MINUTES OF THE MEETING

OF THE

LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT

June 19, 2017

A meeting of the Louisville Metro Board of Zoning Adjustment was held on June 19, 2017 at 8:30 a.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:
Mike Allendorf, Chair
Betty Jarboe, Vice Chair
Rosalind Fishman, Secretary
Dean Tharp
Lula Howard
Dwight Young

Members Absent:
Lester Turner

Staff Members Present:
Brian Mabry, Planning & Design Supervisor
Joe Haberman, Planning & Design Manager
Brian Davis, Planning & Design Manager
Jon Crumbie, Planning & Design Coordinator
Dante St. Germain, Planner I
Beth Jones, Planner II
John Carroll, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

APPROVAL OF MINUTES

June 5, 2017 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:02:30 On a motion by Member Fishman, seconded by Vice Chair Jarboe, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on June 5, 2017.

The vote was as follows:

Yes: Members Fishman, Tharp, Howard, Young, Vice Chair Jarboe, and Chair Allendorf
Absent: Member Turner

BOARD OF ZONING ADJUSTMENT MINUTES
June 19, 2017

BUSINESS SESSION

CASE NUMBER 17VARIANCE1024

Request:	Variance to reduce the private yard area
Project Name:	1302 Willow Ave Porch and Garage
Location:	1302 Willow Ave
Owner:	Theodore & Bridget Wathen
Applicant:	Christopher Quirk – Period Architecture
Representative:	Christopher Quirk
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Dante St. Germain, Planner I

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

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

Agency Testimony:

00:03:31 Dante St. Germain presented the case and showed the site plan. Ms. St. Germain stated signatures had been received from all adjoining property owners, which is the reason this is a Business Session item. Ms. St. Germain responded to questions from the Board Members (see staff report and recording for detailed presentation).

00:08:04 On a motion by Vice Chair Jarboe, seconded by Member Fishman, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the property will still have significant private yard area after the new construction is completed, and

BUSINESS SESSION

CASE NUMBER 17VARIANCE1024

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the porch and the garage will line up with existing development on neighboring lots, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as significant private yard area will remain, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as significant private yard area will remain, and

WHEREAS, the Board further finds that the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the lot is regular in shape and comparable in size to other nearby lots, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by preventing the applicant from building a new garage and screened porch, and

WHEREAS, the Board further finds that the circumstances are 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 no construction has yet taken place, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17VARIANCE1024 does hereby **APPROVE** 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 for a lot 6,000 square feet or greater in area, **(Requirement 1,890 sq. ft., Request 1,434 sq. ft., Variance 456 sq. ft.)**, based upon the presentation, the Staff Report, and the applicant's justification.

The vote was as follows:

Yes: Members Fishman, Tharp, Howard, Young, Vice Chair Jarboe, and Chair Allendorf
Absent: Member Turner

PUBLIC HEARING

CASE NUMBER 17VARIANCE1021

Request:	Variances to permit encroachment into required side and rear yards
Project Name:	810 Philips Lane
Location:	810 Phillips Lane
Owner:	Garnet Hospitality LLC
Applicant:	Garnet Hospitality LLC
Representative:	BTM Engineering Inc.
Jurisdiction:	Louisville Metro
Council District:	21 – Dan Johnson
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency Testimony:

00:09:58 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Chris Brown, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in favor:

00:17:46 Chris Brown spoke in favor of the request and showed a Powerpoint presentation. Mr. Brown responded to questions from the Board Members (see recording for detailed presentation).

