

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

December 4, 2017

A meeting of the Louisville Metro Board of Zoning Adjustment was held on December 4, 2017 at 8:30 a.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Mike Allendorf, Chair
Rosalind Fishman, Secretary
Lula Howard
Lester Turner
Dwight Young
Richard Buttorff

Members Absent:

Betty Jarboe, Vice Chair

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Haberman, Planning & Design Manager
Steve Hendrix, Planning & Design Supervisor
Beth Jones, Planner II
Dante St. Germain, Planner I
Laura Mattingly, Planner II
Ross Allen, Planner I
Harold Harlow, Plan Examiner II – Codes & Regulations
Paul Whitty, Legal Counsel
Travis Fiechter, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

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APPROVAL OF MINUTES

**NOVEMBER 20, 2017 BOARD OF ZONING ADJUSTMENT MEETING
MINUTES**

00:02:58 On a motion by Member Fishman, seconded by Member Howard, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on November 20, 2017.

The vote was as follows:

Yes: Members Fishman, Turner, Young, Buttorff, and Chair Allendorf

Abstain: Member Howard

Absent: Vice Chair Jarboe

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PUBLIC HEARING

CASE NUMBER 17VARIANCE1080

Request:	Variance to allow a structure to encroach into the required side yard setback
Project Name:	Future Car Sales Shed
Location:	8038 Dixie Highway
Owner:	Eugene Atkins
Applicant:	Faysal Hassan
Representative:	Faysal Hassan
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Dante St. Germain, 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:

00:04:21 Dante St. Germain presented the case and showed a Powerpoint presentation. Ms. St. Germain responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

No one spoke. The applicant was not present.

The following spoke in opposition of the request:

No one spoke.

NOTE: The Board Members, by general consensus, tabled this case to later in the docket to allow staff an opportunity to contact the applicant (see recording for detailed presentation).

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CASE NUMBER 17VARIANCE1080

The following spoke in favor of the request:

Lori Berry, 8038 Dixie Highway, Louisville, KY 40258

Summary of testimony of those in favor:

01:17:17 Lori Berry spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:22:35 Board Members' deliberation

01:23:00 On a motion by Member Howard, seconded by Member Fishman, the following resolution 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 shed will be enclosed by an existing fence, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the fence will screen the shed from view, and the fence has existed for several years, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the shed will be constructed according to building code, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the shed will be largely concealed by the existing fence. There is also an elevation change between the subject property and the single-family residence to the west, which will further conceal the shed, 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 location where the shed is proposed is already enclosed by a privacy fence, and further concealed by an elevation change, and

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WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by preventing the applicant from constructing the shed, 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 17VARIANCE1080 does hereby **APPROVE** Variance from Land Development Code Section 5.3.2.C.2.b to allow a structure to encroach into the required side yard setback where a non-residential use abuts a structure with first floor residential use (**Requirement 25 ft., Request 16.9 ft., Variance 8.1 ft.**), based upon the Staff Report, and the applicant's justification.

The vote was as follows:

Yes: Members Fishman, Howard, Turner, Young, Buttorff, and Chair Allendorf

Absent: Vice Chair Jarboe

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PUBLIC HEARING

CASE NUMBER 17VARIANCE1082

Request:	Variance to allow a structure to exceed the allowed infill street side yard setback
Project Name:	2502 Hawthorne Avenue Garage
Location:	2502 Hawthorne Avenue
Owner:	Daniel & Denise Davis
Applicant:	Daniel Davis
Representative:	Daniel Davis
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Dante St. Germain, 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:

00:17:28 Dante St. Germain presented the case and showed a Powerpoint presentation. Ms. St. Germain responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Dan Davis, 2502 Hawthorne Avenue, Louisville, KY 40205

Summary of testimony of those in favor:

00:22:05 Dan Davis spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:23:59 Ms. St. Germain responded to a question from Member Turner in regard to the infill street side yard setback (see recording for detailed presentation).

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00:26:00 Mr. Davis responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

00:27:03 Board Members' deliberation

00:27:43 On a motion by Member Fishman, seconded by Member Buttorff, the following resolution 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 garage will be constructed according to building code, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed garage is similar to other existing garages along the same alley, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the garage will be constructed according to building code, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the garage is being moved to gain access from the alley, and will bring the property more into compliance with the character of the neighborhood by accessing the alley rather than Stratford Avenue, and

WHEREAS, the Board further finds that the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lot is regular in shape and similar in size to other lots in the area, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the applicant to build much closer to Stratford Avenue and require vehicles turning into the garage to maneuver more sharply, and

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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 17VARIANCE1082 does hereby **APPROVE** Variance from Land Development Code Section 5.1.12.B.2.e.i.1 to allow a structure to exceed the allowed infill street side yard setback (**Requirement 15 ft., Request 23 ft., Variance 8 ft.**), based upon the Staff Report, the presentation, and the applicant's justification.

