

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

November 5, 2018

A meeting of the Louisville Metro Board of Zoning Adjustment was held on November 5, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Dwight Young, Vice Chair
Lula Howard, Secretary
Lester Turner, Jr.
Kimberly Leanhart
Richard Buttorff

Members Absent:

Rosalind Fishman, Chair

Staff Members Present:

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

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT MINUTES
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APPROVAL OF MINUTES

OCTOBER 29, 2018 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:02:22 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 29, 2018.

The vote was as follows:

Yes: Members Buttorff, Turner, Howard, and Leanhart

Abstain: Vice Chair Young

Absent: Chair Fishman

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OLD BUSINESS

CASE NUMBER 18APPEAL1001

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

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

Agency testimony:

00:03:41 Chris French stated the appellant's representative is requesting this case be continued to December 3, 2018 (see recording for detailed presentation).

00:04:43 On a motion by Member Leanhart, seconded by Member Howard, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 18APPEAL1001 to the December 3, 2018 Board of Zoning Adjustment meeting.

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1092

Request: Variance to allow a structure to encroach into the required street side yard setback
Project Name: Colonial Drive Variance
Location: 200 Colonial Drive
Owner: Melissa Shaber and Karen Hitchcock
Representative: Mike Romage, Unlimited Home Improvements
Jurisdiction: City of St. Matthews
Council District: 9 – Bill Hollander
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:

00:05:32 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Michael Romage, 2814 Hoskins Drive, Jeffersonville, IN 47130

Summary of testimony of those in favor:

00:13:07 Michael Romage 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 18VARIANCE1092

00:16:52 **Board Members' deliberation**

00:17:54 On a motion by Member Howard, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will alter the essential character of the general vicinity as there are no other carports in the subdivision; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1092 does hereby **DENY** Variance from City of St. Matthews Development Code Section 9.2.C to allow a structure to encroach into the required street side yard setback.

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 18VARIANCE1093

Case No: 18VARIANCE1093
Project Name: Smyrna Parkway Variance
Location: 7905 & 7913 Smyrna Parkway and 7900 Oliver Huff Road
Owner: The Believers Church Inc.
Representative: Nick Pregliasco, Bardenwerper Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
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:

00:19:35 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Nathan Wright, 5151 Jefferson Blvd., Louisville, KY 40219

Summary of testimony of those in favor:

00:23:30 Nick Pregliasco spoke in favor of the request and showed a Powerpoint presentation. Mr. Pregliasco responded to questions from the Board Members (see recording for detailed presentation).

00:35:31 Nathan Wright spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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The following spoke in opposition of the request:

No one spoke.

00:37:18 Board Members' deliberation

00:37:25 On a motion by Member Turner, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the 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 are not as deep as the other lots in the subdivision, 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 are not as deep as the other lots in the subdivision (albeit designed as such by the developer), 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. If the variance is not granted, it is presumed that the lots would continue to be developed; however, with buildings not consistent in scale with others in the subdivision; now, therefore be it

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CASE NUMBER 18VARIANCE1093

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1093 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow structures on lots (1-6) to encroach into the required front yard setback along "Street A" (**Requirement 25 ft., Request 20 ft., Variance 5 ft.**), **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The applicant shall work with Transportation Planning to meet the 25' setback parking requirement.

The vote was as follows:

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

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CASE NUMBER 18VARIANCE1097

Request:	Front Yard Variance
Project Name:	Altawood Variance
Location:	4109 Altawood Ct
Owner/Applicant:	Rick Just
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Jay Lockett, Planner I

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

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

Agency Testimony:

00:40:12 Jay Lockett presented the case and showed a Powerpoint presentation. Mr. Lockett responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Rick Just, 1932 Rivers Landing Dr., Prospect, KY 40059

Summary of testimony of those in favor:

00:46:45 Rick Just 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.

