

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

March 2, 2020

A meeting of the Louisville Metro Board of Zoning Adjustment was held on March 2, 2020 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Lula Howard, Chair
Kimberly Leanhart, Vice Chair
Richard Buttorff, Secretary
Lester Turner, Jr.
LiAndrea Goatley

Members Absent:

Lindsey Jagoe

Staff Members Present:

Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Steve Hendrix, Planning & Design Coordinator
Jon Crumbie, Planning & Design Coordinator
Beth Jones, Planner II
Nia Holt, Planner I
Zach Schwager, Planner I
John Carroll, Legal Counsel
Laura Ferguson, Legal Counsel
Rachel Dooley, Management Assistant

The following cases were heard:

BOARD OF ZONING ADJUSTMENT MINUTES
March 2, 2020

APPROVAL OF MINUTES

FEBRUARY 3, 2020 REVISED BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:09:14 On a motion by Member Turner, seconded by Member Goatley, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the REVISED minutes of the February 3, 2020 Board of Zoning Adjustment meeting.

The vote was as follows:

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

Absent: Member Jagoe

FEBRUARY 17, 2020 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:10:21 On a motion by Member Turner, seconded by Member Goatley, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the February 17, 2020 Board of Zoning Adjustment meeting.

The vote was as follows:

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

Abstain: Member Buttorff

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0009

Request:	Variance to allow a structure to encroach into the front yard setback on an infill lot.
Project Name:	Watterson Trl Variance
Location:	8101 Watterson Trail
Owner/Applicant:	Terry Hill
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Nia Holt, 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:

00:11:27 Nia Holt presented the case and showed a Powerpoint presentation. Ms. Holt provided the Board Members with approval received from the Health Department this morning. Ms. Holt responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Terry S. Hill, 8101 Watterson Trail, Louisville, KY 40299

Summary of testimony of those in favor:

00:18:03 Terry Hill 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.

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0009

00:34:55 **Board Members' deliberation**

00:36:45 A motion was made by Member Buttorff, seconded by Vice Chair Leanhart, that Case Number 20-VARIANCE-0009, Variance from Land Development Code Section 5.1.12.B.2.e to allow a structure to encroach into the front yard setback on an infill lot, be **DENIED**, based upon the Standard of Review and Staff Analysis, the testimony heard today, and because it will alter the essential character of the general vicinity and the design does not comply with the surrounding areas.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0284

Request: Conditional Use Permit for a short term rental of one dwelling unit of a duplex that is not the primary residence of the host within the Traditional Neighborhood Zoning District

Project Name: East St. Catherine Street STR

Location: 214 East St. Catherine Street

Owner/Applicant: Dione Amirkhan

Attorney: Nick Pregliasco

Jurisdiction: Louisville Metro

Council District: 6 –David James

Case Manager: Steve Hendrix, Planning and Design Coordinator

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

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

Agency testimony:

00:39:33 Steve Hendrix presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223

Summary of testimony of those in favor:

00:44:33 Nick Pregliasco 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.

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0284

00:59:51 Board Members' deliberation

01:07:36 On a motion by Vice Chair 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 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 or the Short Term Rental of a condominium unit that is 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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The short term rental dwelling unit has two bedrooms which would allow for six guests.**

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0284

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there are four properties with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property. Another property has a short term rental and is owner occupied. The duplex will contain one long term rental unit and a short term rental unit. The applicant/owner lives at 1332 South Second Street which is approximately 3,330 feet away using the sidewalk. The applicant has requested relief from Item D.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The structure is duplex.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for 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. **The property has three on-site parking spaces and two parking spaces along East St. Catherine Street.**

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0284

- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0284 does hereby **APPROVE** Conditional Use Permit to allow short term rental of one dwelling unit of a duplex that is not the primary residence of the host in a Traditional Neighborhood Zoning District and Traditional Neighborhood Form District, with **RELIEF** from Standard 4D because this property has no adverse effect on the surrounding neighborhood and that it is up against a highway, and there is sufficient parking in the rear, and **SUBJECT** to the following Condition of Approval:

BOARD OF ZONING ADJUSTMENT MINUTES
March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0284

Condition of Approval:

1. The subject Conditional Use Permit for short term rentals shall apply only to the dwelling unit located on the first floor at 214 East St. Catherine Street. A modification of the Conditional Use Permit shall be required before short term rentals can be operated on the second floor unit, whether instead of or in addition to the first floor unit.

