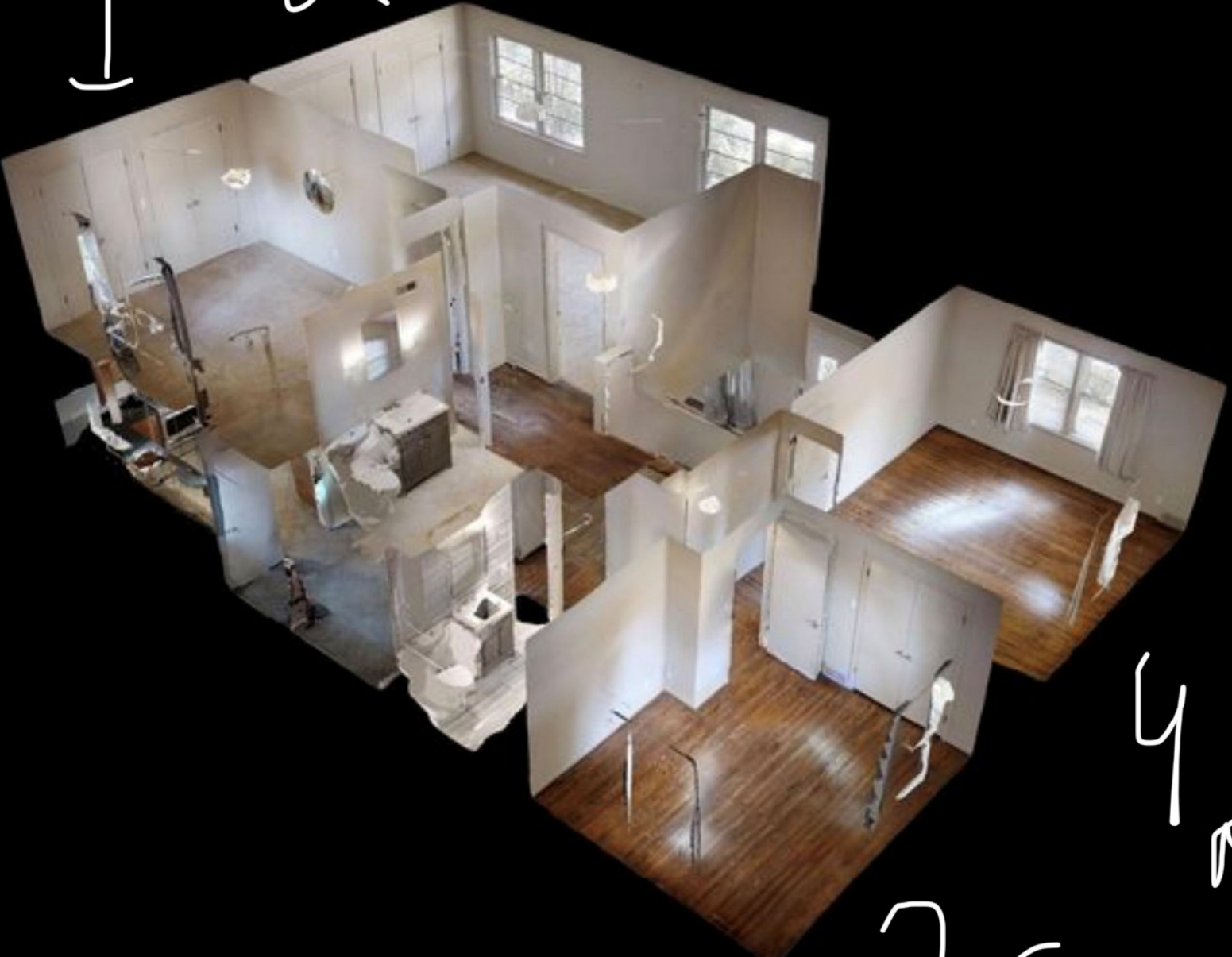
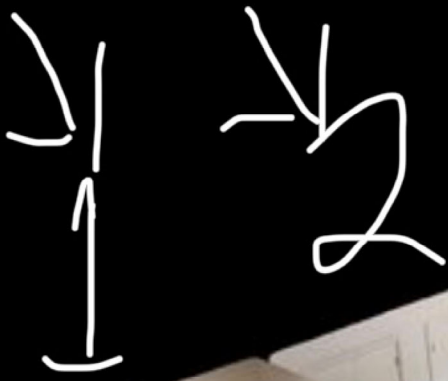
1. The conditional use permit for this short term rental approval shall allow up to four (4) bedrooms (with a maximum of ten (10) guests at any one time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.
2. Prior to commencement of any short term rental on the subject property, the owner 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.











