

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

October 29, 2018

A meeting of the Louisville Metro Board of Zoning Adjustment was held on October 29, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

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

Members Absent:

Dwight Young, Vice Chair

Staff Members Present:

Joe Reverman, Planning & Design Assistant Director
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Steve Hendrix, Planning & Design Coordinator
Jon Crumbie, Planning & Design Coordinator
Zach Schwager, Planner I
Beth Jones, Planner II
John Carroll, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT MINUTES
October 29, 2018**

APPROVAL OF MINUTES

OCTOBER 15, 2018 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:03:15 On a motion by Member Turner, seconded by Member Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on October 15, 2018.

The vote was as follows:

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

Abstain: Member Howard

Absent: Vice Chair Young

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 18CUP1068

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

Project Name: Franklin Street Short Term Rental

Location: 815 Franklin Street

Owner/Applicant: Michael Stevens

Jurisdiction: Louisville Metro

Council District: 4 – Barbara Sexton Smith

Case Manager: Beth Jones, AICP, Planner II

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

Agency testimony:

00:04:16 Beth Jones stated the applicant is requesting this case be continued to November 5, 2018 (see staff report and recording for detailed presentation).

00:05:17 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 18CUP1068 to the November 5, 2018 Board of Zoning Adjustment meeting.

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1091

Request: Variance to allow structures to encroach into the required front yard setback
Project Name: Meremont Variance
Location: 1600 Long Run Road
Owner: Boland Maloney Realty Co.
Representative: Kathy Linares, Mindel Scott & Associates Inc.
Jurisdiction: Louisville Metro
Council District: 19 – Julie Denton
Case Manager: Zach Schwager, Planner I

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

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

Agency testimony:

00:06:13 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Kathy Linares, 5151 Jefferson Blvd., #101, Louisville, KY 40219

Summary of testimony of those in favor:

00:10:10 Kathy Linares spoke in favor of the request and provided photographs to the Board Members. Ms. Linares responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1091

00:13:12 Board Members' deliberation

00:13:34 On a motion by Member Leanhart, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the applicant's justification, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the lots for which the variance is requested will not affect sight lines for drivers, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the development is currently unbuilt and the essential character of the general vicinity will be defined in the future, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed reduced setbacks are not located at street corners, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the lots in question have unique topography as the rear portions have a steep grade, and

WHEREAS, the Board further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the subject lots have a steep grade in the rear, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the applicant to construct the principal structures on steep terrain, and

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

WHEREAS, the Board further finds that the variance will not affect the public health, safety or welfare, first because the reduction will not be an obvious

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change, it allows for the provision of utilities in front of the home, but most importantly it is needed due to the existing steep grade to keep the homes from being >2 stories tall at the rear, and

WHEREAS, the Board further finds that a 5' reduction of the front yard will barely be noticeable especially since it will extend across 8 lots on the east side of Street A beginning at the recreational open space, 4 of which are further separated from the street by a wide median, and 4 lots on west outside curve with open space between 2 lots, and

WHEREAS, the Board further finds that the 5' reduction in the front yard does not negatively impact the ability to provide utilities, will barely be noticeable and will reduce the height of the rear wall of the homes (a 1 story with a lower level walkout) and will therefore enhance the neighborhood rather than cause a hazard or nuisance, and

WHEREAS, the Board further finds that since the request is due to existing constraints in the steepness of the grade of the property, where the 5' reduction in the front yard allows for the development of a standard walkout without the need for retaining walls and no negative impact, the request is not an unreasonable circumvention of the requirements, and

WHEREAS, the Board further finds that the request is due to existing constraints of the site in the steepness of the grade of the land at the back of the lots such that without the additional 5', the homes might have 2 lower levels or at least a much taller rear wall than required for a standard walkout, and

WHEREAS, the Board further finds that the strict application of the regulation without the reduction in the front yard would create an unnecessary hardship in the construction of the homes on these lots, and

WHEREAS, the Board further finds that the topography of the site was existing prior to the adoption of the regulations. The request is specific to this site and not the result of any action by the applicant subsequent to the adoption of the regulations; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1091 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow structures on lots to encroach into the required front yard setback along "Street A" (**Requirement 30 feet, Request 25 feet, Variance 5 feet**).

