

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

December 21, 2020

A meeting of the Louisville Metro Board of Zoning Adjustment was held on December 21, 2020 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

Members Present:

Lula Howard, Chair
Kimberly Leanhart, Vice Chair
Richard Buttorff, Secretary
Michael Seale
Sharon Bond

Members Absent:

Lindsey Jagoe

Staff Members Present:

Joe Reverman, Planning & Design Assistant Director
Brian Davis, Planning & Design Manager
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Zach Schwager, Planner I
Jay Lockett, Planner I
Rachel Mandell, Planner I
Steve Hendrix, Planning & Design Coordinator
Laura Ferguson, Legal Counsel
Sue Reid, Management Assistant

On the recommendation of the Louisville Metro Department of Public Health & Wellness regarding congregate events and social distancing, and as permitted by Commonwealth of Kentucky Senate Bill 150, the December 21, 2020 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

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DECEMBER 7, 2020 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

NOTE: Chair Howard was experiencing technical difficulties, therefore, Vice Chair Leanhart chaired the meeting.

00:11:59 On a motion by Member Seale, seconded by Member Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the December 7, 2020 Board of Zoning Adjustment online meeting.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0151

Request:	Variance to allow a fence in the front yard setback to exceed 42 inches in height
Project Name:	Northwestern Parkway Variance
Location:	4253 Northwestern Parkway
Owner/Applicant:	Nancy Warfield
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Zach Schwager, Planner I

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

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

Agency testimony:

00:13:19 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:

Nancy Warfield, 4253 Northwestern Parkway, Louisville, KY
Anthony Anderson (did not provide address)

Summary of testimony of those in favor:

00:17:03 Nancy Warfield spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:23:19 Anthony Anderson attempted to speak in favor of the request but was experiencing some technical difficulties. Mr. Schwager stated he had spoken with Mr. Anderson this morning and he lives across the street on Northwestern Parkway and is in support (see recording for detailed presentation).

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The following spoke in opposition of the request:

Bonetta Hudson, 4255 Northwestern Parkway, Louisville, KY
Martina Kunnecke, 311 Northwestern Parkway, Louisville, KY

Summary of testimony of those in opposition:

00:26:40 Bonetta Hudson spoke in opposition of the request. Mr. Schwager and Mr. French explained the area of the variance. Ms. Hudson continued to speak in opposition and referred to photographs she had submitted. Ms. Hudson responded to questions from the Board Members (see recording for detailed presentation).

00:43:18 Martina Kunnecke spoke in opposition of the request (see recording for detailed presentation).

00:46:56 Zach Schwager discussed the area of the variance and responded to questions from the Board Members. Joe Reverman questioned the location of the fence and Mr. Schwager and the Board Members discussed this (see recording for detailed presentation).

REBUTTAL:

01:01:09 Nancy Warfield spoke in rebuttal (see recording for detailed presentation).

01:03:34 Board Members' deliberation

01:03:44 On a motion by Member Buttorff, seconded by Member Seale, the following resolution, based upon the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will alter the essential character of the general vicinity, and

WHEREAS, the Board further finds that the variance would obstruct the view for the neighbors in an unsightly manner; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0151 does hereby **DENY** Variance from Land Development Code Section

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0151

4.4.3.A.1.a.i to allow a fence in the front yard setback in a Traditional Neighborhood Form District to exceed 41 inches in height.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0152

Request:	Variance to allow a proposed medical office to exceed the maximum 5' front and street side setback in the Town Center form district
Project Name:	Park DuValle Community Health Center
Location:	3828 Bardstown Rd
Owner:	Park DuValle Community Health Center
Applicant:	Park DuValle Community Health Center
Jurisdiction:	Louisville Metro
Council District:	10– Pat Mulvihill
Case Manager:	Jay Lockett, AICP, 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:

01:08:53 Jay Lockett presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Steve Wiser, 3015 Wilson Ave., Louisville, KY 40211

Elizabeth Ann Hagan-Grigsby, 3015 Wilson Ave., Louisville, KY 40211

Summary of testimony of those in favor:

01:15:18 Steve Wiser spoke in favor of the request (see recording for detailed presentation).

01:18:13 Elizabeth Ann Hagan-Grigsby spoke in favor of the request (see recording for detailed presentation).

