

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

November 21, 2022

A meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, November 21, 2022 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky, and also via Webex.

Members Present:

Lula Howard, Chair
Richard Buttorff, Vice Chair
Sharon Bond, Secretary
Yani Vozos
Kimberly Leanhart
Jan Horton
Brandt Ford

Members Absent:

Staff Members Present:

Brian Davis, Assistant Director, Planning & Design Services
Chris French, Planning & Design Supervisor
Heather Pollock, Planner I
Molly Clark, Planner II
Amy Brooks, Planner I
Laura Ferguson, Legal Counsel
Chris Cestaro, Management Assistant

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT
MEETING MINUTES**

November 21, 2022

October 31, 2022 Board of Zoning Adjustment Meeting Minutes

00:04:45 On a motion by Member Ford, seconded by Member Horton, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the October 31, 2022 Board of Zoning Adjustment meeting with corrections as noted by the Chair..

The vote was as follows:

YES: Members Bond, Ford, Horton, Leanhart, Vozos, Vice Chair Buttorff, and Chair Howard.

November 7, 2022 Board of Zoning Adjustment Meeting Minutes

00:07:58 On a motion by Member Bond, seconded by Member Ford, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the November 7, 2022 Board of Zoning Adjustment meeting, with a minor correction as noted on the record (page 10, at 00:42:29, line 5.)

The vote was as follows:

YES: Members Horton, Leanhart, Vozos, Ford, Bond, Buttorff, and Chair Howard.

**BOARD OF ZONING ADJUSTMENT
MEETING MINUTES**

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BUSINESS SESSION

Project Name: BOZA 2023 Meeting Calendar Review
Case Manager: Chris French, AICP, Planning Supervisor

Agency testimony:

00:09:20 Chris French presented the proposed BOZA meeting dates for the 2023 calendar year.

00:11:30 On a motion by Member Ford, seconded by Member Bond, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the 2023 BOZA Meeting Calendar.

The vote was as follows:

YES: Members Horton, Leanhart, Vozos, Ford, Bond, Vice Chair Buttorff, and Chair Howard.

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PUBLIC HEARING

Case No. 21-VARIANCE-0181

Project Name: Proposed Grocery Store
Location: 10201 Brownsboro Road
Owner(s): The Deerfield CO.
Applicant: Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 17 – Markus Winkler
Case Manager: Molly Clark, 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 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:

00:12:36 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 S. 5th Street, Ste. 2500, Louisville, KY 40202

Ann Richard, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

00:16:26 Cliff Ashburner, the applicant's representative, presented the applicant's case, showed a Power Point presentation, and responded to questions from the Board members (see recording for detailed presentation.)

00:29:38 In response to questions from Chair Howard, Ann Richard, an applicant's representative, answered questions about trees and landscaping in the State right-of-way along Ballardsville Road. She said the landscape plan must be submitted to the Kentucky DOT for their approval. If they do not approve the trees for the right-of-way area, the applicant will plant them on the property, along the property line. Member

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Howard and Mr. Ashburner also discussed the note on the development plan regarding access through Tract 2 (see recording.)

00:32:56 In response to questions from Vice Chair Buttorff, Mr. Ashburner discussed landscaping, tree planting, and traffic along Old Brownsboro Road (see recording.)

The following spoke in opposition of the request:

None

00:38:07 Board Members' deliberation

00:38:38 On a motion by Member Leanhart, seconded by Member Vozos, the following resolution, based on the Standard of Review and Staff Analysis and evidence and 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 building will still have adequate vehicular and pedestrian access throughout the site. The applicant is also providing all the required landscape buffers between the proposed commercial development and existing residential development, and

WHEREAS, the Board further finds that requested variance will not alter the essential character of the general vicinity because the applicant is still providing all the required plantings along all road frontages that will create screening as well as being setback further away from the road provides adequate vehicular and pedestrian connectivity, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because the proposed building must be constructed to comply with all building codes, and it will not adversely impact the safe movement of vehicles or pedestrians, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the applicant needs to set the building back far enough to provide area for the proposed outlot and provide adequate vehicular and pedestrian connection within the site, and

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WHEREAS, the Board further finds that the requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone because the lot is not unusual in shape and there are no topographical issues that apply to this site that do not apply to other sites in the area, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the building is being proposed in the same area as the previously approved detailed district development plans, and

WHEREAS, the Board further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction; now therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **VARIANCE** to allow a proposed grocery store to exceed the 150-foot maximum front yard setback (Requirement: 150 feet; Request: 410 feet; Variance: 260 feet) and **SUBJECT** to the following Condition of Approval:

Condition of Approval

1. The Revised Detailed District Development Plan, General Plan Binding Elements, Detailed Plan Binding Elements and Waivers are approved at the Development Review Committee (DRC).

