

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

**February 18, 2019**

A meeting of the Louisville Metro Board of Zoning Adjustment was held on February 18, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Members Present:**

Dwight Young, Chair

Rosalind Fishman, Vice Chair

Richard Buttorff (arrived at approximately 5:15 p.m.)

Kimberly Leanhart, Secretary

Lester Turner, Jr.

**Members Absent:**

Lula Howard

Lindsey Jagoe

**00:02:02** Chair Young excused the absences of Members Howard, Jagoe, and Buttorff (who arrived at approximately 5:15 p.m.) with no objection from the Board.

**Staff Members Present:**

Emily Liu, Planning & Design Director

Joe Haberman, Planning & Design Manager

Chris French, Planning & Design Supervisor

Jon Crumbie, Planning & Design Coordinator

Steve Hendrix, Planning & Design Coordinator

Zach Schwager, Planner I

Lacey Gabbard, Planner I

Jay Lockett, Planner I

Beth Jones, Planner II

John Carroll, Legal Counsel (left at approximately 3:35 p.m.)

Paul Whitty, Legal Counsel (arrived at approximately 5:25 p.m.)

Sue Reid, Management Assistant

The following cases were heard:

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**APPROVAL OF MINUTES**

**FEBRUARY 4, 2019 BOARD OF ZONING ADJUSTMENT ANNUAL MEETING MINUTES**

**FEBRUARY 4, 2019 BOARD OF ZONING ADJUSTMENT REGULAR MEETING MINUTES**

**00:02:42** On a motion by Member Turner, seconded by Vice Chair Fishman, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the Annual meeting conducted on February 4, 2019.

**The vote was as follows:**

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

**00:03:21** On a motion by Member Turner, seconded by Member Leanhart, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the Regular meeting conducted on February 4, 2019.

**The vote was as follows:**

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

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**PUBLIC HEARING**

**CASE NUMBER 19VARIANCE1003**

Request: \*TO BE CONTINUED TO 3-4-19\* Variance to exceed maximum corner lot setback and allow parking in front of a structure in a traditional form district

Project Name: Goodfellows Pizza  
Location: 1250 E Broadway  
Owner: Kennie and Patricia Combs  
Applicant: Frank Culbertson  
Jurisdiction: Louisville Metro  
Council District: 8—Brandon Coan  
Case Manager: Jay Lockett, Planner I, AICP

**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:**

**00:04:06** Jay Lockett requested this case be continued to the March 4, 2019 Board of Zoning Adjustment meeting (see recording for detailed presentation).

**00:05:06** On a motion by Vice Chair Fishman, seconded by Member Turner, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 19VARIANCE1003 to the March 4, 2019 Board of Zoning Adjustment meeting.

**The vote was as follows:**

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

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**PUBLIC HEARING**

**CASE NUMBER 19VARIANCE1001**

Request:	Variances and waivers for a sign
Project Name:	Churchill Downs Sign Variance and Waiver
Location:	3100 S 4th Street
Owner/Applicant:	AQ Properties LLC
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Lacey Gabbard, AICP, Planner I

**NOTE: This case was heard out of order, after Item #4 on the agenda.**

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

**00:12:41** Lacey Gabbard presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

**The following spoke in favor of the request:**

Ashley Bartley, 1046 E. Chestnut Street, Louisville, KY 40204

**Summary of testimony of those in favor:**

**00:19:43** Ashley Bartley spoke in favor of the request and showed a Powerpoint presentation. Ms. Bartley 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 19VARIANCE1001**

**00:27:15 Board Members' deliberation**

**00:27:27** On a motion by Member Turner, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the variance justification statement, was adopted:

**Variance from Land Development Code Table 8.3.2 to allow signs in the Campus form district to exceed the allowed square footage:**

**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 are located in a commercial area near other large sports complexes (the UofL baseball and football stadiums) where one might expect to see large signs. Only one of the signs is a changing image sign and the others are back lit. The applicant has stated that the changing image sign will comply with the requirements regarding rate of image change (one image every 20 seconds) and lighting intensity, including dimming, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there are other lettered signs in the vicinity and Churchill Downs is a significant local establishment where one might expect to see large signs, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the applicant has stated that the proposed signs will comply with regulations for the rate of image change as well as lighting intensity, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the signs will comply with sign standards including light intensity and rate of change, 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 Churchill Downs is a local landmark where one might expect to see larger signs, 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 create an unnecessary hardship on the applicant because the sign will be part of