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01:20:16 Steve Wiser responded to questions from the Board Members and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:23:55 Board Members' deliberation

01:24:01 On a motion by Member Seale, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect public health safety or welfare since provisions for safe vehicular and pedestrian traffic will be provided. The development will meet all building and safety codes and will facilitate construction of a community-serving use that will improve community access to healthcare, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the area has a varied commercial development pattern with a mix of setbacks, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since safe vehicular and pedestrian circulation in and around the site will be improved with the current development plan, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations since the development is in keeping with the development pattern in the area, and allows for the development of a community-serving medical office in an existing commercial activity center; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0152 does hereby **APPROVE** Variance from Land Development Code Section 5.5.1.A.2 to allow a proposed medical office building to exceed the maximum 5' setback for a corner lot in the Town Center Form District as shown on the development plan.

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The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard

Absent: Member Jagoe

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CASE NUMBER 20-VARIANCE-0154

Request:	Variance to allow existing structures to encroach into the street side yard setbacks
Project Name:	New La Grange Road Variance
Location:	7717 & 7801 New La Grange Road
Owner:	Daniel Able
Applicant:	Kathy Matheny – Cardinal Surveying
Jurisdiction:	City of Lyndon
Council District:	7 – Paula McCraney
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:

01:26:34 Zach Schwager stated this case is being withdrawn at the request of the applicant (see staff report and recording for detailed presentation).

THIS CASE WAS WITHDRAWN, THEREFORE, NO VOTE OR ACTION WAS TAKEN.

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CASE NUMBER 20-VARIANCE-0157

Request:	Variance to allow a proposed carport to encroach into the rear yard setback
Project Name:	Eastern Parkway Variance
Location:	2125 Eastern Parkway
Owner:	Dominic & Kristen Gullo
Applicant:	Matt Gullo – Luckett & Farley
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
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:

01:28:26 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Matt Gullo, 2125 Eastern Parkway, Louisville, KY 40204

Summary of testimony of those in favor:

01:35:03 Matt Gullo spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 20-VARIANCE-0157

01:40:50 Board Members' deliberation

01:40:56 On a motion by Member Seale, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the proposed accessory structure must be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the structure was approved by the Historic Landmarks and Preservation Commission staff, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because the accessory structure must be constructed to comply with all building codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed accessory structure will have a similar rear yard setback as other structures in the area; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0157 does hereby **APPROVE** Variance from Land Development Code Section 5.4.1.E.2 to allow an accessory structure to encroach into the rear yard setback (**Rear Yard Requirement 5 ft., Request 0 ft., Variance 5 ft.**).

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0159

Request:	Variance to allow a proposed greenhouse to exceed the maximum front yard setback and encroach into the side yard setback
Project Name:	Portland Avenue Variance
Location:	1639 Portland Avenue
Owner:	Matthew & Lynsey Argo – Portland Waterfront LTD Co.
Applicant:	Kedrick Stanfield – Louisville Grows
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
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:

01:43:15 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Kedrick Stanfield, 6700 S. 3rd Street, Louisville, KY 40214
Lisa Dettlinger, 1305 Lexington Rd., Louisville, KY
Lauren Anderson, 1920 Harvard Dr., Louisville, KY

Summary of testimony of those in favor:

01:47:44 Kedrick Stanfield stated Lisa Dettlinger was going to speak on behalf of the applicant (see recording for detailed presentation).

01:48:39 Lisa Dettlinger spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 20-VARIANCE-0159

02:00:25 Lauren Anderson spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:
No one spoke.

02:03:32 Board Members' deliberation

02:03:49 On a motion by Member Bond, seconded by Member Seale, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare, because the proposed structure must be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there are a variety of side yard setbacks in the area due to the different types of land uses, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the variance would not be required if the adjoining property were not used as an office. Also, the office is operated by the applicant; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0159 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a structure to encroach into the required side yard setback and Section 5.2.5.C.3.a to allow a structure to exceed the maximum front yard setback (**Side Yard Requirement 3 ft., Request 0 ft., Variance 3 ft., Max Front Yard Requirement 25 ft., Request 104 ft., Variance 79 ft.**).

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CASE NUMBER 20-VARIANCE-0159

NOTE: Member Buttorff lost connectivity during the presentation of this case.

The vote was as follows:

Yes: Members Seale, Bond, Vice Chair Leanhart, and Chair Howard

Absent: Members Jagoe, and Buttorff

02:06:09 Meeting was recessed.

02:11:40 Meeting was reconvened.

