

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

July 26, 2021

A meeting of the Louisville Metro Board of Zoning Adjustment was held on July 26, 2021 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

Members Present:

Michael Seale, Vice Chair
Sharon Bond, Secretary
Richard Buttorff
Yani Vozos
Kimberly Leanhart

Members Absent:

Lula Howard, Chair
Lindsey Jagoe

Staff Members Present:

Joe Reverman, Planning & Design Assistant Director
Joe Haberman, Planning & Design Manager
Brian Davis, Planning & Design Manager
Chris French, Planning & Design Supervisor
Priscilla Bowman, Associate Planner
Tara Sorrels, Associate Planner
Jon Crumby, Planning & Design Coordinator
Laura Ferguson, Legal Counsel
John Carroll, 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 July 26, 2021 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

JULY 12, 2021 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:05:45 On a motion by Member Bond, seconded by Member Vozos, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the July 12, 2021 Board of Zoning Adjustment online meeting.

The vote was as follows:

Yes: Members Bond, Vozos, and Vice Chair Seale

Abstain: Members Buttorff, and Leanhart

Absent: Member Jagoe, and Chair Howard

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

BUSINESS SESSION

CASE NUMBER 21-VARIANCE-0093

Request:	Variance from City of St. Matthews Development Code section 4.6.C.2.b to allow an existing structure (existing detached garage) to encroach into the required side yard setback
Project Name:	Fairmeade Road Variance
Location:	225 Fairmeade Rd
Owner:	Robert & Andrea Hammer Living Trust
Applicant:	Thad Adams
Jurisdiction:	City of St. Matthews
Council District:	26 – Brent Ackerson
Case Manager:	Priscilla Bowman, Associate Planner

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:

00:06:45 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

00:10:30 Board Members' deliberation

00:12:47 On a motion by Member Leanhart, 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 requested variance will not adversely affect the public health, safety or welfare as the garage currently exists, which has caused no known adverse effects, and

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

BUSINESS SESSION

CASE NUMBER 21-VARIANCE-0093

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the garage has been in its current position for many years and other properties in the neighborhood have garages with similar setbacks, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the setbacks of the existing garage are not changing, which have caused no known hazard or nuisance, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the current setback is an existing condition which is proposed to be maintained; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0093 does hereby **APPROVE** Variance from City of St. Matthews Development Code Section 4.6.C.2.b to allow an existing structure (existing detached garage) to encroach into the required side yard setback **(Side Yard Requirement 6 ft., Request 0 ft., Variance 6 ft.)**.

The vote was as follows:

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

Absent: Member Jagoe, and Chair Howard

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-NONCONFORM-0022

Request:	Change in nonconforming rights from a grocery store to a restaurant excluding drive-in facilities, and entertainment activity (Indoor alcohol sales and consumption only with proper ABC license)
Project Name:	Taylor Boulevard Nonconforming Rights
Location:	4000 Taylor Boulevard
Owner:	Jose Tamayo
Applicant:	Daniel Tamayo Betancourt
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
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:

00:14:24 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Daniel Betancourt, 4006 Taylor Blvd., Louisville, KY 40215

Summary of testimony of those in favor:

00:20:41 Daniel Betancourt 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
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-NONCONFORM-0022

00:29:26 **Board Members' deliberation**

00:30:25 On a motion by Member Vozos, 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 new nonconforming use is in the same or more restrictive classification as the first nonconforming use, and

WHEREAS, the Board further finds that the new nonconforming use is no more odious or offensive to surrounding properties than the first nonconforming use; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-NONCONFORM-0022 does hereby **APPROVE** Change in Nonconforming Use from a grocery store to a restaurant excluding drive-in facilities, and entertainment activity (Indoor alcohol sales and consumption only with proper ABC license).

