

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT
January 9, 2023**

A meeting of the Louisville Metro Board of Zoning Adjustment was held on January 9, 2023 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members present:

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

Members absent:

Kimberly Leanhart

Staff Members present:

Emily Liu, Planning & Design Director
Brian Davis, Planning & Design Assistant Director
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Molly Clark, Planner II
Heather Pollock, Planner I
Amy Brooks, Planner I
Laura Ferguson, Legal Counsel
Pamela Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

DECEMBER 19, 2022 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

On a motion by Member Vozos, seconded by Member Bond, the following resolution was adopted.

RESOLVED, that the Board of Zoning Adjustment does hereby **APPROVE** the minutes of its meeting conducted on December 19, 2022.

The vote was as follows:

YES: Members Bond, Horton, Vozos and Howard

NOT PRESENT FOR THIS CASE: Member Leanhart

ABSTAINING: Members Buttorff and Ford

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PUBLIC HEARING

CASE NO. 22-VARIANCE-0136

Request:	Variance to allow an addition to the required street side yard setbacks
Project Name:	Whiteheath Addition
Location:	412 Whiteheath Lane.
Owner/Applicant:	Daniel Knapp
Jurisdiction:	City of Douglass Hills
Council District:	18-Marilyn Parker
Case Manager:	Amy Brooks, Planner I

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

Agency Testimony:

00:06:10 Amy Brooks discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Ted Bernstein, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

00:11:01 Ted Bernstein said this case was heard previously and some changes have been made. The vegetation is off-site and will not be touched. The largest encroachment is 14-feet (see recording for detailed presentation).

Deliberation:

00:17:04 Board of Zoning Adjustment deliberation.

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.

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CASE NO. 22-VARIANCE-0136

Variance from City of Douglass Hills Land Development Code table 5.4.2.C.1 to allow a structure to encroach into the required street side yard setback

On a motion by Member Bond, seconded by Member Vozos, the following resolution based on the Standard of Review and Staff Analysis, testimony heard today and the revisions of the plan presented today was adopted.

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare, because the proposed structure must be constructed to comply with all applicable building regulations and the Land Development Code, except where relief is requested. In addition, the proposed addition will not impact vision clearance for vehicular traffic maneuvering along Whiteheath Avenue or Wenlock Court; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity as there are seemingly other additions to primary structures that encroach into the street side yard setback in the neighborhood. There are principal structures that range in distance from 17 feet to 21 feet away from the street side property line along Whiteheath and Gatehouse Lanes which is consistent with the applicant's request; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because the encroaching portion of the structure will have to follow all building codes, including fire codes; and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations. As the required setback on this site is determined by infill development standards, which are intended to preserve the basic feel of the streetscape by requiring new development to complement existing construction, this request seems compatible with the established pattern of setbacks within surrounding neighborhood; and

WHEREAS, the requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone as the property is similar in size and shape to other properties in the subdivision; and

WHEREAS, the Board finds, the strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant as the location of the street side yard addition could be altered or designed in such a manner to lessen the impact on adjoining properties; and

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WHEREAS, the Board further finds 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.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance from City of Douglass Hills Land Development Code table 5.4.2.C.1 to allow a structure to encroach into the required street side yard setback, a requirement of 30 ft., request of 16 ft. resulting in a variance of 14 ft., **SUBJECT** to the following Condition of Approval:

1) A minor subdivision plat releasing a portion of the building limit line(s) shall be approved by Planning & Design Services and recorded with the Jefferson County Clerk's Office prior to the issuance of building permits.

The vote was as follows:

YES: Members Bond, Ford, Vozos and Howard

NO: Members Buttorff and Horton

NOT PRESENT AND NOT VOTING: Member Leanhart

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PUBLIC HEARING

CASE NO. 22-VARIANCE-0128

Request: Variance to allow an accessory structure to occupy more than 50% of the area of the required rear yard.
Project Name: Winton Avenue Variance
Location: 311 Winton Avenue
Owner/Applicant: Todd McDonald
Jurisdiction: Louisville Metro
Council District: 9 – Andrew Owen
Case Manager: Heather Pollock, Planner I

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

Agency Testimony:

00:19:22 Heather Pollock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Todd McDonald, 311 Winton Avenue, Louisville, Ky. 40206

Summary of testimony of those in favor:

00:23:30 Todd McDonald said the unit is being built for his mother-in-law and he's trying to maximize the space (see recording for detailed presentation).

The following spoke neither for nor against the request:

Margaret McClellan, 1420 Mockingbird Valley Green, Louisville, Ky. 40207

Summary of testimony of those spoke neither for nor against:

00:25:32 Margaret McClellan said her mother would like to petition reducing the impact of the accessory structure by requiring it to be built so that at least 50% of the rear yard as identified in the staff findings is between 311 Winton and 310 Penruth.

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There's a significant difference in the grade of the properties (see recording for detailed presentation).

