



# Louisville Metro Government

Old Jail Auditorium  
514 W Liberty Street  
Louisville, KY 40202

## Action Summary Board of Zoning Adjustment

---

Monday, June 3, 2019

1:00 PM

Old Jail Auditorium

---

### Call To Order

**Present:** 7 - Board Member Richard Buttorff, Board Member Lula Howard, Board Member Lindsey Jagoe, Board Member Lester Turner Jr., Board Member Kim Leanhart, Board Member Rosalind Fishman, and Board Member Dwight Young

### Approval Of Minutes

1. [BOZA Minutes 05.20.19](#)

Approval of the Minutes from the May 20, 2019 Board of Zoning Adjustment meeting.

**A motion was made by Board Member Fishman, seconded by Board Member Turner, that the Minutes from the May 20, 2019 Board of Zoning Adjustment meeting be APPROVED. The motion carried by the following vote:**

**Yes:** 6 - Buttorff, Howard, Turner, Leanhart, Fishman, and Young

**Abstain:** 1 - Jagoe

### Business Session

2. [19VARIANCE1021](#)

**Request:** Variance to allow an existing deck to encroach into the rear and side yard setbacks  
**Project Name:** Longest Avenue Variance  
**Location:** 2311 Longest Avenue  
**Owner/Applicant:** Michael Allen - LAC Real Estate, LLC  
**Jurisdiction:** Louisville Metro  
**Council District:** 8 - Brandon Coan  
**Case Manager:** Zach Schwager, Planner I

**A motion was made by Board Member Fishman, seconded by Board Member Turner, that Case Number 19VARIANCE1021 be DENIED. The motion failed by the following vote:**

**Yes:** 3 - Turner, Fishman, and Young

**No:** 3 - Howard, Jagoe, and Leanhart

**Abstain:** 1 - Buttorff

**A motion was made by Board Member Fishman, seconded by Board Member Turner, that Case Number 19VARIANCE1021 be DENIED. The motion carried by the following vote:**

**Yes:** 4 - Buttorff, Turner, Fishman, and Young

No: 3 - Howard, Jagoe, and Leanhart

3. [19CUP1044](#)

Request: Modified Conditional Use Permit for an off-street parking area  
 Project Name: Kentucky Farm Bureau  
 Location: 9201 Bunsen Parkway  
 Owner: Kentucky Farm Bureau Federation  
 Applicant: Ashley Bartley - Qk4  
 Jurisdiction: Louisville Metro  
 Council District: 18 - Marilyn Parker  
 Case Manager: Zach Schwager, Planner I

**A motion was made by Board Member Howard, seconded by Board Member Buttorff, that Case Number 19CUP1044, Modified Conditional Use Permit for an off-street parking area (LDC 4.2.39), be APPROVED. The motion carried by the following vote:**

Yes: 7 - Buttorff, Howard, Jagoe, Turner, Leanhart, Fishman, and Young

4. [19CUP1108](#)

Request: Modified Conditional Use Permit for a solid waste management facility  
 Project Name: Rumpke P-T Addition  
 Location: 1101 W. Oak Street  
 Owner: Rumpke of Kentucky, Inc.  
 Applicant: Ashley Bartley - Qk4  
 Jurisdiction: Louisville Metro  
 Council District: 6 - David James  
 Case Manager: Zach Schwager, Planner I

**A motion was made by Board Member Fishman, seconded by Board Member Howard, that Case Number 19CUP1108, Modified Conditional Use Permit for a solid waste management facility (indoor recycling center), LDC 4.2.49, be APPROVED. The motion carried by the following vote:**

Yes: 7 - Buttorff, Howard, Jagoe, Turner, Leanhart, Fishman, and Young

**Public Hearing**

5. [19VARIANCE1028](#)

Request: Height Variance and Side Setback Variance  
 Project Name: Springhurst Hotels  
 Location: 4209 Simcoe Ln  
 Owner: Jaytee Springhurst LLC  
 Applicant: The Malcolm Bryant Group  
 Jurisdiction: Louisville Metro  
 Council District: 17 - Markus Winkler  
 Case Manager: Jay Lockett, AICP, Planner I

**A motion was made by Board Member Howard, seconded by Board Member Turner, that Case Number 19VARIANCE1028, Variance from LDC Chapter 5.3.1.C.5 and Table 5.3.2 to allow two proposed hotels to exceed the 30 foot maximum height by up to 35 feet, be APPROVED. The motion carried by the following vote:**

**Yes:** 5 - Howard, Jagoe, Turner, Fishman, and Young

**No:** 2 - Buttorff, and Leanhart

**A motion was made by Board Member Howard, seconded by Board Member Turner, that Case Number 19VARIANCE1028, Variance from LDC Chapter 5.3.1.C.5 and Table 5.3.2 to allow office buildings and vehicular use areas to encroach into the required 30 foot non-residential to residential setback by up to 20 feet as shown on the development plan, be APPROVED. The motion carried by the following vote:**