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the Churchill Downs facility, a local landmark where one might expect to see a large sign. Additionally, restrictions regarding light intensity and rate of image change should ensure that there are no safety issues, 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 applicant's justification statements adequately justify this request; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19VARIANCE1001 does hereby **APPROVE** Variance from Land Development Code Table 8.3.2 to allow signs in the Campus form district to exceed the allowed square footage (**Requirement 175 sf plus 5% of façade area over 1,000 sf = 188 sf, Request 339 sf, Variance 15 sf**).

**The vote was as follows:**

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

**00:29:06** On a motion by Member Turner, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the waiver justification statement, was adopted:

**Waiver #1 from Land Development Code Table 8.3.2 to allow the number of signs per façade to exceed what is permitted in the Campus form district:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners as all of the properties within sign of the signs are zoned or used commercially, so there are no residentially used properties which would be affected, and

**WHEREAS**, the Board further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040. Guideline 3 describes signs as compatible with the form district pattern and contributing to the visual quality of their

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surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures whenever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. These signs are compatible with the Churchill Downs site as a whole. The signs will most likely not pose a hazard to motor vehicle safety, as they will comply with rate of change and light intensity standards. The signs are integrated with the proposed structural wall to be built on this corner. There are no historic districts, parkways, scenic corridors, design review districts or other special areas of concern near this site, 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 as the site is part of the larger Churchill Downs site, where one might expect to see numerous signs announcing arrival at this local landmark, and

**WHEREAS**, the Board further finds that the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as the site is part of the larger Churchill Downs site, where one might expect to see numerous signs announcing this local landmark, and

**WHEREAS**, the Board further finds that the applicant's justification statements adequately justify this request; and

**Waiver #2 from Land Development Code Section 8.2.1.D.4.b to allow a changing image panel in the Campus form district to exceed 60% of the area of a sign:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners as all of the properties within sign of the signs are zoned or used commercially, so there are no residentially used properties which would be affected, and

**WHEREAS**, the Board further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 signs as compatible with the form district pattern and contributing to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to

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motor vehicle safety. Encourage signs that are integrated with or attached to structures whenever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. These signs are compatible with the Churchill Downs site as a whole. The signs will most likely not pose a hazard to motor vehicle safety, as they will comply with rate of change and light intensity standards. The signs are integrated with the proposed structural wall to be built on this corner. There are no historic districts, parkways, scenic corridors, design review districts or other special areas of concern near this site, 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 as the site is part of the larger Churchill Downs site, where one might expect to see a changing image sign, and

**WHEREAS**, the Board further finds that the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as the site is part of the Churchill Downs site, where one might expect to see a changing image sign, 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 19VARIANCE1001 (18WAIVER1053) does hereby **APPROVE** Waiver #1 from Land Development Code Table 8.3.2 to allow the number of signs per façade to exceed what is permitted in the Campus form district, and Waiver #2 from Land Development Code Section 8.2.1.D.4.b to allow a changing image panel in the Campus form district to exceed 60% of the area of a sign.

**The vote was as follows:**

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

**Absent: Members Buttorff, Howard, and Jagoe**



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**PUBLIC HEARING**

**CASE NUMBER 19VARIANCE1000**

Request: Variance to allow a structure to exceed the maximum height  
Project Name: Marret Avenue Variance  
Location: 520 Marret Avenue  
Owner: David L. Thorson – Duke MFG, Inc.  
Applicant: Kelli Jones – Sabak, Wilson & Lingo, Inc.  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
Case Manager: Zach Schwager, Planner I

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

**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:**

**00:06:02** Zach Schwager stated the applicant has requested to continue this case to a date uncertain (see recording for detailed presentation).

**00:06:49** Vice Chair Fishman made a motion to continue this case to a date uncertain. The motion was seconded by Member Leanhart, however, prior to voting Chair Young recognized a speaker who wished to speak in regard to this case.

**00:07:33** Henry Reynolds (608 Count Turf Drive, Louisville, KY) stated he was here on behalf of the company trying to get this silo approved so they can go ahead and start construction of it (see recording for detailed presentation).

**00:09:04** Vice Chair Fishman withdrew her motion in order to allow testimony from the applicant (see recording for detailed presentation).