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CASE NUMBER 20-VARIANCE-0161

Request:	Variance to allow a proposed structure to encroach into the infill street side yard setback
Project Name:	Union Street Variance
Location:	3751 Union Street
Owner:	Bradley Luyster
Applicant:	Kevin Hoskins
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Rachel Mandell, 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:

02:11:41 Rachel Mandell presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Kevin Hoskins, 4724 Brownsboro Rd., Louisville, KY 40207

Summary of testimony of those in favor:

02:16:38 Kevin Hoskins 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:

Joseph Fox, 3750 Union St., Louisville, KY
Michelle Fox, 1669 Trigg Street, Louisville, KY

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CASE NUMBER 20-VARIANCE-0161

Summary of testimony of those in opposition:

02:19:39 Joseph Fox spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:23:05 Michelle Fox spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:26:51 Joseph Fox and Michelle Fox responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

02:29:44 Kevin Hoskins spoke in rebuttal (see recording for detailed presentation).

02:32:20 Board Members' deliberation

02:33:37 On a motion by Chair Howard, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety, or welfare. The proposed street side yard setback exceeds the minimum street side yard setback for the form district. The proposed location of the structure will not obstruct site line triangles for the bordering streets and the new construction will comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the two nearest lots on the same block face with principal structures vary significantly in setback from Trigg Avenue. Additionally, there is variation in front and street side yard setbacks for principal structures in the general area, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the structure must comply with all building codes, including fire codes, and

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CASE NUMBER 20-VARIANCE-0161

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed structure does meet the required street side setback regulated by the form district; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0161 does hereby **APPROVE** Variance from Land Development Code Section 5.1.12.B.2.e.i.1 to allow a proposed structure to encroach into the required infill street side yard setback (**Street Side Yard Requirement 47 ft. - 97 ft., Request 27 ft., Variance 20 ft.**).

The vote was as follows:

Yes: Members Seale, Bond, Vice Chair Leanhart, and Chair Howard

Absent: Members Jagoe, and Buttorff

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PUBLIC HEARING

CASE NUMBER 20-CUP-0140

Request:	Conditional Use Permit to allow outdoor alcohol sales and consumption
Project Name:	Taco Choza
Location:	3922 Westport Road
Owner:	Brad Breeland – Breeland Development Corp. LLC
Applicant:	Jose A. Cordoba Riera – Taco Choza
Representative:	Chris Brown – BTM Engineering, Inc.
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, Planner I

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

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

Agency testimony:

02:35:47 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Chris Brown, 3001 Taylor Springs Dr., Louisville, KY
Jon Baker, 400 W. Market St., Louisville, KY

Summary of testimony of those in favor:

02:41:02 Chris Brown and Jon Baker were sworn in for testimony. Mr. Baker spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

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CASE NUMBER 20-CUP-0140

02:49:50 Chris Brown spoke in favor of the request and referred to the Powerpoint presentation (see recording for detailed presentation).

02:54:27 Mr. Baker responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

02:56:14 Board Members' deliberation

02:57:25 On a motion by Chair Howard, seconded by Member Bond, 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 meets all applicable policies of the Comprehensive Plan, 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. Transportation Planning and MSD have reviewed and approved the proposal, and

WHEREAS, the Board further finds that:

Outdoor alcohol sales and consumption and/or indoor live entertainment for a restaurant may be permitted in the C-N and C-1 zoning districts with prior approval of a development plan by the City of St. Matthews City Council, upon the granting of a conditional use permit and compliance with the listed requirements:

- A. All outdoor areas for the sale and consumption of alcohol must have designated boundaries which must be shown on the site plan and on the property itself. Dining and consumption activities shall occur only within the designated boundaries. **This requirement is met.**

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- B. Outdoor dining areas adjacent to the public right-of-way shall contain a physical barrier that is at least three feet in height. The barrier should be designed to permit existing legal access from building to the adjacent public right-of-way. **This requirement does not apply.**
- C. Outdoor dining areas that include the sale and consumption of alcohol within 50 feet of a residentially zoned or used property shall provide a six foot continuous screen as part of the designated boundary for the areas of the outdoor area within 50 feet of residentially used or zoned property. The continuous screen shall be in conformance with Article 12 (Implementation Standards). Any lighting associated with the outdoor dining area shall be directed down and away from adjacent properties. **This requirement does not apply.**
- D. This conditional use permit shall be limited to restaurant uses in the C-N and C-1 that hold the following types of ABC licenses: 1. Restaurant liquor and wine license by the drink for 100 plus seats 2. Restaurant wine license by the drink for restaurants with seating for 50 and receives at least 70 percent gross receipts from food sales. **This requirement is met.**
- E. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 12:00 A.M. There shall be no outdoor electronic or other sound provided in outdoor areas, including but not limited to public address, radio, television, or other media. **This requirement must be met.**
- F. The indoor entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99) and shall be in compliance with all applicable St. Matthews Noise Ordinances. **This requirement must be met.**
- G. The Board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific restaurant. The Board must determine whether additional or more restrictive requirements should be added by condition of approval. **The Board has determined this requirement is met based upon the Board adding the Conditions of Approval provided by the City of St. Matthews Council.**
- H. The Plan for any outdoor dining area not subject to detailed district development plan approval shall receive the approval of the City of St. Matthews City Council prior to approval of a conditional use permit by the Board of Zoning Adjustment. **City of St. Matthews City Council approved the plan on condition November 24, 2020;** now, therefore be it

