

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

April 15, 2019

A meeting of the Louisville Metro Board of Zoning Adjustment was held on April 15, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Dwight Young, Chair
Rosalind Fishman, Vice Chair
Kimberly Leanhart, Secretary
Lester Turner, Jr.
Lula Howard

Members Absent:

Richard Buttorff
Lindsey Jagoe

Staff Members Present:

Chris French, Planning & Design Supervisor
Jon Crumie, Planning & Design Coordinator
Steve Hendrix, Planning & Design Coordinator
Beth Jones, Planner II
Zach Schwager, Planner I
John Carroll, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

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APPROVAL OF MINUTES

APRIL 1, 2019 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the meeting conducted on April 1, 2019.

The vote was as follows:

Yes: Members Turner, Leanhart, Vice Chair Fishman, and Chair Young

Abstain: Member Howard

Absent: Members Buttorff, and Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES

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BUSINESS SESSION

CASE NUMBER 19VARIANCE1024

Request: Variance to allow a structure to encroach into the required rear yard setback
Project Name: Ridge Court Variance
Location: 1501 Ridge Court
Owner(s)/Applicant(s): James & Mills Sublett
Jurisdiction: Louisville Metro
Council District: 17 – Markus Winkler
Case Manager: Zach Schwager, Planner I

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

00:02:40 Zach Schwager presented the case (see recording for detailed presentation).

The following spoke in favor of the request:

James Sublett, 1501 Ridge Court, Louisville, KY 40223

Summary of testimony of those in favor:

00:04:00 James Sublett spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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BUSINESS SESSION

CASE NUMBER 19VARIANCE1024

00:04:45 **Board Members' deliberation**

00:04:59 On a motion by Member Howard, seconded by Vice Chair Fishman, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the site being such an irregularly shaped lot there will be no adverse impact on anyone, 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 subject property is large and the variance would not be required in any other zoning district according to section 9.2.Q of the City of Anchorage Development Code, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the garage is not visible from the right-of-way and the City of Anchorage will need to approve the proposal as well, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the property is large and the garage will still be setback a significant distance from the rear property line, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the property is irregular in shape and there are multiple rear property lines; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19VARIANCE1024 does hereby **APPROVE** Variance from Anchorage Development Code Section 4.2.C.2.d to allow a structure to encroach into the required rear yard setback (**Requirement 50 ft., Request 39.86 ft., Variance 10.14 ft.**).

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

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PUBLIC HEARING

CASE NUMBER 19VARIANCE1018

Request:	Variance to allow a structure to encroach into the required side yard setback
Project Name:	Old Springdale Road Variance
Location:	4314 Old Springdale Road
Owner(s):	Fred Durham, III
Applicant:	Beverly Baker
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
Case Manager:	Zach Schwager, Planner I

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

00:06:51 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Beverly Baker, 230 Albany Ave., Louisville, KY 40206
Fred Durham, 4314 Old Springdale Rd., Louisville, KY 40241

Summary of testimony of those in favor:

00:10:28 Beverly Baker spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

00:11:57 Fred Durham was called, but declined to speak (see recording for detailed presentation).

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CASE NUMBER 19VARIANCE1018

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

00:12:24 Board Members' deliberation

00:12:31 On a motion by Member Howard, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the applicant's 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 structure will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the property is at the end of a cul-de-sac and there is a variety of development types in the immediate area, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed addition will not be close to any existing structures on neighboring properties, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the property narrows toward the road, which is where the existing structure is located, 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 19VARIANCE1018 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow a structure to encroach into the required side yard setback (**Requirement 6 ft. [18 ft. total], Request 5 ft. [11.4 ft. total], Variance 1 ft. [6.6 ft. total]**).

