

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

December 17, 2018

A meeting of the Louisville Metro Board of Zoning Adjustment was held on December 17, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Rosalind Fishman, Chair
Dwight Young, Vice Chair (left at approximately 6:00 p.m.)
Lula Howard, Secretary
Lester Turner, Jr. (left at approximately 4:00 p.m.)
Kimberly Leanhart
Richard Buttorff (left at approximately 4:30 p.m.)
Lindsey Jagoe

Staff Members Present:

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

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018**

Board_Member_Appt

Swearing in of Lindsey Jagoe to serve on the Louisville Metro Board of Zoning Adjustment

00:03:52 Lindsey Jagoe took the Oath of Office, and was sworn in by John Carroll, Legal Counsel, as a new Board Member for the Louisville Metro Board of Zoning Adjustment.

**BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018**

APPROVAL OF MINUTES

DECEMBER 3, 2018 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:05:12 On a motion by Member Howard, seconded by Member Turner, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on December 3, 2018, with a correction to the last paragraph on Page 38 as noted.

The vote was as follows:

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

Abstain: Member Jagoe and Vice Chair Young

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18VARIANCE1108

Request: To allow an existing structure to encroach into the required rear yard setback
Project Name: Country Club Road Subdivision
Location: 627 & 617 Country Club Road
Owner: Flippin Sweet Realty LLC
Applicant: Megan Quigley
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: Molly Clark, Associate Planner
Presented: Jay Lockett Planner I

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

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

Agency testimony:

0:09:56 Jay Lockett presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Megan Quigley, 304 Stiliz Ave., Louisville, KY 40206

Summary of testimony of those in favor:

00:13:06 Megan Quigley spoke in favor of the request and reviewed the justifications for the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18VARIANCE1108

00:15:56 Board Members' deliberation

00:17:19 On a motion by Member Turner, seconded by Vice Chair Young, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the applicant's justification, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the structure will have to be constructed according to building code, including all fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as reduced setbacks are common in the general vicinity as well as smaller lot sizes, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as all building codes must be followed in any new construction on the proposed lot, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations the current lots are too narrow to build a home and this variance would allow a lot pattern that would allow construction of another home, and

WHEREAS, the Board further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because currently the property lines run through the principle structure which needs to be adjusted, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because there is currently a vacant lot that is not buildable with its current configuration, and

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

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18VARIANCE1108

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1108 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a structure to encroach into the required rear yard setback (**Requirement 25 ft., Request 6.1-6.2 ft., Variance 18.8 ft.**).

The vote was as follows:

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

No: Member Howard

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18VARIANCE1104

Request: To allow a freestanding sign to exceed the maximum sign area
Project Name: Dixie Highway Sign Variance
Location: 10501 Dixie Highway
Owner: KPS Holdings, LLC
Applicant: Kentucky Signs
Jurisdiction: Louisville Metro
Council District: 25 – David Yates
Case Manager: Chris French, AICP, Planning Supervisor

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

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

Agency testimony:

00:19:11 Chris French presented the case and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Bill Richards, 502 Morgan Ct., Winchester, KY 40391

Summary of testimony of those in favor:

00:22:10 Bill Richards spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18VARIANCE1104

00:23:04 Board Members' deliberation

00:25:11 On a motion by Member Leanhart, seconded by Vice Chair Young, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the applicant's justification, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that considering the minor nature of the variance request, this variance will not adversely affect the public health, safety or welfare, and

WHEREAS, the Board further finds that considering the minor size of the variance and the fact that the proposed sign will replace an existing sign of larger size, the requested variance will not alter the essential character of the general vicinity, and

WHEREAS, the Board further finds that the new sign will replace an existing sign that is larger in area and considering the minor nature of the request, the variance will not cause a hazard or nuisance to the public, and

WHEREAS, the Board further finds that considering the minor nature of the request, the variance will not allow an unreasonable circumvention of the zoning regulations, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1104 does hereby **APPROVE** Variance from Table 8.3.2 Suburban Marketplace Corridor for a freestanding sign to exceed the maximum sign area.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18WAIVER1048

Request: Sign authorization for a sign not attached to a building facade
Project Name: Michter's Sign
Location: 801 West Main Street
Owner: Fort Nelson Real Estate, LLC
Applicant: Michter's Distillery, LLC
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Chris French, AICP, Planning Supervisor

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

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

Agency testimony:

00:26:45 Chris French presented the case and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Jeff McKenzie, 3500 PNC Tower, Louisville, KY 40202

Summary of testimony of those in favor:

00:29:48 Jeff McKenzie spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18WAIVER1048