The vote was as follows:

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

Absent: Member Jagoe, and Chair Howard

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-NONCONFORM-0025

Request:	Change in nonconforming rights from a laundering and dry cleaning pick-up shop and self-service (only) to a multi-family dwelling with three dwelling units
Project Name:	River Park Drive Nonconforming Rights
Location:	3919 River Park Drive
Owner:	Mirage Properties III, LLC
Applicant:	Mike Burkhead
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:

00:32:59 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Mike Burkhead, 3813 River Park Dr., Louisville, KY 40211

Summary of testimony of those in favor:

00:39:20 Mike Burkhead 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:

Thomas Shannon, 4523 Southwestern Pkwy., Louisville, KY 40212

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-NONCONFORM-0025

Summary of testimony of those in opposition:

00:44:00 Thomas Shannon spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

00:51:27 Mike Burkhead spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

00:59:57 Board Members' deliberation

01:06:28 On a motion by Member Leanhart, 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 new nonconforming use is in the same or more restrictive classification as the first nonconforming use, and

WHEREAS, the Board further finds that the new nonconforming use is no more odious or offensive to surrounding properties than the first nonconforming use; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-NONCONFORM-0025 does hereby **APPROVE** Change in Nonconforming Use from a laundering and dry cleaning pick-up shop and self-service (only) to a multi-family dwelling with three dwelling units.

The vote was as follows:

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

Absent: Member Jagoe, and Chair Howard

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0066

Request:	Variance to allow an addition to a principal structure to encroach into the required side yard setback
Project Name:	S. Park Place Variance
Location:	7606 S. Park Place
Owner/Applicant:	Jason & Ashley Redenbaugh
Jurisdiction:	Louisville Metro
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:

01:08:47 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:

Jeff Smith, 411 Springwood Ln., Louisville, KY 40207

Summary of testimony of those in favor:

01:11:23 Jeff Smith 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.

01:20:13 Board Members' deliberation

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0066

01:22:23 On a motion by Member Buttorff, seconded by Member Vozos, 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 addition 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 proposed addition will encroach the same distance as the previous structure, 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 proposed addition will be the same distance from the side property line as the previous structure; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0066 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow an addition to a principal structure to encroach into the required side yard setback (**Side Yard Requirement 5 ft., Request 3 ft., Variance 2 ft.**).

The vote was as follows:

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

Absent: Member Jagoe, and Chair Howard

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0074

Request:	Variance to allow an accessory structure to encroach into the required side and rear setbacks
Project Name:	Bassett Avenue Variance
Location:	1279 Bassett Avenue
Owner:	James & Janet Degonda
Applicant:	Charlie Williams – Charlie Williams Design
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers Armstrong
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:

01:24:30 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see staff report and recording for detailed presentation).

The follow spoke in favor of the request:

Charlie Williams, 1626 Windsor Pl., Louisville, KY 40204
Candy Parrack, 1277 Bassett Ave., Louisville, KY 40204

Summary of testimony of those in favor:

01:28:29 Charlie Williams spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:35:22 Candy Parrack spoke in favor of the request (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0074

The following spoke in opposition of the request:

Leslie and James Millar, 2407 Longest Ave., Louisville, KY 40204

Chris Stokes, 2403 Longest Ave., Louisville, KY 40204

Bruce Prizant, 1283 Bassett Ave., Louisville, KY 40204

Summary of testimony of those in opposition:

01:37:37 Leslie Millar spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:52:50 Chris Stokes spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:02:44 Bruce Prizant spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:08:37 Laura Ferguson, Legal Counsel, clarified the variance in front of the Board today. Ms. Ferguson stated we can't authorize someone to go past their property line. Ms. Ferguson stated to the extent the Board grants a variance they are still going to have to comply because they are not allowed to build past their property line (see recording for detailed presentation).

REBUTTAL:

02:10:56 Jim Degonda (1279 Bassett Ave., Louisville, KY 40204) and Charlie Williams spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

02:17:36 Board Members' deliberation

02:23:09 On a motion by Member Buttorff, 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

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0074

proposed garage must be constructed to comply with all building codes, including fire codes. The plan has also been reviewed and approved by Transportation Planning, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed accessory structure was approved by 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 structure must be constructed to comply with all building codes. The plan has also been reviewed and approved by Transportation Planning, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the lot is relatively narrow and other garages on the alley are similar distances or closer to the rear property line as the proposed garage; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0074 does hereby **APPROVE** Variance from Land Development Code sections 5.4.1.E.2 and 5.4.1.E.5 to allow an accessory structure to encroach into the required side yards and rear yard (**Side Yards Requirement 2 ft., Request 1.5 ft., Variance 0.5 ft.; Rear Yard Requirement 5 ft., Request 2.67 ft., Variance 2.33 ft.**).

The vote was as follows:

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

Absent: Member Jagoe, and Chair Howard

02:25:25 Meeting was recessed.