**Yes:** 6 - Howard, Jagoe, Turner, Leanhart, Fishman, and Young

**No:** 1 - Buttorff

6. [19VARIANCE1033](#)

Request: Variances of side yard setbacks for a first story addition on the side of an existing residence and a side yard setback for a change in the roof to an existing addition on the rear of the residence  
 Project Name: Payne Street Variance  
 Location: 1209 Payne Street  
 Owner/Applicant: John Morgan  
 Jurisdiction: Louisville Metro  
 Council District: 4 - Barbara Sexton Smith  
 Case Manager: Zach Schwager, Planner I

**A motion was made by Board Member Fishman, seconded by Board Member Leanhart, that Case Number 19VARIANCE1033, Variance #1 from LDC Section 5.1.10.F to allow a structure to encroach into the required western side yard setback, and Variance #2 from LDC Section 5.1.10.F to allow a structure to encroach into the required eastern side yard setback, be APPROVED. The motion carried by the following vote:**

**Yes:** 7 - Buttorff, Howard, Jagoe, Turner, Leanhart, Fishman, and Young

**7. [19VARIANCE1035](#)**

Request: Variance to allow a private yard area to be less than the required 20% of the area of a lot  
Project Name: Miami Avenue Variance  
Location: 3817 Miami Avenue  
Owner/Applicant: Floyd S. Hester  
Jurisdiction: Louisville Metro  
Council District: 5 - Donna Purvis  
Case Manager: Zach Schwager, Planner I

**A motion was made by Board Member Howard, seconded by Board Member Leanhart, that Case Number 19VARIANCE1035, Variance from LDC Section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot, be APPROVED. The motion carried by the following vote:**

**Yes:** 7 - Buttorff, Howard, Jagoe, Turner, Leanhart, Fishman, and Young

**8. [19VARIANCE1037](#)**

Request: Variance for a side yard setback for a first story addition on the rear of an existing residence  
Project Name: Wendover Avenue Variance  
Location: 510 Wendover Avenue  
Owner: Adam Wilson  
Applicant: Charles Podgursky - C.R.P. & Associates, Inc.  
Jurisdiction: City of St. Matthews  
Council District: 9 - Bill Hollander  
Case Manager: Zach Schwager, Planner I

**A motion was made by Board Member Fishman, seconded by Board Member Jagoe, that Case Number 19VARIANCE1037, Variance from City of St. Matthews Development Code Section 4.6.C.2.b to allow an addition to encroach into the required side yard setback, be APPROVED. The motion carried by the following vote:**

**Yes:** 7 - Buttorff, Howard, Jagoe, Turner, Leanhart, Fishman, and Young

**9. [19VARIANCE1039](#)**

Request: Variance of a front yard setback for a single-family residence  
Project Name: Sanctuary Bluff Lane Variance  
Location: 4119 Sanctuary Bluff Lane  
Owner/Applicant: Sham S. Kakar - Sunrise Custom Homes  
Jurisdiction: Louisville Metro  
Council District: 16 - Scott Reed  
Case Manager: Zach Schwager, Planner I

**A motion was made by Board Member Leanhart, seconded by Board Member Howard, that Case Number 19VARIANCE1039, Variance from LDC Table 5.3.1 to allow a structure to encroach into the required front yard setback, be DENIED. The motion carried by the following vote:**

**Yes:** 7 - Buttorff, Howard, Jagoe, Turner, Leanhart, Fishman, and Young

**10. [19VARIANCE1044](#)**

Request: **THIS CASE HAS BEEN WITHDRAWN**  
 Variance for vehicular maneuvering to encroach into the rear yard setback

Project Name: Preston Highway Variance  
 Location: 6101 Preston Highway  
 Owner: Jhoolay Lal Properties, LLC  
 Representative: Missy Legel - Civil Design, Inc.  
 Jurisdiction: Louisville Metro  
 Council District: 2 - Barbara Shanklin  
 Case Manager: Zach Schwager, Planner I

**Case Number 19VARIANCE1044 was WITHDRAWN. Therefore, no vote or action was taken.**

**11. [19VARIANCE1022](#)**

Request: Variances and waivers of wall, landscaping, setbacks and fence height requirements

Project Name: Churchill Downs Barn Phase 2  
 Location: 3141 S. 4th Street  
 Owner: AQ Properties LLC  
 Applicant: Churchill Downs Inc.  
 Representative: Qk4  
 Jurisdiction: Louisville Metro  
 Council District: 15 - Kevin Triplett  
 Case Manager: Beth Jones, AICP, Planner II