The vote was as follows:

Yes: Members Fishman, Howard, Turner, Young, Buttorff, and Chair Allendorf

Absent: Vice Chair Jarboe

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CASE NUMBER 17VARIANCE1068

Request:	Variance to allow a structure to encroach into the side yard setback
Project Name:	922 Swan Street Addition
Location:	922 Swan Street
Owner:	Bryan Gillespie
Applicant:	Bryan Gillespie
Representative:	Bryan Gillespie
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Dante St. Germain, 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:

00:31:00 Dante St. Germain presented the case and showed a Powerpoint presentation. Ms. St. Germain stated a Stop Work Order was issued for construction without a building permit. Ms. St. Germain stated a building permit application was submitted on 8/25/17 and it was never issued because the variance request on October 30th was denied by this Board. Ms. St. Germain stated staff conclusions remain unchanged. Ms. St. Germain stated we did receive a letter late Friday from counsel that is currently representing the applicant. Ms. St. Germain stated there is a lot of information in this, but the takeaways are that no changes are being proposed to the subject property; all of the changes are being proposed to the neighboring property and therefore staff conclusions have not changed. Ms. St. Germain responded to questions from the Board Members (see staff report and recording for detailed presentation).

00:38:57 Harold Harlow (Codes & Regulations) responded to questions from the Board Members (see recording for detailed presentation).

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The following spoke in favor of the request:

Jon Baker, 500 W. Jefferson St., Louisville, KY 40202

Greg Ehrhard, 400 W. Market St., Suite 1800, Louisville, KY 40202

Summary of testimony of those in favor:

00:46:07 Jon Baker spoke on behalf of the applicant in favor of the request. Mr. Baker stated on November 20 he had requested this Board to reconsider a variance that had been denied on October 30th. Mr. Baker stated he had appeared with the adjacent property owner's counsel in hopes that they could work something out between the two property owners. Mr. Baker stated he followed that up with a letter, and they are happy they have a compromise that they believe should remedy this situation. Mr. Baker stated there are basically four points, and Dante is correct that these improvements will be done to the 924 Swan Street property, and that is something that the property owner is okay with. Mr. Baker provided some photographs to the Board Members to show for the record that this area does have zero lot line situations. Mr. Baker responded to questions from the Board Members (see recording for detailed presentation).

00:56:32 Mr. Harlow provided additional testimony regarding criteria needed for the building permit. Mr. Harlow responded to questions from the Board Members (see recording for detailed presentation).

00:59:09 Greg Ehrhard spoke in favor of the request. Mr. Ehrhard stated he is speaking in favor of the request on behalf of his client who is the property owner of 924 Swan Street (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:01:14 Board Members' deliberation

01:12:54 On a motion by Member Fishman, seconded by Member Howard, the following resolution 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

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new construction must be built according to all applicable building codes, including fire codes. The additions will have to comply with building and fire codes even if they must be retrofitted to comply, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the neighborhood is characterized by narrow homes with narrow separations between the buildings, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as building codes will have to be followed, even if after-the-fact modifications must be made to the additions for compliance, 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 previously-existing principal structure was built on the side property line with no side yard, and the applicant rebuilt the structure on the same foundation, 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 17VARIANCE1068 does hereby **APPROVE** Variance from Land Development Code Section 5.1.10.F to allow a structure to encroach into the required side yard setback (**Requirement 2.5 ft., Request 0 ft., Variance 2.5 ft.**), based upon the Staff Report, the presentation, the site plan and elevations, and the applicant's justification, and **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The written agreement between the subject property owner at 922 Swan Street and the property owner at 924 Swan Street shall be submitted for the case file as part of the permanent record, with the understanding there shall be no enforcement actions on behalf of staff in regard to said agreement.