Conditional Use Permit Justification Statement

(Pursuant to Chapter 4, Part 2 – Land Development Code)

The Applicant respectfully submits the following findings of fact and conclusions in support of the requested Conditional Use Permit to allow a short-term rental within an existing single-family residence.

1. Compliance with Applicable Specific Standards

The proposed short-term rental complies with all applicable requirements set forth in the Land Development Code governing such uses. Specifically, the subject property satisfies the required **600-foot separation requirement** from other short-term rentals. The use will operate in full compliance with all applicable provisions, including occupancy limitations, registration requirements, and all other regulatory conditions imposed by the Code.

2. Compatibility with Surrounding Land Uses

The proposed use is compatible with the existing character of the surrounding area. The property will remain a single-family residential structure with no exterior alterations or changes in intensity that would alter its residential appearance. The use is residential in nature and consistent with the scale and form of development in the immediate vicinity.

The operation of the short-term rental will be conducted in a manner that preserves the quiet enjoyment and character of the neighborhood. The Applicant will implement operational controls designed to ensure that the use does not adversely impact adjacent properties.

3. Impact on Public Health, Safety, and Welfare

The proposed use will not adversely affect the public health, safety, or general welfare of the community. The Applicant will implement safety measures including exterior lighting, security systems, and monitoring tools to ensure a safe environment for both guests and neighboring residents.

Furthermore, the Applicant maintains a local, on-the-ground management and maintenance team capable of responding promptly to any issues or concerns. This operational structure ensures continuous oversight and accountability.

4. Adequacy of Public Facilities and Infrastructure

All necessary public facilities and infrastructure, including transportation access, utilities, emergency services, and waste collection, are existing and adequate to serve the proposed use. The intensity of the use is comparable to that of a traditional single-family residence and will not create any undue burden on public services.

5. Traffic, Access, and Parking

The proposed use will not generate traffic volumes exceeding those typical of a single-family residence. Adequate off-street parking is available on the property, and the Applicant will enforce strict parking guidelines to prevent any adverse impact on the surrounding neighborhood. Guest turnover will be managed in a controlled and orderly manner.

6. Nuisance Prevention and Mitigation

The Applicant will implement strict operational policies to prevent nuisance conditions, including but not limited to noise disturbances, overcrowding, and unauthorized events. These measures include:

- A strict no-party and no-event policy
- Guest screening and vetting procedures
- Clearly communicated and enforced house rules
- Active monitoring and rapid response protocols

The Applicant has substantial experience operating short-term rentals and has maintained a consistent record of zero complaints or violations, demonstrating the effectiveness of these controls.

7. Applicant Experience and Operational Capacity

The Applicant has significant experience in the ownership and operation of short-term rental properties, including the successful acquisition and management of multiple Conditional Use Permits. This experience has resulted in the development of proven systems for compliance, guest management, and property oversight.

In addition, the Applicant has engaged a local team consisting of property management, cleaning, and maintenance personnel to ensure continuous supervision and prompt resolution of any issues.

8. Consistency with the Purpose and Intent of the Land Development Code

The proposed Conditional Use Permit is consistent with the purpose and intent of the Land Development Code, as it allows for a compatible residential use that is appropriately regulated to mitigate potential impacts. The use provides a needed lodging alternative for visitors, including families, medical visitors, and traveling professionals, while maintaining the character and integrity of the neighborhood.