The vote was as follows:

YES: Members Horton, Leanhart, Vozos, Ford, Bond, Vice Chair Buttorff, and Chair Howard.

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PUBLIC HEARING

Case No. 22-APPEAL-0012

NOTE: This case was heard out of order. It was originally docketed as Item #14 on the agenda.

Project Name:	Bardstown Road Smoking Retail Store Appeal
Location:	3333 Bardstown Road
Owner/Appellant:	Nigam Retail Complex, LLC
Representative:	Shunnarah Law Firm
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Chris French, Planning & Design Supervisor

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:

00:40:07 The case was introduced by Chair Howard, but there was no staff presentation.

00:41:10 On a motion by Member Vozos, seconded by Member Ford, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** this case to the **December 19, 2022** Board of Zoning Adjustment meeting.

The vote was as follows:

YES: Members Horton, Leanhart, Vozos, Ford, Bond, Vice Chair Buttorff, and Chair Howard.

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PUBLIC HEARING

Case No. 22-MCUP-0008

NOTE: This case was heard out of order. It was originally docketed as Item #8 on the agenda.

Project Name:	Roosevelt Avenue Short Term Rental
Location:	4126 Roosevelt Avenue
Owner(s):	DHI IV LLC
Applicant:	Daniel Guillory
Jurisdiction:	Louisville Metro
Council District:	21– Nicole George
Case Manager:	Amy Brooks, 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:

00:42:03 Amy Brooks presented the case, showed a Power Point presentation, and responded to questions from the Board members (see staff report and recording for detailed presentation and discussion.)

00:42:44 On a motion by Member Bond, seconded by Member Ford, the following resolution, based on discussions heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** this case to the **December 5, 2022** Board of Zoning Adjustment meeting, to be placed on the **PUBLIC HEARING** portion of the agenda.

The vote was as follows:

YES: Members Horton, Leanhart, Vozos, Ford, Bond, Vice Chair Buttorff, and Chair Howard.

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BUSINESS SESSION

CASE NUMBER 22-VARIANCE-0118

Project Name: Hancock St. Variance
Location: 1446 S. Hancock St
Owner/Applicant: Jason Weiss
Jurisdiction: Louisville Metro
Council District: 6- David James
Case Manager: Amy Brooks, 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:

00:53:37 Amy Brooks presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation).

The following spoke in support of the request:

Jason Weiss, 4 Lincoln Run Road, Louisville, KY 40245

Summary of testimony of those in support:

01:00:54 Jason Weiss, the applicant, presented his case and responded to questions from the Board members (see recording for detailed presentation.)

The following spoke neither for nor against (“Other”):

Sarah Fisher, 432 East Lee Street, Louisville, KY 40217

Summary of testimony of those neither for nor against:

01:03:24 Sarah Fisher asked Mr. Weiss if he had any specific design plans, or if he just wanted to add the second story in the “camelback” style. She said her concern is to keep to the historic aesthetic of the street. Mr. Weiss gave more details about his design plans (see recording.)

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CASE NUMBER 22-VARIANCE-0118

01:06:53 Board Members' deliberation

01:07:33 On a motion by Member Leanhart, seconded by Member Buttorff, the following resolution, based on the Standard of Review and Staff Analysis and evidence and 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 structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested. However, staff is concerned that the variance could adversely affect the adjacent property owners because construction and maintenance of the addition may require encroachment onto the adjacent properties along both property lines. **In reference to Item "A", the applicant has attempted to get an access agreement, as far as allowing construction workers onto the adjoining property owner's property:** and

WHEREAS, the Board further finds that the addition will not alter the essential character of the general vicinity as it will be built with material that is in character with the surrounding residential neighborhood. In addition, there are other primary structures, such as at the corner of S. Hancock Street and E. Burnette Avenue, that encroach into the 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 addition 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 location of the proposed addition is similar to others in the neighborhood; and