The vote was as follows:

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

Abstain: Member Young

Absent: Vice Chair Jarboe

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CASE NUMBER 17VARIANCE1087

Request:	Variance to allow a structure to encroach into the required front yard setback
Project Name:	7101 Fontendleau Way Carport
Location:	7101 Fontendleau Way
Owner:	Ronald & Joan Bennett
Applicant:	Ronald Bennett
Representative:	Ronald Bennett
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Dante St. Germain, 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:

01:25:36 Dante St. Germain presented the case and showed a Powerpoint presentation. Ms. St. Germain responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Ronald and Terese Bennett, 7101 Fontendleau Way, Louisville, KY 40291

Summary of testimony of those in favor:

01:30:52 Ronald Bennett spoke in favor of the request and explained why they are requesting the variance. Mr. Bennett responded to questions from the Board Members (see recording for detailed presentation).

01:40:36 Terese Bennett spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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01:41:09 Mr. Bennett responded to questions from the Board Members (see recording for detailed presentation).

01:45:04 Mrs. Bennett responded to questions from the Board Members (see recording for detailed presentation).

01:46:20 Mr. Bennett spoke in favor of the request and responded to questions from the Board Members. Mr. Bennett read a letter from a neighbor in support of the request (see recording for detailed presentation).

01:48:43 Board Members' deliberation

01:55:39 On a motion by Member Fishman, seconded by Member Young, the following resolution 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 carport will not be enclosed and will not affect sight lines at the corner, and

WHEREAS, the Board further finds that the requested variance may alter the essential character of the general vicinity, however, the modification and the request for relief to accommodate a handicap accessible vehicle offsets the altering of the area, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the carport will be constructed according to building code, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations, and

WHEREAS, the Board further finds that the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lot is regular in shape and similar in size to other corner lots in the area, and

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

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CASE NUMBER 17VARIANCE1087

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17VARIANCE1087 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow a structure to encroach into the required front yard setback (**Requirement 30 ft., Request 1 ft., Variance 29 ft.**), based upon the Staff Report with exception to Items B and D on Page 2 and Items 2 and 3 on Pages 2 and 3, and the applicant's justification.

The vote was as follows:

Yes: Members Fishman, Howard, Young, Buttorff, and Chair Allendorf

No: Member Turner

Absent: Vice Chair Jarboe

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CASE NUMBER 17VARIANCE1090

Request:	Variance for Building Setback
Project Name:	Eastpoint Office Park
Location:	13105 Eastpoint Park Blvd
Owner:	Terry Chenoweth
Applicant:	Terry Chenoweth
Representative:	Ed Bornstein
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Laura Mattingly, 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:

02:00:20 Laura Mattingly presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Terry Chenoweth, 15311 Crystal Springs Way, Louisville, KY 40245

Summary of testimony of those in favor:

02:04:22 Terry Chenoweth spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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02:10:09 Board Members' deliberation

02:11:10 On a motion by Member Howard, seconded by Member Turner, the following resolution 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 setback of the building does not affect the site triangle for drivers or pedestrians, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the setback appears similar to other existing buildings within the office park, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the building does not encroach into any public utility easements and does not appear to cause any nuisance to users of the park, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as there is still a 25' setback from the edge of pavement, 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 as the building was constructed based on the edge of pavement, which is 10' from the easement line, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as compliance would require the demolition of a portion of the building, and

WHEREAS, the Board further finds that the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as a setback of 25' from the edge of the easement was shown on the plan and these regulations were in place when the building was constructed, and

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

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CASE NUMBER 17VARIANCE1090

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17VARIANCE1090 does hereby **APPROVE** Variance from Land Development Code Section 5.3.2.C.2.b to allow a building to be setback 15 feet from a private access easement (**Requirement 25 ft., Request 15 ft., Variance 10 ft.**), based upon the presentation, the Staff Report, the applicant's presentation, the applicant's justification, the site plan, the elevation and the minor plat.

The vote was as follows:

Yes: Members Fishman, Howard, Turner, Young, and Chair Allendorf

Abstain: Member Buttorff

Absent: Vice Chair Jarboe

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CASE NUMBER 17DEVPLAN1192

Request:	Variance from LDC Section 5.4.3.D.3.a to allow a proposed 12,794 sf. (Cat 2B) to encroach 25 feet into the 25 foot front setback along South Brook Street
Project Name:	4001 South Brook Street CAT2B
Location:	4001 South Brook Street
Owner:	Anna Tatum – Wilder Park Properties LLC.
Applicant:	Anna Tatum – Wilder Park Properties LLC.
Representative:	Karl Lentz – Evans/Griffin Inc.
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Ross Allen, Planner I

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:

02:13:22 Ross Allen presented the case and showed a Powerpoint presentation. Mr. Allen responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Karl Lentz, 4010 Dupont Circle, Louisville, KY 40207