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CASE NUMBER 19VARIANCE1018

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

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PUBLIC HEARING

CASE NUMBER 18CUP1205

Request:	<u>Staff is requesting this case be CONTINUED to a date uncertain, with concurrence of the applicant.</u> Conditional Use Permit for an expansion of a parking lot for a private institutional use and an associated landscape waiver
Project Name:	Meredith Dunn School Conditional Use Permit
Location:	3023 Melbourne Avenue
Owner(s):	Meredith Dunn School, Inc.
Applicant:	Alex Rosenberg – AL Engineering, Inc.
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Zach Schwager, Planner I

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

00:13:52 Zach Schwager stated staff is requesting this case be continued to a date uncertain, and the applicant is in agreement with that as they are still working out some issues with MSD (see recording for detailed presentation).

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

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

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CASE NUMBER 18CUP1205

00:14:31 On a motion by Member Howard, seconded by Member Turner, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 18CUP1205 to a date uncertain, with concurrence of the applicant.

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

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PUBLIC HEARING

CASE NUMBER 18CUP1157

Request:	Conditional Use Permit for a short term rental of dwelling units not the primary residence of the host
Project Name:	Clifton Ave Short Term Rental
Location:	110 N Clifton Avenue
Owner/Applicant:	Hospitality Properties
Host:	Sal Rubino
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
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:

00:15:35 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:

Sal Rubino, 2517 Saratoga Dr., Louisville, KY 40205

Summary of testimony of those in favor:

00:21:47 Sal Rubino 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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00:30:09 Beth Jones responded to questions from the Board Members (see recording for detailed presentation).

00:31:35 Board Members' deliberation

00:31:43 On a motion by Vice Chair Fishman, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, and the presentation, 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 when appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site appear to be required, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal does not appear to create substantial 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. **The first-floor unit includes one bedroom; up to six guests are permitted. the applicant plans to**

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limit occupancy to four; this guest limit is to be set by a Condition of Approval. The second floor unit has two bedrooms; up to eight guests are permitted.

- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted. **PVA lists the existing principal structure as a duplex 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. **There are four paved parking spaces at the rear of the building and another on-street space.**
- 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 18CUP1157 does hereby **APPROVE** Conditional Use Permit to allow short term rental of dwelling units not the primary residence of the host (LDC 4.2.63), **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.

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2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
3. The maximum number of guests permitted in the first-floor short term rental unit shall be the lesser of four (4), or that permitted by the Louisville Metro Code of Ordinances.

The vote was as follows:

Yes: Members Howard, Turner, Vice Chair Fishman, and Chair Young

Abstain: Member Leanhart

Absent: Members Buttorff, and Jagoe

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CASE NUMBER 19CUP1024

Request:	Conditional Use Permit for an Accessory Apartment
Project Name:	Heiner Accessory Apartment
Location:	15101 Piercy Mill Rd
Owner/Applicant:	Sheila Heiner
Representative:	Dinsmore & Shohl LLP
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
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:

00:33:34 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones provided an elevation to the Board Members and responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Cliff Ashburner, 101 S. 5th Street, Suite 2500, Louisville, KY 40202

Summary of testimony of those in favor:

00:42:24 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).

The following spoke in opposition of the request:

No one spoke.

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00:50:32 Board Members' deliberation

00:50:51 On a motion by Member Leanhart, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that the proposal is compatible with surrounding uses and with the general character of the area, and

WHEREAS, the Board further finds that the proposed development does not appear to substantially increase demands on public infrastructure and facilities. The site is not served by public sewers; the applicant has been informed that review and approval of the septic system by Louisville Metro Dept. of Public Health & Wellness must be obtained before a building permit will be issued, 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:

- 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.
- 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 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. **The height of the proposed accessory apartment will not exceed the height of the principal residence.**

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- 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;
 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. **The site is located in a Neighborhood form district. The proposed accessory apartment provides two garage parking spaces and one outdoor parking space;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1024 does hereby **APPROVE** Conditional Use Permit for an Accessory Apartment (LDC 4.2.3), with **RELIEF** from Item B, and **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. All development shall be in accordance with the approved district development plan, including all notes thereon, and with all applicable sections of the Land Development Code (LDC). No further development shall occur on the site without prior review of and approval by the Board of Zoning Adjustment (BOZA).
2. The Conditional Use Permit shall be exercised as proscribed by KRS 100.237 within two years of BOZA approval. If it is not so exercised, the site shall not be used for an Accessory Apartment without further review and approval by BOZA.
3. The applicant must contact Louisville Metro Emergency Services to have a unique address assigned to the Accessory Apartment.
4. Review and approval of the site's septic system by Louisville Metro Dept. of Public Health & Wellness must be obtained before a building permit may be issued.

