

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

**August 16, 2021**

A meeting of the Louisville Metro Board of Zoning Adjustment was held on August 16, 2021 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Members Present:**

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

**Members Absent:**

Lula Howard, Chair  
Lindsey Jagoe  
Kimberly Leanhart

**Staff Members Present:**

Emily Liu, Planning & Design Director  
Joe Reverman, Planning & Design Assistant Director  
Joe Haberman, Planning & Design Manager  
Chris French, Planning & Design Supervisor  
Zach Schwager, Planner I  
Jon Crumbie, Planning & Design Coordinator  
Laura Ferguson, Legal Counsel  
Sue Reid, Management Assistant

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**August 16, 2021**

**AUGUST 2, 2021 BOARD OF ZONING ADJUSTMENT MEETING MINUTES**

**00:3:58** On a motion by Member Buttorff, seconded by Member Vozos, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the August 2, 2021 Board of Zoning Adjustment online meeting.

**The vote was as follows:**

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

**Absent: Members Jagoe, Leanhart, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**August 16, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0084**

Request:	Variance to allow a proposed accessory structure to encroach into the required street side yard setback
Project Name:	Everett Avenue Variance
Location:	1140 Everett Avenue
Owner:	Nancy Moore
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 5<sup>th</sup> Street.)

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

**Agency testimony:**

**00:04:50** 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:**

Charlie Williams, 1626 Windsor Pl., Louisville, KY 40204

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

**00:07:32** Charlie Williams spoke in favor of the request (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**00:08:24 Board Members' deliberation**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**August 16, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0084**

**00:08:44** On a motion by Member Bond, 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, 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 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, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the subject property gets significantly narrower at the rear and does not provide much space to meet the setback requirements; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0084 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow an accessory structure to encroach into the required street side yard setback (**Street Side Yard Requirement 3 ft., Request 2.24 ft., Variance 0.76 ft.**).

**The vote was as follows:**

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

**Absent: Members Jagoe, Leanhart, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**August 16, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0085**

Request:	Variance to allow a proposed principal structure to encroach into the required side yard setbacks
Project Name:	Wilson Avenue Variance
Location:	2016 Wilson Avenue
Owner/Applicant:	CrossRoads Missions, Inc. – Robert Minton
Jurisdiction:	Louisville Metro
Council District:	6 – David James
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 5<sup>th</sup> Street.)

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

**Agency testimony:**

**00:10:08** 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:**

Rob Minton, 3231 Ruckriegel Pkwy., Suite 111, Louisville, KY 40299

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

**00:14:14** Rob Minton 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.

**00:18:41 Board Members' deliberation**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**August 16, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0085**

**00:18:52** 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 requested variances 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 variances will not alter the essential character of the general vicinity as the proposed structure will encroach into the setbacks by 0.1 ft, and

**WHEREAS**, the Board further finds that the requested variances 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 variances will not allow an unreasonable circumvention of the zoning regulations as the proposed structure will encroach into the setbacks by 0.1 ft; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0079 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a principal structure to encroach into the required side yard setbacks (**Side Yard Requirement 2.85 ft., Request 2.75 ft., Variance 0.1 ft.**).

**The vote was as follows:**

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

**Absent: Members Jagoe, Leanhart, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**August 16, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0086**

Request:	Variance to allow a proposed principal structure to encroach into the required side yard setbacks
Project Name:	Wilson Avenue Variance
Location:	2018 Wilson Avenue
Owner/Applicant:	CrossRoads Missions, Inc. – Robert Minton
Jurisdiction:	Louisville Metro
Council District:	6 – David James
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 5<sup>th</sup> Street.)

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

**Agency testimony:**

**00:20:41** 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:**

David Thomas, 2100 West Oak St., Louisville, KY 40212

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

**00:22:17** David Thomas spoke in favor of the request (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**00:23:40 Board Members' deliberation**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0086**

**00:23:51** 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 requested variances 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 variances will not alter the essential character of the general vicinity as the proposed structure will encroach into the setbacks by 0.33 ft., and

**WHEREAS**, the Board further finds that the requested variances 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 variances will not allow an unreasonable circumvention of the zoning regulations as the proposed structure will encroach into the setbacks by 0.33 ft.; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0082 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a principal structure to encroach into the required side yard setbacks (**Side Yard Requirement 2.5 ft., Request 2.17 ft., Variance 0.33 ft.**).