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The vote was as follows:

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

Abstain: Member Buttorff

Absent: Vice Chair Young

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1087

Request: Variance to permit side yard encroachment
Project Name: Churchill Road Variance
Location: 4305 Churchill Road
Owner: Alex Edwards
Applicant: Distinctive Design
Jurisdiction: City of St. Matthews
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:

00:15:58 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Charles Penn, 1050 Enterprise Drive, Lexington, KY 40510

Summary of testimony of those in favor:

00:23:52 Charles Penn spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 18VARIANCE1087

00:25:33 **Board Members' deliberation**

00:26:02 On a motion by Member Howard, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the variance justification statement, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the placement of the garage does not affect public health, safety or welfare, and

WHEREAS, the Board further finds that the existing garage is in character with existing development in the vicinity, and

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

WHEREAS, the Board further finds that permitting the existing structure to remain is not an unreasonable circumvention of zoning regulations, and

WHEREAS, the Board further finds that there are no special circumstances related to the site but the existing garage is consistent with site development in the vicinity, and

WHEREAS, the Board further finds that the application of the regulation would create an unnecessary hardship in that the structure has existed for a significant period of time, and

WHEREAS, the Board further finds that the variance is not the result of actions taken by the applicant, 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 18VARIANCE1087 does hereby **APPROVE** Variance to permit a structure to encroach into a required side yard and to reduce the total side yard requirement (City of St. Matthews Development Code 4.7.C.2.b) (**Minimum side yard Requirement 5 ft., Request 0 ft., Variance 5 ft.; Minimum total side yard Requirement 10 ft., Request 8 ft. 3 in., Variance 1 ft. 9 in.**).

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CASE NUMBER 18VARIANCE1087

The vote was as follows:

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

Absent: Vice Chair Young

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1084

Request:	Variance to permit signs to exceed permitted area
Project Name:	E. Washington Street Variance
Location:	1121 E. Washington Street
Owner/Applicant:	Copper & Kings American Brandy
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency Testimony:

00:28:27 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to a question from Legal Counsel (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

No one spoke.

The following spoke in opposition of the request:

No one spoke.

00:34:22 Board Members' deliberation

00:36:18 On a motion by Member Howard, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the applicant's justification, was adopted:

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CASE NUMBER 18VARIANCE1084

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare. The proposed signs are placed so as not to obstruct sight lines for persons using streets, pedestrian rights-of-way or driveways, and are not constructed or designed in a manner that may cause them to be confused with a traffic sign or other traffic control device, and

WHEREAS, the Board further finds that the proposal, located within the Butchertown Preservation District, conforms with Landmarks Commission design guidelines and has been granted a COA (Certificate of Appropriateness), and

WHEREAS, the Board further finds that the proposed construction meets current building codes and requirements and does not cause a public hazard or nuisance through noise, vibration, odor or light, and

WHEREAS, the Board further finds that the proposal is not unreasonable in that that signs are an addition to existing exterior walls and, as they are not illuminated, will not negatively affect residences in the vicinity, and

WHEREAS, the Board further finds that the proposed sizes of the signs are necessary due to the location of the site, the distance from which they will be viewed and the size of the facades of the existing structure. In addition, the C-2 use of the site is relatively unusual within a Traditional Neighborhood form district. The north façade sign will not be within the viewshed of any residential uses. The east façade sign will be about 450 ft. away from the nearest residential use and will be above the sightline of existing residences, which are almost entirely one- or two-story in height, and

WHEREAS, the Board further finds that the application of the regulation would not allow the signs to be viewed from the anticipated distances, and