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The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

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PUBLIC HEARING

CASE NUMBER 18CUP1200

Request:	Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Louise Short Term Rental
Location:	2073 Douglass Boulevard
Owner/Applicant:	Katy Louise
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Jon E. Crumby, Planning & Design Coordinator

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

00:52:56 Jon Crumby presented the case and showed a Powerpoint presentation. Mr. Crumby responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

John Talbott, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Eric Carrico, 8700 Oldbury Place, Louisville, KY 40222

Summary of testimony of those in favor:

00:56:33 John Talbott spoke in favor of the request and showed a Powerpoint presentation. Prior to his testimony, Mr. Talbott provided a printed copy of his presentation to the Board Members (see recording for detailed presentation).

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CASE NUMBER 18CUP1200

00:58:23 Chris French, Planning & Design Supervisor, reminded the Board Members that the Members must agree to accept any information presented to the Board after the Tuesday before the meeting. Chair Young stated the Board would accept the information provided by Mr. Talbott (see recording for detailed presentation).

00:59:19 Mr. Talbott continued his presentation and responded to questions from the Board Members (see recording for detailed presentation).

01:04:11 Eric Carrico responded to questions from the Board Members (see recording for detailed presentation).

01:05:29 Mr. Talbott continued his presentation (see recording for detailed presentation).

01:08:23 Mr. Carrico responded to questions from the Board Members (see recording for detailed presentation).

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

01:10:03 Board Members' deliberation

01:10:25 On a motion by Member Turner, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal will not create substantial additional requirements for the site, and

WHEREAS, the Board further finds that:

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CASE NUMBER 18CUP1200

Short Term Rental Term Rental of a 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 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 applicant states that the residence has six bedrooms that will allow a maximum number of sixteen guests.**
- 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 that will accommodate six cars. Also there are parking stalls at the rear of the property that will accommodate three cars. The site has credit for one on-street parking.**
- 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

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CASE NUMBER 18CUP1200

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1200 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner in an R-7 Zoning District and Traditional Neighborhood Form District, **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.

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

01:11:32 Meeting was recessed.

01:12:08 Meeting was reconvened.

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CASE NUMBER 18CUP1206

Request:	Conditional Use Permit for an accessory apartment
Project Name:	Garcia Accessory Apartment
Location:	2801 Hikes Lane
Owner/Applicant:	Jesus Bello Garcia
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

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

01:12:19 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:

Jesos Bello Garcia, 2801 Hikes Lane, Louisville, KY 40218

Summary of testimony of those in favor:

01:15:41 Jesus Bello Garcia 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.

01:19:38 **Board Members' deliberation**

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CASE NUMBER 18CUP1206

01:20:22 On a motion by Vice Chair Fishman, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, and the presentation, 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 proposal is compatible with surrounding development, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal will not create substantial additional requirements for the site, and

WHEREAS, the Board further finds that:

There are four listed requirements and items A., B., and D. will be met. Item C. does not apply. 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 up on the granting of a conditional use permit and compliance with the listed requirements.

- 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 owner will live in the principal structure.**
- 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. **The accessory apartment will be 550 square feet which is less than the maximum allowed 650 square feet.**
- 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 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. **The accessory apartment is not located in a freestanding structure.**

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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; **All Off-street parking is provided outdoors on the existing driveway;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1206 does hereby **APPROVE** Conditional Use Permit to allow an Accessory Apartment in an R-5 Zoning District, **SUBJECT** to the following Conditions 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.

