

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

February 17, 2020

A meeting of the Louisville Metro Board of Zoning Adjustment was held on February 17, 2020 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Members Present:

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

Members Absent:

Kimberly Leanhart, Vice Chair
Richard Buttorff, Secretary

Staff Members Present:

Emily Liu, Planning & Design Director
Brian Davis, Planning & Design Manager
Joe Haberman, Planning & Design Manager
Chris French, Planning & Design Supervisor
Steve Hendrix, Planning & Design Coordinator
Jon Crumbie, Planning & Design Coordinator
Beth Jones, Planner II
Nia Holt, Planner I
Zach Schwager, Planner I
John Carroll, Legal Counsel
Laura Ferguson, Legal Counsel
Sue Reid, Management Assistant

The following cases were heard:

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

FEBRUARY 3, 2020 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:03:16 On a motion by Member Turner, seconded by Member Jagoe, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the February 3, 2020 Board of Zoning Adjustment meeting, with **CORRECTIONS** as provided to staff. Chair Howard reviewed the noted changes.

The vote was as follows:

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

Absent: Member Buttorff, and Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0075

Request:	Variance and Waiver for sign size and number
Project Name:	Apartment Building Signage
Location:	2400S. 4th Street
Owner:	Aptitude 4th Street LLC
Applicant:	Signarama Northeast Louisville
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency testimony:

00:07:37 Beth Jones presented the case and showed a Powerpoint presentation. Ms. Jones responded to a question from Legal Counsel (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Tim Parsons, 2624 Chamberlain Lane, Louisville, KY 40245

Summary of testimony of those in favor:

00:14:04 Tim Parsons 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
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0075

00:17:04 Ms. Jones provided clarification regarding the lighting of the sign(s) (see recording for detailed presentation).

00:17:52 Board Members' deliberation

00:18:27 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:

Variance to permit attached signage to exceed maximum area permitted (LDC Table 8.3.1):

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect public health safety or welfare since the location of the signs will not interfere with pedestrian or vehicular traffic or with nearby land uses, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the area immediately adjacent to the signs is zoned and/or developed for commercial and multi-family uses, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the sign location will not disrupt pedestrian or vehicular traffic or nearby land uses, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations since the zoning and uses adjacent to the sign location is already developed with multi-family and commercial uses; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0075 does hereby **APPROVE** Variance to permit attached signage to exceed maximum area permitted (**Permitted 48 sq. ft., Proposed 204 sq. ft., Variance 156 sq. ft.**).

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0075

The vote was as follows:

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

Absent: Member Buttorff, and Vice Chair Leanhart

00:19:58 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:

Waiver to permit the number of signs to exceed the maximum permitted (LDC Table 8.3.1):

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners in that the signs are to be placed at the furthest possible location from existing single-family residential uses and are most directly adjacent to properties in commercial and multi-family uses, and

WHEREAS, the Board further finds that the waiver does not violate guidelines of Plan 2040, which requires that appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4); impacts on quality of life must be considered (Community Form 16); and adverse visual intrusions must be considered when there are impacts to residential areas (Community Form 20), and

WHEREAS, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant in that the proposed signage is not excessive to the need to identify the structure and the main entrance, and

WHEREAS, the Board further finds that the applicant has not incorporated design measures that compensate for non-compliance with requirements. Strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land but would create an unnecessary hardship as current LDC standards and requirements do not adequately address a residential structure of this size and since the signs will not negatively impact less intense uses nearby; now, therefore be it

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-VARIANCE-0075

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-VARIANCE-0075 (19-WAIVER-0104) does hereby **APPROVE** Waiver to permit the number of signs to exceed the maximum permitted (**Permitted 1 per street, Proposed 2 per street, Waiver 1 sign**).

The vote was as follows:

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

Absent: Member Buttorff, and Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0005

Request:	Variance to allow a principle structure to encroach into the side yard setback.
Project Name:	Rainbow Variance
Location:	2950 Rainbow Drive
Owner:	Michael & Hilary Dix
Applicant:	Beverly Baker
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Nia Holt, 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:

00:22:02 Nia Holt presented the case and showed a Powerpoint presentation. Ms. Holt provided additional information (in opposition) to the Board Members (see recording for detailed presentation).

The following spoke in favor of the request:

Beverly Baker, 230 Albany Ave., Louisville, KY 40206

Summary of testimony of those in favor:

00:25:41 Beverly Baker spoke in favor of the request. Ms. Baker stated they have approval from the neighbor right behind where the porch is facing. Ms. Baker stated he had initially called in and was opposed but has since changed his mind and signed in approval (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0005

00:28:02 Ms. Holt noted a small change on the Powerpoint presentation regarding the south side yard variance. Ms. Holt stated it was correct in the staff report (see recording for detailed presentation).