Conclusion

Based on the foregoing, the Applicant respectfully submits that the proposed short-term rental:

- Complies with all applicable provisions of the Land Development Code
- Is compatible with surrounding land uses
- Will not adversely affect public health, safety, or welfare
- Will not overburden public infrastructure or services
- Includes sufficient safeguards to prevent nuisance conditions

Accordingly, the requested Conditional Use Permit meets all required standards of review and should be approved.

Letter of Explanation – Conditional Use Permit **(Short-Term Rental)**

Dear Members of the Review Board,

My name is Farooq Shaheen. I respectfully submit this request for a Conditional Use Permit (CUP) to operate a short-term rental at my single-family property located at **1601 Newburg Rd, Louisville, KY, 40205.**

This property is ideally situated within close proximity to major hospitals, restaurants, parks, retail areas, downtown amenities, and the airport. Its central location makes it particularly suitable for a range of responsible guests, including families visiting the area, individuals supporting relatives receiving medical care, traveling healthcare professionals, and business or leisure travelers seeking convenient accommodation.

The home itself is a well-maintained, spacious single-family residence capable of comfortably accommodating family-sized groups while maintaining appropriate occupancy limits and preserving the residential character of the neighborhood.

I would like to highlight that the property fully complies with all applicable zoning and land use requirements for short-term rentals, including meeting the required **600-foot separation rule**, which is a key criterion for approval.

In addition to compliance, I bring significant experience in responsibly operating other short-term rentals in Louisville. I have successfully obtained and operated multiple Conditional Use Permits in other locations, with a strong track record of maintaining high standards and never generating neighbor complaints or community issues. This experience has allowed me to develop proven systems to ensure smooth, respectful, and professional operation.

To support this property, I have an established, local, on-the-ground team that includes professional cleaners, maintenance personnel, and local property management support. This team ensures that the property is consistently well-maintained and that any issues are addressed promptly and efficiently.

Operational controls will include:

- Strict guest screening and booking protocols
- Clearly communicated house rules prohibiting parties, events, and excessive noise
- Compliance with occupancy and parking regulations at all times

- Routine inspections and maintenance
- Rapid response to any concerns raised by neighbors or local authorities

Additionally, the property will include appropriate safety and security measures to ensure both guest safety and neighborhood peace of mind.

The intent of this request is to provide a well-managed, high-quality lodging option that complements the surrounding area while maintaining full respect for the residential nature of the neighborhood. I am committed to operating this property in a manner that reflects professionalism, accountability, and community awareness.

Thank you for your time and consideration. I would be happy to provide any additional information or clarification as needed.

Respectfully,
Farooq Shaheen

Neighborhood Outreach Summary

As part of the permit process and my commitment to proactively engage with the surrounding community regarding the proposed Conditional Use Permit, I organized a neighborhood meeting at the Highlands–Shelby Park Library in Louisville. My property neighborhood residents were invited to attend and share any questions or concerns. The meeting was scheduled for 6:00 PM on April 20, 2026.

While I was present at the library awaiting attendees, I was informed by library staff that a couple had arrived shortly before but were mistakenly directed to an incorrect meeting room due to a staff miscommunication. As a result, they left under the impression that the meeting had been canceled. Upon learning this, I considered ways to reconnect with them but remained at the scheduled meeting location for an extended period to allow time for any additional neighbors to arrive. Flyers were placed at the entrance, and library staff had been instructed to direct anyone inquiring about the meeting to my table.

After waiting several hours with no additional attendees, I concluded the meeting and took the initiative to walk through the surrounding neighborhood in an effort to locate and connect with the individuals who had attempted to attend. Aside from the couple referenced above, no other neighbors attended the meeting or expressed any concerns.

During this outreach, I successfully connected with Lauren and Steven, who reside at the adjacent property and confirmed they were the individuals who had come to the library earlier. They expressed appreciation for the effort made to travel from New York and to proactively seek them out in order to address their questions directly.