PUBLIC HEARING

CASE NUMBER 17VARIANCE1021

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

00:24:26 Board Members' deliberation

00:25:23 On a motion by Member Fishman, seconded by Member Howard, the following resolution was adopted:

Variance #1 to permit encroachment into the required side yard (LDC 5.3.5.C.3b), and Variance #2 to permit encroachment into the required rear yard (LDC 5.3.5.C.3c):

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the variances do not affect public health, safety or welfare as the encroachment will not interfere with the public right-of-way or restrict pedestrian and vehicular movement or visibility, and

WHEREAS, the Board further finds that the proposed development and requested variances are entirely in character with the immediate surroundings and the general vicinity. The proposed encroachments are consistent with existing development on adjoining sites, and

WHEREAS, the Board further finds that the variance will not affect the public right-of-way or create a hazard or nuisance to the public or to adjoining property owners, and

WHEREAS, the Board further finds that the variances are made necessary by the shape of the site, which restricts the buildable area, and will not adversely affect adjoining property owners, and

WHEREAS, the Board further finds that the shape of the site restricts its buildable area, and

WHEREAS, the Board further finds that application of the regulation would not deprive the applicant of reasonable use of the land. The purpose of the restrictions -- to protect the adjoining residential property -- does not apply in this case, as they are currently developed for commercial purposes, and

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CASE NUMBER 17VARIANCE1021

WHEREAS, the Board further finds that the development site was created in 1994 and cannot now be modified due to existing development on adjacent sites, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17VARIANCE1021 does hereby **APPROVE** Variance #1 to permit encroachment into the required side yard (LDC 5.3.5.C.3b) **(Requirement 20 ft., Request 2.0 ft., Variance 18.0 ft.)**, and Variance #2 to permit encroachment into the required rear yard (LDC 5.3.5.C.3c) **(Requirement 20 ft., Request 0.0 ft., Variance 20.0 ft.)**, based upon the presentation, the Staff Report, and the applicant's justification.

The vote was as follows:

Yes: Members Fishman, Tharp, Howard, Young, Vice Chair Jarboe, and Chair Allendorf
Absent: Member Turner

PUBLIC HEARING

CASE NUMBER 17CUP1027

Request:	Conditional Use Permit to allow short term rental of a dwelling unit in the Traditional Neighborhood Zoning District (TNZD)
Project Name:	Short Term Rental
Location:	523 W. St. Catherine Street
Owner:	Laurie Baldwin Fallon
Applicant:	Laurie Baldwin Fallon
Representative:	Laurie Baldwin Fallon
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency Testimony:

00:27:22 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see staff report and recording for detailed presentation).

00:31:15 NOTE: Chair Allendorf tabled this case to later on the docket since the applicant was not available (see recording for detailed presentation).

01:31:42 NOTE: Chair Allendorf recalled this case.

Agency Testimony:

01:32:07 Beth Jones responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 17CUP1027

The following spoke in favor of the request:
Jim Fallon, 523 W. St. Catherine Street, Louisville, KY

Summary of testimony of those in favor:

01:33:33 Jim Fallon spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

01:37:42 Board Members' deliberation

01:38:18 On a motion by Vice Chair Jarboe, seconded by Member Howard, the following resolution was adopted:

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

WHEREAS, the Board further finds that the existing site is compatible with surrounding uses. The proposal does not include any new construction or modification of either existing structure, and

WHEREAS, the Board further finds that the site is currently served by all public utilities, and

WHEREAS, the Board further finds that:

A short term rental of dwelling unit that is not the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and a 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.

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B. The dwelling unit shall be limited to a single short term rental contract at a time.

C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. ***According to the applicant, the subject dwelling unit has one-bedroom. As such, it will be permitted to accommodate up to six guests.***

D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted. ***According to information supplied by the applicant, the subject dwelling unit is one of two within a duplex.***

E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.

F. Outdoor signage which identifies the short term rental is prohibited.

G. There shall be a sufficient amount of parking available for the host and 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. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. ***The minimum parking requirement for a duplex is one space per dwelling unit. Up to four parking spaces are available for the use of both units, including two off-street spaces.***

H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17CUP1027, does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit within the Old Louisville Traditional Neighborhood Zoning District (TNZD), based upon the Staff Report, the applicant's testimony, and **SUBJECT** to the following Condition of Approval:

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Condition of Approval:

1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and shall register with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

The vote was as follows:

Yes: Members Fishman, Tharp, Howard, Young, Vice Chair Jarboe, and Chair Allendorf
Absent: Member Turner

PUBLIC HEARING

CASE NUMBER 17VARIANCE1030

Request:	Variances from the required 10' side yard setbacks
Project Name:	1122 Rogers Street Addition
Location:	1122 Rogers Street
Owner:	Rogers Street Firehouse LLC
Applicant:	Dinsmore & Shohl LLC
Representative:	Cliff Ashburner
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Dante St. Germain, Planner I

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

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

Agency Testimony:

00:32:15 Dante St. Germain stated the applicant has requested this case be moved to later on the docket since the architect is not here yet (see recording for detailed presentation).

00:32:29 NOTE: Chair Allendorf tabled this case to later on the docket since the architect was not available (see recording for detailed presentation).

01:02:03 NOTE: Chair Allendorf recalled this case.

Agency Testimony:

01:02:52 Dante St. Germain presented the case and showed a Powerpoint presentation. Ms. St. Germain responded to questions from the Board Members (see staff report and recording for detailed presentation).

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The following spoke in favor of the request:
Cliff Ashburner, 101 S. 5th Street, Suite 2500, Louisville, KY 40202
Christine Collins, 231 N. 19th Street, Louisville, KY 40203

Summary of testimony of those in favor:

01:08:22 Cliff Ashburner spoke in favor of the request and showed a Powerpoint presentation. Mr. Ashburner responded to questions from the Board Members (see recording for detailed presentation).

01:15:14 Christine Collins spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:16:54 Cliff Ashburner spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

01:18:48 Board Members' deliberation

01:20:07 On a motion by Member Fishman, seconded by Vice Chair Jarboe, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variances will not adversely affect the public health, safety or welfare as the proposed addition will be in-line with the existing building, which has caused no known adverse effects, and

WHEREAS, the Board further finds that the requested variances will not alter the essential character of the general vicinity as zero lot line development is present on other nearby lots and is not uncommon in Traditional Neighborhood Form Districts, and

WHEREAS, the Board further finds that the requested variances will not cause a hazard or nuisance to the public as the addition will be in-line with the existing building, which has caused no known hazard or nuisance , and

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WHEREAS, the Board further finds that the requested variances will not allow an unreasonable circumvention of the zoning regulations as zero lot line development is in character for Traditional Neighborhood Form Districts, and

WHEREAS, the Board further finds that the requested variances do not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the lot is regular in shape and all of the lots in the general vicinity are of similar dimensions, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the property owner to build an addition only 10 feet wide, which would not provide adequate space for the applicant to use, and

WHEREAS, the Board further finds that the circumstances are 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 yet begun construction, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17VARIANCE1030, does hereby **APPROVE** Variances from Land Development Code Table 5.2.2 to allow a structure to encroach into the required 10' side yard setbacks **(Requirement 10 ft., Request 0 ft., Variance 10 ft. [each side])**, based upon the Staff Report, the discussion, the applicant's justification, and **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The Approval of these Variances by the Board of Zoning Adjustment is contingent upon Approval of the Landscape Waiver by the Development Review Committee.

The vote was as follows:

Yes: Members Fishman, Tharp, Howard, Young, Vice Chair Jarboe, and Chair Allendorf
Absent: Member Turner

PUBLIC HEARING

CASE NUMBER 17VARIANCE1030

01:22:35 At this time Chair Allendorf called case #9 on the docket. See page 25 of these minutes for that case.

PUBLIC HEARING

CASE NUMBER 17VARIANCE1026

Request:	Variance from the required 50' street side yard setback and variance from the required 65' front yard setback
Project Name:	2005 Lakeland Road Garage and Additions
Location:	2005 Lakeland Road
Owner:	Off Ice Flips
Applicant:	Ludmila Dimitrov
Representative:	Ludmila Dimitrov
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Dante St. Germain, Planner I

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

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

Agency Testimony:

00:33:06 Dante St. Germain stated the applicant has requested a continuance to the next BOZA hearing date. Ms. St. Germain stated the applicant has retained counsel with Nick Pregliasco and he has requested a continuance (see recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N. Hurstbourne Parkway, Louisville, KY 40223

Summary of testimony of those in favor:

00:33:40 Nick Pregliasco requested a continuance to the July 10, 2017 Board of Zoning Adjustment meeting (see recording for detailed presentation).