02:26:04 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0075

Request:	Variance to allow a new principal structure to encroach into the side yard setback
Project Name:	S. 20th Street Variance
Location:	505 S. 20th Street
Owner:	Superior Henderson, LLC
Applicant:	Richard Henderson
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
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:

02:26:11 Chris French presented the case on behalf of the Case Manager and showed a Powerpoint presentation. Mr. French responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Richard Henderson, 6990 Shelbyville Road, Simpsonville, KY 40067

Summary of testimony of those in favor:

02:29:41 Richard Henderson spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0075

02:32:26 Board Members' deliberation

02:32:41 On a motion by Member Vozos, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that 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 the other structures in the area encroach a similar distance into side yard setbacks, 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 proposed structure will be the same distance from the side property line as the existing foundation; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0075 does hereby **APPROVE** Variance from Land Development Code table 5.2.2 to allow a principal structure to encroach into the required side yard setback (**Southern Side Yard Requirement 3 ft., Request 2.38 ft., Variance 0.62 ft.**).

The vote was as follows:

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

Absent: Member Jagoe, and Chair Howard

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0077

Request:	Variance to allow an addition to a principal structure to encroach into the rear yard setback
Project Name:	E. Osage Road Variance
Location:	11801 E. Osage Road
Owner:	Jenna Wrinkles & Alexander Wrinkles Revocable Living Trusts
Applicant:	Alex Wrinkles
Jurisdiction:	City of Anchorage
Council District:	17 – Markus Winkler
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:

02:34:30 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:

Alex Wrinkles, 11801 Osage Road, Louisville, KY 40223

Summary of testimony of those in favor:

02:37:41 Alex Wrinkles 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
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0077

02:44:47 Board Members' deliberation

02:44:55 On a motion by Member Buttorff, 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 garage 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 proposed addition will be at the rear of the property and there are a variety of setbacks and shapes and sizes of surrounding properties, 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 there would still be ample space between the addition and the rear property line; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0077 does hereby **APPROVE** Variance from City of Anchorage Development Code section 4.2.C.2.d to allow an addition to a principal structure to encroach into the rear yard setback (**Rear Yard Requirement 50 ft., Request 35 ft. 8 in., Variance 14 ft. 4 in.**), **SUBJECT** to the following Condition of Approval.

Condition of Approval:

1. The applicant shall provide adequate landscaping along the southern property line for privacy for the adjoining neighbor.

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0077

The vote was as follows:

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

Absent: Member Jagoe, and Chair Howard

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0077

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:	Jordan Short Term Rental
Location:	1622 Whippoorwill Road
Owner/Applicant:	Brent Jordan
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
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:

02:46:57 Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Brent Jordan, 1622 Whippoorwill Road, Louisville, KY 40213

Summary of testimony of those in favor:

02:49:59 Brent Jordan 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.

02:54:18 Board Members' deliberation

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0077

02:54:46 On a motion by Member Bond, seconded by Member Vozos, 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. **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

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0077

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.**
- 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 site has credit for on-street parking and up to four parking spaces along the existing driveway.**
- 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

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0077

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 21-CUP-0077 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 Leanhart, Buttorff, Bond, Vozos, and Vice Chair Seale

Absent: Member Jagoe, and Chair Howard

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0098

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:	Thompson Short Term Rental
Location:	4027 Franklin Avenue
Owner/Applicant:	Tamara Thompson
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
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:

02:56:51 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:

Tamara Thompson, 4027 Franklin Ave., Louisville, KY 40213

Summary of testimony of those in favor:

03:01:20 Tamara Thompson 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
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0098

03:04:12 Board Members' deliberation

03:06:52 On a motion by Member Leanhart, seconded by Member Vozos, 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:

- 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 downstairs unit has 2 bedrooms that will allow a maximum number of six guests.**

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0098

- 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.**
- 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 site has credit for on-street parking and the applicant states that there are six spaces available onsite.**
- 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.**

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0098

- 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 resister 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 21-CUP-0098 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 approval for this short term rental located in unit #1 shall be allowed up to two bedrooms. A modification of the conditional use permit shall be required to allow additional bedrooms and if the applicant wants to rent unit #2.

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

PUBLIC HEARING

CASE NUMBER 21-CUP-0098

The vote was as follows:

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

Absent: Member Jagoe, and Chair Howard

BOARD OF ZONING ADJUSTMENT MINUTES
July 26, 2021

The meeting adjourned at approximately 4:25 p.m.

Chair

Secretary