**The vote was as follows:**

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

**Absent: Members Jagoe, Leanhart, and Chair Howard**



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**August 16, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0088**

Request:	Variance to allow a proposed addition to a principal structure to encroach into the required front yard setback
Project Name:	Overlook Terrace Variance
Location:	1909 Overlook Terrace
Owner:	Jasper & Tara Ward
Applicant:	Steven Murray – Murray Construction & Restoration
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 5<sup>th</sup> Street.)

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

**Agency testimony:**

**00:25:08** 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:**

Steven Murray, 10113 Falling Tree Way, Louisville, KY 40223

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

**00:27:28** Steven Murray 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**  
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**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0088**

**00:29:50**     **Board Members' deliberation**

**00:30:01**     On a motion by Member Buttorff, seconded by Member Vozos, the following resolution, based upon the Standard of Review and Staff Analysis, the owner's justification statement, 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 proposed addition will encroach into the setback by 3 ft., 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 encroach into the setback by 3 ft., and

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

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-Variance-0088 does hereby **APPROVE** Variance from Land Development Code Section 5.1.12.A.2.a to allow a principal structure to encroach into the required infill front yard setback (**Infill Front Yard Requirement 17 ft., Request 14 ft., Variance 3 ft.**).

**The vote was as follows:**

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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0091**

Request:	Variance to allow a fence to exceed 48 inches in height in the street side yard setback
Project Name:	Landan Drive Variance
Location:	2246 Landan Drive
Owner/Applicant:	Haider Jaber & Suaad Aljorani
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 5<sup>th</sup> Street.)

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

**Agency testimony:**

**00:31:43** Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The follow spoke in favor of the request:**

Haider Jaber, 2246 Landan Drive, Louisville, KY 40218

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

**00:33:52** Haider Jaber 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.

**00:36:10 Board Members' deliberation**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0091**

**00:38:40** On a motion by Member Buttorff, seconded by Member Bond, the following resolution, based upon the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance would alter the essential character of the general vicinity; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0091 does hereby **DENY** Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence to exceed 48 inches in height in the street side yard setback.

**The vote was as follows:**

**Yes: Members Buttorff, Bond, and Vice Chair Seale**

**No: Member Vozos**

**Absent: Members Jagoe, Leanhart, and Chair Howard**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0092**

Request:	Variance to allow an addition to a principal structure to encroach into the required street side yard setback
Project Name:	Hycliffe Avenue Variance
Location:	3500 Hycliffe Avenue
Owner/Applicant:	Ryan & Whitney Adkins
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 5<sup>th</sup> Street.)

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

**Agency testimony:**

**00:40:41** 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:**  
Ryan Adkins, 3500 Hycliffe Ave., Louisville, KY 40207

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

**00:42:42** Ryan Adkins 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.

**00:44:04 Board Members' deliberation**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**CASE NUMBER 21-VARIANCE-0092**

**00:44:15** On a motion by Member Vozos, 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, 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 other structures in the area that encroach into the street side yard setback, 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 within the building limit line; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-Variance-0092 does hereby **APPROVE** Variance from City of St. Matthews Development Code Section 4.6.C.2.c to allow a principal structure to encroach into the street side yard setback (**Street Side Yard Requirement 30 ft., Request 13.61 ft., Variance 16.39 ft.**).