During our in-depth and constructive conversation, they raised general concerns related to safety, noise, and the operation of a short-term rental. I addressed these concerns thoroughly by outlining my operational plan and experience, including:

- Installation of exterior security cameras, alarm systems, and appropriate lighting to enhance safety for both the property and neighboring homes
- Strict guest screening and vetting procedures
- A firm no-party policy with clearly enforced house rules
- Full compliance with occupancy and parking limits, including controlled use of the driveway
- A focus on responsible guest profiles such as families, traveling nurses, medical visitors, and professionals

I also explained the **600-foot separation** requirement and shared my experience operating multiple short-term rentals with a consistent record of zero complaints or disruptions. Additionally, I provided my direct contact information, as well as details of my local management team, and encouraged open communication should any concerns arise in the future.

The conversation was positive and reassuring. Lauren and Steven expressed that they felt comfortable with the proposed use following our discussion and appreciated the transparency, professionalism, and proactive outreach. They specifically noted their appreciation for the effort taken to locate them personally and engage in a direct, neighborly manner. By the end of the conversation, they indicated **they were at ease with the proposal** and looked forward to maintaining a **positive and cooperative neighbor relationship**.

At this time, no objections or concerns have been raised by any other neighbors.



Louisville Metro Government

Text File

File Number: 26-CUP-0088

Agenda Date: 6/29/2026

Version: 1

Status: Public Hearing

In Control: Board of Zoning Adjustment

File Type: Planning Case

Agenda Number: 13.

Board of Zoning Adjustment
Staff Report
June 29, 2026



Case No:	26-CUP-0088
Project Name:	Short Term Rental
Location:	1535 S 32 nd St
Owner:	Elmore George III
Applicant:	Elmore George III
Jurisdiction:	Louisville Metro
Council District:	1 – Tammy Hawkins
Case Manager:	Catherine Gomez, Planner I

REQUEST

- **Conditional Use Permit** to allow the short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63).

CASE SUMMARY

The applicant is requesting approval to operate a short-term rental within a dwelling unit that is not the owner’s primary residence. The subject property is zoned R-6 Multi-Family Residential and is located within the Traditional Neighborhood Form District. The subject site is developed with duplex. The applicant has stated that both units contain (2) bedrooms, allowing a maximum occupancy of six (6) guests in each unit. Off-street parking is provided via the existing driveway. At the time of this report, there are no short-term rentals approved by Conditional Use Permit within 600 feet of the subject property.

STAFF FINDING

The proposal is adequately justified for approval based on staff’s analysis contained in the standard of review, and it meets all standards of the conditional use permit for short-term rentals.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with surrounding land uses and the general character of the area, including considerations such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and overall appearance. As no exterior modifications to the property are proposed, the existing compatibility with the neighborhood will be maintained.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: Adequate on-site and off-site public facilities, including transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation, are available to support the proposed use.

4. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

4.2.63 Short Term Rental of a dwelling unit that is not the primary residence of the owner or the short term rental of a condominium unit that is the primary residence of the owner 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; Short Term Rental of a dwelling unit that is not the primary residence of the owner or a condominium unit that is the primary residence of the owner that is in a OR, OR-1, or OR-2 district and a TN form district; and Short Term Rental of any dwelling unit in a TNZD district:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 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 registered property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. If the aforementioned occupancy allows for more than 12 individuals, there shall be a maximum of 12 persons over the age of 16. The Board may further restrict the number of individuals. Relief to this provision may be provided by the Board on a case-by-case basis if the applicant can demonstrate that a greater occupancy will be in compliance with life safety and occupancy standards and the short term rental is of a sufficient distance to not adversely impact neighboring property.
- 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 nearest property line) to any property (i) on which another approved short term rental that required a conditional use permit is situated or (ii) located in an OR, OR-1 or OR-2 district and a TN form district which has an active registration and has maintained an active registration prior to the effective date of this provision and it has not been conclusively proven to the Board that the holder of the registration is the owner of the property, and the property is the owner's primary residence. Relief to this provision may be provided by the Board on case-by-case basis for the following reasons; however relief may be denied upon consideration of other factors and the burden is on the applicant to demonstrate that the subject short term rental would not contribute to an overconcentration of short term rentals in the immediate area and/or adversely affect the affordable housing stock in the immediate area.