Rebuttal:

00:30:39 Todd McDonald said the height is not taller than the house and understands there is a slope (see recording for detailed presentation).

Deliberation:

00:32:36 Board of Zoning Adjustment deliberation.

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.

Variance from the Land Development Code section 5.4.C.3.b to allow an accessory structure to occupy more than 50% of the required rear yard area

On a motion by Member Vozos, seconded by Member Ford, the following resolution based on the Standard of Review and Staff Analysis Item D and the testimony heard today was adopted.

WHEREAS, 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; and

WHEREAS, 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. There are other properties in the area that have structures that appear to occupy more than 50% of the required rear yard; and

WHEREAS, 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 will not hinder the safe movement of vehicles or pedestrians; and

WHEREAS, the requested variance may allow an unreasonable circumvention of the zoning regulations as there is adequate space behind the rear of the home to move the location of the proposed accessory structure so that it does not occupy more than 50% of the required rear yard; and

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

WHEREAS, the Board finds, the strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant as the lot is deep enough to move the accessory structure far enough out of the rear yard to meet the requirement; and

WHEREAS, the Board further finds 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 has not started construction and is requesting the variance.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the Variance from the Land Development Code section 5.4.C.3.b to allow an accessory structure to occupy more than 50% of the required rear yard area.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Member Leanhart

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CASE NO. 22-VARIANCE-0133

Request:	Variance to allow a Second Story Addition to encroach into the side yard setback
Project Name:	Second Story Addition
Location:	804 Caldwell Street
Owner:	Joe Worth
Applicant:	Joe Worth
Representative:	Joe Worth
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Molly Clark, Planner II

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

Agency Testimony:

00:48:21 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Joe Worth, 1208 East Breckenridge Street, Louisville, Ky. 40204

Summary of testimony of those in favor:

00:53:02 Joe Worth said the building was severely damaged and the 2nd floor makes sense because the 1st floor is so small (see recording for detailed presentation).

Deliberation:

00:57:00 Board of Zoning Adjustment deliberation.

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.

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CASE NO. 22-VARIANCE-0133

Variance from the Land Development Code, section 5.4.2.C.3 to allow an accessory structure to encroach into the side yard setback

On a motion by Member Buttorff, seconded by Member Bond, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, 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 since it will be less than 2 feet from the property line; and

WHEREAS, 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 single-family homes in the general vicinity that appear to encroach into the side yard setbacks; and

WHEREAS, 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 requested variance will not allow an unreasonable circumvention of the zoning regulations as the location of the second story addition is similar to other properties located on 800 block of Caldwell Street; and

WHEREAS, 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 finds, the strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant as the second story addition can be moved 3.7 feet away from the side yard property line and meeting the requirements are possible; and

WHEREAS, the Board further finds the applicant began construction subsequent to the adoption of the zoning regulation from which relief is sought.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance from the Land Development Code, section 5.4.2.C.3 to allow

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an accessory structure to encroach into the side yard setback, a requirement of 5 ft., a request of 1.3 ft. resulting in a variance of 3.7 ft.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Member Leanhart

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CASE NO. 22-VARIANCE-0129

Request: Variance to allow a private yard area to be less than the required 30% of the area of the lot.
Project Name: 2nd Street Variance
Location: 1330 S. 2nd St
Owner: Kevin Uhls
Applicant: Cassidy Cook
Jurisdiction: Louisville Metro
Council District: 6-Vacant
Case Manager: Amy Brooks Planner I

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

Agency Testimony:

00:58:26 Amy Brooks discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kevin Uhls, 1330 South 2nd Street, Louisville, Ky. 40208

Summary of testimony of those in favor:

01:02:37 Kevin Uhls said he's excited about adding value to the property in Old Louisville (see recording for detailed presentation).

Deliberation:

01:05:47 Board of Zoning Adjustment deliberation.

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.

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PUBLIC HEARING

CASE NO. 22-VARIANCE-0129

Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot

Note: Member Bond stated there's nothing in the staff report indicating other options for maintaining the private yard area.

On a motion by Member Bond, seconded by Member Ford, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, 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, including fire codes, and the Land Development Code, except where relief is requested; and

WHEREAS, the proposed private yard area reduction will not alter the essential character of the general vicinity as many properties in the area seemingly have reduced private yard areas to accommodate for the more compacted urban lots that are common in this area of the Old Louisville neighborhood. In addition, the applicant has already received a certificate of appropriateness from the Old Louisville Architectural Committee attesting that the proposed garage/carriage house will complement the existing character of the neighborhood as the surrounding area includes a diverse array of garages and carriage houses of varying styles and sizes; and

WHEREAS, 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 requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed accessory structure will comply with all other regulations, except where relief is requested, and there are other properties within the block that have seemingly reduced open space between the principal and accessory use areas; and

WHEREAS, 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 finds, the strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant as the proposed plan could be modified to reduce its encroachment into the private yard area; and