00:50:16 Board Members' deliberation

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CASE NUMBER 18VARIANCE1097

00:50:28 On a motion by Member Howard, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, and the applicant's justification, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the variance will not adversely affect the public health, safety or welfare because the home will still have a significant setback, and all other required setbacks will be met on the subject site, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity because there are several homes in the zoning district with setbacks less than the required 100 feet, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because all other required setbacks will be met on site, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations because the proposed home and setback are in keeping with the character of the area, and

WHEREAS, the Board further finds that the requested variance does arise from special circumstances, as the subject site is one of the smallest lots in the zoning district, and is greatly constricted by the required 100 foot setback, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the proposed home would need to be smaller to fit in the limited area allowed by the required yards, 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, 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 18VARIANCE1097 does hereby **APPROVE** Variance to reduce a 100 ft. front yard setback to 80 ft. at its closest point.

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The vote was as follows:

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

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CASE NUMBER 18DEVPLAN1111

Request:	Cat 3 Development Plan with Variances and Waivers
Project Name:	Beecher Terrace Phase 2
Location:	1000 W Jefferson St.
Owner:	Louisville Metro Housing Authority
Representative:	Missy Legel, Civil Design Inc.
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Jay Lockett, Planner I

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

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

Agency Testimony:

00:52:20 Jay Lockett presented the case and showed a Powerpoint presentation. Mr. Lockett responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Missy Legel, 3404 Stony Spring Circle, Louisville, KY 40220

Summary of testimony of those in favor:

01:02:21 Missy Legel spoke in favor of the request and showed a Powerpoint presentation. Ms. Legel responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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01:08:22 Board Members' deliberation

01:08:33 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:

Variance #1 from Land Development Code Section 5.2.1.C.3 to allow a setback of 30 ft. from the proposed W. Liberty St. to exceed the required 15 ft. maximum setback for Building 12 as shown on the development plan:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare since the building will be constructed up to all applicable building codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the area has a mix of housing types and setbacks. The structure will be setback 10 feet from the S 10th St right-of-way, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the overall development will provide for a mix of high quality housing to replace older housing on the site, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since the overall development will be high density residential development that is in keeping with the zoning district; and

Variance #2 from Land Development Code Section 5.2.1.C.6 to allow structures on a corner lot within the Downtown form district to exceed the 0 ft. maximum setback within 50 ft. of an intersection; applicable on all corners, variance up to 30 ft. as shown on the development plan:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare since the building will be constructed up to all applicable building codes, and

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WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the area has a mix of housing types and setbacks, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the overall development will provide for a mix of high quality housing to replace older housing on the site, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since the overall development will be high density residential development that is in keeping with the zoning district; and

Variance #3 from Land Development Code Sections 5.2.1.C.1 and 5.2.2 to allow residential single-family homes on C-2 zoned property in the Downtown form district to have a 0 ft. minimum setback rather than the required 15 ft.; applicable to tracts 5-14 as shown on the development plan:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare since the homes will be constructed to all applicable building codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the area has a mix of housing types and setbacks, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the overall development will provide for a mix of high quality housing to replace older housing on the site, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as it will allow the construction of a variety of high quality housing types; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18DEVPLAN1111 does hereby **APPROVE** Variance #1 from Land Development Code Section 5.2.1.C.3 to allow a setback of 30 ft. from the proposed W. Liberty St. to exceed the required 15 ft. maximum setback for Building 12 as shown on the development plan, Variance #2 from Land Development Code Section 5.2.1.C.6 to allow structures on a corner lot within the Downtown form district to

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exceed the 0 ft. maximum setback within 50 ft. of an intersection; applicable on all corners, variance up to 30 ft. as shown on the development plan, and Variance #3 from Land Development Code Sections 5.2.1.C.1 and 5.2.2 to allow residential single-family homes on C-2 zoned property in the Downtown form district to have a 0 ft. minimum setback rather than the required 15 ft.; applicable to tracts 5-14 as shown on the development plan.