(1) Reasons for Potential Relief:

(a) The Property is adjacent to nonresidential zoning districts that allow short term rentals by right

(b) There is a significant environmental feature or primary collector or higher classification road that separates the proposed short term rental from other short term rentals within the buffer area

(c) A short term rental property within the buffer area is located on the perimeter of the buffer area, with part of the property being located outside of the buffer area

(d) A neighborhood plan encourages and supports short term rentals in the subject area

In applications where the entire area encapsulated by the 600 foot buffer is residentially zoned (including TNZD areas mapped Neighborhood General), under no circumstance shall the Board provide relief to this provision in cases in which two or more short term rentals with conditional use permits are already in existence within 600 feet.

(2) The following exceptions to this separation requirement apply:

(a) The separation requirement shall not apply to a property on which the conditional use permit is conditioned that the owner acts as host and maintains their primary residency within another dwelling unit in the same building or on the same parcel of land.

(b) The separation requirement shall not apply between two or more short term rentals on a single property being reviewed under the same conditional use permit application. However, if the property is subdivided after the conditional use permit is granted, a new conditional use permit shall be required in order for any new lot(s) to have a short term rental, with the separation requirements applying to that subsequent application.

(c) The separation requirement shall not apply to a property in the TNZD district on which the conditional use permit is conditioned that the host shall maintain their primary residency within the dwelling unit.

- E. The building in which dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit in a multi-family building, the condominium unit must be the primary residence of the owner. 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. This evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board wherein all condominium owners were notified that short term rental of the subject 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.
- 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 registration pursuant to section 4.3.23. When the Planning Director revokes an approved registration, staff shall schedule a public hearing for the Board to consider revoking the associated conditional use permit. The Board may also revoke the conditional use permit for other reasons pursuant to section 11.5A.6.
- 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. In order to commence short term rentals, a new conditional use permit must be granted if required by this Land Development Code
- L. An active registration of 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 thirty (30) days, or in the event of a changer of ownership and/or host, a new registration is not issued within thirty (30) days 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 such conditional permit must satisfy the applicable requirements for a conditional use permit in effect at the time the new application for a conditional use permit is filed.

STAFF: The applicant has demonstrated, or will be required to demonstrate, compliance with each of the lettered standards for a Conditional Use Permit. The proposed short-term rental will not be located within 600 feet of another short-term rental with an approved Conditional Use Permit, nor within 600 feet of any OR, OR-1, or OR-2 zoned property operating as a non-conforming short-term rental without the required owner occupancy. Each unit will have two (2) bedrooms, allowing for a maximum of six (6) guests in each. Off-street parking will be provided via an existing rear alley and the detached garage on the property.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **CONDITIONAL USE PERMIT** to allow the short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63)