WHEREAS, the Board further finds that the requested variance does not arise from special circumstances which do generally apply to the land in the general vicinity or the same zone as the lot is similar in size and shape to the surrounding properties; and

WHEREAS, the Board further finds that The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the existing house is within .6 feet of the northern property line and 1.2 feet of the southern property line; and

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WHEREAS, the Board further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **Variance** from the Land Development Code Table 5.2.2 to allow a primary structure to encroach into both side yard setbacks, as follows:

North Side Yard Setback: Requirement: 2.5 feet; Request: 0.5 feet; Variance: 2 feet
South Side Yard Setback: Requirement: 2.5 feet; Request: 1.2 feet; Variance: 1.3 feet.

The vote was as follows:

YES: Members Horton, Ford, Bond, Leanhart, Vozos, Vice Chair Buttorff, and Chair Howard.

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PUBLIC HEARING

CASE NUMBER 22-VARIANCE-0130

Project Name: Macon Avenue Variance
Location: 513 Macon Avenue
Owner: Cobalt Homes LLC
Applicant: Cullen Bilyeu
Jurisdiction: St. Matthews
Council District: 9- Bill Hollander
Case Manager: Amy Brooks, 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:

01:09:11 Amy Brooks presented the case, showed a Power Point presentation, and responded to questions from the Board members (see staff report and recording for detailed presentation and discussion.)

The following spoke in support of the proposal:

Cullen Bilyeu, 8400 St. George Lane, Louisville, KY 40220

Summary of testimony of those in support:

01:16:23 Cullen Bilyeu, the applicant, presented his case and responded to questions from the Board members. He also showed a Power Point presentation. He said the old fence was 4 feet high; however, the residents of the house, as well as neighbors, requested that the new replacement fence be 6 feet high to provide more privacy and security in the yard (see recording for detailed presentation and discussion.)

01:24:57 Board Members' deliberation

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01:26:31 On a motion by Member Bond, seconded by Member Leanhart, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposed height will alter the essential character of the general vicinity. While there are several other wooden privacy fences in the neighborhood that exceed the allowed maximum height in a street side yard setback, the closest property (directly east of the subject property) has a 4 foot fence in the street side yard setback; and

WHEREAS, the Board further finds that the requested variance will allow an unreasonable circumvention of the zoning regulations because the proposed fence is capable of being constructed or modified to be within the height limits; and

WHEREAS, the Board further finds that the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the same requirements in street side yards are applicable to all residential fences in the City of St. Matthews, and there do appear to be any site constraints; and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant. The fence height could be reduced to meet prescribed Land Development Code regulations or be shifted out of the required street side yard setback; and

WHEREAS, the Board further finds that the circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning regulation from which relief is sought as the fence has not been constructed and the applicant is requesting the variance; and

WHEREAS, the Board further finds that, while the variance will not adversely affect the public health, safety and welfare, the proposed fence will alter the essential character of the general vicinity; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **RECOMMEND** to the City of St. Matthews that the requested **Variance** from City of St. Matthews Development Code section 9.1.B.1.a to allow a fence to exceed a height of 48 inches in the street side yard setback be **DENIED**.

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The vote was as follows:

YES: Members Bond, Ford, Horton, Leanhart, Vozos, Vice Chair Buttorff, and Chair Howard.

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PUBLIC HEARING

CASE NUMBER 22-VARIANCE-0132

Project Name: Deer Park Avenue Variance
Location: 1611 Deer Park Ave
Owner/Applicant: James Kammer
Jurisdiction: Louisville Metro
Council District: 8- Cassie Chambers Armstrong
Case Manager: Amy Brooks, 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:

01:28:30 Amy Brooks presented the case, showed a Power Point presentation, and responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

James Kammer, 1611 Deer Park Avenue, Louisville, KY 40205

Summary of testimony of those in favor:

01:34:48 James Kammer, the applicant, presented his case and responded to questions from the Board members (see recording for detailed presentation).

The following spoke in opposition to the request:

Carol Luthi, 84 Alden Road, Louisville, KY 40207

Summary of testimony of those in opposition:

01:42:18 Carol Luthi said she owns the property next door to where this garage has been built. She said the structure is “an eyesore”, and said she never received any contact from Mr. Kammer. She said the subject site is “R-3” and questioned the amount of setback required (Chair Howard said **all the properties are zoned R-5.**) See recording for detailed presentation.