**The vote was as follows:**

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

**Absent: Members Jagoe, Leanhart, and Chair Howard**

**00:45:46 Meeting was recessed.**

**00:45:54 Meeting was reconvened.**

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**PUBLIC HEARING**

**CASE NUMBER 21-SIGNAUTH-0001**

Request:	Sign Authorization to permit placement of a sign not specifically authorized under current LDC regulations
Project Name:	Sign Authorization
Location:	1018 S. 7th Street
Owner:	Simmons College of Kentucky
Applicant:	Signarama Downtown
Representative:	Kaitlyn Grace
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Beth Jones, AICP, Planner II

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

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

**Agency testimony:**

**00:46:08** Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Kaitlyn Grace, 1430 Mellwood Ave., Louisville, KY 40206

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

**00:52:04** Kaitlyn Grace 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**  
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**PUBLIC HEARING**

**CASE NUMBER 21-SIGNAUTH-0001**

**00:54:32      Board Members' deliberation**

**00:55:59**      On a motion by Member Vozos, 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 waiver will not adversely affect adjacent property owners in that it most directly faces commercial uses in a Traditional Workplace form district; the nearest residential use is approximately 135ft away and to the side of the proposed sign, and

**WHEREAS**, the Board further finds that the waiver will not violate specific guidelines of Plan 2040 (Community Form Goal 1, Policy 14) as the proposal is in compliance with the underlying form district and the character of the area and makes a positive contribution to the visual quality of its surroundings. It is also of a size and height adequate for effective communication and proportionate with the scale of the historic development on the site. The proposal also meets LDC design guidelines for a Sign Authorization in that it is visually consistent with the architecture, materials, colors and overall design of its surroundings, and

**WHEREAS**, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant in that the sign is not excessive in size for the overall structure and most directly faces non-residential uses, and

**WHEREAS**, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant in that the placement of the proposed sign takes advantage of a unique architectural characteristic of the structure; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-SIGNAUTH-0001 does hereby **APPROVE** Sign Authorization to permit placement of a sign not specifically authorized under current LDC regulations.

**The vote was as follows:**

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



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**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0102**

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:	Sanders Short Term Rental
Location:	4025 Franklin Avenue
Owner/Applicant:	Gloria Sanders
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 5<sup>th</sup> Street.)

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

**Agency testimony:**

**00:57:11** 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:**

Gloria Sanders, 4025 Franklin Ave., Louisville, KY 40213  
Tamara Thompson, 4027 Franklin Ave., Louisville, KY 40213

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

**00:59:45** Gloria Sanders spoke in favor of the request (see recording for detailed presentation).

**01:02:06** Tamara Thompson spoke in favor of the request (see recording for detailed presentation).

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**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0102**

**The following spoke in opposition of the request:**

No one spoke.

**01:03:11      Board Members' deliberation**

**01:06:19**      On a motion by Member Bond, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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**CASE NUMBER 21-CUP-0102**

number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that the residential unit at the rear of the site 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 is one property with an approved conditional use permit allowing short term rentals that is not the primary residence of the host. The applicant is requesting relief to the provision in accordance with LDC Section 4.2.2.B. If the Board does not grant relief, the application does not meet all of the listed requirements and the conditional use permit cannot be approved. The applicant is justifying the relief because she has agreed to the condition that she will live on the property which has been used by the Board as sufficient justification to grant relief for sites with two dwelling units on the property.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **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.**

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- 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 up to six automobiles can park 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 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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**August 16, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CUP-0102**

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0102 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, with **RELIEF** from Standard 4D based on the second Condition of Approval, and **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. The conditional use permit approval for this short term rental located at the rear of the property shall be allowed up to three bedrooms. A modification of the conditional use permit shall be required to allow additional bedrooms.
2. The host of record for the short term rental shall maintain his or her primary residence in the front dwelling unit on the subject property. In the event that the host establishes primary residence on another property he or she must immediately cease conducting short term rentals of the rear unit on the subject property. A new Conditional Use Permit shall be required to allow for short term rental of any unit on the property that is not the primary residence of the host.

**The vote was as follows:**

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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**August 16, 2021**

**01:08:00** Prior to adjournment, Joe Haberman, Planning & Design Manager, advised the Board Members that Member Jagoe has resigned. Vice Chair Seale reminded the Board Members that the next meeting will be an online meeting.

The meeting adjourned at approximately 2:20 p.m.

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**Chair**

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**Secretary**