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WHEREAS, the Board further finds 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. The applicant has not started construction on the garage and has requested a variance.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot, a requirement of 1995 sq. ft., a request of 1715 sq. ft. resulting in a variance of 280 sq. ft.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Member Leanhart

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PUBLIC HEARING

CASE NO. 22-CAT2-0034_WAIVERS_VARIANCES

Case Numbers: 22-VARIANCE-0097; 22-VARIANCE-0121; 22- VARIANCE-0122; 22-WAIVER-0156; 22- WAIVER-0157; 22-WAIVER-0158; 22-WAIVER- 0159
Project Name: Sri Ganesh Addition
Location: 2703, 2705 & 2707 Preston Highway
Owner: Sri Ganesh, INC
Applicant: Bardenwerper, Talbot & Roberts, PLLC
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Molly Clark, Planner II

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

Agency Testimony:

01:08:13 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Christian Miller, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Michael Evans, 6625 Colonial Avenue, Evansville, In. 47725

Summary of testimony of those in favor:

01:14:14 Christian Miller said they are trying to utilize the space in a unique situation. The proposal will bring more of the missing middle-housing to Louisville. The addition will be on the northwest section which will bring the building closer to the streetscape (see recording for detailed presentation).

01:25:23 Mike Evans said the corners of the existing building are approximately 5 inches off the property line. There is room for a fence and the construction material will be low maintenance (see recording for detailed presentation).

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Deliberation:

01:34:48 Board of Zoning Adjustment deliberation.

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.

Variance from Land Development Code section 5.5.1.A.1.2 to build the proposed structure further away from the corner property lines than the maximum 5 feet away from the right-of-way of both streets on a corner lot (22-VARIANCE-0097)

On a motion by Member Ford, seconded by Member Horton, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare because the proposed building does not adversely impact the safe movement of vehicles or pedestrians; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity because the proposed addition will be constructed over the existing building footprint. The building materials proposed will also be in character with the neighborhood; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public since the proposed addition will be constructed above the existing footprint; and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations because the existing shopping center was built before today's zoning regulations and the applicant would need to tear down the existing structure in order to meet the code; and

WHEREAS, the requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as this shopping center was constructed before the creation of form districts. The applicant would need to demolish the existing building to bring the site into compliance; and

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WHEREAS, the Board finds, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as this shopping center was constructed before the creation of form districts; and

WHEREAS, the Board further finds 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 has not started construction and is requesting the variance.

Variance from Land Development Code section 5.2.3.D.3.b where adjacent to residential use, a minimum side setback of 5 feet shall be maintained. (22-VARIANCE-0121)

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare because the proposed addition does not adversely impact the safe movement of vehicles or pedestrians; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity because the proposed addition will be constructed over the existing building footprint. The building materials proposed will also be in character with the neighborhood; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public since the proposed addition will be constructed over the existing building footprint. Staff is concerned that maintenance and construction of this wall could be an issue as workers may need to access the properties at 800, 802 and 804 Reading Road to work on the exterior of the building; and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations because the existing shopping center was built before today's zoning regulations and the applicant would need to tear down the existing structure in order to meet the code; and

WHEREAS, the requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as this shopping center was constructed before the creation of form districts; and

WHEREAS, the Board finds, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the proposed addition will be constructed over the existing building footprint. The building materials proposed will also be in character with the neighborhood; and

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WHEREAS, the Board further finds 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 has not started construction and is requesting the variance.

Variance from Land Development Code section 5.7.1.B.3 to allow the proposed structure to encroach into the 25 ft rear yard setback as required in the form district transition zone standards. (22- VARIANCE-0122)

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare because the proposed building does not adversely impact the safe movement of vehicles or pedestrians; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity because the proposed addition will be constructed over the existing building footprint. The building materials proposed will also be in character with the neighborhood; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public since the proposed addition will be constructed over the existing building footprint. The building materials proposed will also be in character with the neighborhood; and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations because the existing shopping center was built before today's zoning regulations and the applicant would need to tear down the existing structure in order to meet the code; and

WHEREAS, the requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the existing shopping center was constructed before the creation of form districts; and

WHEREAS, the Board finds, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the proposed addition will be constructed over the existing building footprint. The building materials proposed will also be in character with the neighborhood; and

WHEREAS, the Board further finds 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 has not started construction and is requesting the variance.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the following variances: Variance from Land Development Code section

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5.5.1.A.1.2 to build the proposed structure further away from the corner property lines than the maximum 5 feet away from the right-of-way of both streets on a corner lot (22-VARIANCE-0097), a requirement of 5 ft., request of 92 ft., a variance of 87 ft.; Variance from Land Development Code section 5.2.3.D.3.b where adjacent to residential use, a minimum side setback of 5 feet shall be maintained (22-VARIANCE-0121) requirement of 5 ft., request of 0 ft., a variance of 5 ft.; and a Variance from Land Development Code section 5.7.1.B.3 to allow the proposed structure to encroach into the 25 ft rear yard setback as required in the form district transition zone standards (22- VARIANCE-0122) a requirement of 25 ft., request of 5 ft., a variance of 15 ft.

