

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

December 2, 2019

A meeting of the Louisville Metro Board of Zoning Adjustment was held on December 2, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

Lula Howard, Chair
Kimberly Leanhart, Vice Chair
Lester Turner, Jr.
LiAndrea Goatley
Lindsey Jagoe

Members Absent:

Richard Buttorff, Secretary

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Reverman, Planning & Design Assistant Director
Chris French, Planning & Design Supervisor
Steve Hendrix, Planning & Design Coordinator
Jon Crumbie, Planning & Design Coordinator
Joel Dock, Planner II
Zach Schwager, Planner I
Travis Fiechter, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

**NOVEMBER 18, 2019 BOARD OF ZONING ADJUSTMENT MEETING
MINUTES**

00:04:20 On a motion by Member Turner, seconded by Member Goatley, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the November 18, 2019 Board of Zoning Adjustment meeting.

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

BUSINESS SESSION

CASE NUMBER 19-MCUP-0004

Request:	Modified Conditional Use Permit to allow a covered outdoor play area
Project Name:	Pet Station Country Club
Location:	4800 Murphy Lane
Owner/Applicant:	Pet Station Holdings, LLC.
Jurisdiction:	Louisville Metro
Council District:	17 – Marcus Winkler
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:

00:05:23 Jon Crumbie presented the case (see recording for detailed presentation).

00:07:11 On a motion by Member Turner, seconded by Member Jagoe, 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 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

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

BUSINESS SESSION

CASE NUMBER 19-MCUP-0004

WHEREAS, the Board further finds that:

Commercial Kennels may be located in the R-4 Zoning District where such use is compatible with surrounding land uses upon the granting of a Conditional Use Permit when developed in compliance with the listed requirements.

- A. Facilities Enclosed - All facilities, except parking, shall be within a totally enclosed building except where it can be demonstrated that a nuisance is not created thereby.
- B. Signs - Except in districts where signs are allowed, there shall be no more than one non-illuminated sign not to exceed 12 square feet in area and not to exceed 6 feet in height.
- C. Fences - A continuous fence at least 6 feet high shall be erected around the portion of the site used for the kennel operation.
- D. Screening – Any outdoor animal facilities shall be screened from view.
- E. Noise - The design of the structures shall include features that acoustically shield any animal noises from surrounding property.
- F. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-MCUP-0004 does hereby **APPROVE** Modified Conditional Use Permit to allow the construction of a covered patio, **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 commercial kennel without further review and approval by the Board.

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

BUSINESS SESSION

CASE NUMBER 19-MCUP-0004

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

BUSINESS SESSION

CASE NUMBER 19-MCUP-0005

Request:	Modified Conditional Use Permit to reduce the required number of parking spaces
Project Name:	Higgins Short Term Rental
Location:	1036 Lampton Street
Owner/Applicant:	Shannon Higgins, LLC
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

00:08:43 Jon Crumbie presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Paul Whitty, 1000 N. Hurstbourne Pkwy., 2nd Floor, Louisville, KY 40223

Summary of testimony of those in favor:

00:14:55 Paul Whitty 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.

00:16:05 Board Members' deliberation

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

BUSINESS SESSION

CASE NUMBER 19-MCUP-0005

00:16:11 On a motion by Member Goatley, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-MCUP-0005 does hereby **APPROVE** Modified Conditional Use Permit to reduce the required number of parking spaces, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. The maximum number of guests shall be limited to six (6) at a time.
2. A copy of the contract for parking for two (2) parking spaces within 100 feet of the subject property shall be provided to Planning & Design staff.