The vote was as follows:

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

No: Member Buttorff

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0286

Request:	Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Bass short term rental
Location:	1213 Central Avenue
Owner/Applicant:	Soul Proprietorship, LLC
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

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

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

01:10:51 A motion was made by Member Goatley, seconded by Member Turner, that Case Number 19-CUP-0286 be **CONTINUED** to the March 16, 2020 Board of Zoning Adjustment meeting.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0288

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

Project Name: William Street Short Term Rental

Location: 124 William Street

Owner: Btree Properties, LLC

Applicant: Jacob Branch – Btree Properties, LLC

Jurisdiction: Louisville Metro

Council District: 9 – Bill Hollander

Case Manager: Zach Schwager, Planner I

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

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

Agency testimony:

01:12:00 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Loretta Hellmann, 6902 Beard Ct., Louisville, KY 40228

Summary of testimony of those in favor:

01:14:07 Loretta Hellmann spoke in favor of the request and responded to questions from the Board Members. Ms. Hellmann discussed her justification for requesting relief from Standard 4D (see recording for detailed presentation).

The following spoke in opposition of the request:

Councilman Bill Hollander, 202 S. Peterson Ave., Louisville, KY 40206

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0288

Mike O'Leary, 1963 Payne St., Louisville, KY 40206

William Lieshoff, 250 Crescent Hill Place, #102, Louisville, KY 40206

Summary of testimony of those in opposition:

01:19:54 Councilman Bill Hollander spoke in opposition of the request. Councilman Hollander stated he is speaking in opposition because the justification provided for waiving the 600 foot rule is extraordinarily weak. Councilman Hollander stated every non-owner occupied short term rental takes a unit of housing stock off of the market for the people who live here 365 days a year. Councilman Hollander stated as supply is reduced prices go up making our affordable housing crisis in this community worse and worse. Councilman Hollander responded to comments by the Board Members (see recording for detailed presentation).

01:27:52 Mike O'Leary spoke in opposition of the request. Mr. O'Leary stated he is president of the Clifton Community Council. Mr. O'Leary stated his neighborhood has discussed quite lengthy the pros and cons of short term rentals for non-residents. Mr. O'Leary requested the Board deny this request strictly because there are already three within 600 foot (see recording for detailed presentation).

01:30:59 William Lieshoff spoke in opposition of the request. Mr. Lieshoff stated he concurs with many of the comments that have been made. Mr. Lieshoff stated making exceptions to the 600 foot rule concerns him (see recording for detailed presentation).

REBUTTAL:

01:34:41 Loretta Hellmann spoke in rebuttal. Ms. Hellmann spoke in regard to the proximity of the property to attractions in the area. Ms. Hellmann discussed parking (see recording for detailed presentation).

01:36:44 Board Members' deliberation

01:37:25 On a motion by Vice Chair Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0288

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the request does not meet all of the listed requirements and the Conditional Use Permit cannot be approved; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0288 does hereby **DENY** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63).

The vote was as follows:

Yes: Member Buttorff, Vice Chair Leanhart, and Chair Howard

No: Members Turner, and Goatley

Absent: Member Jagoe

01:38:36 Meeting was recessed.

01:38:59 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0289

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

Project Name: Bischof short term rental

Location: 1894 Douglas Boulevard

Owner/Applicant: David Bischof

Jurisdiction: Louisville Metro

Council District: 8 – Brandon Coan

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

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

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

Agency testimony:

01:39:22 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:

Brandon Farmer, 14005 Broadripple Pl., Louisville, KY 40299

Summary of testimony of those in favor:

01:42:34 Brandon Farmer 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.

