

**BARDENWERPER, TALBOTT & ROBERTS, PLLC**  
ATTORNEYS AT LAW

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November 26, 2019

Mr. Chris French  
Louisville Metro Planning and Design Services  
444 South Fifth Street  
Louisville, KY 40202

RE: 19CUP-0141; 1849 Yale Drive

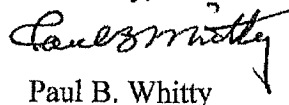
Dear Mr. French:

This firm has been retained by Yale Homes LLC in regard to the above-referenced short term rental conditional use permit application which was denied on November 4, 2019. Pursuant to BOZA Policy 3.02.04, applicants are prohibited from reapplying for one year unless "(a) the new application differs significantly from the original application" which means "(b) any other difference the Board finds to constitute a significant change from the original application." A review of the hearing reveals that the single most critical issue was parking. Parking is generally dictated by the number of guests at any one time. The Applicant had proposed eight guests which would normally require four parking spaces. Testimony and photographic evidence established that, in addition to one on-street parking space, there was room for four cars in the driveway.

The Applicant is willing to reduce the maximum number of guests to six which would eliminate the need for on-street parking and would easily accommodate three cars.

There are a limited number of issues in short term rental cases, and the availability of parking is perhaps the most important consideration, particularly in residential neighborhoods. We believe this change is a "significant difference" in the context of this case. Please consider allowing our reapplication to be filed in light of this change. Thank you for your consideration.

Sincerely,



Paul B. Whitty

Copy: Nick Schweitzer  
Breno Giacomini  
Jonathon Klump

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**November 4, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0141**

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

Project Name: Schweitzer Short Term Rental

Location: 1849 Yale Drive

Owner: Nicholas Schweitzer

Representative: Jonathan Klunk

Jurisdiction: Louisville Metro

Council District: 8 – Brandon Coan

Case Manager: Jon E. Crumbie, Planning and Design Coordinator

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

**03:17:16** 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:**  
Jonathan Klunk, 1372 S. 6<sup>th</sup> Street, Louisville, KY 40208

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

**03:19:27** Jonathan Klunk 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:**  
Heather Cruikshank, 1852 Yale Drive, Louisville, KY 40205



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**November 4, 2019**

**PUBLIC HEARING**

**CASE NUMBER 19-CUP-0141**

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

**03:29:37** Heather Cruikshank spoke in opposition of the request (see recording for detailed presentation).

**REBUTTAL:**

**03:36:06** Jonathan Klunk spoke in rebuttal (see recording for detailed presentation).

**03:39:24 Board Members' deliberation**

**03:42:29** On a motion by Member Buttorff, seconded by Vice Chair Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that parking is inadequate, and the use is not conducive to the fabric of the neighborhood or the well-being of the neighbors; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0141 does hereby **DENY** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner/host in an R-5 Zoning District and Neighborhood Form District.

**The vote was as follows:**

**Yes: Members Buttorff, Turner, Goatley, and Vice Chair Leanhart**

**No: Chair Howard**

**Absent: Member Jagoe**