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0175

Request:	Conditional Use Permit for outdoor alcohol sales and consumption for restaurant in the C-1 zoning district
Project Name:	Oxmoor Center East Out-parcel
Location:	7900 Shelbyville Road
Owner:	WMB 2, LLC & TWB Oxmoor 2, LLC
Applicant:	Brookfield Properties Retail, Inc.
Representative:	Frost Brown Todd, LLC
Jurisdiction:	Louisville Metro
Council District:	18 – Marilyn Parker
Case Manager:	Joel P. Dock, 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:

00:18:11 Joel Dock presented the case and showed a Powerpoint presentation. Mr. Dock responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Tim Martin, 400 W. Market, Suite 3200, Louisville, KY 40202
Kelli Jones, 608 S. 3rd Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:25:13 Tim Martin spoke in favor of the request (see recording for detailed presentation).

00:30:18 Kelli Jones spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0175

The following spoke in opposition of the request:

No one spoke.

00:34:56 Board Members' deliberation

00:35:42 On a motion by Vice Chair Leanhart, seconded by Member Goatley, 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 complies with land Use and Development Goals 1 & 2: Community Form as the development site does not share boundaries with residential uses and is compatible with the scale and intensity of uses within the center. No significant negative impacts on the environment or from traffic will be created. The proposal further concentrates mixed-uses within a current activity center, which encourages a more compact pattern of development and efficient land use pattern. The proposal complies with Land Use and Development Goal 3: Mobility as the site is accessible via safe pedestrian walkways from public ways and necessary pedestrian improvements (sidewalks) within the public right-of-way have been provided. The development promotes public transit and pedestrian use, and

WHEREAS, the Board further finds that the proposal is compatible with surrounding land uses as the proposed outdoor consumption is consistent with abutting C-2 districts and the general area within the Regional Center form district. The regional center serves as an area for the concentration of regional shopping, office, services, entertainment facilities and medium to high-density residential uses, and

WHEREAS, the Board further finds that off-site and on-site improvements will be made as shown on the proposed development plan, and

WHEREAS, the Board further finds that:

Outdoor alcohol sales and consumption and/or indoor live entertainment for a restaurant may be permitted in the C-1 zoning district upon the granting of conditional use permit and compliance with the listed requirements:

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0175

- A. All outdoor areas for the sale and consumption of alcohol must have designated boundaries.
- B. Outdoor dining areas within the public right-of-way must receive approval from the agency responsible for transportation engineering and shall be designed in accordance with agency standards.
- C. Outdoor dining areas adjacent to the public right-of-way shall contain a physical barrier that is at least three feet in height. The barrier should be designed to permit existing legal access from building to the adjacent public right-of-way.
- D. Outdoor dining areas that include the sale and consumption of alcohol within 50 feet of a residentially zoned or used property shall provide a six foot continuous screen as part of the designated boundary for the areas of the outdoor area within 50 feet of residentially used or zoned property. The continuous screen shall be in conformance with the Chapter 10, Part 4 (Implementation Standards).
- E. This conditional use permit shall be limited to restaurant uses in the C-1 that hold the following types of ABC licenses:
 - 1. Restaurant liquor and wine license by the drink for 100 plus seats
 - 2. Restaurant wine license by the drink for restaurants with seating for 100 and receives at least 70 percent gross receipts from food sales
- F. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 1 A.M.
- G. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
- H. The Board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific restaurant.

The proposal complies with each of the above listed items. The proposal is being requested for a restaurant on an out-lot of a regional shopping center within the C-1 zoning district. Outdoor consumption will occur in the outdoor dining/patio area which is oriented away from public roadways. The development site is not adjacent to residential zones or uses and will not create significant nuisances; now, therefore be it

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0175

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0175 does hereby **APPROVE** Conditional Use Permit for outdoor alcohol sales and consumption for restaurant in the C-1 Zoning District (LDC 4.2.41), **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 outdoor alcohol sales and consumption without further review and approval by the Board.