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0289

01:51:27 Board Members' deliberation

01:51:58 On a motion by Member Goatley, 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 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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that the residence has two bedrooms that will allow a maximum number of six guests.**

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0289

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the last Board meeting there are no approved short term rental conditional use permits within 600 feet of the subject property.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for 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. **The site has credit for on-street parking and there appears to be ample parking spaces along the street. The applicant states that there are four spaces at the rear.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0289

revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0289 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-5 Zoning District and Neighborhood Form District, **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The subject Conditional Use Permit for short term rentals shall apply only to the dwelling unit located on the second floor at 1894 Douglas Boulevard. A modification of the Conditional Use Permit shall be required before short term rentals can be operated on the first floor unit, whether instead of or in addition to the second floor unit.

BOARD OF ZONING ADJUSTMENT MINUTES
March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0289

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0003

Request: Conditional Use Permit for a short term rental of a dwelling unit that is the primary residence of the host within the Traditional Neighborhood Zoning District

Project Name: South Third Street

Location: 1450 South Third Street

Owner/Applicant: James Miller

Jurisdiction: Louisville Metro

Council District: 6 –David James

Case Manager: Steve Hendrix, Planning and Design Coordinator

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

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

Agency Testimony:

01:54:25 Steve Hendrix presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

James Miller, 1450 S. 3rd Street, Louisville, KY 40208

Summary of testimony of those in favor:

01:56:58 James Miller spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:01:18 Joe Haberman responded to a question from Legal Counsel regarding enforcement of maintenance of primary residency (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0003

02:03:22 Mr. Miller responded to questions from the Board Members. Mr. Miller, the Board Members and Staff discussed primary residence and the proposed Condition of Approval (see recording for detailed presentation).

The following spoke in opposition of the request:

Helga Ulrich, 112 E. Ormsby Ave., Louisville, KY 40203

Summary of testimony of those in opposition:

02:08:58 Helga Ulrich spoke in opposition of the request. Ms. Ulrich stated the literature for this particular case has a note that states the applicant will rent out all or part of the house. Ms. Ulrich stated this "all or part" is what concerns her because this is a single family unit. Ms. Ulrich stated the TNZD does not permit rooming houses (see recording for detailed presentation).

02:12:12 Joe Haberman stated he would like the applicant to explain exactly what their intent was, but Ms. Ulrich is correct, you can't do a boarding house in Old Louisville. Mr. Haberman explained the difference between a boarding house and a short term rental. Mr. Haberman stated you don't have to give them access to the entire house for a short term rental; as long as it's a single dwelling and they're sharing amenities he can dedicate one room at a time to a short term rental guest, as long as he's not dedicating multiple rooms to different guests at the same time (see recording for detailed presentation).

REBUTTAL:

02:13:35 James Miller spoke in rebuttal. Mr. Miller explained his intention for short term rental of his property. Mr. Miller stated he understands that he can only have one short term rental at a time (see recording for detailed presentation).

02:15:08 Board Members' deliberation

02:16:26 On a motion by Member Goatley, seconded by Vice Chair Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0003

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 or the Short Term Rental of a condominium unit that is 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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The dwelling has three bedrooms which will allow for eight guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **The proposal is within the TNZD, is owner occupied and the host has agreed to the condition of maintaining primary residency at 1450 South Third Street.**

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0003

- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The structure is a single family dwelling.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for 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. **The property has four on-site parking spaces and 32 feet of street frontage on South Third Street.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0003

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0003 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is the primary residence of the host in a Traditional Neighborhood Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The Host of record for the short term rental shall maintain his primary residence in the dwelling unit on the subject property. In the event that the Host establishes primary residence on another property, he must immediately cease conducting short term rentals on the subject property. A new conditional use permit shall be required to allow for short term rentals on the property that is not the primary residence of the Host.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0004