00:33:31 Board Members' deliberation

00:34:21 On a motion by Member Howard, seconded by Vice Chair Young, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposed sign is visually consistent with the architecture, colors, and overall design of the building and surrounding buildings. Therefore, the sign will not adversely affect adjacent property owners, and

WHEREAS, the Board further finds that the proposed sign is in conformance with the underlying form district as described within Cornerstone 2020 and all other applicable guidelines of the plan, and

WHEREAS, the Board further finds that the proposed sign is appropriately visible to surrounding properties and public rights-of-way. The waiver is the minimum necessary to afford relief to the applicant to allow the placement of a sign on the building that is consistent with other signs approved for the structure, and

WHEREAS, the Board further finds that the strict application of the regulations would not allow the sign to be placed in this location and would create an unnecessary hardship. The sign type and design are consistent with other signs approved for placement on the building; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18WAIVER1048 does hereby **APPROVE** Sign Authorization for a sign not attached to a building facade.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1126

Request: Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the host
Project Name: Skeen Short Term Rental
Location: 1214 Manitu Avenue
Owner/Applicant: Luke and Kathryn Skeen
Jurisdiction: Louisville Metro
Council District: 21 – Vitalis Lanshima
Case Manager: Jon E. Crumbie, Planning & Design Coordinator

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

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

Agency Testimony:

00:35:31 Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Luke Skeen, 1223 Valley Dr., Louisville, KY 40213

Summary of testimony of those in favor:

00:37:59 Luke Skeen spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1126

00:49:08 Board Members' deliberation

00:53:19 On a motion by Vice Chair Young, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

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

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1126

- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **The site has credit for one on-street parking space and on the existing driveway.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1126 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner in an R-5 zoning district and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

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

**BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018**

PUBLIC HEARING

CASE NUMBER 18CUP1126

4. Outdoor activities in the rear yard shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1117

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	North Barbee Way Short Term Rental
Location:	724 North Barbee Way
Owner/Applicant:	Feather Properties, LLC
Host:	Brooke Feather
Jurisdiction:	Louisville Metro
Council District:	15—Marianne Butler
Case Manager:	Steve Hendrix, Planning and Design Coordinator

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

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

Agency Testimony:

00:55:35 Steve Hendrix presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Brooke Feather, 3402 Flinthaven Rd., Louisville, KY 40217

Summary of testimony of those in favor:

00:58:13 Brooke Feather spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1117

01:01:17 Board Members' deliberation

01:05:20 On a motion by Vice Chair Young, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site will be required, and

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

WHEREAS, the Board further finds that:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **The applicant states that the unit will be marketed with 10 occupant maximum.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1117

- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated.
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1117 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-5 Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

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

**BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018**

PUBLIC HEARING

CASE NUMBER 18CUP1117

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1131

Request: Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the host
Project Name: Regina Avenue Short Term Rental
Location: 4261 Regina Avenue
Owner/Applicant: John Carli
Jurisdiction: Louisville Metro
Council District: 10—Pat Mulvihill
Case Manager: Steve Hendrix, Planning and Design Coordinator

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

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

Agency Testimony:

01:07:26 Steve Hendrix presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

01:10:49 **Chair Fishman swore in all parties who were present to speak in regard to this case.**

The following spoke in favor of the request:

John Carli, 518 Oxford Pl., Louisville, KY 40207
Cynthia Rogers, 4308 Hannah Ave., Louisville, KY 40213
Mary Elizabeth Parker, 4266 Regina Lane, Louisville, KY 40213
Paula Brown, 4266 Regina Lane, Louisville, KY 40213

Summary of testimony of those in favor:

01:11:00 John Carli spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1131

01:16:54 Cynthia Rogers spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:19:08 Mary Elizabeth Parker spoke in favor of the request (see recording for detailed presentation).

01:20:10 Paula Brown spoke in favor of the request (see recording for detailed presentation).

The following spoke neither for nor against the request:

Jerry Wild, 4259 Regina Lane, Louisville, KY 40213

Summary of testimony of those neither for nor against:

01:21:50 Jerry Wild spoke neither for nor against the request (see recording for detailed presentation).

The following spoke in opposition of the request:

Linda Chesser, 4308 Conaem Dr., Louisville, KY 40213

Helen Jo Arnold, 4311 Conaem Dr., Louisville, KY 40213

Summary of testimony of those in opposition:

01:23:24 Linda Chesser spoke in opposition of the request (see recording for detailed presentation).

01:36:51 Helen Jo Arnold spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

01:37:40 John Carli spoke in rebuttal (see recording for detailed presentation).