The vote was as follows:

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

01:10:30 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:

Waiver #1 from Land Development Code Section 5.2.1.C.2 to not maintain a minimum 3-story street wall along all frontages within the development:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners since there are multiple building frontages and pedestrian connections. The overall development will be a medium- density mix of high quality housing that is in keeping with the area, and

WHEREAS, the Board further finds that Guideline 3, Policies 1 and 2 call for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The development will be compatible with other development in the area, with a mix of housing types, and

WHEREAS, the Board further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there is a consistent development pattern proposed for the site that is consistent with the development pattern of the area, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the development

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pattern required would not be in keeping with the residential development that is proposed to meet housing needs in the area; and

Waiver #2 from Land Development Code Section 5.8.1.C.1.b to not provide sidewalks at least 84 inches wide in the Downtown form district; applicable to all sidewalks within the development:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners, as there will still be quality sidewalks and street trees on all roadways within and around the development, and

WHEREAS, the Board further finds that Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver would not violate the Comprehensive Plan, as the whole site will have pedestrian connections that integrate into the surrounding area, and

WHEREAS, the Board further finds that the extent of the regulation is the minimum necessary to afford relief to the applicant, as 6 foot wide sidewalks will be provided adjacent to all rights-of-way in and around the development site, and

WHEREAS, the Board further finds that the strict application of the provisions of this regulation would create an unnecessary hardship on the applicant, as the required sidewalk widths are beyond what is necessary to serve the residential use proposed; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18DEVPLAN1111 does hereby **APPROVE** Waiver #1 from Land Development Code Section 5.2.1.C.2 to not maintain a minimum 3-story street wall along all frontages within the development, and Waiver #2 from Land Development Code Section 5.8.1.C.1.b to not provide sidewalks at least 84 inches wide in the Downtown form district; applicable to all sidewalks within the development.

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The vote was as follows:

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

01:12:18 On a motion by Member Howard, seconded by Member Buttorff, the following resolution, based upon the Land Development Code with the exception of the Variances and Waivers being approved, was adopted:

Category 3 Development Plan:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that all of the applicable Guidelines and Policies of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18DEVPLAN1111 does hereby **APPROVE** Category 3 Development Plan.

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 18DEVPLAN1138

Request: Category 2B Development Plan with associated variances and waiver
Project Name: Speedway
Location: 4239 Poplar Level Road
Owner/Applicant: Rob Sweet
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Jay Lockett, Planner I

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

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

Agency Testimony:

01:13:18 Jay Lockett presented the case and showed a Powerpoint presentation. Mr. Lockett advised the Board Members there had been changes to the Staff Report since it was published, and the information shown in his Powerpoint presentation was correct. Mr. Lockett responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Rob Sweet 5721 Dragon Way, Suite 300, Cincinnati, OH 45227

Summary of testimony of those in favor:

01:23:36 Rob Sweet spoke in favor of the request and showed a Powerpoint presentation. Mr. Sweet responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 18DEVPLAN1138

The following spoke in opposition of the request:

No one spoke.

01:41:20 Board Members' deliberation

01:42:23 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:

Variance #1 from Land Development Code Section 8.3.3.10.a.i to allow a sign to exceed the 165 sq. ft. maximum area by 15 sq. ft. and to exceed the 24 ft. maximum height by 6 ft.:

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 signs will comply with the Land Development Code in all aspects except for its size, with the result that the signage is unlikely to distract drivers or pedestrians and adversely affect public safety, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the property is located in a commercial, which also consists of other commercial uses in close proximity. Although the proposed signage may differ from other signage in the immediate vicinity, it will be in character of the Suburban Workplace form district, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed larger sign will provide visibility to the store for customers exiting the I-264 interchange. The use of the sign will also eliminate visual clutter along Lincoln Avenue, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the property is located across from Camp Taylor Park from the Neighborhood form district, which has less restrictive signage allowances. Although the signs would also be out of compliance with the requirements of this form district, the required variance would be reduced if this form district applied to this property. Additionally, the sign complies with the Suburban Workplace design guidelines with respect to signage of site design standards which states that the quality of design of