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CASE NUMBER 20-CUP-0140

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0140 does hereby **APPROVE** Conditional Use Permit from City of St. Matthews Development Code Section 6.3.B to allow outdoor alcohol sales and consumption, **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. The site shall be developed in strict compliance with the approved Conditional Use Permit Plan (including all notes thereon) and any conditions of approval imposed by the Board of Zoning Adjustment. No further development, changes or modifications to the approved CUP plan shall occur on the site without prior review and approval of the Board of Zoning Adjustment and the City of St. Matthews.
2. The CUP plan shows a minimum of 23 spaces available for this development's use. This includes 13 spaces on the CUP lot itself and 10 spaces that are under common ownership and therefore countable toward the minimum. The Applicant is required as a condition of approval to maintain its right to use a minimum of 23 spaces, including 10 spaces that are not on the CUP site. Neither the Applicant nor the owner Breeland Development Corporation, LLC, shall in any way deny, or limit, the right of this development to make use of at least 10 spaces that are not on the CUP site, but are within the shared parking areas under the ownership of Breeland Development Corporation, LLC. If this development at any time does not have access to a minimum of 23 spaces as set out herein, it shall not be used for any purposes allowed under the CUP, without the approval of the City of St. Matthews.
3. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board of Zoning Adjustment and City of St. Matthews approval. If the Conditional Use Permit is not so exercised the site shall not be used for outdoor alcohol sales without further review and approval by the Board of Zoning Adjustment and the City of St. Matthews.

The vote was as follows:

Yes: Members Seale, Bond, Vice Chair Leanhart, and Chair Howard

Absent: Members Jagoe, and Buttorff

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CASE NUMBER 20-CUP-0143

Request:	Conditional Use Permit to allow a short term rental of a dwelling that is the primary residence of the host in a TNZD
Project Name:	Short Term Rental
Location:	518 West Magnolia Avenue
Owner/Applicant:	Tyler Poteet
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:

03:00:36 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix stated he had received an email in opposition (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Tyler Poteet, 518 West Magnolia Ave., Louisville, KY

Summary of testimony of those in favor:

03:05:33 Tyler Poteet spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 20-CUP-0143

03:09:26 Board Members' deliberation

03:13:46 On a motion by Member Seale, seconded by Chair Howard, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. 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. **The applicant has been informed of this requirement.**
- B. The dwelling unit shall be limited to a single short term rental contract at a time. **The applicant has been informed of this requirement.**
- 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. **A total of two guests will be allowed as per the owner.**

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- D. The property on which the short term rental 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 property is within the TNZD, therefore the 600 foot rule does not apply. In addition, the applicant accepts the Condition of Approval that states this location will be their primary residence and if a primary residence is established at another location, the short term rentals must cease at 518 West Magnolia Avenue.**
- 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. **The applicant has been informed of this requirement.**
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts. **The applicant has been informed of this requirement.**
- 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 one car garage and 37 feet of street frontage.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. **The applicant has been informed of this requirement.**

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- 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. **The applicant has been informed of this requirement.**
- 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. **The applicant has been informed of this requirement.**
- 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. **The applicant has been informed of this requirement;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0143 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit in the TNZD that is the primary residence of the host, **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. The Conditional Use Permit for this short term rental approval shall allow one bedroom with a total of two guests as per the applicant. A modification of the Conditional Use Permit shall be required to allow additional bedrooms and/or guests.

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2. The host of record for the short term rental shall maintain their primary residence in the dwelling unit on the subject property. In the event a primary residence is established on another property, short term rentals on the subject property must cease.