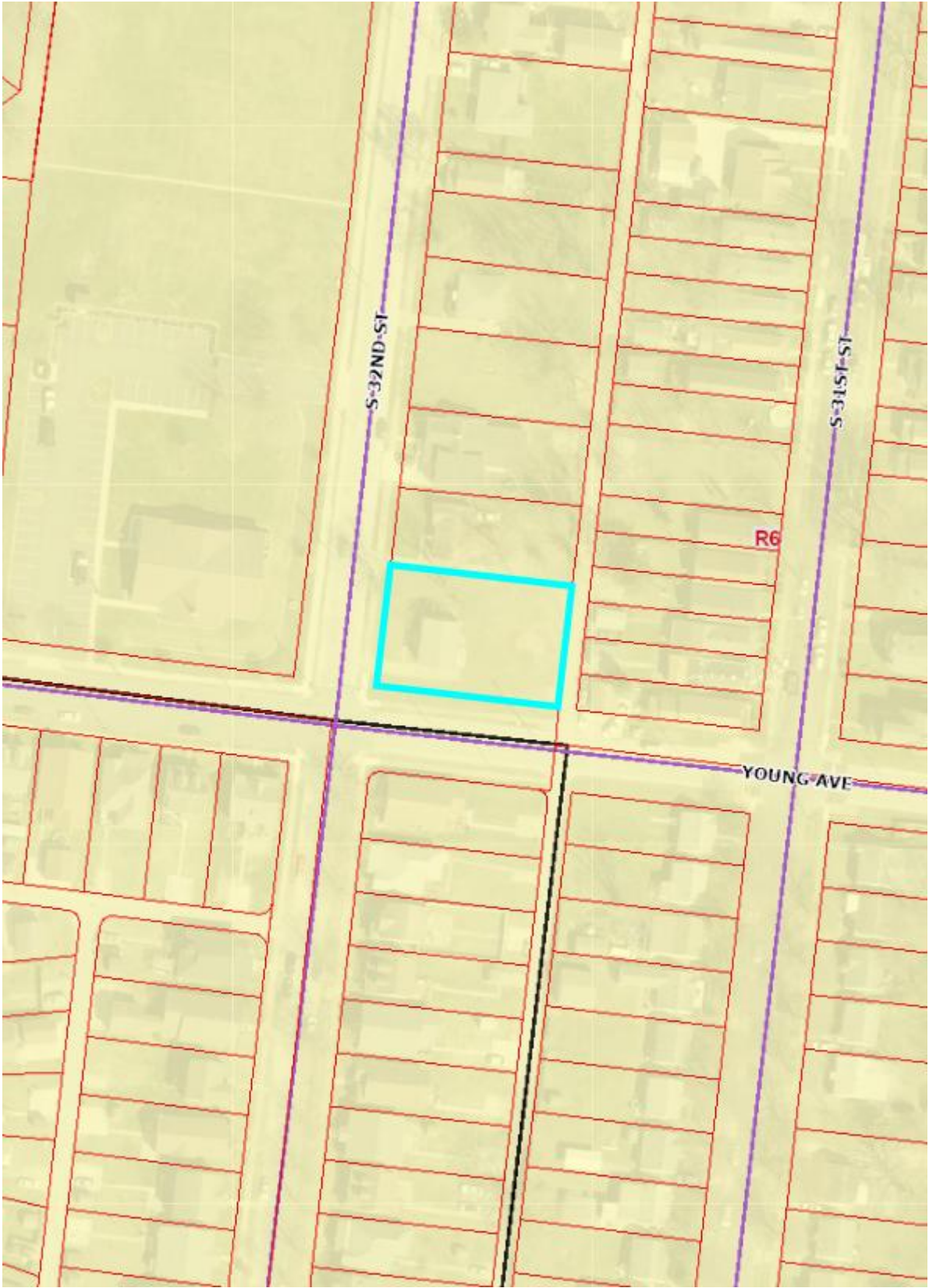
NOTIFICATION

Date	Purpose of Notice	Recipients
6/8/26	Hearing before BOZA	1 st and 2 nd tier adjoining properties Registered Neighborhood Groups in Council District 1
6/15/26	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proximity Map
4. Proposed Conditions of Approval