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01:54:30 In response to questions from Chair Howard, Ms. Brooks stated the dates of the pictures of the property that were in her staff report (see recording for detailed discussion.)

Rebuttal

01:56:38 Mr. Kammer presented the rebuttal (see recording for detailed presentation.

01:58:44 Board Members' deliberation

01:59:24 On a motion by Vice Chair Buttorff, seconded by Member Ford, the following resolution, based on the Standard of Review and Staff Analysis and evidence and 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 structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested. However, staff is concerned that the variance could adversely affect the adjacent property owner because construction and maintenance of the structure may require encroachment onto the adjacent property. **The Board felt that this issue had been adequately addressed;** and

WHEREAS, the Board further finds that the structure will not alter the essential character of the general vicinity as it will be built with material that is in character with the surrounding residential neighborhood. Moreover, there are other detached garages in the general vicinity that appear to encroach into the 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 location of the detached garage is similar to other properties located on 1600 block of Deer Park Avenue; and

WHEREAS, the Board further finds that the requested variance does not arise from special circumstances which do generally apply to the land in the general vicinity or the

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CASE NUMBER 22-VARIANCE-0132

same zone as the lot is similar in size and shape to the surrounding properties; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **Variance** from the Land Development Code, section 5.4.2.C.3 to allow an accessory structure to encroach into the side yard setback (Requirement: 2 feet; Request: 1.7 feet; Variance: 0.3 feet.)

The vote was as follows:

YES: Members Horton, Ford, Bond, Leanhart, Vozos, Vice Chair Buttorff, and Chair Howard.

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PUBLIC HEARING

CASE NUMBER 22-CUP-0230

Project Name: Southwestern Parkway Short Term Rental
Location: 909 Southwestern Parkway
Applicant: Victor Sandusky
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
Case Manager: Molly Clark, 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 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:

02:01:33 Molly Clark presented the case, showed a Power Point presentation, and responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Victor Sandusky, 9818 Secretariat Drive, Louisville, KY 40214

Summary of testimony of those in favor:

02:04:40 Victor Sandusky, the applicant, presented his case and responded to questions from the Board members (see recording for detailed presentation.)

The following spoke neither for nor against (“Other”):

Whitney King, 4532 Riverview Avenue, Louisville, KY 40211

Summary of testimony of those neither for nor against:

02:20:16 Whitney King said her concerns include protecting the integrity of the neighborhood; not turning this into a boarding house, and being run correctly. She is concerned that if the house is not occupied all the time, there might be a risk of break-

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ins. Chair Howard stated that a short-term rental is not allowed to be a boarding house (see recording for detailed discussion.)

The following spoke in opposition to the request:

Charles Leonard, 904 Southwestern Parkway, Louisville, KY 40211

Jean Griffin, 4530 West Broadway, Louisville, KY

Vanessa Lackey, 4630 Varble Avenue, Louisville, KY 40211

Marsha Moorman, 4710 Brewster Avenue, Louisville, KY 40211

Cheryl Northington, 4527 Riverview, Louisville, KY 40211

Summary of testimony of those in opposition:

02:22:21 Charles Leonard said that, in the Westover subdivision, there are 325 properties; 125 are rentals. He discussed the number of rentals, apartments, and AirBnB's/short term rentals in the area. He expressed concerns about increased traffic, increased crime, and diminishing the integrity of the neighborhood (see recording for detailed presentation.)

02:26:55 Jean Griffin discussed an "unregistered" AirBnB at 716 South 45th Street which has a frequent number of police calls, dozens of people smoking and drinking on the porch, etc. This has increased her concerns about having any more rentals in this neighborhood (see recording.)

02:29:30 Vanessa Lackey, President of the Westover Neighborhood Association, repeated the high amount of rentals in the Westover neighborhood, the high amount of traffic, parking issues, and an increase in car break-ins and car thefts. She also discussed the parties and drug use at the 716 South 45th Street property (see recording.)

02:37:52 Marsha Moorman read a letter from former Metro Councilperson Cheri Hamilton, who lives three houses down from the subject site. The primary concern was absentee landlords. She also expressed concerns about short-term rentals in general (see recording for detailed presentation.)

02:45:37 Cheryl Northington said there was a "party bus" parked outside the subject site with a party going on. Chair Howard said this is still a single-family home. Ms. Northington discussed increased traffic and reckless driving (see recording.)