The vote was as follows:

YES: Members Bond, Ford, Horton, Vozos and Howard

NO: Member Buttorff

NOT PRESENT AND NOT VOTING: Member Leanhart

Waiver from Land Development Code section 5.7.1.B.3.b to not provide the same level of detail for the facades along the north, east and south property lines as required in the form district transition zone standards. (22-WAIVER-0156)

On a motion by Member Ford, seconded by Member Vozos, the following resolution based on the Standard of Review and Staff Analysis, information provided and testimony heard today was adopted.

WHEREAS, the requested waiver will not adversely affect adjacent property owners because the applicant will still be providing screening with a fence and the building materials used will be consistent with the adjacent residential neighborhood; and

WHEREAS, Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. The applicant is proposing parking away from the adjacent residential lots. Community Form Goal 2, Policy 11 calls for

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ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences; and

WHEREAS, the Board finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is proposing to redevelop an existing building that was constructed before form district regulations were implanted in the code. The facades facing residential will have windows but will also be partially screened with 6-foot fencing; and

WHEREAS, the Board further finds the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land because the applicant is still providing screening with 6-foot fencing. The applicant is also providing street trees along Linwood Avenue that will create screening for the south façade.

Waiver from Land Development Code section 10.2.10 to not provide the 5-foot vehicular use area landscape buffer along Preston Highway and Linwood Avenue (22-WAIVER-0157)

WHEREAS, the waiver will not adversely affect adjacent property owners since the applicant is providing the required 3-foot masonry wall along Preston Highway and will be providing adequate screening with street trees on Preston and Linwood as required by the code; and

WHEREAS, Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. This development will be bringing more housing to the area. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height

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restrictions and setback requirements. Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces; and

WHEREAS, the Board finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is providing the required 3-foot masonry wall along Preston Highway and will be providing adequate screening with street trees on Preston and Linwood as required by the code; and

WHEREAS, the Board further finds the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land since the applicant is providing the required 3-foot masonry wall along Preston Highway and will be providing adequate screening with street trees on Preston and Linwood as required by the code. If the applicant provided the full VUA/LBA the site would lose a significant amount of parking.

Waiver from Land Development Code section 5.5.1.A.1.3 to allow parking to be in front of the proposed building (22-WAIVER-0158)

WHEREAS, the waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the public rights-of-way to the building entrance; and

WHEREAS, Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use

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landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations; and

WHEREAS, the Board finds, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is redeveloping the existing building that was created before form districts were implemented into the code. The applicant would need to tear down the existing structure to bring the site into compliance; and

WHEREAS, the Board further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant would need to tear down the existing structure to bring the site into compliance. The applicant is redeveloping the existing building that was created before form districts were implemented into the code.

Waiver from Land Development Code section 10.2.4 (table 10.2.3) to not provide the 15 ft property perimeter landscape buffer along the north and east property lines (22-WAIVER-0159)

WHEREAS, the waiver will not adversely affect adjacent property owners since the applicant is still providing screening with a fence; and

WHEREAS, Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and storm- water. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur

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adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces; and

WHEREAS, the Board finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is still providing screening with a 6-foot fence. The existing building was also constructed before form district regulations. The applicant would need to tear down the existing structure in order to bring the site into compliance; and

WHEREAS, the Board further finds the applicant is still providing screening with a 6-foot fence. The existing building was also constructed before form district regulations. The applicant would need to tear down the existing structure in order to bring the site into compliance.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the following waivers: Waiver from Land Development Code section 5.7.1.B.3.b to not provide the same level of detail for the facades along the north, east and south property lines as required in the form district transition zone standards. (22-WAIVER-0156); Waiver from Land Development Code section 10.2.10 to not provide the 5-foot vehicular use area landscape buffer along Preston Highway and Linwood Avenue (22-WAIVER-0157); Waiver from Land Development Code section 5.5.1.A.1.3 to allow parking to be in front of the proposed building (22-WAIVER-0158); and a Waiver from Land Development Code section 10.2.4 (table 10.2.3) to not provide the 15 ft property perimeter landscape buffer along the north and east property lines (22-WAIVER-0159).

The vote was as follows:

YES: Members Bond, Ford, Horton, Vozos and Howard

NO: Member Buttorff

NOT PRESENT AND NOT VOTING: Member Leanhart

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PUBLIC HEARING

CASE NO. 22-NONCONFORM-0031

Request: Nonconforming Rights Application to allow a change in nonconforming rights from a tavern/bar and convenience grocery to professional office.
Project Name: Camp Street Nonconformance
Location: 701 Camp Street
Owner: Opportunity Louisville II LLC
Applicant: Rachel Harman
Jurisdiction: Louisville Metro
Council District: 6-Vacant
Case Manager: Amy Brooks, Planner I

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

Agency Testimony:

01:42:55 Amy Brooks discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Rachel Harmon, 1621 Windsor Place, Louisville, Ky. 40204

Summary of testimony of those in favor:

01:45:27 Rachel Harmon, architect for the proposal, discussed the storefront, signage and the 2 entrances. There are no historical preservation issues (see recording for detailed presentation).