00:28:20 Board Members' deliberation

00:28:38 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 requested variance will not adversely affect the public health, safety or welfare as the structure will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed structure be constructed in the rear and keep in character with other covered porches in the general vicinity, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as it is an existing structure and the addition will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the unique shape of this lot make this a variance necessary for an addition on this portion of the property; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0005 does hereby **APPROVE** Variance from Land Development Code Table 5.3.1 to allow a principle structure to encroach into the required side yard setback (**South Side Yard Requirement 5 ft., Request 1 ft., Variance 4 ft.); South Side Yard Requirement 5 ft., Request 2.3 ft., Variance 2.7 ft.).**

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0005

The vote was as follows:

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

Absent: Member Buttorff, and Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0006

Request:	Variance to allow a structure to encroach into the street side yard setback in the R-4 Zoning District.
Project Name:	Hubbards Variance
Location:	400 N. Hubbards Lane
Owner/Applicant:	David & Ruth Esterle
Jurisdiction:	City of St. Matthews
Council District:	7 – Paula McCraney
Case Manager:	Nia Holt, 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:

00:30:18 Nia Holt presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

David Esterle, 400 N. Hubbards Ln., Louisville, KY 40207

Summary of testimony of those in favor:

00:32:34 David Esterle 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.

00:34:31 Board Members' deliberation

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0006

00:34:49 On a motion by Member Turner, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the variance justification, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the request will not adversely affect the public health, safety or welfare as all building codes and safety regulations will be met on the subject site, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the size, placement, and shape of residential structures in the area are a function of the size and shape of their lot. The material and character of the proposed garage appear to be consistent with the design of the existing residence, as well as nearby residences, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the structure will be constructed to comply with building codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the existing home is constructed closer to the Massie Ave right-of-way on this corner lot instead of being built in a more centrally located area of the lot; and the size, placement and shape of residences in the area are a function of the size and shape of their lots, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0006 does hereby **APPROVE** Variance from St. Matthews Land Development Code Section 4.6 to allow a structure to encroach into the required street side yard in the R-4 Single Family Residential Zoning District **(Requirement 30 ft., Request ~ 19 ft., Variance ~ 11 ft.)**, **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The applicant shall submit a Minor Subdivision Plat application to Planning & Design services for review and approval to shift the 40 ft. building limit line

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0006

along Massie Avenue. The approved minor plat shall be recorded with the Jefferson County Clerk prior to issuance of building permits.

The vote was as follows:

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

Absent: Member Buttorff, and Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0008

Request:	Variance to allow a 6-foot fence to be placed along a portion of Parkside Vista Lane street side yard
Project Name:	Parkside at Mt. Washington
Location:	7101 Mt. Washington Road
Owner/Applicant:	Ball Homes, LLC
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
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:

00:36:48 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:

Rocco Pigneri, 9931 Magisterial Drive, Louisville, KY 40223

Summary of testimony of those in favor:

00:39:20 Rocco Pigneri spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

00:40:56 Board Members' deliberation

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0008

00:41:15 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 requested variance will not adversely affect the public health, safety or welfare as the fence is not within the sight triangle and does not interfere with vision clearance at the intersection of Mt. Washington Road and Parkside Vista Lane, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there is a signature entrance near the intersection of Mt. Washington Road and Parkside Vista Lane, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the fence will not obstruct sight lines or create a hazard for motorists or pedestrians at the intersection, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as additional screening in front of the fence will help mitigate the height of the fence; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0008 does hereby **APPROVE** Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence in the street side yard in the Neighborhood Form District to exceed 4 feet in height (**Requirement 4 ft., Request 6 ft., Variance 2 ft.**), **SUBJECT** to the following Condition of Approval:

Condition of Approval:

1. The finished side of the fence shall face outwards from the subject property.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0174

Request:	Conditional Use Permit for outdoor alcohol sales and consumption for restaurant in the C-1 zoning district
Project Name:	Oxmoor Center West 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:

00:43:17 Brian Davis presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Timothy Martin, 400 W. Market Street, Suite 3200, Louisville, KY 40207
Kelli Jones, 608 S. 3rd Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:46:47 Timothy Martin spoke in favor of the request (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0174

00:49:40 Kelli Jones spoke in favor of the request and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

00:52:26 Board Members' deliberation

00:53:12 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 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:

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0174

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

- 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

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0174

C-1 zoning district. The designated outdoor alcohol service area is located over 100' feet from the public right-of-way and separated by two rows of parking, drive lane, and landscaping. The development site is not adjacent to residential zones or uses and will not create significant nuisances; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0174 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 off-street parking without further review and approval by the Board.