01:40:35 **Board Members' deliberation**

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1131

01:41:22 On a motion by Vice Chair Young, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site will be required, and

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

WHEREAS, the Board further finds that:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals.
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1131

- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated.
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1131 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that his not the primary residence of the host in an R-4 Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

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

The vote was as follows:

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

01:42:38 Meeting was recessed.

01:42:54 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1135

Request: Conditional Use Permit for a Private Institutional Use
in a Single Family Zoning District
Project Name: Garage
Location: 5708 Preston Highway
Owner: Bethlehem Baptist Church
Applicant: J.C. Taliaferro
Jurisdiction: Louisville Metro
Council District: 21—Vitalis Lanshima
Case Manager: Steve Hendrix, Planning and Design Coordinator

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

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

Agency Testimony:

01:43:17 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

James Taliaferro, 6309 Fern Valley Pass, Louisville, KY 40228

Summary of testimony of those in favor:

01:48:05 James Taliaferro spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1135

01:50:36 Board Members' deliberation

01:50:53 On a motion by Member Howard, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with the applicable policies of the Comprehensive Plan, since the proposal is simply a garage for the church bus and van, and

WHEREAS, the Board further finds that the proposal is compatible with the surrounding land uses and the general character of the area since garages are common in residential areas, and

WHEREAS, the Board further finds that Transportation Planning and MSD have given preliminary approval, and

WHEREAS, the Board further finds that:

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

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

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1135

- D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
- E. The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1135 does hereby **APPROVE** Conditional Use Permit to allow a Private Institutional Use in a Single Family Zoning District, Land Development Code 4.2.65 (garage for church), **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

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

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1105

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Carlton Terrace Short Term Rental
Location:	2308 Carlton Terrace
Owner/Applicant:	Mark Jones
Host:	eXp SOLD
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Beth Jones, AICP, Planner II

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

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

01:52:22 Travis Fiechter, Legal Counsel, discussed the STR Ordinance, specifically how suggestions and comments may be submitted to the Planning Commission, and clarified what is relevant for BOZA to consider (see recording for detailed presentation).

Agency Testimony:

01:54:18 Beth Jones presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Barbara Jones, 2427 Blvd. Napoleon, Louisville, KY 40205

Summary of testimony of those in favor:

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1105

01:58:32 Barbara Jones spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:02:22 Travis Fiechter, Legal Counsel, stated the Office of Planning & Design Services received a large packet of information containing abundant case law, Code references, analysis, claims, etc., on Friday this past week which left no business days to review prior to today's hearing. Mr. Fiechter stated the BOZA By-laws state information being presented at the hearing needs to be presented at least on the Tuesday prior to the hearing in order to assure adequate time to review the record. Mr. Fiechter stated it is the Chair's discretion to determine the admissibility of evidence. Mr. Fiechter stated Mr. Klausung or his representatives can certainly testify to the information that's contained in here, but due to the sheer volume of information and again, the time restraints outside of the established submission period, it wouldn't be appropriate to have it fully incorporated into the record as is, or to base a decision off of it (see recording for detailed presentation).

02:04:27 Chair Fishman swore in all parties who were present to speak in regard to this case.

The following spoke in opposition of the request:

Andrea Suffill-Weaver, 2300 Carlton Terrace, Louisville, KY 40205

Jerry Todd, 2307 Carlton Terrace, Louisville, KY 40205

Peter Hudson, 2314 Carlton Terrace, Louisville, KY 40205

Tina Meredith, 2314 Carlton Terrace, Louisville, KY 40205

Margaret Suffill, 2519 Blvd. Napoleon, Louisville, KY 40205

Tom Luber, 2324 Saratoga Dr., Louisville, KY 40205

Thomas Klausung, 2314 Saratoga Dr., Louisville, KY 40205

Summary of testimony of those in opposition:

02:06:42 Andrea Suffill-Weaver spoke in opposition of the request (see recording for detailed presentation).

02:13:13 Jerry Todd spoke in opposition of the request (see recording for detailed presentation).

02:23:48 Peter Hudson spoke in opposition of the request (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1105

02:27:17 Tina Meredith spoke in opposition of the request (see recording for detailed presentation).

02:33:44 Margaret Suffill spoke in opposition of the request (see recording for detailed presentation).

02:35:09 Tom Luber spoke in opposition of the request (see recording for detailed presentation).

02:40:33 Thomas Klausing spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

02:48:20 Barbara Jones spoke in rebuttal (see recording for detailed presentation).