PUBLIC HEARING

CASE NUMBER 17VARIANCE1026

00:35:11 On a motion by Vice Chair Jarboe, seconded by Member Howard, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 17VARIANCE1026 to the July 10, 2017 Board of Zoning Adjustment meeting at the request of the applicant.

The vote was as follows:
Yes: Members Fishman, Tharp, Howard, Young, Vice Chair Jarboe, and Chair Allendorf
Absent: Member Turner

PUBLIC HEARING

CASE NUMBER 17VARIANCE1031

Request:	Variance from the required 6' side yard setback
Project Name:	313 Fairlawn Avenue Addition
Location:	313 Fairlawn Avenue
Owner:	Kimberlee Kessler
Applicant:	Gary Doda – Affordable Builders
Representative:	Gary Doda
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Dante St. Germain, Planner I

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

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

Agency Testimony:

00:37:03 Dante St. Germain presented the case and showed a Powerpoint presentation. Ms. St. Germain responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Gary Doda, 114 Ridgeway Avenue, St. Matthews, KY 40207

Summary of testimony of those in favor:

00:42:32 Gary Doda spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

PUBLIC HEARING

CASE NUMBER 17VARIANCE1031

00:45:38 Board Members' deliberation

00:46:24 On a motion by Member Fishman, seconded by Vice Chair Jarboe, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the garage is existing on the property and has caused no known adverse effects, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as other nearby properties have similar garages at similar distances from the principal structures, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the garage is being renovated and will comply with current building code, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the garage is existing and the encroachment is increasing only due to the construction of an addition onto the rear of the principal structure, and

WHEREAS, the Board further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the garage is existing on the property and the encroachment is increasing only because of the construction of the addition onto the principal structure, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the applicant to move an existing garage, and

WHEREAS, the Board further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the garage already exists on the property, and

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

PUBLIC HEARING

CASE NUMBER 17VARIANCE1031

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17VARIANCE1031, does hereby **APPROVE** Variance from St. Matthews Development Code Section 4.6.C.2.b to allow a structure to encroach into the required side yard setback **(Requirement 6 ft., Request 0.8 ft., Variance 5.2 ft.)**, based upon the Staff Report, the discussion and the applicant's justification.

The vote was as follows:

Yes: Members Fishman, Tharp, Howard, Young, Vice Chair Jarboe, and Chair Allendorf
Absent: Member Turner

PUBLIC HEARING

CASE NUMBER 16CUP1067

Request:	Conditional Use Permit to allow an accessory apartment in an R-5 zoning district
Project Name:	None
Location:	1677 Trigg Avenue
Owner:	Herman Harris
Applicant:	Herman Harris
Representative:	Herman Harris
Jurisdiction:	Louisville Metro
Council District:	10– Pat Mulvihill
Case Manager:	Jon E. Crumbie, Planning and Design Coordinator

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

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

Agency Testimony:

00:48:26 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Herman Harris, 1681 Trigg Street, Louisville, KY 40213

Summary of testimony of those in favor:

00:53:24 Herman Harris spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

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CASE NUMBER 16CUP1067

00:56:19 Board Members' deliberation

00:57:15 On a motion by Vice Chair Jarboe, seconded by Member Howard, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with the applicable policies of the Comprehensive Plan. Guideline B.2 (Community Form), the proposal preserves the existing grid pattern of streets, sidewalks and alleys. Guideline A. 23 (compatibility), setbacks and building heights are compatible with those of nearby existing developments. The applicant is proposing no new landscaping, and

WHEREAS, the Board further finds that the underlying use of the property shall remain the same (principle and accessory dwelling). As such, the proposal is compatible with the surrounding land uses with respect to height, bulk, scale, intensity, traffic, noise, odor, drainage, lighting and appearance, and

WHEREAS, the Board further finds that MSD and Transportation Planning have approved the proposal. The Louisville Fire District #4 did not comment on the proposal, and

WHEREAS, the Board further finds that:

Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements. The applicant will be asking for relief of item A. and D.