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0058

Request:	Variance to allow a fence in the front yard setback to exceed 42 inches in height
Project Name:	Bland Street Variance
Location:	1480 Bland Street
Owner/Applicant:	Elizabeth Heim
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

00:37:42 Zach Schwager presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Liz Heim, 1480 Bland Street, Louisville, KY 40217

Summary of testimony of those in favor:

00:40:39 Liz Heim spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke neither for nor against the request:

Joseph Wilson, 1483 Bland Street, Louisville, KY 40217

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0058

Summary of testimony of those neither for nor against:

00:42:43 Joseph Wilson spoke neither for nor against the request (see recording for detailed presentation).

00:44:37 Zach Schwager stated he had received an email this morning in support of the variance and provided a copy to the Board Members (see recording for detailed presentation).

00:45:36 Board Members deliberation

00:46:39 On a motion by Member Jagoe, seconded by Member Goatley, 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 requested variance will not adversely affect the public health, safety or welfare as the fence will be moved out of the sight triangle and will provide adequate vision clearance for motorists and pedestrians, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there are other fences in front yards in the area, and

WHEREAS, the Board further finds that the requested variance will not adversely affect the public health, safety or welfare as the fence will be moved out of the sight triangle and will provide adequate vision clearance for motorists and pedestrians, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the fence will provide some privacy and security for the applicant but will also allow for adequate vision clearance for motorists and pedestrians, and

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

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0058

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0058 does hereby **APPROVE** Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence in the front yard in a Traditional Neighborhood Form District to exceed 42 inches in height, **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The applicant shall move the fence on Bland Street 30 ft. from the alley edge of pavement. The applicant shall move the fence within 60 days of approval.

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0060

Request:	Variance to allow a second story addition on the rear of an existing structure to encroach into the side yard setback
Project Name:	Barret Avenue Variance
Location:	625 Barret Avenue
Owner:	Apres Properties of KY, LLP
Applicant:	Becky McKinley, Victory Home Builders
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
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:

00:48:27 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:

Shaun Wallace, 5905 Worthington Way, Prospect, KY 40059

Summary of testimony of those in favor:

00:51:43 Shaun Wallace 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.

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0060

00:54:28 **Board Members' deliberation**

00:55:20 On a motion by Member Goatley, seconded by Member Jagoe, 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 requested variance will not adversely affect the public health, safety or welfare as the structure will need to 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 additions will be setback the same distance as the existing structure, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the additions will be setback the same distance as the existing structure, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the encroachment is the same as the existing side yard setback; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0060 does hereby **APPROVE** Variance from Land Development Code Section 5.1.10.F to allow a structure to encroach into the required side yard setback.

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, and Chair Howard

Recused: Vice Chair Leanhart

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0162

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is the primary residence of the owners
Project Name:	Belgravia Court Short Term Rental
Location:	513 Belgravia Court
Owners/Applicants:	Richard J. Serpa & Michael Mondia
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:

00:57:07 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Richard Serpa, 513 Belgravia Ct., Louisville, KY 40208

Summary of testimony of those in favor:

01:01:11 Richard Serpa 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.

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0162

01:03:06 Board Members' deliberation

01:03:33 On a motion by Member Jagoe, seconded by Member Goatley, 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 or the Short Term Rental of a condominium unit that is the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term Rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- 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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The dwelling has four bedrooms which would allow for ten guests. However, the applicants are limiting the number of guests to eight people.**

BOARD OF ZONING ADJUSTMENT MINUTES

December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0162

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there is one property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property and one approved owner occupied. The proposal is owner occupied and they have agreed to the condition of maintaining primary residency at 513 Belgravia Court.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The structure is a single family dwelling.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The property has three on-site parking spaces.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

BOARD OF ZONING ADJUSTMENT MINUTES

December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0162

- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0162 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is the primary residence of the owner in a Traditional Neighborhood Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. The owners of record for the short term rental shall maintain their primary residence in the dwelling unit on the subject property. In the event they establish primary residence on another property, they 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 owners.