WHEREAS, the Board further finds that the current structure and use of the site was approved subsequent to its designation within a Traditional Neighborhood form district and an EZ-1 zone. A similar previously-approved sign is located on the south façade facing E. Washington Street. In addition, in Traditional Neighborhood form districts, sign sizes are more restrictive; in an Enterprise Zone, larger signs are permitted, and

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

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CASE NUMBER 18VARIANCE1084

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1084 does hereby **APPROVE** Variance to permit permanent on-premise attached signs to exceed the permitted size in a Traditional Neighborhood form District (LDC Table 8.3.2) (**North wall overlooking floodwall Requirement 60 sq. ft., Request 274.5 sq. ft., Variance 214.5 sq. ft.; East wall toward I-64 Requirement 60 sq. ft., Request 382.8 sq. ft., Variance 322.8 sq. ft.**).

The vote was as follows:

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

Absent: Vice Chair Young

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PUBLIC HEARING

CASE NUMBER 18CUP1108

Request:	Conditional Use Permit for short term rental of a dwelling unit in the TNZD
Project Name:	S. Brook Street Short Term Rental
Location:	1141 S. Brook Street
Owner/Host:	Hollyhock Rentals LLC
Jurisdiction:	Louisville Metro
Council District:	6 - David James
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency Testimony:

00:38:10 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

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

Summary of testimony of those in favor:

00:42:40 Benjamin and Amanda Brainard spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 18CUP1108

00:47:16 Board Members' deliberation

00:47:23 On a motion by Member Leanhart, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal 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. **The dwelling unit has four bedrooms; LDC regulations permit up to 12 guests.**
- 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.**

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- 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 30 ft. property frontage on S. Brook Street with one on-street parking space. Two off-street parking spaces are available off the 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 18CUP1108 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit located in the Old Louisville/Limerick TNZD (LDC 4.2.63), **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

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

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CASE NUMBER 18CUP1108

The vote was as follows:

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

Absent: Vice Chair Young

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PUBLIC HEARING

CASE NUMBER 18CUP1095

Request:	Conditional Use Permit for short term rental of a condominium dwelling unit in the TNZD
Project Name:	S. 2nd Street Short Term Rental
Location:	1204 S. 2nd Street
Owner/Applicant:	Jarrad Hensley
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency Testimony:

00:51:07 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Natalie Herndon, 913 Landis Ridge Road, Louisville, KY 40245

Summary of testimony of those in favor:

00:55:17 Natalie Herndon spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 18CUP1095

01:00:07 Board Members' deliberation

01:00:29 On a motion by Member Howard, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal does 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. **The condo unit has two bedrooms; up to eight guests are permitted.**
- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **PVA lists the subject dwelling unit as one of three residential condominium units on the site. The applicant has submitted a document signed by the**

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remaining two unit owners on the site in favor of the short-term rental operation.

- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **LDC regulations require 1.5 spaces per dwelling unit for multi-family residential uses. LDC standards credit the 35 ft. property frontage on S. 2nd Street with one on-street parking space; one off-street space is available for guest use. There is on-street parking available in the immediate vicinity along both sides of S. 2nd Street and W. Oak Street.**
- 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 18CUP1095 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a condominium dwelling unit located in the Old Louisville/Limerick TNZD (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.

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2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

The vote was as follows:

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

Absent: Vice Chair Young

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PUBLIC HEARING

CASE NUMBER 17CUP1109

Request: Conditional Use Permit for Accessory Apartment with Variance
Project Name: Lydia Street Accessory Apartment
Location: 1316 Lydia Street
Owner: Ryan Daly
Applicant/Representative: Mose Putney
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Beth Jones, AICP, Planner II

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

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

Agency Testimony:

01:03:34 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones provided the site plan and elevations to the Board Members. Mr. Jones responded to questions from the Board Members (see staff report and recording for detailed presentation).

01:12:44 **NOTE: This case was closed and tabled to later on today's docket since the applicant was not present at this time.**

01:13:14 **Meeting was recessed.**

01:13:58 **Meeting was reconvened; see page 22 of these minutes.**

Agency Testimony:

02:17:17 Beth Jones briefly reviewed the case and the Powerpoint presentation (see recording for detailed presentation).