Gil Stein, Jr., 1932 Roanoke Avenue, Louisville, KY (was sworn in, but did not speak)

James L. Griffin, 4010 Dupont Circle, Louisville, KY 40207 (was sworn in, but did not speak)

Summary of testimony of those in favor:

02:21:10 Karl Lentz spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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02:26:45 Board Members' deliberation

02:27:44 On a motion by Member Fishman, seconded by Member Howard, the following resolution 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 encroachment of the building addition and ensuing construction will require sidewalks to be built along the frontage of the subject property. The sidewalks will contribute to the public health, safety, and welfare of the surrounding properties, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity because the building addition will be consistent with the existing building layout along the east side of South Brook Street, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because the new street access to the building addition will not be required and a sidewalk will be provided, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations because traffic patterns will not be affected and pedestrian movement will be enhanced, and

WHEREAS, the Board further finds that the requested variance does not arise from any special circumstances. The applicant is expanding into the front yard setback along a public road to add the maximum building square footage to allow the feasibility of the project along with the needs of the business, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land by not allowing sufficient building addition square footage for business needs, and

WHEREAS, the Board further finds that the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations but rather are a result of the existing building layout and the need for additional building square footage for the business, and

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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 17DEVPLAN1192 does hereby **APPROVE** Variance from Land Development Code 5.3.4.D.3.a (August 2017a) to encroach into the 25 foot front setback along South Brook Street by approximately 25 feet (**Requirement 25 ft., Request 0 ft., Variance 25 ft.**), based upon the presentation, the Staff Report, the applicant's justification, and the site plan of 9/27/17.

The vote was as follows:

Yes: Members Fishman, Howard, Turner, Young, Buttorff, and Chair Allendorf

Absent: Vice Chair Jarboe

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CASE NUMBER 17CUP1076

Request:	Conditional Use Permit to allow a short term rental of dwelling units in the TNZD
Project Name:	Short-Term Rental
Location:	1220 S. 6th Street
Owner:	Luanne Maguire
Applicant:	Luanne Maguire
Representative:	Luanne Maguire
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency Testimony:

02:30:03 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:

Luanne Maguire, 1226 S. 6th Street, Louisville, KY

Summary of testimony of those in favor:

02:33:53 Luanne Maguire spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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02:38:39 Board Members' deliberation

02:38:58 On a motion by Member Fishman, seconded by Member Turner, the following resolution 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. Exterior alteration is limited to a fire escape on the rear of the building providing access to the second and third floors, 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. **Each dwelling unit is limited to a single contract.**
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **LDC regulations permit up to six guests in the first floor one-bedroom unit and up to 10 guests in the second/third floor unit. The applicant is limiting the number of guests to four and eight, respectively.**
- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **The dwelling units are located within a duplex building.**

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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 regulations credit the property frontage of approximately 80 ft. with four on-street parking spaces. Additional parking for three vehicles is available off the alley at the rear of the property.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17CUP1076 does hereby **APPROVE** Conditional Use Permit to allow short term rental of dwelling units in the Old Louisville TNZD, based upon the Staff Report, the presentation, and **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 is restricted to four in the one-bedroom unit and eight in the three-bedroom unit.

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2017

PUBLIC HEARING

CASE NUMBER 17CUP1076

The vote was as follows:

**Yes: Members Fishman, Howard, Turner, Young, Buttorff, and Chair
Allendorf**

Absent: Vice Chair Jarboe

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2017

CHAIRMAN OR COMMISSION DIRECTOR'S REPORT

CASE NUMBER 17MISC1073

Proposed Amendment to BOZA Bylaws Related to Regular Meeting Time

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:

02:40:25 Joe Haberman presented the Proposed Amendment to BOZA Bylaws Related to Regular Meeting Time. Mr. Haberman stated the 2018 meeting dates were agreed upon at the last meeting, and now the Board will be deciding the regular meeting time. The Board Members discussed the proposed change (see recording for detailed presentation).

02:46:11 On a motion by Member Howard, seconded by Member Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17MISC1073 does hereby **APPROVE** Proposed Amendment to BOZA Bylaws Related to Regular Meeting Time, **changing the Regular Meeting Time to 1:00 p.m., to be effective with the first meeting in January, 2018.**

The vote was as follows:

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

No: Member Fishman

Absent: Vice Chair Jarboe

BOARD OF ZONING ADJUSTMENT MINUTES
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ADJOURNMENT

The meeting adjourned at approximately 11:52 a.m.

Chair

Secretary