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0162

2. The number of guests shall be limited to eight (8).

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0164

Request:	Conditional use permit to allow a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Bourbon Avenue Short Term Rental
Location:	1203 Bourbon Avenue
Owner/Applicant:	Steven Smith
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
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:

01:05:40 Zach Schwager presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Steve Smith, 8208 Camberley Drive, Louisville, KY 40222

Summary of testimony of those in favor:

01:08:13 Steve Smith 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.

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0164

01:13:10 Board Members' deliberation

01:14:27 On a motion by Vice Chair Leanhart, seconded by Member Goatley, 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 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 are 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:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- 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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **According to the**

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0164

applicant, there are five bedrooms; LDC regulations permit up to 12 guests.

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there is one property with an approved conditional use permit for short term rental of a dwelling unit not the primary residence of the host within 600 ft of the subject property (see Attachment 3). The applicant has provided a justification that is attached to the agenda item.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The dwelling unit is a single-family residence.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **LDC standards credit the site with zero on-street parking spaces along**

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0164

the property frontage. There is additional parking for two vehicles in the garage on the alley. There is additional parking for two vehicles in the garage on the Preston Highway side of the property and two in the driveway. In addition, there appears to be available on-street parking in the area.

- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0164 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host (LDC

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0164

4.2.63), with **RELIEF** from Standard 4D because this property is located on a busy highway and it is a highly commercial corridor, and it is on the outer edge of the existing approved CUP.

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0165

Request:	Conditional use permit to allow a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Lydia Street Short Term Rental
Location:	903 Lydia Street
Owner:	Leslie Lee Whitlock
Applicant:	Genevieve Foxworth
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
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:

01:16:27 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Genevieve Foxworth, 903 Lydia Street, Louisville, KY 40217

Summary of testimony of those in favor:

01:18:36 Genevieve Foxworth spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0165

The following spoke in opposition of the request:

No one spoke.

01:30:04 Board Members' deliberation

01:30:54 On a motion by Vice Chair Leanhart, seconded by Member Goatley, 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 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 are 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:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0165

- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **According to the applicant, there is one bedroom; LDC regulations permit up to four guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there is one property with an approved conditional use permit for short term rental of a dwelling unit not the primary residence of the host within 600 ft of the subject property (see Attachment 3). The applicant has provided a justification that is attached to the agenda item.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The dwelling unit is a two-family residence.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0165

- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **LDC standards credit the site with two on-street parking spaces along the property frontage. In addition, there appears to be available on-street parking in the area.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0165

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0165 does hereby **APPROVE** Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63), with **RELIEF** from Standard 4D based on the Condition of Approval, **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The owners of record for the short term rental shall maintain their primary residence in the dwelling unit on the subject property. In the event they establish primary residence on another property, they 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 owners.

The vote was as follows:

Yes: Member Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0167

Request:	Conditional use permit to allow a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Wind Ridge Court Short Term Rental
Location:	6810 Wind Ridge Court
Owner:	Dandy Properties, LLC
Applicant:	Wendy Kroeger
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:

01:33:22 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Wendy Kroeger, 6707 Crossways Pl., Louisville, KY 40241

Summary of testimony of those in favor:

01:34:47 Wendy Kroeger spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke neither for nor against the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0167

01:38:29 Board Members' deliberation

01:39:11 On a motion by Member Turner, seconded by Member Jagoe, 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 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 are 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:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- 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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **According to the**

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0167

applicant, there are five bedrooms; LDC regulations permit up to 12 guests.

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there are zero properties with an approved conditional use permit for short term rental of a dwelling unit not the primary residence of the host within 600 ft of the subject property (see Attachment 3).**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The dwelling unit is a single-family residence.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **LDC standards credit the site with four on-street parking spaces along the property frontage. There is additional parking for two**

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0167

vehicles in the garage. In addition, there appears to be available on-street parking in the area.

- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0167 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63).