The vote was as follows:

Yes: Members Seale, Bond, Vice Chair Leanhart, and Chair Howard

Absent: Members Jagoe, and Buttorff

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CASE NUMBER 20-CUP-0146

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:	Lightner Short Term Rental
Location:	407 Cannons Lane
Owner/Applicant:	Brian and Kelly Lightner
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
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:

03:18:07 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Brian Lightner, 15093 Violet Rd., Crittenden, KY

Summary of testimony of those in favor:

03:21:07 Brian Lightner spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke neither for nor against the request:

Martina Kunnecke, 311 Northwestern Parkway, Louisville, KY

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CASE NUMBER 20-CUP-0146

Summary of testimony of those neither for nor against:

03:25:17 Martina Kunnecke spoke neither for nor against the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

REBUTTAL:

03:27:17 Brian Lightner spoke in rebuttal (see recording for detailed presentation).

03:27:30 Board Members' deliberation

03:27:58 On a motion by Member Bond, seconded by Member Seale, 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 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:

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- 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. **The applicant has been informed of this requirement.**
- B. The dwelling unit shall be limited to a single short term rental contract at a time. **The applicant has been informed of this requirement.**
- 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 three bedrooms that will allow a maximum number of 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. **As of the date of this report, within 600' of the subject property, there are no properties with an approved conditional use permit allowing short term rentals that is not the primary residence of the host.**
- 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 applicant has been informed of this requirement.**
- F. Food and alcoholic beverages shall not be served by the host to any guest. **The applicant has been informed of this requirement.**

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- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts. **The applicant has been informed of this requirement.**
- 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 are no parking spaces along Cannons Lane, but the applicant states that there is an existing driveway that will hold up to four vehicles.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. **The applicant has been informed of this requirement.**
- 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. **The applicant has been informed of this requirement.**
- 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. **The applicant has been informed of this requirement.**
- 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. **The applicant has been informed of this requirement;** now, therefore be it

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CASE NUMBER 20-CUP-0146

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0146 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 conditional use permit for this short term rental approval shall allow up to three bedrooms. A modification of the conditional use permit shall be required to allow additional bedrooms.

The vote was as follows:

Yes: Members Seale, Bond, and Chair Howard

No: Vice Chair Leanhart

Absent: Members Jagoe, and Buttorff

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CASE NUMBER 20-CUP-0147

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:	Lincoln Avenue Short Term Rental
Location:	1500 Lincoln Avenue
Owner/Applicant:	Michael Stevens – Good Measure Homes LLC
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
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:

03:30:11 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:

Michael Stevens, 1610 Forest Hill Dr., Louisville, KY
Melanie Parker, 4640 S. 6th Street, Louisville, KY

Summary of testimony of those in favor:

03:33:04 Michael Stevens spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

03:44:29 Melanie Parker spoke in favor of the request (see recording for detailed presentation).

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The following spoke neither for nor against the request:

Martina Kunnecke, 311 Northwestern Parkway, Louisville, KY

Summary of testimony of those neither for nor against:

03:47:57 Martina Kunnecke spoke neither for nor against the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

REBUTTAL:

03:49:58 Michael Stevens and Melanie Parker spoke in rebuttal (see recording for detailed presentation).

03:51:40 Board Members' deliberation

03:52:12 On a motion by Member Seale, seconded by Chair Howard, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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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. **The applicant has been informed of this requirement.**
- B. The dwelling unit shall be limited to a single short term rental contract at a time. **The applicant has been informed of this requirement.**
- 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. **According to the applicant, there are two bedrooms; LDC regulations permit up to 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, there are zero properties with an approved conditional use permit for a non-host occupied short term rental within 600 ft. of the subject property (see Attachment 3).**
- 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

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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. **The applicant has been informed of this requirement.**
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts. **The applicant has been informed of this requirement.**
- 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. **LDC standards credit the site with two on-street parking spaces and there is a driveway that can accommodate two cars. In addition, there appears to be available parking in the area.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. **The applicant has been informed of this requirement.**
- 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. **The applicant has been informed of this requirement.**
- 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. **The applicant has been informed of this requirement.**
- 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

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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. **The applicant has been informed of this requirement**, now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0147 does hereby **APPROVE** 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), **SUBJECT** to the following Condition of Approval.

Condition of Approval:

1. The conditional use permit approval for this short term rental shall be allowed up to two bedrooms. A modification of the conditional use permit shall be required to allow additional bedrooms.

