MINUTES OF THE MEETING

OF THE

LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT

June 4, 2018

A meeting of the Louisville Metro Board of Zoning Adjustment was held on June 4, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:
Mike Allendorf, Chair
Rosalind Fishman, Vice Chair
Lula Howard, Secretary
Lester Turner, Jr.
Richard Buttorff
Kimberly Leanhart
Dwight Young

Staff Members Present:
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Steve Hendrix, Planning & Design Coordinator
Dante St. Germain, Planner I
Jay Luckett, Planner I
Beth Jones, Planner II
Travis Fiechter, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

APPROVAL OF MINUTES

MAY 21, 2018 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:02:20 On a motion by Vice Chair Fishman, seconded by Member Young, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on May 21, 2018.

The vote was as follows:

Yes: Members Young, Turner, Leanhart, Vice Chair Fishman, and Chair Allendorf
Absent: Members Howard, and Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
June 4, 2018

PUBLIC HEARING

Case Number 18VARIANCE1042

Request:	Variance to exceed the infill maximum front setback
Project Name:	Bridwell Car Wash
Location:	4856 Cane Run Road
Owner:	Hoag Holdings 36, LLC.
Applicant:	The Car Wash Company
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Jay Luckett, 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:

00:03:24 Jay Luckett presented the case and showed a Powerpoint presentation. Mr. Luckett responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Sarah Beth Sammons, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

00:07:58 Sarah Beth Sammons spoke in favor of the request and showed a Powerpoint presentation. Ms. Sammons 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 18VARIANCE1042

00:11:59 Board Members' deliberation

00:13:41 On a motion by Member Howard, seconded by Member Young, the following resolution, based upon the Standard of Review and Staff Analysis, and the presentations by staff and the applicant's representative, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the variance will not adversely affect the public health, safety or welfare because the structure will be constructed to all appropriate safety codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity because the structure is set up to face the commercial corridor along Cane Run Rd, and will meet all applicable standards for design of commercial structures, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because all provisions for safe vehicular and pedestrian circulation will be provided for on site, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations because without a variance, the site would be rendered unbuildable by the existing detention basin, and

WHEREAS, the Board further finds that the existing detention basin takes up the majority of the frontage along Bridwell Dr., limiting the area of the site that can be built on, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the existing detention basin occupies makes building up to the required infill setback virtually impossible, 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; now, therefore be it

PUBLIC HEARING

Case Number 18VARIANCE1042

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18Variance1042does hereby **APPROVE** Variance from Land Development Code Section 5.1.12.A.2.a to allow a proposed structure to exceed the infill front yard setback standards along Bridwell Drive by approximately 160 feet.

The vote was as follows:

Yes: Members Young, Buttorff, Turner, Howard, Leanhart, Vice Chair Fishman, and Chair Allendorf

PUBLIC HEARING

CASE NUMBER 18VARIANCE1047

Request:	Variance to allow a fence to exceed 4 feet in height in the front yard setback
Project Name:	Elmwood Avenue Fence
Location:	4003 Elmwood Avenue
Owner:	Julie & Robert Dixon
Applicant:	Robert Dixon
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:

00:16:10 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:

Julie Dixon, 4003 Elmwood Avenue, Louisville, KY 40207

Summary of testimony of those in favor:

00:20:56 Julie Dixon 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 18VARIANCE1047

00:23:42 Board Members' deliberation

00:24:38 On a motion by Vice Chair Fishman, seconded by Member Turner, the following resolution, based upon the presentation by staff, the Standard of Review and Staff Analysis, the discussion, and the applicant's variance justification, 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 proposed fence is to be located well away from the corner, and will not create a health, safety or welfare issue for turning vehicles, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there is another, similar fence across the street from this property which extends in the street side yard setback, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed fence will not obstruct sight lines for turning vehicles at the corner, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the right-of-way for St. Matthews Avenue is significantly wider than the pavement, with the result that the fence will be set back considerably from the St. Matthews Avenue edge of pavement, 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 because the lot is regular in shape and similar in size to other lots in the immediate neighborhood, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by preventing the applicant from constructing a privacy fence to enclose a side patio, 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

PUBLIC HEARING

CASE NUMBER 18VARIANCE1047

from which relief is sought as the applicant is requesting the variance and has not 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 18VARIANCE1047 does hereby **APPROVE** Variance from City of St. Matthews Development Code Section 9.1.B.1.a to allow a fence in the required front yard setback to exceed 4 feet in height.