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
April 15, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1006

Request:	Conditional Use Permit for a private institution
Project Name:	St. Peter the Apostle Catholic Church
Location:	5431 Johnsontown Road
Owner/Applicant:	St. Peter the Apostle Catholic Church
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

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

01:21:47 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:

Ken Cusick, 11413 Whitney Hill Rd., Louisville, KY 40299

Summary of testimony of those in favor:

01:25:40 Ken Cusick 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.

01:27:19 Board Members' deliberation

BOARD OF ZONING ADJUSTMENT MINUTES
April 15, 2019

PUBLIC HEARING

CASE NUMBER 19CUP1006

01:28:53 On a motion by Member Howard, seconded by Vice Chair Fishman, the following resolution, based upon the Standard of Review and Staff Analysis, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal meets all applicable policies of the Comprehensive Plan, and

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

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal, and

WHEREAS, the Board further finds that:

There are five listed requirements and item A., D. will be met. Item B. and C. do not apply. Item E. is to be determined by the Board of Zoning Adjustment. Private institutional uses, except for such uses specifically regulated elsewhere in this LDC, may be allowed in the R-R, R-E, R-1, R- 2, R-3, R-4, R-5, and U-N zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line and all off-street parking shall be at least 30 feet from any property line. **The proposed storage shed will be at least 30 feet off the side property line.**
- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated. **Item B. does not apply.**
- C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use. **Item C. does not apply.**

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- D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99). **The proposal will be compliant with the metro Noise Ordinance (LMCO Chapter 99).**
- E. The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19CUP1006 does hereby **APPROVE** Conditional Use Permit to allow a private institution in an R-4 Zoning District (the Board has determined in regard to Item E hours of operation do not need to be specified), **SUBJECT** to the following Conditions 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 a private institution until further review and approval by the Board.

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
April 15, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1121

Request:	Conditional Use Permit for a Private Institutional Use in a Single Family Zoning District
Project Name:	Additions
Location:	8507 Westport Road
Owner:	Portland Christian School Systems, Inc., Dan Wilson
Applicant:	Milestone Design Group Inc., Mark Madison
Jurisdiction:	Louisville Metro
Council District:	7 – Paula McCraney
Case Manager:	Steve Hendrix, 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:

01:30:43 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix and Mr. French responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:
Mark Madison, 108 Daventry Lane, Louisville, KY 40223

Summary of testimony of those in favor:

01:37:37 Mark Madison spoke in favor of the request and responded to questions from the Board Members. Mr. Madison provided an elevation to the Board Members (see recording for detailed presentation).

01:43:40 Chris French responded to a question from Legal Counsel (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 18CUP1121

The following spoke in opposition of the request:

No one spoke.

01:46:09 Board Members' deliberation

01:46:28 On a motion by Member Howard, seconded by Member Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that the proposal is compatible with the surrounding land uses and the general character of the area, since one proposal is an addition to the existing gymnasium and the other is a temporary classroom, and

WHEREAS, the Board further finds that Transportation Planning and MSD have given preliminary approval, and

WHEREAS, the Board further finds that:

Private institutional uses, except for such uses specifically regulated elsewhere in this LDC, may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line and all off-street parking shall be at least 30 feet from any property line. Requirement has been met.
- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated. Additions are minimal to the existing school campus.

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CASE NUMBER 18CUP1121

- C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use. Existing parking will not be affected.
- D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99). The applicant has been made aware of the requirement.
- E. The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties. Staff has not received any comments regarding the need to address hours of operation ; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1121 does hereby **APPROVE** Conditional Use Permit to allow a Private Institutional Use in a Single Family Zoning District (LDC 4.2.65) (the Board has determined in regard to Item E hours of operation do not need to be specified), **SUBJECT** to the following Conditions 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 proposal shall not be used for a private institutional use in a single family residential zoning district without further review and approval by the Board.