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0167

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0178

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Vardiman Short Term Rental
Location	1610 Ellwood Avenue
Owner:	Alice and Edwin Vardiman
Representative:	Jonathan Klunk
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Jon E. Crumbie, Planning and Design Coordinator

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

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

Agency testimony:

01:40:53 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see 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:

01:44:04 Jonathan Klunk spoke in favor of the request and provided a justification statement for the 600 foot rule to the Board Members. Mr. Klunk responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0178

The following spoke neither for nor against the request:

Councilman Brandon Coan, 601 W. Jefferson St., Louisville, KY 40202

Summary of testimony of those neither for nor against:

01:51:42 Councilman Brandon Coan spoke neither for nor against the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

REBUTTAL:

01:54:21 Jonathan Klunk spoke in rebuttal (see recording for detailed presentation).

01:55:00 Board Members' deliberation

01:59:17 On a motion by Member Turner, seconded by Member Goatley, 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:

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0178

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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that the residence has three bedrooms that will allow a maximum number of eight guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there is one property with an approved conditional use permit allowing short term rentals that is not the primary residence of the host. The applicant is requesting relief to the provision in accordance with LDC Section 4.2.2.B. If the Board does not grant relief, the application does not meet all of the listed requirements and the conditional use permit cannot be approved.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0178

condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.

- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The site has credit for on-street parking and there is a one car garage at the rear of the site.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0178

of the issuance of the conditional use permit, the permit shall become null and void.

- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0178 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-7 Zoning district and Traditional Neighborhood Form District, with **RELIEF** from Standard 4D based upon the applicant's relief justification.

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0179

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the owners
Project Name:	Norris Place Short Term Rental
Location:	1641 Norris Place
Owners:	Oliver Real Estate Management LLC by Carroll Mackin
Applicant:	Greg Licteig
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
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:

02:02:51 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members. Board Members and Mr. Hendrix discussed the number of bedrooms (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Greg Licteig, 1641 Norris Ave., Louisville, KY 40205

Summary of testimony of those in favor:

02:08:37 Greg Licteig spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0179

The following spoke neither for nor against the request:

Councilman Brandon Coan, 601 W. Jefferson St., Louisville, KY 40202

Summary of testimony of those neither for nor against:

02:14:43 Councilman Brandon Coan spoke neither for nor against the request. Councilman Coan questioned the number of bedrooms (see recording for detailed presentation).

The following spoke in opposition of the request:

Bob Atkin, 1927 Ivanhoe Ct., Louisville, KY 40205

Summary of testimony of those in opposition:

02:16:57 Chair Howard stated Mr. Atkin had to leave, but the Board Members did receive an email from him (see recording for detailed presentation).

REBUTTAL:

02:18:02 Greg Licteig spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

02:20:03 Mr. Hendrix, the Board Members, Legal Counsel, and Chris French discussed the number of bedrooms (see recording for detailed presentation).

02:31:34 Board Members' deliberation

02:33:59 On a motion by Member Goatley, 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

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0179

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 or the Short Term Rental of a condominium unit that is the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term Rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- 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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The applicant has submitted pictures of five bedrooms, which would allow for twelve guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there was no other property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property.**

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0179

- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The structure is a single family dwelling.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The property has 187 feet of street frontage along Speed Avenue and a three car garage.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0179

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0179 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-6 Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The maximum number of guests in the Short Term Rental shall be limited to eight (8).

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, and Vice Chair Leanhart
Abstain: Chair Howard
Absent: Member Buttorff

02:35:34 Meeting was recessed.

02:35:53 Meeting was reconvened.

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0180

Request:	Conditional Use Permit for an accessory apartment
Project Name:	Accessory Apartment
Location:	4554 South Second Street
Owner/Applicant:	Matthew Iles
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
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:

02:36:16 Steve Hendrix presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Matthew Iles, 4554 S. 2nd Street, Louisville, KY 40214

Summary of testimony of those in favor:

02:39:08 Matthew Iles 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.

02:47:03 Board Members' deliberation

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0180

02:49:31 Public hearing was reopened to allow additional testimony.