Deliberation:

01:47:47 Board of Zoning Adjustment deliberation.

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CASE NO. 22-NONCONFORM-0031

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.

Change in nonconforming use from a tavern/bar and convenience grocery to an office

On a motion by Member Buttorff, seconded by Member Bond, the following resolution based on the Standard of Review and Staff Analysis, presentation and testimony heard today was adopted.

WHEREAS, the Board finds, tavern/bar uses are allowed in C2, C3, CM, and EZ1 zoning districts. They are also permitted with special standards in M-1, M-2, and M-3. Business and Professional Office uses are allowed in OR, OR1, OR2, OR3, OTF, CN, CR, C1, C2, C3, CM, EZ1, PRO, and W2 and is allowed as an accessory use in M1, M2, M3, and PEC. While professional and business offices are permitted in several of the same commercial zones as a tavern/ bar/convenience grocery use, they are also located in the more restrictive classifications of OR, OR1, OR2, OR3, OTF, CN, CR, C1; and

WHEREAS, the Board further finds the new nonconforming use would be no more odious or offensive to surrounding properties than the tavern/bar and convenience grocery usage on this site. The new proposed use would generate less traffic and noise than a tavern bar/convenience grocery. In fact, the proposed usage is typically located in less intensive zoning classifications than the tavern/bar and convenience grocery.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the change in nonconforming use from a tavern/bar and convenience grocery to an office.

The vote was as follows:

YES: Members Bond, Buttorff, Ford, Horton, Vozos and Howard
NOT PRESENT AND NOT VOTING: Member Leanhart

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CASE NO. 22-CUP-0327

Request: Conditional Use Permit for a Rehabilitation Home
Project Name: ARC Rehabilitation Facility
Location: 4627 Dixie Hwy
Owner: Sullivan Dixie, LLC
Applicant: Dinsmore & Shohl, LLP
Representative: Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: Vacant
Case Manager: Molly Clark, Planner II

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

Agency Testimony:

01:50:09 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Louisville, Ky. 40202
Pat Fogerty, 3010 Taylor Springs Drive, Louisville, Ky. 40220
Aquarius Young, 60 Burk Avenue, Apartment 3, Florence, Ky. 41042
Ben Pratt, 614 West Main Street, Louisville, Ky. 40202
Wayne Sartin, 1613 South 4th Street, Louisville, Ky. 40208

Summary of testimony of those in favor:

01:55:26 Cliff Ashburner gave a power point presentation. Rehabilitation home is a broad category of uses. These uses are not permitted by rite anywhere in the community and a CUP, conditional use permit is necessary (see recording for detailed presentation).

02:06:06 Pat Fogerty discussed ARC, Addiction Recovery Care as follows: they have a good reputation; operate like a hospital; long-term facility for better success;

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largest providers for addiction recovery; specialize in large facilities; and provide a safe environment (see recording for detailed presentation).

02:19:15 Aquarius Young discussed protocols for leaving the facility (see recording for detailed presentation).

02:20:16 Pat Fogerty discussed the transport team and the creation for access to care (see recording for detailed presentation).

02:23:14 Ben Pratt said he supports ARC and the career services they provide (see recording for detailed presentation).

02:24:26 Wayne Sartin is employed by ARC as a nurse who works on getting people in treatment (see recording for detailed presentation).

The following spoke in opposition to this request:

Finn Cato, Shively City Attorney, 2950 Breckenridge Lane, Suite 2, Louisville, Ky. 40220

Mayor Maria Johnson, 1918 Nelson Avenue, Louisville, Ky. 40216

Carl Ford, 1727 San Jose Avenue, Louisville, Ky. 40216

Kim Hutchison, 1727 San Jose Avenue, Louisville, Ky. 40216

Joseph E. McGaughey III, 1721 Colony Court, Shively, Ky. 40216

Deborah Jean Kennedy, 1709 Glenview Place, Shively, Ky. 40216

Councilwoman Gigi Oliver Talbott, 4009 Moray Court, Shively, Ky. 40216

Summary of testimony of those in opposition:

02:28:15 Finn Cato submitted a letter into the record. The city of Shively voted to oppose the proposal on October 17th and is opposed to the location (see recording for detailed presentation).

Mr. Cato read the from the city of Shively's Land Development Code (see recording for detailed presentation).

02:46:23 Mayor Maria Johnson discussed the following: rehabilitation recovery rate is 1:10; main concern is the public safety of Shively residents; there's a school and residential neighborhood nearby; and treatment facilities do not offer rides for the people who choose to leave the program (see recording for detailed presentation).

02:51:07 Carl Ford said he has lived on San Jose for 38 years and the area has deteriorated greatly with drug problems (see recording for detailed presentation).