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Rebuttal:

02:48:25 Mr. Sandusky delivered rebuttal and responded to questions from the Board members (see recording for detailed presentation.)

02:58:47 In response to a question from Ms. Moorman, Chair Howard said the host cannot serve food or alcohol to anyone. Guests must bring their own, if wanted. Laura Ferguson legal counsel for the Board, and Chris French, Planning & Design Supervisor, explained about enforcement (see recording for detailed discussion.)

03:02:14 Board Members' deliberation

03:16:09 A motion was made by Member Ford, seconded by Member Vozos, to approve the request. The motion failed by the following vote:

The vote was as follows:

YES: Members Ford, Vozos, and Chair Howard.

NO: Members Bond, Horton, Leanhart, and Vice Chair Buttorff.

03:18:09 Additional Board Members' deliberation.

03:20:51 On a motion by Member Leanhart, seconded by Vice Chair Buttorff, the following resolution, based on evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that, based on the testimony heard today regarding the general character of the area, and concerns that the request is incompatible and out of character with the general area; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the requested Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in the R-5 Single Family Residential Zoning District and Traditional Neighborhood Form District.

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The vote was as follows:

YES: Members Bond, Horton, Leanhart, and Vice Chair Buttorff.

NO: Members Ford, Vozos, and Chair Howard.

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CASE NUMBER 22-CUP-0260

Project Name:	Wizard Short Term Rental
Location:	3432 Wizard Avenue
Owner:	Dynamic Homes, LLC
Applicant:	Michael Hiter
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Chris French, Planning & Design Supervisor

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:

03:24:55 Chris French presented the case, showed a Power Point presentation, and responded to questions from the Board Members. He also noted an error in the staff report regarding an existing CUP within 600 feet (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Linda Hiter, 191 Knights Court, Taylorsville, KY 40071

Summary of testimony of those in favor:

03:30:35 Linda Hiter the applicant, presented the case 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 22-CUP-0260

03:37:22 Board Members' deliberation

03:37:25 On a motion by Member Vozos, seconded by Member Ford, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of 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

1. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

4.2.63 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. ***The subject property is smaller than two acres. The applicant states that the residence has 3 bedrooms that will***

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allow a maximum number of 8 guests.

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which 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 1 property with an approved conditional use permit allowing short term rentals that is not the primary residence of the host. NOTE: THIS IS A FORMER SHORT-TERM RENTAL PERMIT THAT HAS EXPIRED AND IS NOW INACTIVE. The Board granted relief to this standard because the short term rental CUP approved within 600 feet did not renew the Short Term Rental registration within 6 months of expiration; therefore, this CUP is null and void.***
- 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 applicant has stated that the property has space for 4 vehicles which includes space within the detached garage. In addition, the LDC credits the property with 1 on-street parking space.***
- 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.***

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Now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested 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 Traditional 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 3 bedrooms (with a maximum of 8 guests at any time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.

The vote was as follows:

YES: Members Horton, Ford, Bond, Leanhart, Vozos, Buttorff, and Chair Howard.

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CASE NUMBER 22-CUP-0261

Project Name: Richmond Short Term Rental
Location: 1627 Richmond Drive
Owner: Dynamic Homes, LLC
Applicant: Michael Hiter
Jurisdiction: Louisville Metro
Council District: 8 – Cassie Chambers Armstrong
Case Manager: Chris French, Planning & Design Supervisor

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:

03:39:16 Chris French presented the case, showed a Power Point presentation, and responded to questions from the Board Members (see staff report and recording for detailed presentation). He noted that a previous Conditional Use Permit located within 600 feet of this site, has **EXPIRED** and is null and void.

The following spoke in favor of the request:

Linda and Michael Hiter, 191 Knights Court, Taylorsville, KY 40071

Summary of testimony of those in favor:

03:42:27 Linda and Michael Hiter, the applicants, presented the case and responded to questions from the Board Members (see recording for detailed presentation and discussion.)