Request:	Conditional Use Permit to allow a short term rental of a dwelling unit in the Traditional Neighborhood Zoning District
Project Name:	Ormsby Ct Short Term Rental
Location:	1240 Ormsby Court
Owner/Applicant	Teresa Lajara & Arlene Grullon
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Nia Holt, 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:

02:19:25 Nia Holt presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Teresa Lajara, 1240 Ormsby Ct., Louisville, KY 40203
Penny Johnson, 627 Floral Terrace, Louisville, KY 40208

Summary of testimony of those in favor:

02:22:08 Teresa Lajara spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:25:27 Penny Johnson spoke in favor of the request. Ms. Johnson stated she is asking the homeowner, since she is not part of the Neighborhood Association, to become more active in it, and maybe a condition could be listed

BOARD OF ZONING ADJUSTMENT MINUTES
March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0004

as to how often she intends to make it short term rental (see recording for detailed presentation).

The following spoke in opposition of the request:

Helga Ulrich, 112 E. Ormsby Ave., Louisville, KY 40203

Summary of testimony of those in opposition:

02:29:15 Helga Ulrich spoke in opposition of the request. Ms. Ulrich stated she is concerned about renting out a room in a single family house. Ms. Ulrich spoke in regard to parking issues (see recording for detailed presentation).

REBUTTAL:

02:33:27 Teresa Lajara spoke in rebuttal. Ms. Lajara stated they are happy to be part of the homeowner's association. Ms. Lajara spoke about when she intends to rent. Ms. Lajara stated they will not rent when they are not there. Ms. Lajara spoke in regard to parking (see recording for detailed presentation).

02:38:22 Board Members' deliberation

02:39:33 On a motion by Vice Chair Leanhart, seconded by Member Goatley, 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 proposed use 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

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0004

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

WHEREAS, the Board further finds that:

Short Term Rental of a dwelling unit that is not the primary residence of the host or the Short Term Rental of a condominium unit that is 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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The applicant has indicated there are 3 bedrooms. This will allow for up to eight (8) guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which requires a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there are four properties with an approved conditional use permit for short term rental of a dwelling unit not the primary residence of the host within 600 ft of the subject property (see Attachment 3). There are two approved short term rental conditional use permits for dwellings units which are host occupied and will not impact this proposal. The applicants have stated in their application this property is their property residence.**

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0004

- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The structure is a single-family residence.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for 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. **There is no parking on site. However, there is ample street parking available in the surrounding area on S. 7th Street and W. Ormsby Ave.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0004

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0004 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit located within the TNZD (LDC 4.2.63), **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The Host of record for the short term rental shall maintain his or her primary residence in the dwelling unit on the subject property. In the event that the Host establishes primary residence on another property, he or she must immediately cease conducting short term rentals on the subject property. A new conditional use permit shall be required to allow for short term rentals on the property that is not the primary residence of the Host.

The vote was as follows:

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

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0032

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

Project Name: Myrtle Street

Location: 610 Myrtle Street

Owner/Applicant: BNDF, LLC, Nancy Wilkinson

Jurisdiction: Louisville Metro

Council District: 6 –David James

Case Manager: Steve Hendrix, Planning and Design Coordinator

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

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

Agency testimony:

02:41:35 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:

Nancy Wilkinson, 11706 Ridge Road, Louisville, KY 40222

Summary of testimony of those in favor:

02:45:01 Nancy Wilkinson spoke in favor of the request. Ms. Wilkinson explained why she did not register within thirty days. Ms. Wilkinson responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0032

The following spoke in opposition of the request:

Penny Johnson, 627 Floral Terrace, Louisville, KY 40208

Summary of testimony of those in opposition:

02:48:59 Penny Johnson spoke in opposition of the request. Ms. Johnson stated she is in opposition because of the 600 foot guideline. Ms. Johnson stated they have difficulty as neighborhoods to maintain some consistency in the neighborhood that draws people to their neighborhood, and that's residency. Ms. Johnson responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

02:54:31 Nancy Wilkinson spoke in rebuttal. Ms. Wilkinson stated she is concerned about the neighborhood and feels she is a good neighbor. Ms. Wilkinson stated the neighbors have her phone number. Ms. Wilkinson responded to questions from the Board Members (see recording for detailed presentation).