**00:09:07** Mr. Reynolds continued his testimony (see recording for detailed presentation).

**00:09:47** Chair Young stated since we have had testimony here today, he believes we should reopen this case and hear testimony and then decide whether to continue the case or not (see recording for detailed presentation).

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**CASE NUMBER 19VARIANCE1000**

**00:10:08** Kelli Jones (Sabak, Wilson & Lingo, 608 S. 3<sup>rd</sup> Street, Louisville, KY 40202) spoke in regard to why the continuance is being requested (see recording for detailed presentation).

**00:11:47** On a motion by Vice Chair Fishman, seconded by Member Leanhart, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 19VARIANCE1000 to a date uncertain.

**The vote was as follows:**

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

**Absent: Members Buttorff, Howard, and Jagoe**

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**CASE NUMBER 19VARIANCE1002**

Request: Variance to allow signage to exceed 60 sq. ft. on one  
façade  
Project Name: Story Avenue Variance  
Location: 1201 Story Avenue  
Owner: Andy Blieden, Jakeland LLC  
Applicant: Tanya Scott – Signarama Downtown  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
Case Manager: Zach Schwager, Planner I

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

**00:30:59** 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:**

Melissa Cobb, 909 E. Market, Louisville, KY 40206

**Summary of testimony of those in favor:**

**00:33:05** Melissa Cobb 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 19VARIANCE1002**

**00:34:58 Board Members' deliberation**

**00:35:06** On a motion by Member Leanhart, 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 not adversely affect the public health, safety or welfare as the proposed signs will comply with the Land Development Code in all respects except for their 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 Historic Landmarks and Preservation Commission staff has already approved the sign, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the signs utilize muted colors with no lighting, which will not create a hazard to drivers or pedestrians. Also, Story Avenue is a one-way street heading west; the signage is on the western façade, so drivers will not see this portion of the building, 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 in an industrial area. Additionally, the signs comply with Butchertown design guidelines with respect to signage, 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 in a commercial/industrial zoning district but a Traditional Neighborhood form district, 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 create an unnecessary hardship on the applicant because the Land Development Code allows each business to have signage in multi-tenant buildings, but without the variance would deprive a tenant of such signage, 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

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from which relief is sought as the applicant is requesting the variance and has not yet placed it on the façade; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19VARIANCE1002 does hereby **APPROVE** Variance from Land Development Code Table 8.3.2 to allow attached signage to exceed 60 square feet in area per façade (**Requirement 60 sq. ft., Request 654.86 sq. ft., Variance 594.86 sq. ft.**).

**The vote was as follows:**

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

**Absent: Members Buttorff, Howard, and Jagoe**

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**CASE NUMBER 17CUP1117**

Request:	Conditional Use Permit for short term rental of dwelling units not the primary residence of the host
Project Name:	Southern Pkwy Short Term Rental
Location:	3818 Southern Parkway
Owner:	Michael T. Fallot
Host:	James Wallace & Co.
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
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 5<sup>th</sup> 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:**

**00:36:38** 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:**

Mike Fallot, 2206 Glenview Ave., Louisville, KY 40222

**Summary of testimony of those in favor:**

**00:45:15** Mike Fallot 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 17CUP1117**

**00:49:37 Board Members' deliberation**

**00:52:04** On a motion by Vice Chair Fishman, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, 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 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 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. **PVA lists the existing structure as a residential duplex. It has been granted non-conforming rights as a duplex. According to the applicant, both units have two bedrooms; a maximum of eight guests are permitted in each.**

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- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **The principal structure appears to be a residential duplex.**
- 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 25 ft. property frontage with one on-street parking space. Three additional parking spaces are available at the rear of the property off S. 4th 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 17CUP1117 does hereby **APPROVE** Conditional Use Permit to allow short term rental of dwelling units 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.



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3. The maximum number of guests permitted in the short term rental shall be the lesser of six (6) per unit, or that permitted by the Louisville Metro Code of Ordinances.