02:49:37 Matthew Iles spoke in regard to the size of the accessory apartment (see recording for detailed presentation).

02:50:56 Steve Hendrix and Matthew Iles responded to questions from the Board Members regarding similar structures in the area (see recording for detailed presentation).

02:52:14 Board Members' deliberation

02:54:20 On a motion by Member Turner, seconded by Member Jagoe, 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 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:

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. There are four listed requirements, and all have been met.

- 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 property owners reside in the principal dwelling.

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0180

- 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 proposed accessory apartment will be 900 square feet, 250 square feet more than allowed. The applicant is requesting relief from this listed requirement.
- 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 proposal meets the guidelines of the Traditional Neighborhood Form District.
- 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 within a Traditional Neighborhood and has parking available in the garage, carport and driveway; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0180 does hereby **APPROVE** Conditional Use Permit to allow an accessory apartment in an R-5 Zoning District and Traditional Neighborhood Form District, with **RELIEF** from Standard 4B because there are comparable accessory structures in the area, this accessory structure will still be smaller in size than the main residence, and the applicant states he plans to add to the square footage of the main residence.

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0180

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, and Chair Howard

No: Vice Chair Leanhart

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0181

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the owner
Project Name:	South Second Street Short Term Rental
Location:	4554 South Second Street
Owner/Applicant:	Matthew Iles
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
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:

02:59:00 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:

Matthew Iles, 4554 S. 2nd Street, Louisville, KY 40214

Summary of testimony of those in favor:

03:02:37 Matthew Iles 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.

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0181

03:09:00 Board Members' deliberation

03:11:56 On a motion by Member Goatley, 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, 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 or the Short Term Rental of a condominium unit that is the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term Rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- 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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The accessory apartment has two bedrooms, but by definition, the Land Development Code only allows two adults in an accessory apartment.**

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0181

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there were two other properties with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property. The applicant will be requesting relief to the provision in accordance with LDC Section 4.2.2.B. If the Board does not grant relief, the applicant does not meet all of the listed requirements and the conditional use permit cannot be approved.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The structure is an accessory apartment.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The property will have a two car garage and a carport, it already has driveway parking and a parking credit on Second Street.**

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0181

- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0181 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-5 Zoning District and Traditional Neighborhood Form District, with **RELIEF** from Standard 4D based on the Condition of Approval, **SUBJECT** to the following Condition of Approval:

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0181

Condition of Approval:

1. The owners of record for the short term rental shall maintain their primary residence in the dwelling unit on the subject property. In the event they establish primary residence on another property, they 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 owners.

The vote was as follows:

Yes: Members Turner, Goatley, and Jagoe

No: Vice Chair Leanhart, and Chair Howard

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0185

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the owners
Project Name:	Atwood Short Term Rental
Location:	664 Atwood Street
Owner/Applicant:	664 Atwood LLC by Mike Spoelker
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
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:

03:14:37 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Mike Spoelker, 1704 Cherokee Road, Louisville, KY 40205

Summary of testimony of those in favor:

03:18:19 Mike Spoelker 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.

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0185

03:24:35 **Board Members' deliberation.**

03:25:39 On a motion by Vice Chair Leanhart, seconded by Member Goatley, 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 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 or the Short Term Rental of a condominium unit that is the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term Rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- 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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The dwelling will have two bedrooms which would allow for six guests.**

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0185

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there was one other property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property. The applicant has requested relief to the provision in accordance with LDC Section 4.2.2.B. If the Board does not grant relief, the applicant does not meet all of the listed requirements and the conditional use permit cannot be approved.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The structure will be a single family dwelling.**
- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The property has approximately 37 feet of street frontage on Atwood**

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0185

Street and will have two parking spaces in the driveway between the alley and garage.

- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0185 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, with **RELIEF** from Standard 4D because the existing approved CUP is located north of Atwood

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0185

which is a commercial roadway, one-way Southbound where it intersects with Atwood, and it is on the very edge of the buffer area.