**A motion was made by Board Member Turner, seconded by Board Member Buttorff, that Case Number 19VARIANCE1022, Variance #1 from LDC 5.5.2 to increase the maximum permitted front setback from 25 ft. to 33 ft. to accommodate proposed security office, and Variance #2 from LDC 4.4.3.A.1.a to permit a fence to exceed the permitted maximum height by 4 ft. 6 in. for a height of 8 ft., be APPROVED, SUBJECT to the following Conditions of Approval:**

**Conditions of Approval:**

- 1. No alterations or improvements shown on the development plan, including but not limited to curbing, landscaping and striping, shall be constructed within the existing 4th Street right-of-way before approval of 19STREET1002 is obtained.**
- 2. Permits must be obtained from the Louisville Metro Department of Public Works prior to any temporary closures of 4th Street required for any and all work within the 4th Street right-of-way occurring prior to final road closure.**
- 3. Permits must be obtained from the Louisville Metro Department of Public Works prior to the commencement of any site work, including but not limited to site disturbance, foundation or other construction, and utility relocations.**

**The motion carried by the following vote:**

**Yes:** 7 - Buttorff, Howard, Jagoe, Turner, Leanhart, Fishman, and Young

**A motion was made by Board Member Turner, seconded by Board Member Buttorff, that Case Number 19VARIANCE1022, Waiver #1 from LDC 10.2.12 to exceed the maximum distance permitted between Interior Landscape Areas, Waiver #2 from LDC 10.2.10 to reduce the required Landscape Buffer Area along the Oakdale Avenue development site frontage by up to 5 ft., and Waiver #2 from LDC 5.5.1.A.3.a to not require masonry wall parking lot screening along the Oakdale Avenue development site frontage, be APPROVED, SUBJECT to the following Conditions of Approval:**

**Conditions of Approval:**

- 1. No alterations or improvements shown on the development plan, including but not limited to curbing, landscaping and striping, shall be constructed within the existing 4th Street right-of-way before approval of 19STREET1002 is obtained.**
- 2. Permits must be obtained from the Louisville Metro Department of Public Works prior to any temporary closures of 4th Street required for any and all work within the 4th Street right-of-way occurring prior to final road closure.**
- 3. Permits must be obtained from the Louisville Metro Department of Public Works prior to the commencement of any site work, including but not limited to site disturbance, foundation or other construction, and utility relocations.**

**The motion carried by the following vote:**

**Yes:** 7 - Buttorff, Howard, Jagoe, Turner, Leanhart, Fishman, and Young

**12. [18CUP1187](#)**

Request:	Conditional Use Permit for short term rental of a dwelling unit not the primary residence of the host
Project Name:	Valetta Short Term Rental
Location:	2328 Valetta Lane
Owner/Applicant/Host:	Robert & Diana Brown Revocable Trusts
Jurisdiction:	Louisville Metro
Council District:	8 - Brandon Coan
Case Manager:	Beth Jones, AICP, Planner II

**A motion was made by Board Member Leanhart, seconded by Board Member Buttorff, that Case Number 18CUP1187 be CONTINUED to the July 8, 2019 Board of Zoning Adjustment meeting. The motion carried by the following vote:**

**Yes:** 6 - Buttorff, Howard, Jagoe, Turner, Leanhart, and Young

**No:** 1 - Fishman

**13. [18CUP1190](#)**

Request: Conditional Use Permit for short term rental of a dwelling unit in a TNZD district

Project Name: Garvin Short Term Rental

Location: 1209 Garvin Place

Owner/Applicant/Host: Hensley Associates

Jurisdiction: Louisville Metro

Council District: 6 - David James

Case Manager: Beth Jones, AICP, Planner II

**A motion was made by Board Member Fishman, seconded by Board Member Turner, that Case Number 18CUP1190, Conditional Use Permit to allow short term rental of a dwelling unit located within the TNZD (LDC 4.2.63), be APPROVED, SUBJECT to the following Conditions of Approval:**

**Conditions of Approval:**

**1. The host of record for the short term rental shall maintain his or her primary residence in the dwelling unit on the subject property. In the event that the host establishes primary residence on another property, he or she must immediately cease conducting short term rentals on the subject property. A new conditional use permit shall be required to allow for short term rentals on the property that is not the primary residence of the host.**

**2. The maximum number of guests permitted in the short term rental shall be limited to six (6) per rental.**

**The motion carried by the following vote:**

**Yes:** 7 - Buttorff, Howard, Jagoe, Turner, Leanhart, Fishman, and Young

**14. [18CUP1204](#)**

Request: Conditional Use Permit for short term rental of a dwelling unit not the primary residence of the host