**The vote was as follows:**

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

**Absent: Members Buttorff, Howard, and Jagoe**

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**CASE NUMBER 18CUP1156**

Request: Conditional Use Permit for short term rental of a dwelling unit not the primary residence of the host  
Project Name: Waverly Term Rental  
Location: 115 Waverly Court  
Owner/Applicant/Host: Luke Neubauer  
Jurisdiction: Louisville Metro  
Council District: 9 – Bill Hollander  
Case Manager: Beth Jones, AICP, Planner II

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

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

**Agency Testimony:**

**00:55:21** 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:**

Luke Neubauer, 115 Waverly Ct., Louisville, KY 40206

**Summary of testimony of those in favor:**

**00:58:23** Luke Neubauer 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 18CUP1156**

**01:03:50 Board Members' deliberation**

**01:04:22** On a motion by Member Leanhart, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, and the presentation, was adopted:

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

**WHEREAS**, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site appear to 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. **: According to the applicant, the residence has four bedrooms; LDC regulations permit up to twelve guests.**

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- 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 principal structure as a single-family residence.**
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **LDC standards credit the 40 ft. property frontage on Waverly Court with parking for two vehicles. A parking area off a rear alley includes a two-vehicle garage and one additional parking space.**
- 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 18CUP1156 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  
February 18, 2019**

**PUBLIC HEARING**

**CASE NUMBER 18CUP1156**

**The vote was as follows:**

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

**Absent: Members Buttorff, Howard, and Jagoe**

**01:05:12 Meeting was recessed.**

**01:05:31 Meeting was reconvened.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 18, 2019**

**PUBLIC HEARING**

**CASE NUMBER 18CUP1167**

Request:	Conditional Use Permit for a private institutional use in a single family zoning district
Project Name:	Existing Church Campus
Location:	9900 Brownsboro Road
Owner	Northeast Christian Church
Applicant:	Sarah Beth Sammons, RLA, Land Design & Development
Jurisdiction:	Louisville Metro
Council District:	17 –Markus Winkler
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 5<sup>th</sup> 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:**

**01:05:47** Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Sarah Beth Sammons, Land Design & Development, 503 Washburn Ave., Louisville, KY 40222

**Summary of testimony of those in favor:**

**01:12:43** Sarah Beth Sammons spoke in favor of the request and showed a Powerpoint presentation. Ms. Sammons responded to questions from the Board Members (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 18, 2019**

**PUBLIC HEARING**

**CASE NUMBER 18CUP1167**

**The following spoke in opposition of the request:**

No one spoke.

**01:16:51 Board Members' deliberation**

**01:17:09** On a motion by Vice Chair Fishman, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the presentation, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with the applicable policies of the Comprehensive Plan, in particular the Regional Center Form District, and

**WHEREAS**, the Board further finds that the proposal is compatible with the surrounding land uses and the general character of the area, since the buildings are generally concentrated away from the residential uses, and

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

**WHEREAS**, the Board further finds that:

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

- A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line and all off-street parking shall be at least 30 feet from any property line. Applicant is requesting relief from this requirement since the southern and eastern portions of the southwest parking lot has parking spaces approximately 15 feet from the residentially zoned Brownsboro Glen subdivision.

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**CASE NUMBER 18CUP1167**

- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated.
- C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use.
- D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
- E. The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1167 does hereby **APPROVE** Conditional Use Permit to allow a Private Institutional Use in a Single Family zoning district (LDC 4.2.65), with **RELIEF** from Item A 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 private institutional use in a single family residential zoning district without further review and approval by the Board.

**The vote was as follows:**

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



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**PUBLIC HEARING**

**CASE NUMBER 18CUP1087**

Request:	Conditional Use Permit for a short term rental unit that is not the primary residence of the host in an R-5A District
Project Name:	Short Term Rental
Location:	141 Pope Street
Owner:	Douglas Stockley
Applicant:	Ana Ajero
Jurisdiction:	Louisville Metro
Council District:	9—Bill Hollander
Case Manager:	Steve Hendrix, Planning and Design Coordinator

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

**01:20:45** 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:**

Douglas Stockley, 141 Pope Street, Louisville, KY 40206  
Ana Ajero, 141 Pope Street, Louisville, KY 40206

**Summary of testimony of those in favor:**

**01:24:29** Douglas Stockley and Ana Ajero spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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**PUBLIC HEARING**

**CASE NUMBER 18CUP1087**

**The following spoke in opposition of the request:**

No one spoke.