02:53:40 Travis Fiechter, Legal Counsel, stated it is not this Board's responsibility to enforce deed restrictions. Mr. Fiechter stated the Metro Ordinance specifies that the CUP granting process does not supersede a deed restriction (see recording for detailed presentation).

02:54:47 Board Members' deliberation

03:07:04 On a motion by Vice Chair Young, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site will be required, and

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1105

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

WHEREAS, the Board further finds that:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **According to the host, the residence has three bedrooms. LDC regulations permit up to ten guests; the applicant is limiting the number to eight.**
- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **PVA lists the existing structure as a single-family residence.**
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **Parking for one vehicle is available in the garage; there is sufficient space for an additional vehicle in the driveway. One on-street space is also available.**

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1105

- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1105 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63), **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 60 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.
2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
3. The maximum number of guests shall be limited to the lesser of that which is allowed by Code, or six (6).
4. The applicant shall provide no less than three off-street parking spaces for guests, and the applicant shall advertise that no more than three vehicles shall be brought to the property by guests.

NOTE: Board Member Turner left at approximately 4:00 p.m.

The vote was as follows:

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

Absent: Member Turner

**BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018**

PUBLIC HEARING

CASE NUMBER 18CUP1105

03:08:58 Meeting was recessed.

03:09:00 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1114

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Stevens Avenue Short Term Rental
Location:	1843 Stevens Avenue
Owner/Applicant:	Michelle Pisa
Host:	James Wallace
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency testimony:

03:10:51 Beth Jones presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the appeal:

James Wallace, 775 Goullon Court, Louisville, KY 40204

Summary of testimony of those in favor:

03:14:44 James Wallace spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1114

03:21:36 Board Members' deliberation

03:21:52 On a motion by Member Leanhart, seconded by Vice Chair Young, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site will be required, and

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

WHEREAS, the Board further finds that:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **According to the host, the residence includes three bedrooms; LDC regulations permit up to ten guests.**

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1114

- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **PVA lists the existing structure as a single-family residence.**
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **LDC standards credit the site with one on-street parking space. Three additional spaces are available on a parking pad accessible via a rear alley.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1114 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63), **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

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

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1114

3. The maximum number of guests shall be limited to the lesser of that which is allowed by Code, or eight (8).
4. The applicant shall provide no less than 2-3 off-street parking spaces.

NOTE: Member Buttorff left at approximately 4:30 p.m.

The vote was as follows:

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

Absent: Members Buttorff, and Turner

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1070

Request: Modified Conditional Use Permit for Off-Street
Parking with waivers
Project Name: Modification
Location: 2208 & 2210 Beargrass Avenue
Owner: Cardinal One Properties
Applicant: Bruce Mattingly
Jurisdiction: Louisville Metro
Council District: 10—Pat Mulvihill
Case Manager: Steve Hendrix, Planning and Design Coordinator

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

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

Agency Testimony:

03:25:47 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Bruce Mattingly, 4209 Bardstown Road, Louisville, KY 40218
Kenneth Devore, 4165 Bardstown Road, Louisville, KY 40218
Edward Busch, 325 W. Main Street, Suite 2000, Louisville, KY 40202

Summary of testimony of those in favor:

03:35:34 Bruce Mattingly spoke in favor of the request and showed a Powerpoint presentation. Mr. Mattingly responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1070

03:47:42 Mr. Mattingly provided emails to the Board Members regarding permissions granted by Louisville Metro (see recording for detailed presentation).

03:48:58 Joe Haberman, Planning & Design Manager, clarified the current CUP for this property (see recording for detailed presentation).

03:51:22 Mr. Mattingly responded to questions from the Board Members (see recording for detailed presentation).

03:53:42 Kenneth Devore spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

03:56:32 Edward Busch spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

Paula Jolly, 2209 Beargrass Ave., Louisville, KY 40218

Cynthia Brock, 2216 Beargrass Ave., Louisville, KY 40218

Geoff Wahl, 601 W. Jefferson St., Louisville, KY 40202

Summary of testimony of those in opposition:

04:09:39 Paula Jolly spoke in opposition of the request (see recording for detailed presentation).

04:13:41 Cynthia Brock spoke in opposition of the request (see recording for detailed presentation).

04:15:30 Geoff Wahl spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

04:16:50 Bruce Mattingly spoke in rebuttal (see recording for detailed presentation).