Project Name: W. Chestnut Short Term Rental

Location: 1516 W. Chestnut

Owner/Applicant/Host: Carrye B. Jones

Jurisdiction: Louisville Metro

Council District: 4 - Barbara Sexton Smith

Case Manager: Beth Jones, AICP, Planner II

**A motion was made by Board Member Howard, seconded by Board Member Leanhart, that Case Number 18CUP1204, Conditional Use Permit to allow short term rental of dwelling units not the primary residence of the host (LDC 4.2.63), be APPROVED. The motion carried by the following vote:**

**Yes:** 7 - Buttorff, Howard, Jagoe, Turner, Leanhart, Fishman, and Young

**15. [19CUP1007](#)**

Request: Conditional Use Permit for short term rental of dwelling units not the primary residence of the host  
 Project Name: Wainwright Short Term Rental  
 Location: 535 Wainwright Avenue  
 Owner/Applicant/Host: Hannah and Ethan Bauer  
 Jurisdiction: Louisville Metro  
 Council District: 15 - Kevin Triplett  
 Case Manager: Beth Jones, AICP, Planner II

**A motion was made by Board Member Fishman, seconded by Board Member Leanhart, that Case Number 19CUP1007, Conditional Use Permit to allow short term rental of dwelling units where one of the units is the primary residence of the host (LDC 4.2.63), be APPROVED with RELIEF from Item 4D, and SUBJECT to the following Condition of Approval:**

**Condition of Approval:**

**1. The host of record for the short term rental shall maintain his or her primary residence in one of the two dwelling units on the subject property. In the event that the host establishes primary residence on another property he or she must immediately cease conducting short term rentals of both units on the subject property. A new Conditional Use Permit shall be required to allow for short term rental of any unit on the property that is not the primary residence of the host.**

**The motion carried by the following vote:**

**Yes:** 7 - Buttorff, Howard, Jagoe, Turner, Leanhart, Fishman, and Young

**16. [19CUP1012](#)**

Request: Conditional Use Permit for short term rental of a dwelling unit not the primary residence of the host  
 Project Name: Payne Street Short Term Rental  
 Location: 1922 Payne Street  
 Owner/Applicant/Host: JR Homes LLC  
 Jurisdiction: Louisville Metro  
 Council District: 9 - Bill Hollander  
 Case Manager: Beth Jones, AICP, Planner II

**A motion was made by Board Member Fishman, seconded by Board Member Turner, that Case Number 19CUP1012, Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63) be APPROVED. The motion carried by the following vote:**

**Yes:** 7 - Buttorff, Howard, Jagoe, Turner, Leanhart, Fishman, and Young



**17. [19CUP1014](#)**

Request: Conditional Use Permit for a short-term rental of a dwelling unit that is not the primary residence of the host

Project Name: Beauregard/Martin Short Term Rental

Location: 1227 South 6th Street

Owner/Applicant: Emily Beauregard & William Martin

Jurisdiction: Louisville Metro

Council District: 6 - David James

Case Manager: Jon E. Crumbie, Planning & Design Coordinator

**A motion was made by Board Member Fishman, seconded by Board Member Leanhart, that Case Number 19CUP1014, Conditional Use Permit to allow short term rental of a duplex with the upstairs unit serving as the primary residence of the owners/host in the TNZD zoning district and Traditional Neighborhood form district, be APPROVED, with RELIEF from Item 4D, and SUBJECT to the following Condition of Approval:**

**Condition of Approval:**

**1. The host of record for the short term rental shall maintain his or her primary residence in one of the two dwelling units on the subject property. In the event that the host establishes primary residence on another property he or she must immediately cease conducting short term rentals of both units on the subject property. A new Conditional Use Permit shall be required to allow for short term rental of any unit on the property that is not the primary residence of the host.**

**The motion carried by the following vote:**

**Yes:** 7 - Buttorff, Howard, Jagoe, Turner, Leanhart, Fishman, and Young

**18. [19APPEAL1002](#)**

Request: Appeal of Enforcement Action  
**THIS CASE HAS BEEN WITHDRAWN**

Project Name: West Market Appeal

Location: 4509 West Market Street

Appellants: Tom Drexler and Greg Popham

Jurisdiction: Louisville Metro

Council District: 5 - Donna Purvis

Case Manager: Chris French, AICP, Planning and Design Supervisor

**Case Number 19APPEAL1002 was WITHDRAWN. Therefore, no vote or action was taken.**

**Adjournment**

**Prior to adjournment, Chris French suggested the Board Members approve a Special Meeting on July 8, 2019 in order to work through the backlog of Conditional Use Permits as well as other cases. The Board Members discussed this and agreed to hold two meetings on July 8, 2019.**