1. **Zoning Map**





2. Aerial Photograph

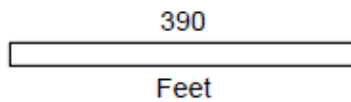



3. Proximity Map



Case # 26-CUP-0088
1535 S 32nd St
Map Created: 5/28/2026

- Legend**
-  Subject Site
 -  Buffer

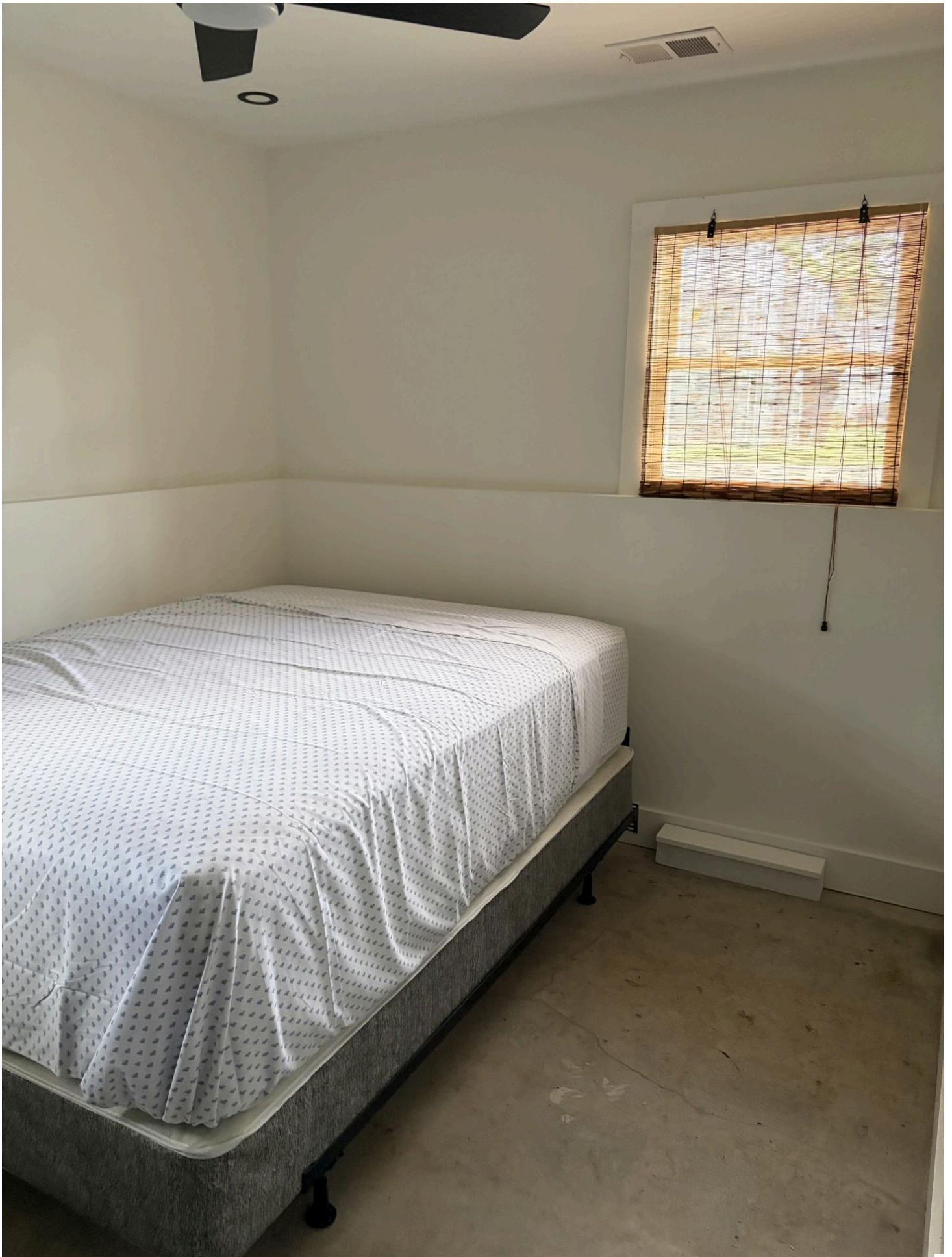


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4. Proposed Conditions of Approval

1. The conditional use permit for this short term rental approval shall allow up to two (2) bedrooms (with a maximum of six (6) guests at any one time) in one unit, and two (2) bedrooms (with a maximum of six (6) guests at any one time) in the second unit. Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.
2. Prior to commencement of any short term rental on the subject property, the owner shall register each short term rental pursuant to the Louisville Metro Code of Ordinances. If each 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.