04:22:18 Joe Haberman clarified definitions from the Land Development Code (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1070

04:24:35 Board Members' deliberation

04:28:39 On a motion by Member Howard, seconded by Vice Chair Young, the following resolution, based upon the Staff Report, and the testimony heard today, was adopted:

Modified Conditional Use Permit to allow an off-street parking area in an R-5 zoning district:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that Staff has determined that the request is for the storage of vehicles and therefore not eligible for a Conditional Use Permit; now therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1070 does hereby **DENY** Modified Conditional Use Permit to allow an off-street parking area in an R-5 zoning district.

The vote was as follows:

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

Absent: Members Buttorff, and Turner

04:30:44 On a motion by Member Howard, seconded by Vice Chair Young, the following resolution, based upon the Staff Report, and the testimony heard today, was adopted:

Waiver to reduce the required 25 foot landscape buffer along the north and west property lines (LDC 10.2.4.A):

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the Waivers are not needed, since the request is not eligible for a Conditional Use Permit; now, therefore be it

**BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018**

PUBLIC HEARING

CASE NUMBER 18CUP1070

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1070 does hereby **DENY** Waiver to reduce the required 25 foot landscape buffer along the north and west property lines (LDC 10.2.4.A).

The vote was as follows:

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

Absent: Members Buttorff, and Turner

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1052

Request: **THIS CASE WILL NOT BE HEARD BEFORE 3:00 P.M.**
Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the host

Project Name: Eastover Court Short Term Rental
Location: 15 Eastover Court
Owner/Applicant/Host: Jason Benham
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: Beth Jones, AICP, Planner II

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

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

Agency Testimony:

04:33:25 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones stated there is currently an enforcement case open for this site, and Joe Haberman, Planning & Design Manager, explained what the complaint was (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Jason Benham, 1508 Cherokee Rd., Louisville, KY 40205

Summary of testimony of those in favor:

04:38:26 Jason Benham spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1052

04:44:17 Chair Fishman swore in all parties who were present to speak in opposition.

The following spoke in opposition of the request:

Judson Devlin, 23 Eastover Ct., Louisville, KY 40206

Gina Stipo, 17 Eastover Ct., Louisville, KY 40206

Tamara Frank, 26 Eastover Ct., Louisville, KY 40206

Ed Tonini, 12 Eastover Ct., Louisville, KY 40206

Jerry Abramson, 44 Eastover Ct., Louisville, KY 40206

David Friedman, 38 Eastover Ct., Louisville, KY 40206

Paula Schoenhoff, 52 Eastover Ct., Louisville, KY 40206

Summary of testimony of those in opposition:

04:44:57 Judson Devlin spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

04:53:04 Gina Stipo spoke in opposition of the request (see recording for detailed presentation).

04:59:59 Tamara Frank spoke in opposition of the request (see recording for detailed presentation).

05:04:58 Ed Tonini spoke in opposition of the request (see recording for detailed presentation).

05:11:34 Jerry Abramson spoke in opposition of the request (see recording for detailed presentation).

05:16:59 David Friedman spoke in opposition of the request (see recording for detailed presentation).

05:19:15 Paula Schoenhoff spoke in opposition of the request (see recording for detailed presentation).

05:22:51 Beth Jones provided copies of an article submitted by Gina Stipo to the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1052

05:23:54 Jason Benham spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

05:38:06 **Board Members' deliberation**

05:41:29 On a motion by Member Howard, seconded by Member Leanhart, the following resolution, based upon the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposed use is incompatible with the existing neighborhood; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1052 does hereby **DENY** Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63).

NOTE: Vice Chair Young left at approximately 6:00 p.m.

The vote was as follows:

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

Absent: Members Buttorff, Turner, and Vice Chair Young

BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1113

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

NOTE: This case was taken out of order, prior to Item #3 on the agenda.

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

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

Agency Testimony:

00:07:07 Beth Jones stated the applicant is requesting to continue this case to the January 7, 2019 Board of Zoning Adjustment meeting (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Daniel O’Gara, 101 S. Fifth Street, Suite 2500, Louisville, KY 40202

Summary of testimony of those in favor:

00:07:45 Daniel O’Gara requested this case be continued to the January 7, 2019 Board of Zoning Adjustment meeting (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018**

PUBLIC HEARING

CASE NUMBER 18CUP1113

00:08:19 On a motion by Member Howard, seconded by Member Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 18CUP1113 to the January 7, 2019 Board of Zoning Adjustment meeting.

The vote was as follows:

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

**BOARD OF ZONING ADJUSTMENT MINUTES
December 17, 2018**

05:43:35 Prior to adjournment, Joe Haberman, Planning & Design Manager, reminded the Board Members to submit their Continued Education forms.

The meeting adjourned at approximately 7:05 p.m.

Chair

Secretary