**01:30:32 Board Members' deliberation**

**01:31:19** On a motion by Vice Chair Fishman, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the presentation, was adopted:

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

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

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

**WHEREAS**, the Board further finds that:

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

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

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shows that the residence has three bedrooms that will allow a maximum number of 10 guests. **The applicant states that the unit will be limited to 8 people.**

- 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. **There is on-site and on-street parking.**
- 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 18CUP1087 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-5A 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.
3. The maximum number of guests permitted in the short term rental shall be the lesser of eight (8) or that permitted by the Louisville Metro Code of Ordinances.

**The vote was as follows:**

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

**Absent: Members Buttorff, Howard, and Jagoe**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**CASE NUMBER 18CUP1159**

Request:	Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Borel Short Term Rental
Location:	4406 Brownhurst Way
Owner/Applicant:	Thelma Rachelle Borel
Jurisdiction:	Louisville Metro
Council District:	17 – Markus Winkler
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 5<sup>th</sup> 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:**

**01:33:00** 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:**

Thelma Borel, 4406 Brownhurst Way, Louisville, KY 40241

**Summary of testimony of those in favor:**

**01:35:56** Thelma Borel 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 18CUP1159**

**01:39:01 Board Members' deliberation**

**01:39:31** On a motion by Member Leanhart, seconded by Vice Chair Fishman, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, 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, and

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

**WHEREAS**, the Board further finds that:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **The applicant states that the residence has three bedrooms that will allow a maximum number of ten guests. The applicant will be asking for a maximum number of six 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. Also the applicant states that the existing driveway and garage will be used for parking.**
- 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 finds that Case Number 18CUP1159 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner in an R-5 zoning district and 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.
3. The maximum number of guests permitted in the short term rental shall be the lesser of six (6) or that permitted by the Louisville Metro Code of Ordinances.

**The vote was as follows:**

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



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 18, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19CUP1000**

Request:	Conditional Use Permit for an accessory apartment
Project Name:	Stettler Accessory Apartment
Location:	7405 Arnoldtown Road
Owner/Applicant:	Robert and Sherri Stettler
Jurisdiction:	Louisville Metro
Council District:	25 – David Yates
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 5<sup>th</sup> 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:**

**01:41:09** 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 appeal:**

Sherri Stettler, 7405 Arnoldtown Road, Louisville, KY 40214

**Summary of testimony of those in favor:**

**01:46:11** Sherri Stettler 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 appeal:**

No one spoke.

**01:51:15 Board Members' deliberation**

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**PUBLIC HEARING**

**CASE NUMBER 19CUP1000**

**01:51:26** On a motion by Member Turner, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, was adopted:

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

**WHEREAS**, the Board further finds that the proposal is compatible with surrounding development. No exterior alterations to the existing structure or site are proposed, 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:

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 up on the granting of a conditional use permit and compliance with the listed requirements. There are four listed requirements and item A. and C. will be met. The applicant will be asking for relief on Item B. and D.

- 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.
- 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. 30% of the floor area of the principal residence is 660 square feet. The accessory apartment is approximately 800 square feet.
- 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.

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**CASE NUMBER 19CUP1000**

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; All parking spaces will be provided outdoors on the existing driveway.
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; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1000 does hereby **APPROVE** Conditional Use Permit to allow an accessory apartment in an R-4 zoning district and Neighborhood form district, with **RELIEF** from Items B and D only to the extent of the existing property, 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 an accessory apartment without further review and approval by the Board.

**The vote was as follows:**

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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 18, 2019**

**PUBLIC HEARING**

**CASE NUMBER 16CUP1076**

Request:	Conditional Use Permit for short-term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Stettler Short Term Rental
Location:	7405 Arnoldtown Road
Owner/Applicant:	Robert and Sherri Stettler
Jurisdiction:	Louisville Metro
Council District:	25 – David Yates
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 5<sup>th</sup> 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:**

**01:54:18** 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:**

Sherri Stettler, 7405 Arnoldtown Road, Louisville, KY 40214

**Summary of testimony of those in favor:**

**01:56:08** Sherri Stettler 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 16CUP1076**

**01:58:54 Board Members' deliberation**

**01:58:58** On a motion by Member Leanhart, seconded by Vice Chair Fishman, 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, and

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

**WHEREAS**, the Board further finds that:

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

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

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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. **The applicant states that there are at least five existing parking spaces on site.**
- 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 16CUP1076 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner in an R-4 zoning district and 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 permitted in the short term rental shall be the lesser of five (5) or that permitted by the Louisville Metro Code of Ordinances.