A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises. ***The applicant resides at 1681 Trigg Avenue.***

B. The accessory apartment shall be no greater than 650 sq. ft. or 30% of the floor area of the principal residence, whichever is greater.

C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves

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CASE NUMBER 16CUP1067

a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate.

D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:

1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors; ***the site has three off-street parking spaces and all are located outdoors***; and
2. Traditional Neighborhood - at least one off-street space provided on the lot; and
3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 16CUP1067, does hereby **APPROVE** Conditional Use Permit to allow an accessory apartment in an R-5 Zoning District and to not add additional landscaping, based upon the Staff Report, the applicant's testimony, the Certificate of Compliance, the applicant's justification, and **SUBJECT** to the following Condition of Approval:

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 an accessory apartment without further review and approval by the Board.

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CASE NUMBER 16CUP1067

The vote was as follows:

Yes: Members Fishman, Tharp, Howard, Young, Vice Chair Jarboe, and Chair Allendorf
Absent: Member Turner

01:02:03 NOTE: Chair Allendorf recalled Agenda Item #5, which was tabled earlier in the meeting. See page 12 of these minutes for the conclusion of that case.

PUBLIC HEARING

CASE NUMBER 17CUP1021

Request:	Conditional Use Permit to allow a proposed short term rental that is not the primary residence of the host in R-6 zoning district
Project Name:	None
Location:	2505 Standard Avenue
Owner:	Jhelisa Anderson
Applicant:	David Anderson, Jr.
Representative:	Donna McDonald
Jurisdiction:	Louisville Metro
Council District:	3 – Mary Woolridge
Case Manager:	Jon E. Crumbie, Planning and Design Coordinator

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

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

Agency Testimony:

01:23:19 Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Donna McDonald, 2900 West Broadway, Louisville, KY 40211

Summary of testimony of those in favor:

01:26:19 Donna McDonald responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 17CUP1021

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

01:29:12 Board Members' deliberation

01:29:50 On a motion by Vice Chair Jarboe, seconded by Member Howard, the following resolution was adopted:

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

WHEREAS, the Board further finds that the underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. No additional development is proposed. As such, the proposal is compatible with the surrounding land uses with respect to height, bulk, scale, intensity, traffic, noise, odor, drainage, lighting and appearance, and

WHEREAS, the Board further finds that the underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. No additional development is proposed. MSD and Transportation Planning have approved the proposal, and

WHEREAS, the Board further finds that:

A short term rental of dwelling unit that is not the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and a 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.

B. The dwelling unit shall be limited to a single short term rental contract at a time.

C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. ***The dwelling unit has 3 bedrooms which will allow a maximum of 10 occupants.***

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D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.

E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.

F. Outdoor signage which identifies the short term rental is prohibited.

G. There shall be a sufficient amount of parking available for the host and 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. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. ***Parking is located along the existing driveway and carport area at the rear of the property.***

H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17CUP1021, does hereby **APPROVE** Conditional Use Permit to allow short term rental in an R-6 Zoning District that is not the primary residence of the host, based upon the Staff Report, and **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and register with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.

The vote was as follows:

Yes: Members Fishman, Tharp, Howard, Young, Vice Chair Jarboe, and Chair Allendorf
Absent: Member Turner

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01:31:19 Meeting was recessed.

01:31:39 Meeting was reconvened.

01:31:42 Chair Allendorf recalled Item #4 on the agenda which was tabled earlier in the meeting. See page 8 of these minutes for the conclusion of that case.

ADJOURNMENT

The meeting adjourned at approximately 10:21 a.m.

Chair

Secretary