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individual sites is consistent with the character and function of the workplace district, and encourages innovation and flexibility in site design, 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 property is adjacent to a property that is commercial but is in a Neighborhood form district, 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 as the applicant would have to place a sign on both frontages, eliminating visibility from passers-by, 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

Variance #2 from Land Development Code Section 5.3.4.D.3.a to allow encroachment up to 10 ft. into required 25 ft. street side yard setback:

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 proposal will comply with all aspects of the Land Development Code in all aspects except the small portion of the proposal having to encroach into the setback, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the property is located in a commercial, which also consists of other commercial uses in close proximity. Although the proposed building may extend beyond the required setback, it will be buffered from adjacent residential use, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the building will be buffered where it is adjacent to residential, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since the proposal will be buffered from the adjacent property. Although the portion of the building would extend beyond the required street-side setback, the proposal complies with the

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Suburban Workplace design guidelines with respect to site design standards which states that the quality of design of individual sites is consistent with the character and function of the workplace district, and encourages innovation and flexibility in site design, and

WHEREAS, the Board further finds that the request does not arise from any special circumstances, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of reasonable use of land since the proposal continues the existing pattern of the site, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18DEVPLAN1138 does hereby **APPROVE** Variance #1 from Land Development Code Section 8.3.3.10.a.i to allow a sign to exceed the 165 sq. ft. maximum area by 15 sq. ft. and to exceed the 24 ft. maximum height by 6 ft., and Variance #2 from Land Development Code Section 5.3.4.D.3.a to allow encroachment up to 10 ft. into required 25 ft. street side yard setback.

The vote was as follows:

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

No: Member Buttorff

Absent: Chair Fishman

01:43:46 On a motion by Member Howard, seconded by Member Leanhart, the following resolution, based upon the updated Staff Report, and the applicant's testimony, was adopted:

Waiver #1 from Land Development Code Section 5.6.1.B to allow primary facades to have less than 60% of the horizontal length consist of animating features:

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WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested waiver will not affect adjacent property owners as the existing surrounding commercial properties do not meet this design standard, and all other site design elements will be provided, and

WHEREAS, the Board further finds that Guideline 3, Policies 1 and 2 calls for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill; (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The Suburban Workplace form calls for “Individuals sites consistent with the character and function of the workplace district, and encourage innovation and flexibility in site design”. The proposal complies with these guidelines because the aesthetic character is consistent with the intent of the Suburban Workplace Corridor form district, because it allows for flexibility in site design in regards to the windows. The proposal follows the intent of the form district as it is a pattern that considers safety and crime prevention, and

WHEREAS, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, because the façade articulation and window height requirements cannot be provided in areas where the restrooms, and food storage we to be located, and

WHEREAS, the Board further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived by providing taller windows that would allow for better visibility into the store and on the fuel dispensers. The applicant will also install windows on the sales floor area. The applicant also proposed to mitigate the impact of the reduced glazing by providing a pronounced entry feature and a third entry on the rear of the building; and

Waiver #2 from Land Development Code Section 5.6.1.C to allow buildings to allow less than 50% of wall surface be windows at street level:

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CASE NUMBER 18DEVPLAN1138

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested waiver will not affect adjacent property owners as the existing surrounding commercial properties do not meet this design standard, and all other site design elements will be provided, and

WHEREAS, the Board further finds that Guideline 3, Policies 1 and 2 calls for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill; (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features along no less than... The proposal complies with these guidelines because the design is consistent with the scale and design of nearby existing development. The proposal also complies because it reflects the intent of the Suburban Workplace Corridor as it is a development pattern that considers safety and crime prevention. The design is also consistent with the character and function of the workplace district, as it encourages innovation and flexibility in site design, and

WHEREAS, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, because the façade articulation and window height requirements cannot be provided in areas where the restrooms, and food storage we to be located, and