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**PUBLIC HEARING**

**CASE NUMBER 16CUP1076**

**The vote was as follows:**

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

**02:01:34 Meeting was recessed.**

**02:01:50 Meeting was reconvened.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 18, 2019**

**PUBLIC HEARING**

**CASE NUMBER 18CUP1071**

Request: **THIS CASE WILL NOT BE HEARD BEFORE 5:30 P.M.**  
Conditional Use Permit to allow a rehabilitation home  
Project Name: Driven Purpose Sober Living  
Location: 4610 West Market Street  
Owner/Applicant: Jason Smith  
Jurisdiction: Louisville Metro  
Council District: 5 – Donna Purvis  
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 5<sup>th</sup> 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:**

**02:04:10** 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:**

Jason Smith, 52 Warren Road, Louisville, KY 40206  
Amanda Scott, 4502 Rose Farm Drive, Louisville, KY 40258  
Denell Abney, 3155 South 3<sup>rd</sup> Street, Louisville, KY 40214  
Traci Nall, 4610 W. Market Street, Louisville, KY 40212  
Jolie Campbell, 4502 Rose Farm Drive, Louisville, KY 40258  
Chelsey Roy, 908 Brentwood Ave., Louisville, KY 40215  
Robin Johnson, 3114 Winter Way, Louisville, KY 40272



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 18, 2019**

**PUBLIC HEARING**

**CASE NUMBER 18CUP1071**

**Summary of testimony of those in favor:**

**02:10:27** Jason Smith spoke in favor of the request. Mr. Smith stated they were in operation because they were unaware they needed this CUP; then they found out they were in violation so they ceased operations. Mr. Smith discussed the notices of violation they have received. Mr. Smith stated there would be one full time person on staff plus eight residents. Mr. Smith responded to questions from the Board Members (see recording for detailed presentation).

**02:27:12** Amanda Scott spoke in favor of the request. Ms. Scott briefly explained the operation of Driven Purpose. Ms. Scott stated any residents who need therapy or anything are outsourced to other resources. Ms. Scott stated they do not have any kind of certification, it's not required yet. Ms. Scott stated there is a board that is working on getting those things in process. Ms. Scott responded to questions from the Board Members (see recording for detailed presentation).

**02:46:33** Denell Abney spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**02:53:03** Traci Nall spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**02:58:54** Jolie Campbell spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**03:04:41** Chelsey Roy spoke in favor of the request (see recording for detailed presentation).

**03:06:22** Robin Johnson spoke in favor of the request (see recording for detailed presentation).

**03:08:06 Meeting was recessed.**

**03:08:29 Meeting was reconvened.**

**The following spoke neither for nor against the request:**  
Sam Rose, 400 E. Gray Street, Louisville, KY 40202

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**February 18, 2019**

**PUBLIC HEARING**

**CASE NUMBER 18CUP1071**

**Summary of testimony of those neither for nor against:**

**03:09:00** Sam Rose spoke neither for nor against the request. Ms. Rose stated she works for the Health Department and is the facilitator for the recovery housing task force. Ms. Rose stated they are working on this issue in terms of recovery housing not really having a clear road map in terms of what is expected for them to open, and also for the concerns that the west end community is having in terms of there being a lot of recovery houses, or so called recovery houses in the west end that are creating a lot of problems for them. Ms. Rose stated she does not live in the west end so she's not going to speak to that experience, but they do know that it's a problem. Ms. Rose stated she just wanted to say a little something about something that's coming. Ms. Rose stated there's something called the National Alliance for Recovery Residences. Ms. Rose stated this is a national movement that started out of Minnesota. Ms. Rose stated the State of Kentucky Department for Behavioral Health is currently exploring those standards. Ms. Rose responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