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The following spoke in favor of the request:

Mosely Putney, 1860 Mellwood Ave., Louisville, KY 40206

Summary of testimony of those in favor:

02:18:13 Mosely Putney 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:

Rose Hodges, 1318 Lydia, Louisville, KY 40217

Summary of testimony of those in opposition:

02:22:20 Rose Hodges spoke in opposition of the request. Ms. Hodges stated her main concern is that the entrance/exit is directly under her bedroom windows. Ms. Hodges responded to questions from the Board Members (see recording for detailed presentation).

02:29:04 Joe Haberman, Planning & Design Manager, spoke in response to comments from the Board Members regarding use of an Accessory Apartment, as well as parking requirements (see recording for detailed presentation).

REBUTTAL:

02:31:22 Mr. Putney spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

02:34:42 Ms. Jones spoke in regard to parking (see recording for detailed presentation).

02:35:50 **Board Members' deliberation**

02:38:08 On a motion by Member Howard, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the applicant's justification, was adopted:

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Conditional Use Permit for an Accessory Apartment (LDC 4.2.3):

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

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

WHEREAS, the Board further finds that the proposed development does not substantially increase demands on public infrastructure and facilities and has received preliminary approval from MSD and Transportation Planning, and

WHEREAS, the Board further finds that:

4.2.3. Accessory Apartments Accessory Apartments 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. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises. **The principal and accessory buildings are under the same ownership.**
- B. The accessory apartment shall be no greater than 650 sq. ft. or 30% of the floor area of the principal residence, whichever is greater. **The floor area of the proposed accessory apartment is 484 sq. ft., or 28% of the floor area of the principal structure and meets this requirement.**
- C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate. **The proposed height of the accessory structure does not exceed the height of the principal structure. The height exceeds 15 ft. but is consistent with development in the general vicinity and adjoins a large site in non-residential use to the rear.**

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- D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:
1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors;
 2. Traditional Neighborhood - at least one off-street space provided on the lot; and
 3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate. **The site is located in a Neighborhood form district and meets off-street parking requirements. The proposal has been reviewed by Transportation Planning staff;** and

Variance to permit the accessory structure to encroach on the required rear yard setback (LDC 5.4.2.C.3.a):

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested reduction of the required rear yard will not adversely affect the public health, safety or welfare as the proposal is an upward expansion of an existing structure, and

WHEREAS, the Board further finds that the proposal will not alter the existing rear yard and will not be out of character for the neighborhood, where narrow rear yards are common, and

WHEREAS, the Board further finds that the proposed construction will meet current building codes and requirements and will not cause a public hazard or nuisance through excessive noise, vibration, odor or light, and

WHEREAS, the Board further finds that the requested variance is not unreasonable as it will result in development of the property consistent with development in the vicinity, and

WHEREAS, the Board further finds that the proposed construction follows the footprint of an garage existing structure, and

WHEREAS, the Board further finds that the application of the regulation may create an unnecessary hardship in that the proposed construction follows the footprint of the existing garage structure, and

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WHEREAS, the Board further finds that according to the PVA, the existing residence was in place in 1920, prior to the zoning regulation from which relief is being sought. The construction date of the garage structure is unknown, 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 18CUP1109 does hereby **APPROVE** Conditional Use Permit for an Accessory Apartment (LDC 4.2.3), and Variance to permit the accessory structure to encroach on the required rear yard setback (LDC 5.4.2.C.3.a) (**Rear Yard Requirement 5 ft., Request 2 ft. 1 in., Variance 2 ft. 11 in.**), **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. All development shall be in accordance with the approved district development plan, including all notes thereon, and with all applicable sections of the Land Development Code (LDC). No further development shall occur on the site without prior review of and approval by the Board of Zoning Adjustment (BOZA).
2. The Conditional Use Permit shall be exercised as proscribed by KRS 100.237 within two years of BOZA approval. If it is not so exercised, the site shall not be used for an Accessory Apartment without further review and approval by BOZA.
3. The applicant is required to contact Louisville Metro Emergency Services to have a unique address assigned to the accessory apartment.