The vote was as follows:

Yes: Members Seale, Bond, and Chair Howard

No: Vice Chair Leanhart

Absent: Members Jagoe, and Buttorff

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CASE NUMBER 20-APPEAL-0008

Request:	Appeal of an administrative decision concerning nonconforming rights
Project Name:	West Chestnut Street Appeal
Location:	2601 West Chestnut Street
Owner(s):	Carolyn Kelley
Applicant:	Carolyn Kelley
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

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

03:56:33 Chris French presented the case on behalf of the Case Manager (see staff report and recording for detailed presentation).

The following spoke in opposition of the appeal:

Thomas Hurst, 4898 Brownsboro Rd., Louisville, KY
Martina Kunnecke, 311 Northwestern Parkway, Louisville, KY
Bonetta Hudson, 4255 Northwestern Parkway, Louisville, KY

Summary of testimony of those in opposition:

04:03:59 Thomas Hurst spoke in opposition of the appeal (see recording for detailed presentation).

04:08:54 Martina Kunnecke spoke in opposition of the appeal (see recording for detailed presentation).

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04:11:25 Bonetta Hudson spoke in opposition of the appeal (see recording for detailed presentation).

The following spoke neither for nor against the appeal:

Judy Lippmann, 2206 Merrick Rd., Louisville, KY

Summary of testimony of those neither for nor against:

04:13:34 Joe Haberman and Joe Reverman responded to a question from Ms. Lippmann regarding what would happen if this appeal is denied (see recording for detailed presentation).

The following spoke in favor of the appeal:

Nick Pregliasco, 1000 N. Hurstbourne Parkway, Louisville, KY

Gene Manganaro, 3211 Northwestern Parkway, Louisville, KY

Summary of testimony of those in favor:

04:16:44 Nick Pregliasco and Gene Manganaro were sworn in for testimony. Mr. Pregliasco spoke in favor of the appeal and showed a Powerpoint presentation (see recording for detailed presentation).

04:42:16 Joe Haberman stated there were a couple of speakers which were overlooked who would like to speak. Vice Chair Leanhart stated the Board would hear from the neutral party first (see recording for detailed presentation).

04:43:00 Councilwoman Donna Purvis (609 W. Jefferson St., Louisville, KY) spoke neither for nor against the appeal. Councilwoman Purvis asked who the owner of the property is (see recording for detailed presentation).

04:44:27 Gene Manganaro responded to Councilwoman Purvis' question (see recording for detailed presentation).

04:44:37 Councilwoman Purvis stated she had some concerns with the intended use of the property (see recording for detailed presentation).

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04:45:36 Yolanda Walker (address inaudible) spoke in opposition of the appeal (see recording for detailed presentation).

04:48:29 Nick Pregliasco spoke in favor of the appeal and responded to Ms. Walker's questions. Ms. Walker asked another question regarding the use of the building and Mr. Pregliasco responded. Mr. Pregliasco concluded his testimony (see recording for detailed presentation).

REBUTTAL:

04:55:11 Chris French spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

05:01:40 Board Members' deliberation

05:06:20 On a motion by Chair Howard, seconded by Member Seale, 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 office use in the front building did not exist in 1971, and

WHEREAS, the Board further finds that office use in the front building did not continue to the present day; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-APPEAL-0008 does hereby **AFFIRM** Staff's decision and **DENY** the appeal.

The vote was as follows:

Yes: Members Seale, Bond, Vice Chair Leanhart, and Chair Howard
Absent: Members Jagoe, and Buttorff

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05:09:15 On a motion by Chair Howard, seconded by Member Seale, 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 residential units in the middle building did exist in 1971, and

WHEREAS, the Board further finds that residential units in the middle building did not continue to the present day; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-APPEAL-0008 does hereby **AFFIRM** Staff's decision and **DENY** the appeal.

The vote was as follows:

Yes: Members Seale, Bond, Vice Chair Leanhart, and Chair Howard

Absent: Members Jagoe, and Buttorff

05:11:44 On a motion by Chair Howard, seconded by Member Bond, 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 residential use in the front building did not exist in 1971, and

WHEREAS, the Board further finds that residential use in the front building did not continue to the present day; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-APPEAL-0008 does hereby **AFFIRM** Staff's decision and **DENY** the appeal.

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The vote was as follows:

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

No: Member Seale

Absent: Members Jagoe, and Buttorff

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05:17:43 Prior to adjournment, Chair Howard stated she would not be available for the January 11, 2021 meeting. Mr. Haberman reminded the Board Members to submit their training forms.

The meeting adjourned at approximately 6:30 p.m.

Chair

Secretary