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0213

Request:	Conditional Use Permit to allow an accessory apartment
Project Name:	Baker Accessory Apartment
Location	5209 Mars Court
Owner:	Norma Baker
Representative:	Deborah and Tommy Nuckles
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Jon E. Crumbie, Planning and Design Coordinator

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

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

Agency testimony:

03:27:55 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:

Thomas Nuckles, 5209 Mars Court, Louisville, KY 40258
Deborah Nuckles, 5209 Mars Court, Louisville, KY 40258

Summary of testimony of those in favor:

03:31:46 Thomas Nuckles spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

03:35:03 Deborah Nuckles spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0213

03:36:33 Thomas Nuckles spoke in regard to the permit and the square footage of the property. Mr. Nuckles responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

03:46:59 Board Members' deliberation

03:49:17 On a motion by Vice Chair Leanhart, seconded by Member Jagoe, 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 request does not meet all of the listed requirements and the Conditional Use Permit cannot be approved; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0213 does hereby **DENY** Conditional Use Permit to allow an accessory apartment in an R-4 Zoning District and Neighborhood Form District.

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0145

Request:	Conditional Use Permit to allow transitional housing
Project Name:	Genesis Boys Group Home
Location:	630 Louis Coleman Drive
Owner/Applicant:	Quanyell Watts
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
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:

03:51:22 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Quanyell Watts, 5119 Maryview Dr., Louisville, KY 40216
Erica Watts, 5119 Maryview Dr., Louisville, KY 40216

Summary of testimony of those in favor:

03:56:44 Quanyell Watts spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

04:04:56 Erica Watts spoke in favor of the request. Mr. and Mrs. Watts responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0145

04:15:30 Board Members' deliberation

04:16:46 On a motion by Member Goatley, seconded by Member Jagoe, 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 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. Transportation Planning and MSD have reviewed and approved the proposal, and

WHEREAS, the Board further finds that:

Transitional Housing may be allowed in any zoning district upon the granting of a conditional use permit and compliance with the listed requirements.

A. Conditional Use Standards – General (all districts)

1. No building shall be closer than 30 feet to a property line unless required to by a form district maximum setback or build-to-line. The transitional housing is located in an existing residence and is located seven feet off the north property line.
2. Parking spaces shall be determined by the board of zoning based on the number of employees and the potential number of visitors to the site as described by the applicant in a parking study of similar uses. The site has two off-street parking spaces at the south side yard and one at the rear.
3. Signage for transitional housing shall be in accordance with chapter 8 of the LDC for nonresidential uses. Signage is not proposed.
4. The Board of Zoning Adjustments shall take into account the location of other transitional housing, homeless shelter or rehabilitation home in its analysis of conditional use permit application for transitional housing.

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0145

5. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.

6. For conversion of existing structures: A report from the applicable fire official shall be provided to the Board outlining the necessary steps for compliance with fire code safety standards prior to establishing occupancy of the structure for the proposed use.

B. Conditional Use Standards – Single Family Zoning Districts Only:

1. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.

2. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.

3. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.

4. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s); now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0145 does hereby **APPROVE** Conditional Use Permit to allow transitional housing, with **RELIEF** from Standard 4A1 because the structure was already existing when it was purchased by the applicants and they have not taken any steps to further encroach on any of the property setbacks, **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

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

PUBLIC HEARING

CASE NUMBER 19-CUP-0145

Conditional Use Permit is not so exercised, the site shall not be used as transitional housing until further review and approval by the Board.

3. Prior to lawful commencement of the transitional housing use the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies.
4. The number of occupants in the residence shall be 1 person per 50 feet in each bedroom that meets code.

The vote was as follows:

Yes: Members Turner, Goatley, Jagoe, Vice Chair Leanhart, and Chair Howard

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
December 2, 2019

The meeting adjourned at approximately 5:35 p.m.

Lula K. Howard

Chair

Richard S. Butty

Secretary