The vote was as follows:

Yes: Members Buttorff, Howard, and Chair Fishman

No: Members Turner, and Leanhart

Absent: Vice Chair Young

NOTE: The meeting continued with Item #11 on the agenda; see page 37 of these minutes.

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CASE NUMBER 18CUP1096

Request:	Conditional Use Permit for a rehabilitation home in a C-1 zoning district
Project Name:	New Hope Recovery
Location:	3608 Dixie Highway
Owner/Applicant:	Jain Holdings, LLC
Jurisdiction:	Louisville Metro
Council District:	3 – Mary Woolridge
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

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

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

Agency Testimony:

01:19:06 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

John Talbott, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Amy Spain Duncan, 5021 Reed Ave., Louisville, KY 40214
Dr. Sanjay Jain, 15400 Beckley Crossing Drive, Louisville, KY 40245

Summary of testimony of those in favor:

01:23:21 John Talbott spoke in favor of the request and showed a Powerpoint presentation. Mr. Talbott responded to questions from the Board Members (see recording for detailed presentation).

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01:39:16 Amy Spain Duncan spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:48:07 Dr. Sanjay Jain spoke in favor of the request (see recording for detailed presentation).

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

01:50:35 Board Members' deliberation

01:53:57 Public hearing was reopened to allow testimony from Mr. Talbott regarding the fence (see recording for detailed presentation).

01:55:36 Mr. Crumbie responded to questions from the Board Members regarding landscaping requirements (see recording for detailed presentation).

01:56:30 Mr. Talbott spoke in regard to the fence height (see recording for detailed presentation).

01:57:00 Board Members deliberation

01:59:18 On a motion by Member Howard, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the applicant's statement of compliance, 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 the proposal is located in an existing structure. 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

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requirements for the site. MSD and Transportation Planning have reviewed and approved the proposal. The Shively Fire Protection District did not comment on the proposal, and

WHEREAS, the Board further finds that:

4.2.31 Rehabilitation Home Rehabilitation homes may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. If using an existing residential building constructed contemporaneously with the surrounding neighborhood, its exterior appearance shall not be substantially altered.
- B. New construction within an area having an established front building setback shall be constructed at the average setback line or the minimum front yard of the form district, whichever is less. Structures adjacent to residential uses or zoning districts shall increase side yards by 10 feet for each story over two.
- C. One parking space on site shall be provided for each staff person, plus two spaces for each five residents, or five clients served by the rehabilitation home. Parking shall be reduced to one space per five residents/clients if the rehabilitation home serves persons with disabilities that preclude operation of an automobile.
- D. One freestanding sign not to exceed 10 square feet and 4 feet in height shall be allowed.
- E. The Board shall add any additional restrictions necessary to mitigate nuisances or adverse effects, and

WHEREAS, the Board further finds that:

GUIDELINE 1 - COMMUNITY FORM

The Community Form for this property is the Traditional Marketplace Form District which is characterized by locations along major roadways where the pattern of development is distinguished by a mixture of low to medium intensity uses such as neighborhood-serving shops, small specialty shops, restaurants, and services. This drug and alcohol rehabilitation application complies with this Guideline because it is service oriented, fills a community based need to deal with the current dependency epidemic, locating the service along the major

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arterial of Dixie Highway with a low to medium intensity use, rather than in the middle of residential or too intense commercial/industrial uses. The location's activity will be directed towards Dixie Highway, with appropriate screening in the form of a fence to mitigate any nuisance to the residential properties around Dixie Highway.