WHEREAS, the Board further finds that the applicant will also install windows on the sales floor area. The applicant also proposed to mitigate the impact of the reduced glazing by providing a pronounced entry feature and a third entry on the rear of the building; and

Waiver #3 from Land Development Code Section 5.9.2.A.1.b.ii to not provide for vehicular connection to the adjacent site:

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WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested waiver will not affect adjacent property owners as it will not detract from the pedestrian and vehicular experience currently afforded to the site. Also, the existing connections are not designed to accommodate traffic that may be generated by a connection the redeveloped site, and

WHEREAS, the Board further finds that Guideline 3, Policies 1 and 2 calls for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill; (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. Guideline 7, Policies 1 and 11 calls for the evaluation of developments for their impact on the street and roadway system, and the internal circulation within a development. The proposal complies with these guidelines because the design does reflect the intent of the Suburban Workplace Corridor as it is ready to accommodate high levels of access for all appropriate modes of transportation. It is designed to accommodate the shipment of materials by truck, and it is linked to regional transportation networks. The proposal is also designed to ensure that there is a functional linkage between properties within and abutting the development and systems already built in the area, and

WHEREAS, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, because the connection to the adjacent site is not easily achievable as the space is needed to accommodate the shipment of materials by trucks, and

WHEREAS, the Board further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived by continuing to provide pedestrian connection to the adjoining property, updating the bus stop along Poplar Level Road as part of redevelopment; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18DEVPLAN1138 does hereby **APPROVE** Waiver #1 from Land Development Code Section 5.6.1.B to allow primary facades to have less than 60% of the horizontal length consist of animating features, Waiver #2 from Land Development Code Section 5.6.1.C to allow buildings to allow less than 50% of

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wall surface be windows at street level, and Waiver #3 from Land Development Code Section 5.9.2.A.1.b.ii to not provide for vehicular connection to the adjacent site, **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The applicant shall place faux windows on the right elevation, to be reviewed by staff for compliance.

The vote was as follows:

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

No: Member Buttorff

Absent: Chair Fishman

01:47:33 Meeting was recessed.

01:47:58 Meeting was reconvened.

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PUBLIC HEARING

CASE NUMBER 18CUP1112

Request: Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the host
Project Name: Bopp Short Term Rental
Location: 609 Rubel Avenue
Owner: Laura Bopp
Applicant: Jonathan Klunk
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Jon E. Crumbie, Planning and Design Coordinator

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

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

Agency Testimony:

01:48:11 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:

Laura Bopp, 2900 E. 16th Ave., #448, Denver, CO 80206
Jonathan Klunk, 1372 S. 6th Street, Louisville, KY 40208

Summary of testimony of those in favor:

01:51:45 Laura Bopp spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:56:31 Jonathan Klunk spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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The following spoke in opposition of the request:

Heidi Howe, 607 Rubel Avenue, Louisville, KY 40204

Summary of testimony of those in opposition:

02:00:32 Heidi Howe spoke in opposition of the request. Ms. Howe stated she has concerns about noise. Ms. Howe stated when they had the people staying at their house there was a drunk party on the porch which was loud. Ms. Howe stated this is the kind of thing that happens when there's no resident present. Ms. Howe stated she thinks there is a difference between a short term rental with a resident present and a short term rental when this person is across the country and there's no one there that's living there that really cares about the neighborhood. Ms. Hodges stated there is no off street parking and there is a lot of parking issues. Ms. Hodges stated she has concerns about safety. Ms. Hodges responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

02:04:16 Mr. Klunk spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

02:07:12 Board Members' deliberation

02:11:39 On a motion by Member Buttorff, 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

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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 two bedrooms that will allow a maximum number of eight guests. The applicant will be asking for a maximum number of six guests.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **The site has credit for one on-street parking space and the applicant states that there is parking located at the rear of the site.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

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- 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 18CUP1112 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner in R-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 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 four (4).
4. Prior to the operation of the rental unit as a Short Term Rental, two parking spaces shall be provided at the rear of the lot.