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Mr. Ford read an article (see recording for detailed presentation).

02:59:45 Kim Hutchison said she circulated a petition and has 85 signatures opposed to the proposal. The outpatient facility which was approved about 6 months ago has brought an influx of homeless people and drug users to the Shively residential and commercial areas. The police and fire departments will be overwhelmed if this proposal is approved (see recording for detailed presentation).

03:04:46 Joseph McGaughey said the fence will not stop anyone as he has already seen someone climb over it and was visibly on some type of drug. The proposal needs to be located away from all residential areas (see recording for detailed presentation).

03:12:12 Deborah Kennedy said the proposal will cause a strain on the Shively budget for the fire, EMS and police departments. There are several schools in the area and back streets to lead to and from the proposed facility (see recording for detailed presentation).

03:16:33 Councilwoman Gigi Talbott said during her research, she found ARC's facilities to be very beautiful but none were on a main street. The proposal needs to be in a less populated area (see recording for detailed presentation).

Rebuttal:

03:31:50 Cliff Ashburner said there was a lot of testimony that doesn't apply to the case before the Board. This use is essential to public health and safety (see recording for detailed presentation).

03:00:54 Pat said there's always one security person on each shift, the doors lock at night and there are security cameras and alarms (see recording for detailed presentation).

04:02:32 Cliff Ashburner said he will withdraw the request for relief regarding the sign and provide a sign that is allowed in the CUP, conditional use permit regulations (see recording for detailed presentation).

Deliberation:

04:03:18 Board of Zoning Adjustment deliberation.

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.

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CASE NO. 22-CUP-0327

Conditional Use Permit to allow a rehabilitation home

On a motion by Member Horton, seconded by Member Vozos, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the proposal meets all applicable policies of the Comprehensive Plan; and

WHEREAS, the proposed improvements are compatible with surrounding development and land uses; and

WHEREAS, the Board finds, the subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed the proposal and have given preliminary approval; and

WHEREAS, the Board further finds 4.2.31 Rehabilitation Home (Shively LDC) Rehabilitation homes may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. If using an existing residential building constructed contemporaneously with the surrounding neighborhood, its exterior appearance shall not be substantially altered.

STAFF: There are no proposed alterations to the exterior of the existing buildings. There is no proposed new building construction proposed

B. New construction within an area having an established front building setback shall be constructed at the average setback line or the minimum front yard of the form district, whichever is less. Structures adjacent to residential uses or zoning districts shall increase side yards by 10 feet for each story over two.

STAFF: There are no proposed buildings being constructed with this proposal. The proposed outdoor recreational area will meet setback requirements.

C. One parking space on site shall be provided for each staff person, plus two spaces for each five residents, or five clients served by the rehabilitation home. Parking shall be reduced to one space per five residents/clients if the rehabilitation home serves persons with disabilities that preclude operation of an automobile.

STAFF: The proposed parking associated with this proposal will meet this requirement

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D. One freestanding sign not to exceed 10 square feet and 4 feet in height shall be allowed.

STAFF: Applicant is proposing to use the existing signage previously used by Spencerian College. It appears this sign exceeds the size listed in paragraph D above. The applicant should address the size of the existing sign and Board will need to grant relief to allow the existing sign to be used. Staff supports the relief because the sign currently exists on the property and is similar in size to other signs along the commercial corridor.

E. The Board shall add any additional restrictions necessary to mitigate nuisances or adverse effects.

STAFF: Board will need to discuss this requirement.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow a rehabilitation home on the site, **SUBJECT** to the following Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a boarding and lodging use until further review and approval by the Board.
3. Prior to lawful commencement of the rehabilitation home use the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies as well as with the City of Shively.

The vote was as follows:

YES: Members Buttorff, Ford, Horton, Vozos and Howard

NO: Member Bond

NOT PRESENT AND NOT VOTING: Member Leanhart

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PUBLIC HEARING

CASE NO. 22-CUP-0332

Request: Conditional Use Permit for short term rental of a dwelling unit that is not the primary residence of the host.
Project Name: Vernon Avenue Short Term Rental
Location: 168 Vernon Avenue
Owner: Travis and Randi Curtis Land Trust
Applicant: Travis and Randi Curtis
Jurisdiction: Louisville Metro
Council District: 9-Andrew Owen
Case Manager: Amy Brooks, Planner I

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

Agency Testimony:

04:11:42 Amy Brooks discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Travis Curtis, 1031 Zoneton Road, Shepherdsville, Ky. 40165
Wesley Vaughn, 1052 East St. Catherine Street, Louisville, Ky. 40204

Summary of testimony of those in favor:

04:15:34 Travis Curtis said he plans to renovate the house preserving whatever can be saved. The Ky. Heritage Council will oversee the project (see recording for detailed presentation).

04:25:56 Wesley Vaughn is the designer for the project. This property is a fantastic candidate for a large Airbnb (see recording for detailed presentation).