The vote was as follows:

Yes: Members Young, Buttorff, Turner, Howard, Leanhart, Vice Chair Fishman, and Chair Allendorf

PUBLIC HEARING

CASE NUMBER 18VARIANCE1041

Request:	Variance to allow a private yard area to be less than the required 30% of the area of a lot
Project Name:	Pennsylvania Avenue Garage
Location:	142 Pennsylvania Avenue
Owner:	Kristen Michelle Edwards
Applicant:	Anne Del Prince
Jurisdiction:	Louisville Metro
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:

00:26:25 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:
Justin Taylor, 142 Pennsylvania Avenue, Louisville, KY 40206

Summary of testimony of those in favor:

00:31:40 Justin Taylor 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 18VARIANCE1041

00:34:29 Board Members' deliberation

00:35:14 On a motion by Member Young, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the applicant's Variance justification, 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 proposed to be similar in size and orientation to other garages currently present on the same block, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there are other, similar garages in the general vicinity, and the reduction in private yard area is relatively small, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed garage has received preliminary Transportation Planning approval, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the reduction in private yard area is relatively small, and without the variance the applicant would not be able to construct a usable garage on the property, 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 because the lot is regular in shape and similar in size to other lots in the immediate neighborhood, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by preventing the applicant from constructing a usable garage on the property, and

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

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CASE NUMBER 18VARIANCE1041

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 18VARIANCE1041 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 **(Requirement 30% [2,427 sf], Request 23% [1,875 sf], Variance 7% [552 sf])**.

The vote was as follows:

Yes: Members Young, Buttorff, Turner, Howard, Leanhart, Vice Chair Fishman, and Chair Allendorf

PUBLIC HEARING

CASE NUMBER 18VARIANCE1046

Request:	Variance to allow a structure to encroach into the required front yard setback
Project Name:	Grace Court Residence
Location:	907 Grace Court
Owner:	River Glen Landis II LLC
Applicant:	Michael Hill – Land Design & Development
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
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:

00:36:50 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:

Mike Hill, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

00:39:58 Mike Hill spoke in favor of the request and showed a Powerpoint presentation. Mr. Hill responded to questions from the Board Members (see recording for detailed presentation).

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CASE NUMBER 18VARIANCE1046

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

00:46:22 Board Members' deliberation

00:49:27 On a motion by Member Howard, seconded by Member Young, the following resolution, based upon the Standard of Review and Staff Analysis, the presentations, the applicant's justification statement, and the elevations, 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 proposed encroachment is relatively small and will not affect the public, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed encroachment is small enough to not be noticeable given the curvature of the street, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed encroachment will not obstruct sight lines for turning vehicles at the corner, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the lot is irregular in shape with challenging topography, and the encroachment is necessitated by the unusual shape and topography of the lot, 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 because the lot is irregular in shape with a concave curve along the Glendower Avenue frontage, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the applicant to construct a much smaller home on the lot, 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

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CASE NUMBER 18VARIANCE1046

from which relief is sought as the applicant is requesting the variance and has not begun construction, and

WHEREAS, the Board further finds that this variance will not adversely affect the public health, safety or welfare because the proposed residence is situated so that it will not impede sight distance and will not negatively impact neighbors, motorists or pedestrians in the area, and

WHEREAS, the Board further finds that this variance will not alter the essential character of the general vicinity because this subdivision already has an established development pattern that will be complimented by the proposed residence. In fact, three other nearly identical variances have been approved on corner lots within this subdivision in the last few years, and

WHEREAS, the Board further finds that this variance will not cause a hazard or a nuisance to the public because there will still be enough distance between the house and the roadway to avoid any hazardous situations. Furthermore, since only a small corner of the proposed residence encroaches into the required setback area, the fact that a portion of the house is encroaching will hardly be noticeable at all, and

WHEREAS, the Board further finds that this variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the applicant is simply asking for similar consideration other corner lots in this subdivision have received, and

WHEREAS, the Board further finds that special circumstances in this case include the fact that this property is a corner lot and Glendower Drive curves in toward the site giving it a somewhat narrow irregular shaped building envelope, and

WHEREAS, the Board further finds that the strict application of the applicable regulations would prohibit the proposed house plan, which is compatible with the existing homes in the subdivision, from being constructed on this narrow, irregular shaped corner lot, 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 regulation from which relief is sought. The applicant is requesting a minimal variance to this lot that was previously approved and platted in order to construct an attractive residence and make the most efficient use of the lot; now therefore be it

PUBLIC HEARING

CASE NUMBER 18VARIANCE1046

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18VARIANCE1046 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow a structure to encroach into the required front yard setback **(Requirement 30 ft., Request 22.64 ft., Variance 7.36 ft.)**.