The vote was as follows:

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

No: Member Leanhart

Absent: Chair Fishman

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CASE NUMBER 18CUP1107

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

Project Name: Brown Short Term Rental

Location: 1919 Maplewood Place

Owner/Applicant: Ashley & Paul Brown

Jurisdiction: Louisville Metro

Council District: 8 – Brandon Coan

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:

02:14:15 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:

Paul Brown, 1806 Shady Lane, Louisville, KY 40205

Summary of testimony of those in favor:

02:17:23 Paul Brown 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:

Cortney Niehaus, 1922 Maplewood Place, Louisville, KY 40205

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Peter Niehaus, 1922 Maplewood Place, Louisville, KY 40205
Sharon Vittitow, 1917 Maplewood Place, Louisville, KY 40205
Charlotte Noel, 1913 Maplewood Place, Louisville, KY 40205

Summary of testimony of those in opposition:

02:24:07 Cortney Niehaus spoke in opposition of the request. Ms. Niehaus stated none of the homes have anywhere near ten occupants. Ms. Niehaus stated she does not agree that this Short Term Rental will be compatible with the neighborhood. Ms. Niehaus stated the staff report also states “when appropriately managed”, but Sienna Properties has a history of violations so she thinks that should be considered as well. Ms. Niehaus stated there are already three Airbnb’s within one block. Ms. Niehaus stated saying there are five parking spaces on that alley is a stretch, parking is a constant issue. Ms. Niehaus stated she is concerned about property values (see recording for detailed presentation).

02:28:29 Peter Niehaus spoke in opposition of the request. Mr. Niehaus stated the two neighbors who live right next door were both at work today so they could not come to voice their opposition, but he believes they have notes read into the minutes. Mr. Niehaus stated the live on a unique street and you can’t really tell from the pictures but their front porches are less than fifteen feet away from each other. Mr. Niehaus stated there is no public access through the front. Mr. Niehaus stated this doesn’t fit with the character of the neighborhood. Mr. Niehaus stated he does not oppose anyone trying to make a buck by running an Airbnb, but he does oppose somebody doing it on such a unique site. Mr. Niehaus responded to questions from the Board Members (see recording for detailed presentation).

02:34:55 Sharon Vittitow spoke in opposition of the request. Ms. Vittitow stated she lives right next door to this house. Ms. Vittitow stated she feels like there’s going to be a constant stream of strange people, and she would like to see their neighborhood stay a family neighborhood. Ms. Vittitow stated she worries about how it’s going to be advertised (see recording for detailed presentation).

02:38:03 Charlotte Noel spoke in opposition of the request. Ms. Noel stated she has lived on the court for thirty-three years. Ms. Noel stated seven people came to the neighborhood meeting and everyone was opposed to this. Ms. Noel stated prior to this being turned into an Airbnb the neighbors lived there for forty years and that is the norm in their neighborhood. Ms. Noel stated she thinks

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keeping our neighborhoods intact, having people who care about one another, who check in on one another, is a very important thing to make Louisville one of the better communities. Ms. Noel stated she truly feels by turning this into an Airbnb, we're giving into greed rather than the sanctity of their neighborhood and their safety (see recording for detailed presentation).

REBUTTAL:

02:41:40 Paul Brown spoke in rebuttal. Mr. Brown stated they do have long term rentals, and off the top of his head he knows they have had two violations for the grass being too long, which was taken care of in the appropriate amount of time. Mr. Brown stated there were four different occasions where somebody was parking on the grass. Mr. Brown stated four of their houses are in Shively and they have a very strict regime of policing people parking in the front yard. Mr. Brown stated all four of those times those issues were resolved. Mr. Brown stated they live in the neighborhood, they take their kids on walks around the neighborhood as well and they have no desire to diminish the value of the neighborhood. Mr. Brown responded to questions from the Board Members (see recording for detailed presentation).