The following spoke in opposition to the request:

Maria Starck, 1616 Ruth Avenue, Louisville, KY 40205

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Summary of those in opposition to the request:

03:48:47 Maria Starck discussed the property with the lapsed Conditional Use Permit and asked if those property owners could “re-activate” that CUP. Mr. French said no, that this property owner cannot renew the permit without applying for a new permit. Ms. Starck was also opposed to the increase in density, the number of short-term rentals in the neighborhood, and how short-term rentals affect the neighborhood as opposed to long-term rentals and buyers. She noted that this property is more than the 25 miles and more than 30 minutes from the Taylorsville address the Hitters provided (see recording for detailed discussion.)

Rebuttal:

03:57:07 The Hitters presented rebuttal. Laura Ferguson, legal counsel for the Board, and Mr. French discussed contracts for tenants. Mr. French said contracts were one contract per one dwelling unit, not separate contracts for each tenant (see recording for detailed discussion.)

04:02:41 On a motion by Vice Chair Buttorff, seconded by Member Ford, the following resolution, based on the Standard of Review and Staff Analysis and evidence and 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:

1. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

4.2.63 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

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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 4 bedrooms that will allow a maximum number of 10 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 1 property with an approved conditional use permit allowing short term rentals that is not the primary residence of the host. This CUP cannot be approved without the Board granting relief to this standard. NOTE: THIS IS A FORMER SHORT-TERM RENTAL PERMIT THAT HAS EXPIRED AND IS NOW INACTIVE. The Board granted relief to this standard because the short term rental CUP approved within 600 feet did not renew the Short Term Rental registration within 6 months of expiration; therefore, this CUP is null and void.***
- 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

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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 existing shared driveway can accommodate at least 5 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.

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- 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.***

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested 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 4 bedrooms (with a maximum of 10 guests at any time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.

The vote was as follows:

YES: Members Bond, Buttorff, Ford, and Horton,

NO: Members Leanhart, Vozos, and Howard.

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PUBLIC HEARING

CASE NUMBER 22-CUP-0262

Project Name:	Short Term Rental
Location:	313 Hillview Drive
Owner:	Dynamic Rentals II, LLC
Applicant:	Michael Hiter
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Chris French, Planning & Design Supervisor

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:

04:03:50 Chris French presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Linda Hiter, 191 Knights Court, Taylorsville, KY 40071

Michael Hiter, 191 Knights Court, Taylorsville, KY 40071

Summary of testimony of those in favor:

04:05:41 Linda Hiter and Michael Hiter the applicants, presented the case and responded to questions from the Board members (see recording for detailed presentation.)

The following spoke in opposition of the request:

None

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04:10:33 Board Members' deliberation

04:10:46 On a motion by Member Vozos, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the evidence and 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:

1. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

4.2.63 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.

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The subject property is smaller than two acres. The applicant states that the residence has 2 bedrooms that will allow a maximum number of 6 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.***
- 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 existing driveway can accommodate up to 5 vehicles.***

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- 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

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested 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:

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Condition of Approval

1. The conditional use permit for this short term rental approval shall allow up to 2 bedrooms (with a maximum of 6 guests at any time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.

The vote was as follows:

YES: Members Horton, Ford, Bond, Leanhart, Vozos, and Vice Chair Buttorff.
ABSTAIN: Chair Howard.

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CASE NUMBER 22-CUP-0302

Project Name: Parkway Drive Short-term Rental
Location: 840 Parkway Drive
Owner/Applicant: Jessi Dietrich
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Heather Pollock, 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:

04:12:03 Heather Pollock presented the case, showed a Power Point presentation, and answered questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Jessi Dietrich, 1004 Clarks Lane, Louisville, KY 40217

Summary of testimony of those in favor:

04:16:40 Jessi Dietrich, the applicant, presented her case (see recording for detailed presentation and discussion). Ms. Dietrich stated she owns the house and lived in the house up until recently. When she occupied the home, she rented out rooms as short-term rentals. She would like to continue doing this even though she has moved out.

The following spoke in opposition of the request:

None

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04:22:00 Board Members' deliberation

04:22:55 On a motion by Member Bond, seconded by Vice Chair 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 there is an existing short-term rental (21-CUP-0179) within the 600-foot buffer area;

now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the requested Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in the R-5 Single Family Zoning District and Neighborhood Form District.

The vote was as follows:

YES: Members Horton, Ford, Bond, Leanhart, Vozos, Buttorff, and Chair Howard.

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The meeting adjourned at approximately 5:36 p.m.

DocuSigned by:

Lula Howard

Chair

DocuSigned by:

Sheron Bond

Secretary