The vote was as follows:

Yes: Members Young, Buttorff, Turner, Howard, Leanhart, Vice Chair Fishman, and Chair Allendorf

00:51:00 Meeting was recessed.

00:51:24 Meeting was reconvened.

PUBLIC HEARING

CASE NUMBER 18CUP1028

Request:	Conditional Use Permit to allow short term rental of a dwelling unit zoned R5-A and not the primary residence of the host
Project Name:	Short Term Rental
Location:	2027 Maryland Avenue
Owner/Applicant:	Osborne Insurance Trust
Applicant/Representative:	Key Source Properties
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Beth Jones, AICP, Planner II 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:

00:52:22 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).

The following spoke in favor of the request:

Jonathan Klunk, 1372 S. 6th Street, Louisville, KY 40208

Summary of testimony of those in favor:

00:56:54 Jonathan Klunk spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:10:42 Joe Haberman and Travis Fiechter responded to questions from the Board Members regarding liability (see recording for detailed presentation).

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CASE NUMBER 18CUP1028

01:14:06 Mr. Klunk responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:
William Bryant, 2113 Maryland Ave., Louisville, KY 40205
Deborah Vice, 2125 Edgehill, Louisville, KY 40205

Summary of testimony of those in opposition:

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

01:22:22 Deborah Vice spoke in opposition of the request and responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

01:31:50 Jonathan Klunk spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

01:39:10 Joe Haberman responded to questions from the Board Members regarding parking requirements (see recording for detailed presentation).

01:40:30 Board Members' deliberation

01:56:34 On a motion by Vice Chair Fishman, seconded by Member Young, the following resolution, based upon the Standard of Review and Staff Analysis, and the discussion, was adopted:

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

WHEREAS, the Board further finds that with appropriate management, short-term rental use can be compatible with surrounding development. No exterior alterations to the existing structure or site are proposed, and

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CASE NUMBER 18CUP1028

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal does not appear to create additional requirements for the site, 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. ***According to the applicant, the residence has three bedrooms; LDC regulations permit up to ten guests.***

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

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. ***LDC regulations credit the 31 ft. property frontage with one on-street parking space. The garage at the rear of the site will not be available for guest use.***

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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.

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1028 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit zoned R5-A and not the primary residence of the host, SUBJECT to the following Conditions of Approval:

Conditions 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 with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 60 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.
2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
3. Total number of guests at any one time shall be limited to six, unless the garage is made available for parking, in which case the number of guests shall be limited to eight.

The vote was as follows:

Yes: Members Young, Buttorff, Howard, Leanhart, Vice Chair Fishman, and Chair Allendorf
No: Member Turner

PUBLIC HEARING

CASE NUMBER 17CUP1088

Request:	Conditional Use Permit to allow short term rental of a dwelling unit zoned R-5 and not the primary residence of the host
Project Name:	Short Term Rental
Location:	2122 Edgehill Road
Owner:	Gant B. Hill
Applicant/Representative:	Key Source Properties
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Beth Jones, AICP, Planner II I

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

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

Agency Testimony:

01:58:51 Beth Jones stated the applicant is requesting to withdraw this case (see staff report and recording for detailed presentation).

The following spoke on behalf of the applicant:

Jonathan Klunk, 1372 S. 6th Street, Louisville, KY 40208

Summary of testimony on behalf of the applicant:

01:59:40 Jonathan Klunk spoke on behalf of the applicant. Mr. Klunk stated he was representing Mr. Hill, asking for continuance on this case. Mr. Klunk stated it has come to their attention that the owners are of different opinion on this and need time to discuss before proceeding. Mr. Klunk responded to questions from the Board Members (see recording for detailed presentation).

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02:00:53 The Board Members, Legal Counsel, and Mr. Haberman discussed the potential for enforcement action if the property continues to be operated as a short term rental, as well as possible dates for continuance (see recording for detailed presentation).

The following spoke in opposition of the request:
Bob Heleringer, 7982 New LaGrange Road, Suite 1, Louisville, KY 40222
Grant Helman, 600 W. Main Street, Louisville, KY 40202

Summary of testimony of those in opposition:

02:10:26 Bob Heleringer spoke in opposition of the request. Mr. Heleringer stated he would ask the Board to consider another option, and that is to deny this application outright since Mrs. Hill never signed any application and was unaware of it until after the fact, and she is a co-owner of that house and is opposed to this application which she had nothing to do with (see recording for detailed presentation).