02:45:18 Board Members' deliberation

02:49:58 Public hearing was reopened to allow testimony from Mr. Brown regarding parking (see recording for detailed presentation).

02:53:35 Board Members deliberation

02:57:20 On a motion by Member Buttorff, 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 statement, 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

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

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- 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, 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 18CUP1107 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner in R-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 applicant shall provide a maximum of two on-site parking spaces.
4. The maximum number of guests shall be limited to eight (8).

The vote was as follows:

Yes: Members Buttorff, Turner, and Vice Chair Young

No: Members Howard, and Leanhart

Absent: Chair Fishman

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PUBLIC HEARING

CASE NUMBER 18CUP1111

Request:	Conditional Use Permit for a short-term rental of a duplex that is not the primary residence of the host
Project Name:	Gugliotta Short Term Rental
Location:	2026 Baringer Avenue
Owner/Applicant:	Sonya and Frank Gugliotta
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
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:

02:58:58 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:

Frank Gugliotta, 515 W. 8th Street, Bicknell, IN 47512

Summary of testimony of those in favor:

03:01:19 Frank Gugliotta 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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03:05:02 Board Members' deliberation

03:05:11 On a motion by Member Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses, 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 three bedrooms that will allow a maximum number of ten guests and unit two has one bedroom that will allow a maximum number of six people.**

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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 there are two parking spaces at the rear of the duplex.**
- 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 18CUP1111 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a duplex that is not the primary residence of the owner in R-5B 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.

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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 Vice Chair Young
Absent: Chair Fishman

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PUBLIC HEARING

CASE NUMBER 18CUP1102

Request: Conditional Use Permit for short term rental of a dwelling unit that is not the primary residence of the host
Project Name: Christy Avenue Short Term Rental
Location: 1408 Christy Avenue
Owner/Applicant: Linda Sparrow
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:

03:07:33 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:

Linda Sparrow, 1009 Old Cannons Lane, Louisville, KY 40207

Summary of testimony of those in favor:

03:10:21 Linda Sparrow spoke in favor of the request. Ms. Sparrow provided photographs of the property to the Board Members. Ms. Sparrow 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 18CUP1102

03:19:09 Board Members' deliberation

03:19:16 On a motion by Member Howard, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **According to the applicant, the dwelling 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 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 20 ft. property frontage on Christy Avenue with one on-street parking space. The site is served by a rear alley but no off-street parking is available.**
- 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 18CUP1102 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
November 5, 2018**

PUBLIC HEARING

CASE NUMBER 18CUP1102

The vote was as follows:

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

Absent: Chair Fishman

BOARD OF ZONING ADJUSTMENT MINUTES
November 5, 2018

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

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:

03:22:29 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:

Michael Stevens, 1610 Forest Hill Dr., Louisville, KY 40205

Summary of testimony of those in favor:

03:25:20 Michael Stevens spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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PUBLIC HEARING

CASE NUMBER 18CUP1068

03:31:40 Board Members deliberation

03:31:48 On a motion by Member Leanhart, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, and the presentation, was adopted:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. Major renovation of the residence is currently underway; additional exterior construction or alterations to the structure or the site will not be required, and

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

WHEREAS, the Board further finds that:

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

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

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CASE NUMBER 18CUP1068

- 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 single-family residential.**
- 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 credit the 26 ft. property frontage on Franklin Street with one on-street parking space, which meets requirements for the residence. A two-vehicle garage at the rear of the property is accessible via the rear alley, along with a two-vehicle parking pad. The garage will not be available for guest use.**
- 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 18CUP1068 does hereby **APPROVE** Conditional Use Permit to allow short term rental of an R-6 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.

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PUBLIC HEARING

CASE NUMBER 18CUP1068

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 Vice Chair Young

Absent: Chair Fishman

**BOARD OF ZONING ADJUSTMENT MINUTES
November 5, 2018**

The meeting adjourned at approximately 4:52 p.m.

Chair

Secretary