GUIDELINE 2 - CENTERS

This application complies with applicable Intents and Policies 1, 2, 4, 5, 7, 8, 11, 14 and 15 of Guideline 2 because it is an added use to an existing but vacant building which promotes the efficient use of land and investment in existing infrastructure, also lowering utility costs by reducing the need for extensions and by reducing commuting time and transportation related air pollution. This application locates the business in an existing activity center, taking advantage of the intensity of Dixie Highway and benefiting from the utilities and infrastructure already available at the site lowering utility costs and need for extensions. The location mixes uses in an already existing activity center, requiring fewer trips.

GUIDELINE 3 – COMPATIBILITY

This application complies with Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 20, 21, 22, 23, and 24 of Guideline 3 because there will be no issues with regard to noise, lighting, odors or similar nuisances. The building materials and height are compatible with nearby buildings and consistent with the nearby commercial and residential development. To the extent this use could be placed in any area, including residential, through a conditional use permit, the location on the major arterial of Dixie Highway. The impacts of odors, traffic, noise, lighting and visual effects are mitigated by virtue of the location of the existing building and the parking lot so that they have reduced impacts on nearby residential neighbors.

GUIDELINE 4- OPEN SPACE

This application complies with the Intents and applicable Policies of these Guideline 4 in that it preserves the existing open space by re-using the existing improvements, maintaining the buffer between existing residential development and remains consistent with the existing development.

GUIDELINE 6-ECONOMIC GROWTH AND SUSTAINABILITY

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This application complies with Intents and specifically applicable Policy 6 of this Guideline because, this location exists in an existing activity center, the use is being modified to reuse an commercial property that has been vacant, which should help this business activity within this center.

GUIDELINES 7 AND 8 - CIRCULATION AND TRANSPORTATION FACILITY DESIGN

This application specifically complies with applicable Policies 1, 2, 10, 11, 12, 13, 14, 15 and 16 of Guideline 7 and with applicable Policies 9, 10 and 11 of Guideline 8 because, as stated, this development will receive the stamp of approval from applicable Works Department and Transportation/Traffic Planning agencies in advance of docketing for Board of Zoning Adjustment (BOZA) review. That stamp will once again demonstrate compliance with all Public Works standards governing access, internal circulation and so on.

GUIDELINE 9 - BICYCLE, PEDESTRIAN AND TRANSIT

This application complies with the Intents and applicable Policies 1, 2, 3 and 4 of this Guideline because transit is available along Dixie Highway at this location. Also, this center is accessible by people using TARC buses, bicycles and those walking.

GUIDELINE 10 - FLOODING AND STORMWATER

This application complies with the Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of this Guideline because, the development plan must receive the stamp of approval from MSD in advance of docketing for BOZA review, thus demonstrating compliance with MSD regulations regarding stormwater management. Furthermore, no additional impervious surfaces are being created as a consequence of the areas set aside for outdoor seating for the sale and consumption of alcoholic beverages.

GUIDELINE 11 - WATER QUALITY

This application complies with the Intents and applicable Policy 3 of this Guideline because no new building is expected and, it would be required to comply with the MSD soil erosion and sedimentation control ordinance.

GUIDELINE 12 - AIR QUALITY

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This application complies with the Intents and applicable Policies, 1, 2, 3, 4, 6, 7, 8 and 9 of this Guideline because the use supports an efficient land use pattern and encourages density along a well served major arterial with mixed use development.

GUIDELINES 14 AND 15 -INFRASTRUCTURE AND COMMUNITY FACILITIES

This application complies with the Intents and applicable Policies of these Guidelines because infrastructure already exists and utilities are available at the site, eliminating the need or necessity of an increase burden on existing infrastructure; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1096 does hereby **APPROVE** Conditional Use Permit to allow a rehabilitation home in a C-1 zoning district and Traditional Marketplace Form District, noting **RELIEF** from Item D, and **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 rehabilitation home without further review and approval by the Board.
3. The maximum number of patient-residents who stay at the rehabilitation home overnight shall be 25.