The vote was as follows:

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

Absent: Member Buttorff, and Vice Chair Leanhart

01:31:15 NOTE: This case was reopened to allow a correction to the second Condition of Approval.

Summary of additional testimony:

01:31:33 Tanner Nichols (400 W. Market St., Louisville, KY) stated he had received a call from Tim Martin after the Board approved this case and he requested the Board amend the second Condition of Approval to read "outdoor alcohol sales and consumption" instead of "off-street parking".

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0174

01:34:10 On a motion by Member Goatley, seconded by Member Turner, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0174 does hereby **AMEND** Condition of Approval Number 2 as follows:

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, and Chair Howard

Absent: Member Buttorff, and Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0253

Request:	Conditional Use Permit to allow transitional housing
Project Name:	The Bradford House
Location:	2639 Virginia Ave
Owner/Applicant:	Everett Bradford
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
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:

00:55:28 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:

Latonya Smith, 3816 Catania Court, Louisville, KY 40299
Rebecca Hill, 909 E. Broadway, Louisville, KY 40204

Summary of testimony of those in favor:

00:59:26 Latonya Smith spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

01:03:36 Joe Haberman stated he wanted to mention this, just because it relates to the enforcement case, that the Board may want to know how many people would be staying in the residence, and is it built to residential or commercial code. Mr. Haberman stated one of the service complaints was a concern that there were nineteen people staying there (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0253

01:04:16 Ms. Smith stated she did take care of that. Ms. Smith stated they did everything the Fire Marshall told them to do so everything is up to code. Ms. Smith stated she has fourteen people living there, and six bedrooms. Ms. Smith described the bedrooms. Ms. Smith responded to questions from the Board Members. Ms. Smith reviewed the conditions of approval listed in the staff report and stated she understands. The Board Members and staff discussed number of occupants and parking with Ms. Smith (see recording for detailed presentation).

01:14:04 Rebecca Hill spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

01:16:12 Board Members' deliberation

01:28:40 On a motion by Member Jagoe, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the supplemental documents provided by the applicant, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with the Comprehensive Plan in that it is a reuse of an existing historic structure and is not expected to create significant additional burdens on public infrastructure, and

WHEREAS, the Board further finds that the proposal will require no exterior additions or significant alterations to the site or its existing structures, and

WHEREAS, the Board further finds that public facilities appear to be adequate to serve the site, 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.

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0253

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. **Relief is requested to accommodate existing site development.**
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.
3. Signage for transitional housing shall be in accordance with Chapter 8 of the LDC for nonresidential uses. **The applicant has removed several signs following a Code Enforcement inspection. Any new signage must meet these requirements.**
4. The Board of Zoning Adjustment shall take into account the location of other transitional housing, homeless shelters or rehabilitation homes in its analysis of conditional use permit application for transitional housing. **No facilities of this type are located within a 1/2-mile radius of the subject site.**
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. **Relief is being requested to accommodate existing site development. Relief from LDC 4.2.55.5. is requested to permit a maximum TN building height in excess of 45 ft and a 30 ft front setback exceeding the maximum TN front setback of 25 ft.**
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. **The applicant has been informed of this requirement. This report may be obtained from the Fire Marshal representative in Construction Review;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0253 does hereby **APPROVE** Conditional Use Permit for Transitional Housing, with **RELIEF** from Standard 4-1, and Standard 4-5, and **SUBJECT** to the following Conditions of Approval:

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0253

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 by and approval of 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 transitional housing without further review by and approval of 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 total number of occupants in the residence shall not exceed fourteen (14) at one time.
5. Off-street parking shall be provided, consisting of a hard and durable surface and shall accommodate a minimum of six (6) parking spaces.

The vote was as follows:

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

Absent: Member Buttorff, and Vice Chair Leanhart

01:30:46 Meeting was recessed.