02:59:09 Board Members' deliberation

03:00:57 On a motion by Member Goatley, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0032

WHEREAS, the Board further finds that:

Short Term Rental of a dwelling unit that is not the primary residence of the host or the Short Term Rental of a condominium unit that is 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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The applicant states that the residence has two bedrooms which will allow for six guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there is one property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host. The applicant has requested relief to this provision in accordance with LDC Section 4.2.2.B. If the Board does not grant relief, the application does not meet all of the listed requirements and the Conditional Use Permit cannot be approved. Justification letter is attached.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0032

unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The dwelling unit is a single family residence.**

- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for 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. **The site has credit for one parking space along Myrtle Street and other street parking is available.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

BOARD OF ZONING ADJUSTMENT MINUTES

March 2, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0032

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0032 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a single family dwelling unit that is not the primary residence of the host in a Traditional Neighborhood Zoning District, with **RELIEF** from Standard 4D because of its proximity to M-2 Zoned property and the Traditional Workplace Form District.

The vote was as follows:

Yes: Members Buttorff, Turner, and Goatley

No: Vice Chair Leanhart, and Chair Howard

Absent: Member Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-APPEAL-0004

Request:	Appeal of an Administrative Decision
Project Name:	Powell Avenue Appeal
Location:	3744 Powell Avenue
Appellant:	R. Louis Hobbs
Representative:	R. Louis Hobbs
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Jon E. Crumbie, Planning and Design Coordinator

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

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

Agency testimony:

03:04:16 Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

03:05:03 Chris French, Planning & Design Supervisor, stated this case was continued from the last meeting and two of the Board Members present today were not at that meeting, so it's probably appropriate to ask whether they were able to view the video from that meeting. Vice Chair Leanhart stated she did watch the video live. Member Buttorff stated he did not view the video. Joe Haberman, Planning & Design Manager, stated staff would advise Member Buttorff to consider abstaining or recusing. Member Buttorff recused himself from this case (see recording for detailed presentation).

03:06:10 Jon Crumbie responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

R. Louis Hobbs, 6800 Riggs Drive, Louisville, KY 40291

BOARD OF ZONING ADJUSTMENT MINUTES
March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-APPEAL-0004

Summary of testimony of those in favor:

03:07:39 R. Louis Hobbs 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.

REBUTTAL:

03:09:33 Mr. Crumbie declined rebuttal but stated the Board will need to determine the area of the property utilized, because we're only dealing with the house; there is another structure in the rear (see recording for detailed presentation).

03:10:05 Board Members' deliberation

03:16:56 On a motion by Member Goatley, seconded by Vice Chair Leanhart, the following resolution, based upon the additional material provided, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the residential use (dwelling, duplex) existed on the property in 1971, and

WHEREAS, the Board further finds that the use of this property (primary structure) has continued to the present day; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-APPEAL-0004 does hereby **OVERTURN** Staff's decision and **APPROVE** the Appeal of an administrative decision regarding nonconforming rights.

BOARD OF ZONING ADJUSTMENT MINUTES
March 2, 2020

PUBLIC HEARING

CASE NUMBER 19-APPEAL-0004

The vote was as follows:

Yes: Members Turner, Goatley, Vice Chair Leanhart, and Chair Howard
Absent: Members Jagoe, and Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
March 2, 2020

03:19:21 Prior to adjournment, Chair Howard stated there will be no Special Meeting of the Board of Zoning Adjustment on March 30, 2020.

The meeting adjourned at approximately 4:31 p.m.

Chair

Secretary