The following spoke neither for nor against the request:

Charles Gabriel, 165 Vernon Avenue, Louisville, Ky. 40206

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Summary of testimony of those spoke neither for nor against:

04:32:29 Charles Gabriel said he's concerned about the construction. The applicant had a dumpster there last week and tore a little bit of the retaining wall (see recording for detailed presentation). Mr. Curtis said he will pull a COA, Certificate of Appropriateness and repair the retaining wall.

Deliberation:

04:35:22 Board of Zoning Adjustment deliberation.

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.

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in the R-6 multi-family residential zone and Traditional Neighborhood form district

On a motion by Member Vozos, seconded by Member Bond, the following resolution based on the Standard of Review and Staff Analysis, testimony heard today and the fact that there are no other short-term rentals within 600 feet was adopted.

WHEREAS, the proposal does not conflict with Comprehensive Plan policies; and

WHEREAS, when appropriately managed, the proposed use is compatible with surrounding development and land uses; and

WHEREAS, the Board finds, 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 4.2.63 Short Term Rental of a dwelling unit that is not the primary residence of the host or the Short Term Rental of a condominium unit that is the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term Rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short-term rental and its host shall meet the following requirements:

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A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short-term rental. **The applicant has been informed of this requirement.**

B. The dwelling unit shall be limited to a single short-term rental contract at a time. **The applicant has been informed of this requirement.**

C. At no time shall more persons reside in the short-term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that the residence will have 7 bedrooms after renovation work (see attachment 4 for proposed floor plan) that will allow a maximum number of 16 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 0 properties with an approved conditional use permit allowing short term rentals that is not the primary residence of the host.**

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

F. Food and alcoholic beverages shall not be served by the host to any guest. **The applicant has been informed of this requirement.**

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G. Outdoor signage which identifies the short-term rental is prohibited in residential zoning districts. **The applicant has been informed of this requirement.**

H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **It appears that the driveway can accommodate three cars. The LDC credits the site with three on-street parking spaces.**

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. **As the subject property is under renovation (see attachment 4 to this report for the proposed floor plan) and is not currently completed, the applicants will need relief from this requirement. If the Board approves this CUP request, staff has recommended a condition of approval that will give the applicants 6 months from the approval of the CUP to register the short-term rental pursuant to the Louisville Metro Code of Ordinances. The Board grants relief from item (K) based on the second condition of approval.**

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

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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, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in the R-6 multi-family residential zone and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

1. The conditional use permit for this short-term rental approval shall allow up to 7 bedrooms (with a maximum of 16 guests at any one 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.
2. The applicants shall have 6 months from the approval of this conditional use permit to register the short-term rental pursuant to the Louisville Metro Code of Ordinances. The conditional use permit shall become null and void if the short-term rental is not registered within this timeframe.

The vote was as follows:

YES: Members Bond, Buttorff, Ford, Horton, Vozos and Howard
NOT PRESENT AND NOT VOTING: Member Leanhart

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PUBLIC HEARING

CASE NO. 22-CUP-0339

Request: Conditional Use Permit for short term rental of a dwelling unit that is not the primary residence of the host
Project Name: English Avenue Short Term Rental
Location: 1006 English Avenue
Owner: Humayun Habib
Applicant: Humayun Habib
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Amy Brooks, Planner I

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

Agency Testimony:

04:38:02 Amy Brooks discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Humayun Habib, 1006 English Avenue, Louisville, Ky. 40217
Rebecca Jones, 11006 Shady Hollow Drive, Louisville, Ky. 40241

Summary of testimony of those in favor:

04:41:27 Humayun Habib gave some background information. The history of the house is being preserved with some modern touches added (see recording for detailed presentation).

Mr. Habib said he would like to rent to traveling nurses and short-term rental for families (see recording for detailed presentation).

04:45:25 Rebecca Jones said the property is close to a hospital and will be rented to nurses. There will be local maid service and a handyman (see recording for detailed presentation).

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Deliberation:

04:47:59 Board of Zoning Adjustment deliberation.

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.

Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in a R-5 zoning district and Neighborhood Form District

On a motion by Member Bond, seconded by Member Buttorff, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the proposal does not conflict with Comprehensive Plan policies; and

WHEREAS, when appropriately managed, the proposed use is compatible with surrounding development and land uses; and

WHEREAS, the Board finds, 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 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.**

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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. However, staff is concerned that 2 of the stated bedrooms do not meet Louisville Metro Code of Ordinances requirements. Therefore, staff recommends that the short-term rental's occupancy be limited to 2 bedrooms which would allow for a maximum of 6 guests unless the applicant can demonstrate that these two bedrooms can meet the code requirements.**

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 feet 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.**

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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 there are 4 parking spaces on the 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.**

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in a R-5 zoning district and Neighborhood Form District on the site, **SUBJECT** to the following Condition of Approval:

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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 one 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, Horton, Vozos and Howard
NOT PRESENT AND NOT VOTING: Member Leanhart