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES

April 15, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1148

Request: Conditional Use Permit for a short term rental unit that is not the primary residence of the host
Project Name: Short Term Rental
Location: 227 East Oak Street
Owner/Applicant: Ana L. Arredondo
Jurisdiction: Louisville Metro
Council District: 6 – David James
Case Manager: Steve Hendrix, 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:

01:48:49 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix provided photographs and a letter of opposition received after the deadline (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Ana Arrendondo, 27016 Thornwood Blvd., Plainfield, IL 60585
James Wallace, 775 Guollon Court, Louisville, KY 40204

Summary of testimony of those in favor:

01:59:14 Ana Arrendondo spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:09:40 James Wallace spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 18CUP1148

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

02:11:08 Board Members' deliberation

02:11:17 On a motion by Member Leanhart, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site will be required, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal will not create additional requirements for the site, and

WHEREAS, the Board further finds that:

Short Term Rental Term Rental of a dwelling unit that is not the primary residence of the host 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 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 regulations allow for 10 guests.**

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- D. The dwelling unit shall be a single-family residence or duplex. 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. **Two parking credits are along East Oak Street and three parking spaces are located at the rear of the property , one being inside the fence.**
- 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 18CUP1148 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in a Traditional Neighborhood Zoning District (TNZD) and Traditional Neighborhood Form District, **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.

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PUBLIC HEARING

CASE NUMBER 18CUP1148

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
April 15, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1183

Request:	Conditional Use Permit for a short term rental unit that is not the primary residence of the host
Project Name:	Short Term Rental
Location:	1033 East Oak Street
Owner:	Goff Primary, LLC
Applicant:	Barrett Goff
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Steve Hendrix, 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:

02:13:50 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Barrett Goff, 3302 Dogwood Drive, Louisville, KY 40220

Summary of testimony of those in favor:

02:19:28 Barrett Goff 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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PUBLIC HEARING

CASE NUMBER 18CUP1183

02:22:14 Board Members' deliberation

02:23:07 On a motion by Vice Chair Fishman, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, and the presentation, was adopted:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site will be required, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal will not create additional requirements for the site, and

WHEREAS, the Board further finds that:

Short Term Rental Term Rental of a dwelling unit that is not the primary residence of the host 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 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 regulations allow for 8 guests.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted. **The dwelling unit is a single family residence.**

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- 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. One parking space is located on a concrete pad at the rear of the property and there are approximately two spaces on East Oak Street.
- 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 18CUP1183 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in an R-6 Zoning District and Traditional Neighborhood Form District, **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. The maximum number of guests permitted in the short term rental shall be the lesser of six (6), or that permitted by the Louisville Metro Code of Ordinances.

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PUBLIC HEARING

CASE NUMBER 18CUP1183

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 19CUP1011

Request:	Conditional Use Permit for a short term rental unit that is not the primary residence of the host
Project Name:	Short Term Rental
Location:	7517 Merlyn Circle
Owner:	Patrick D'Angelo
Applicant:	Key Source Properties, Jonathan Klunk
Jurisdiction:	Louisville Metro
Council District:	25 – David Yates
Case Manager:	Steve Hendrix, 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:

02:25:07 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix 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, 3826 Bardstown Road, Louisville, KY 40218

Summary of testimony of those in favor:

02:28:21 Jonathan Klunk 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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PUBLIC HEARING

CASE NUMBER 19CUP1011

02:32:02 Board Members' deliberation

02:32:18 On a motion by Member Leanhart, seconded by Vice Chair Fishman, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site will be required, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal will not create additional requirements for the site, and

WHEREAS, the Board further finds that:

Short Term Rental Term Rental of a dwelling unit that is not the primary residence of the host 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 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 regulations allow for 10 guests.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted. **The dwelling unit is a single family residence.**

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- 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. **Approximately three vehicles can park on the driveway and two credits for parking on the street.**
- 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 19CUP1011 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in an R-5 Zoning District and Neighborhood Form District, **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. The maximum number of guests permitted in the short term rental shall be the lesser of eight (8), or that permitted by the Louisville Metro Code of Ordinances.

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PUBLIC HEARING

CASE NUMBER 19CUP1011

The vote was as follows:

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

Absent: Members Buttorff, and Jagoe

BOARD OF ZONING ADJUSTMENT MINUTES
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The meeting adjourned at approximately 3:44 p.m.

Twight Young
Chair
Wm. G. Leart
Secretary