The vote was as follows:

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

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CASE NUMBER 18CUP1100

Request:	Conditional Use Permit for short term rental of a dwelling unit in the TNZD
Project Name:	McMichael Short Term Rental
Location:	110 West Ormsby Avenue
Owner/Applicant:	Jeff and Ann McMichael
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

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

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

Agency testimony:

02:03:34 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Ann McMichael, 1134 Murrays Run, Bardstown, KY 40004

Summary of testimony of those in favor:

02:07:33 Ann McMichael spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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02:14:13 Board Members' deliberation

02:14:48 On a motion by Member Leanhart, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

Short Term Rental 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 unit one has one bedroom that will allow a maximum number of six guests. The applicant states that unit two has three bedrooms that will allow a maximum number of ten guests.**

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- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **The site has credit for one on-street parking space and the applicant states that up to five off-street parking spaces are located at the rear of the property.**
- 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 18CUP1100 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 the TNZD 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.

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2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

The vote was as follows:

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

02:16:40 NOTE: Item #8 on the agenda was resumed; see page 22 of these minutes.

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CASE NUMBER 18CUP1099

Request:	Conditional Use Permit for short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Lilly Avenue Short Term Rental
Location:	546 Lilly Avenue
Owners/Applicants:	Gary & Sheila Minrath
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:

02:42:46 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:

Sheila Minrath, 239 Fernwood Drive, Mt. Washington, KY 40047

Summary of testimony of those in favor:

02:45:43 Sheila Minrath spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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02:54:33 Board Members' deliberation

02:54:40 On a motion by Member Buttorff, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

02:57:08 Chair Fishman reopened Public Hearing to allow additional comments/discussion with Ms. Minrath regarding parking (see recording for detailed presentation).

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:

4.2.63 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

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residence has one bedroom that will allow a maximum number of six guests. **The applicant states that the unit will be marketed with a five occupant maximum.**

- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **The site appears to have one on-street parking space and one space in the garage if needed.**
- 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 18CUP1099 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in a R-6 Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

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

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the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.

2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
3. The maximum number of guests is five, (5).

The vote was as follows:

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

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CASE NUMBER 18CUP1110

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

Project Name: South Preston Street Short Term Rental

Location: 2069 South Preston Street

Owner: Anthony Wettig

Applicant: Jonathan Klunk, Key Source Properties

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.

03:00:43 The Board Members discussed whether or not to call this case to be heard since the applicant was not present (see recording for detailed presentation).

03:09:06 The Board Members decided to hear this case today (see recording for detailed presentation).

Agency Testimony:

03:09:19 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:
Jonathan Klunk, 1372 S. 6th Street, Louisville, KY 40208

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Summary of testimony of those in favor:

03:15:50 Jonathan Klunk spoke in favor of the request and responded to questions from the Board Members. Mr. Klunk showed pictures to the Board Members which were on his telephone reflecting the updated parking on the property (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

03:25:17 Board Members deliberation

03:25:24 On a motion by Member Leanhart, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, and the presentation, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal 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:

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

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- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **The applicant states that the unit will be marketed with an eight occupant maximum.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated.
- 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 18CUP1110 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in a R-5 Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

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Conditions of Approval:

1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 60 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.
2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
3. The maximum number of guests is eight, (8).

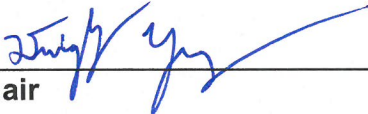
The vote was as follows:

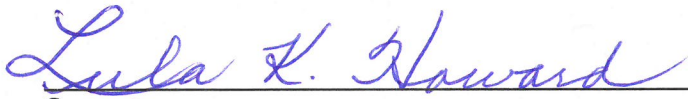
Yes: Members Buttorff, Turner, Howard, Leanhart, and Chair Fishman
Absent: Vice Chair Young

BOARD OF ZONING ADJUSTMENT MINUTES
October 29, 2018

03:26:30 Prior to adjournment, Joe Haberman, Planning & Design Manager, advised the Board Members that the Planning Commission will be considering changes to Short Term Rentals. Mr. Haberman requested any recommendations from the Board Members be sent directly to him.

The meeting adjourned at approximately 4:38 p.m.


Chair


Secretary