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PUBLIC HEARING

CASE NO. 22-CUP-0335

Request: Conditional Use Permit for short term rental of a dwelling unit that is not the primary residence of the host.
Project Name: Kiki Court Short Term Rental
Location: 3601 Kiki Court
Owner: Olukayode Popoola
Applicant: Olukayode Popoola
Jurisdiction: Louisville Metro
Council District: 13 – Dan Seum Jr.
Case Manager: Heather Pollock, Planner I

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

Agency Testimony:

04:52:11 Heather Pollock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Chris Kottak, 8306 Trakia Court, Louisville, Ky. 40219
Olukayode Popoola, 3245 Southwest Brinkley Lane, Sherwood, Oregon 97140

Summary of testimony of those in favor:

04:55:03 Chris Kottak said he's here to answer questions.

04:57:56 Olukayode Popoola wants Chris Kottak to present the case.

04:58:05 Chris Kottak said the applicant purchased the property but it's in poor shape. It will be fixed up and rented for short-term rental for nurses, business professionals and people in transition of selling their home (see recording for detailed presentation).

Deliberation:

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05:05:25 Board of Zoning Adjustment deliberation.

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.

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in the R-4 single family residential zone and Neighborhood form district

On a motion by Member Horton, seconded by Member Vozos, the following resolution based on the Standard of Review and Staff Analysis, discussion and testimony heard today was adopted.

WHEREAS, the proposal does not conflict with Comprehensive Plan policies; and

WHEREAS, when appropriately managed, the proposed use is compatible with surrounding development and land uses; and

WHEREAS, the Board finds, 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 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

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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 has shown that the residence has 3 bedrooms that will 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 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 applicant states that there are 2 parking spaces within the garage and 4 in the driveway. In addition, there appears to be on street parking available in the area.**

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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.**

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in the R-4 single family residential zone and Neighborhood form district on the site, **SUBJECT** to the following 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 one 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.

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The vote was as follows:

YES: Members Bond, Ford, Horton, Vozos and Howard

NO: Member Buttorff

NOT PRESENT AND NOT VOTING: Member Leanhart

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PUBLIC HEARING

CASE NO. 22-CUP-0348

Request: Conditional Use Permit for short term rental of a dwelling unit that is not the primary residence of the host.
Project Name: Larchmont Avenue Short Term Rental
Location: 1221 Larchmont Avenue
Owner: LouCityHome, LLC
Applicant: Joe & Margaret Beverley
Jurisdiction: Louisville Metro
Council District: 3 – Vacant
Case Manager: Heather Pollock, Planner I

Notice of this public hearing was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

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

Agency Testimony:

05:08:59 Heather Pollock discussed the case summary, standard of review and staff analysis from the staff report. There is a typo in the staff report. Instead of being in a Neighborhood Form District, it should be Traditional Neighborhood Form District.

The following spoke in favor of this request:

Margaret Beverley, 4001 Carol Road, Louisville, Ky. 40218

Summary of testimony of those in favor:

05:15:09 Margaret Beverley gave a power point presentation discussing the history, neighborhood, justification for relief from the 600-foot rule and the proposal of operation (see recording for detailed presentation).

Deliberation:

05:23:43 Board of Zoning Adjustment deliberation.

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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.

Conditional Use Permit to allow short-term rental of a dwelling unit that is not the primary residence of the host in the R-5 single family residential zone and Traditional Neighborhood Form District

On a motion by Member Vozos, seconded by Member Buttorff, the following resolution based on the Standard of Review and Staff Analysis, Applicant's Justification and testimony heard today was adopted.

WHEREAS, the proposal does not conflict with Comprehensive Plan policies; and

WHEREAS, when appropriately managed, the proposed use is compatible with surrounding development and land uses; and

WHEREAS, the Board finds, 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 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**

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applicant has shown that the residence has 3 bedrooms that will 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. 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 Board grants relief from item (D), based on the fact that the registration for the property within 600' of this property with an approved conditional use permit has expired.**

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 applicant has stated there**

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are 5 off street parking space available, including 1 in the garage. Street parking is also available in the area.

I. The short-term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. **The applicant has been informed of this requirement.**

J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief. **The applicant has been informed of this requirement.**

K. Prior to commencement of any short-term rental on the subject property, the host shall register the short-term rental pursuant to the Louisville Metro Code of Ordinances. If the short-term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void. The applicant has been informed of this requirement

L. An active registration for the short-term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short-term rentals may take place 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, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the **Conditional Use Permit to allow short-term rental of a dwelling unit that is not the primary residence of the host in the R-5 single family residential zone and Traditional Neighborhood Form District** on the site, **SUBJECT** to the following Condition of Approval:

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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 one 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, Horton, Vozos and Howard
NOT PRESENT AND NOT VOTING: Member Leanhart


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REPORTS OF OFFICERS AND COMMITTEES

No report given

ADJOURNMENT

The meeting adjourned at approximately 6:54 p.m.


Chair


Secretary