Councilwoman Donna Purvis, 4621 Garland Ave., Louisville, KY 40211  
Keith Morgan, 4119 W. Market St., Louisville, KY 40212  
Wyeth Akeley, 129 Northwestern Pkwy., Louisville, KY 40212  
Sherlena Watkins, 310 S. 38<sup>th</sup> Street, Louisville, KY 40212  
Carmen Weathers-Washington, 4602 W. Market St., Louisville, KY 40212  
Bonnie Cole, 3512 Del Park Terrace, Louisville, KY 40211  
John McCloud, 131 S. Shawnee Terrace, Louisville, KY 40212  
Geraldine Weathers, 3823 W. Broadway, Louisville, KY 40211  
Camille Woods, 1827 W. Chestnut, Louisville, KY 40203  
Mary Dunlap, 124 S. Shawnee Terrace, Louisville, KY 40212  
Michael Allen, 4627 Varble Ave., Louisville, KY 40211  
LaVerne Russell, 121 S. Longworth Ave., Louisville, KY 40212  
Michael Parker, 223 Shawnee Drive, Louisville, KY 40212  
Elaine Daniels, 219 N. 46<sup>th</sup> Street, Louisville, KY 40212  
Anne Peak, Shawnee Christian Healthcare Center, Louisville, KY 40205  
Kathryn Bowen, 420 N. Clark Blvd., Clarksville, IN 47129  
Candice Lofton, 218 S. Shawnee Terrace, Louisville, KY 40212  
John Owen, 653 N. 25<sup>th</sup> Street, Louisville, KY 40212  
Yvonne Harvey, 245 Southwestern Parkway, Louisville, KY 40212  
Latoya Whitlock, 228 S. Shawnee Terrace, Louisville, KY 40212  
Bobby Wright, 100 S. Longworth Ave., Louisville, KY 40212

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**CASE NUMBER 18CUP1071**

**Summary of testimony of those in opposition:**

**03:15:19** Councilwoman Donna Purvis spoke in opposition of the request. Ms. Purvis stated more than half of these facilities reside in 40210, 11 and 12. Ms. Purvis stated it is her opinion that there should be diversity when it comes to location. However, it seems like the appealing thing for these homes to pop up in the west end is the affordability. Ms. Purvis stated the residents in this area are tired of the west end being a dumping ground for things that affect their quality of life. Ms. Purvis stated she is here to support them in opposing this facility (see recording for detailed presentation).

**03:18:22** Keith Morgan spoke in opposition of the request (see recording for detailed presentation).

**03:21:07** Wyeth Akeley spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

**03:24:33** Sherlena Watkins spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

**03:28:15** Carmen Weathers-Washington spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

**03:35:19** Bonnie Cole spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

**03:48:48** John McCloud spoke in opposition of the request (see recording for detailed presentation).

**03:50:43** Geraldine Weather was called, but declined to speak (see recording for detailed presentation).

**03:51:23** Camille Woods spoke in opposition of the request (see recording for detailed presentation).

**03:58:52** Mary Dunlap was called, but declined to speak (see recording for detailed presentation).

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**03:59:11** Michael Allen spoke in opposition of the request (see recording for detailed presentation).

**04:02:12** LaVerne Russell spoke in opposition of the request (see recording for detailed presentation).

**04:08:30** Michael Parker spoke in opposition of the request (see recording for detailed presentation).

**04:10:57** Elain Daniels spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

**04:13:50** Anne Peak spoke in opposition of the request (see recording for detailed presentation).

**04:20:31** Kathryn Bowen spoke in opposition of the request (see recording for detailed presentation).

**04:22:29** Candice Lofton spoke in opposition of the request (see recording for detailed presentation).

**04:26:02** John Owen spoke in opposition of the request (see recording for detailed presentation).

**04:35:55** Yvonne Harvey spoke in opposition of the request (see recording for detailed presentation).

**04:40:46** Latoya Whitlock spoke in opposition of the request (see recording for detailed presentation).

**04:43:43** Bobby Wright was called, but declined to speak (see recording for detailed presentation).

**REBUTTAL:**

**04:44:49** Jason Smith spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

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**CASE NUMBER 18CUP1071**

**04:57:32**     **Board Members' deliberation**

**05:05:51**     On a motion by Member Leanhart, seconded by Member Turner, the following resolution, based upon the presentations heard today from the community and the facility, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the proposal is not consistent with the policies of the Comprehensive Plan; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1071 does hereby **DENY** Conditional Use Permit to allow a rehabilitation home in an R-7 zoning district.

**The vote was as follows:**

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

**No: Member Buttorff**

**Absent: Members Howard, and Jagoe**

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The meeting adjourned at approximately 8:55 p.m.

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**Chair**

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**Secretary**