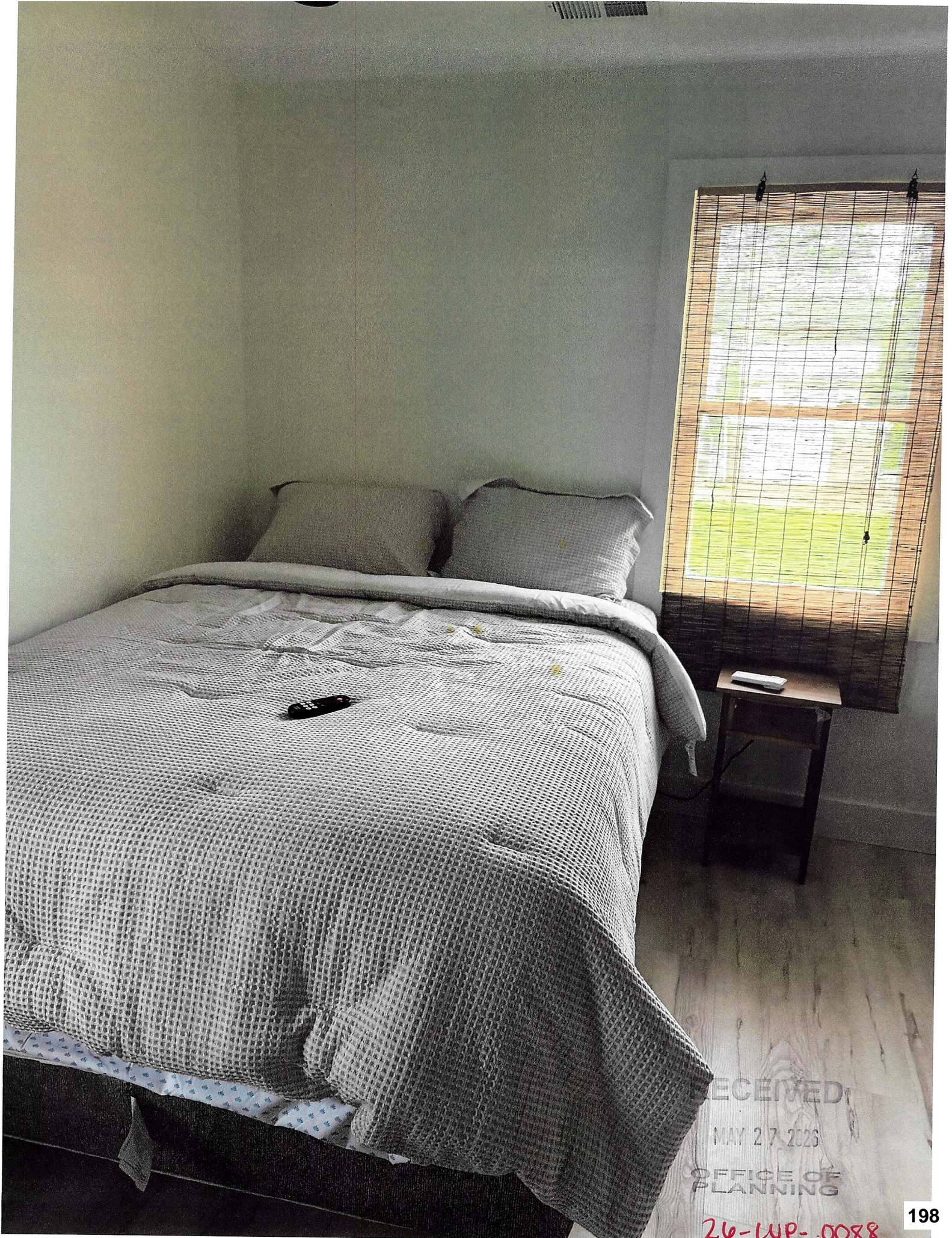


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MAY 27 2026

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PLANNING

26-WP-0088



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MAY 27 2023
OFFICE OF
PLANNING

26-WP-0088

05/27/26

Conditional Use

This 2 unit, 2 Bedroom 1 Bath
Duplex located at 1535 S. 3rd St
Louisville, KY. 40211 will meet every
standard in Chapter 4 part 2 of
the Land Development Code

Alma J. III

5-27-26

RECEIVED

MAY 27 2026

OFFICE OF
PLANNING

05/27/26

Neighbor Meeting Summary

The meeting was held 05/04/26
3 neighbors came and none of the
neighbors had any concerns regarding
me doing short term rental for my
property, 2 unit 2 Bedroom 1 Bath
Duplex located at 1535 S. 3rd St
Louisville, KY. 40211

Elmer J. [Signature]

5-27-26

RECEIVED

MAY 27 2026

OFFICE
PLANN

26-C

Name

Street Address

Zip

Phone

Fax

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MAR 27 2006

OFFICE OF PLANNING

26-CUP-0088