02:14:00 Grant Helman spoke on behalf of his client, Mrs. Hill, in opposition of the request. Mr. Helman stated that Mr. Hill was here today and chose to leave. Mr. Helman stated the representative from Key Source received a letter from him advising that it was not Mrs. Hill's opinion to go ahead with the short term rental and to please contact her knowing that she is a co-owner, all of which has been refused by Key Source. Mr. Helman requested this case be denied. Mr. Helman stated his client's position in this would be that the short term rental would reduce the value of the property, because it will be sold in this divorce. Mr. Helman stated it is his client's feeling that this case should be dismissed (see recording for detailed presentation).

DISCUSSION:

02:17:51 Chair Allendorf stated based upon the information just heard from the opposition's two attorneys, it may be in the best interest of the applicant to actually withdraw the case (see recording for detailed presentation).

02:19:10 Mr. Helman stated this property has been used as an Airbnb from September, 2017all the way through May, and yet there has never been any notice given by Key Source that this was going to be done, and this is also a

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litigation matter that is going on in Family Court (see recording for detailed presentation).

02:20:12 Mr. Klunk stated he did ignore the demand from Mr. Helman's office at the request of Mr. Hill's attorney. Mr. Klunk stated as for the short term rental, this property has been a corporate rental, meaning having rentals of thirty days or longer, longer than it has been a short term rental. Mr. Klunk stated for five months there have been people in the property thirty days or longer (see recording for detailed presentation).

02:20:54 Mr. Fiechter stated this is an unusual situation. Mr. Fiechter stated we've heard from the representative of the co-owner of the property that she is against the use of this property as a short term rental, and that is not a situation this Board has encountered before. Mr. Fiechter stated that sounds like somewhat of a procedural matter and that's not really something this Body is suited for. Mr. Fiechter stated decisions on merits are relative to land use, and that's not a land use issue, that's something else. Mr. Fiechter stated he doesn't think that's necessarily a reason for denial on the merits, however, it is probably a good reason to not continue hearing this case. Mr. Fiechter stated the applicant's original request sometime this morning was going to be withdrawal because of the impending divorce action and not knowing where the property would end up and how that would affect all of this. Mr. Fiechter stated we had suggested a continuance because we weren't aware exactly what we were going to hear today, but given what we've heard so far from the attorneys, withdrawal is probably the most appropriate option (see recording for detailed presentation).

02:23:31 The Board Members, Legal Counsel, and the attorneys discussed the possibilities for disposition of this case (see recording for detailed presentation).

02:32:20 Beth Jones stated she did receive an email this morning from Mr. Hill asking for a withdrawal. Ms. Jones stated the only reason they were considering a continuance was because she brought that up to them as an option. Ms. Jones stated Mr. Hill's original request in the email was to withdraw the case (see recording for detailed presentation).

02:33:14 Mr. Klunk confirmed that Mr. Hill was here earlier today but since he did have a representative here he chose not to be present. Mr. Klunk stated Mr. Hill would ask to stand by his initial request earlier today to withdraw the application (see recording for detailed presentation).

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CASE NUMBER 17CUP1088

02:33:50 Chair Allendorf asked if that is the official action on behalf of Mr. Hill, withdrawing the case, and Mr. Klunk said yes. Chair Allendorf asked the opposition attorneys if they were in agreement and they agreed (see recording for detailed presentation).

02:34:52 The Board Members, Legal Counsel and Staff discussed the case (see recording for detailed presentation).

02:38:05 On a motion by Member Young, seconded by Vice Chair Fishman, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 17CUP1088 does hereby **WITHDRAW** the case at the request of the applicant.

The vote was as follows:

Yes: Members Young, Buttorff, Turner, Howard, Leanhart, Vice Chair Fishman, and Chair Allendorf

02:39:27 Meeting was recessed.

02:39:34 Meeting was reconvened.

OTHER BUSINESS

PROCEDURAL_TRAINING

Public Hearing Procedural Training

02:39:34 Chris French presented a training on the Board's Bylaws and general meeting procedures. The Board Members discussed the procedures, and Mr. French and Mr. Haberman responded to questions from the Board Members (see recording for detailed presentation).

ADJOURNMENT

The meeting adjourned at approximately 5:02 p.m.

Lula K. Howard
Chair

Lula K. Howard
Secretary