01:31:02 Meeting was reconvened. (See page 18 of these minutes)

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0279

Request:	Conditional Use Permit, Category 3, Variances, and Waivers to allow improvements to the Jewish Community Center property
Project Name:	Jewish Community Center of Louisville
Location:	3600 Dutchmans Lane
Owner:	Jewish Community Association of Louisville, Inc.
Applicant:	Jewish Community Center of Louisville
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

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

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

Agency Testimony:

01:35:54 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:

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

Summary of testimony of those in favor:

01:39:46 Glenn Price spoke in favor of the request (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0279

01:41:26 Kelli Jones spoke in favor of the request and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:52:52 Board Members' deliberation

01:54:07 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:

Conditional Use Permit to allow a private institutional use:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal meets all applicable policies of the Comprehensive Plan, except variances and waivers will be needed, and

WHEREAS, the Board further finds that the proposed improvements are 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:

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

- A.** Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0279

and all off-street parking shall be at least 30 feet from any property line. **The proposed parking to the south of Shalom Towers will be 15 feet from the property line.**

- B.** The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated. **A traffic study was completed, and the applicant will discuss if the Board wants additional information. Transportation Planning has given preliminary approval.**
- C.** Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use. **The proposed parking will be in front of the day camp buildings.**
- D.** All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
- E.** The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0279 does hereby **APPROVE** Conditional Use Permit to allow a private institutional use, with **RELIEF** from Standard 4A and Standard 4C, and **SUBJECT** to the following Conditions of Approval:

Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a private institutional use until further review and approval by the Board.

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0279

The vote was as follows:

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

Absent: Member Buttorff, and Vice Chair Leanhart

01:56:34 On a motion by Member Turner, seconded by Member Goatley, the following resolution, based upon the Standard of Review and Staff Analysis, the testimony heard today, and the applicant's exhibit, was adopted:

Category 3 Review:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the Category 3 development plan meets or exceeds the requirements of the Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0279 (19-CAT3-0021) does hereby **APPROVE** Category 3 Review.

The vote was as follows:

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

Absent: Member Buttorff, and Vice Chair Leanhart

01:58:03 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:

Variance to allow proposed structure to exceed the maximum setback:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare since the building will be buffered where it is adjacent to residential, and

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0279

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the site and structure have been utilized the same way since it was constructed, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the building will be buffered where it is adjacent to residential, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since the new building will allow the modernization of the Jewish Community Center; and

Variance to allow parking in the required yards:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare since the variance will allow vehicular access, parking, and maneuvering to be improved on site, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity since the variance will duplicate the existing setback from the Shalom tower property, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the variance will duplicate the existing setback from the Shalom tower property, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since it will duplicate an existing condition; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0279 (19-VARIANCE-0074) does hereby **APPROVE** Variance to allow proposed structure to exceed the maximum setback (**Requirement 150'**, **Request 668'**, **Variance 518'**), and Variance to allow parking in the required yards (**Requirement 10'**, **Request 0'**, **Variance 10'**).

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0279

The vote was as follows:

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

Absent: Member Buttorff, and Vice Chair Leanhart

01:59:29 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:

Waiver to eliminate the required landscape buffer area:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners since the landscape requirement is internal to the site, and

WHEREAS, the Board further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants, and

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0279

WHEREAS, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since all other landscape requirements will be met, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land since vehicular access to necessary parking and maneuvering areas would be lost; and

Waiver to eliminate the required Vehicular Use Area:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners since the landscape requirement is internal to the site, and

WHEREAS, the Board further finds that the waiver will not violate Guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for screening and buffering of parking areas adjacent to streets. The waiver will not violate Guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way, and

WHEREAS, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since all other landscape requirements will be met, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land since vehicular access to necessary parking and maneuvering areas would be lost; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0279 (19-WAIVER-0103) does hereby **APPROVE** Waiver to eliminate the required landscape buffer area (**Requirement 15', Request 0', Waiver 15'**),

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0279

and Waiver to eliminate the required Vehicular Use Area (**Requirement 5', Request 0', Waiver 5'**).

The vote was as follows:

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

Absent: Member Buttorff, and Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0261

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:	Grant Avenue Short Term Rental
Location:	3226 Grant Avenue
Owner:	HIEROFALCON GROUP LLC
Applicant:	Brandon Bennett – HIEROFALCON GROUP LLC
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
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:

02:01:04 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:

Brandon Bennett, 441 Whiteheath Ln., Louisville, KY 40243

Summary of testimony of those in favor:

02:03:03 Brandon Bennett spoke in favor of the request. Mr. Bennett stated his justification for requesting relief from the 600 foot rule. Mr. Bennett responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0261

The following spoke in opposition of the request:

No one spoke.

02:07:44 Board Members' deliberation

02:13:22 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 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
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0261

- 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 are four bedrooms; LDC regulations permit up to 10 quests.**
- 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 two properties with an approved conditional use permit for a non-host occupied short term rental within 600 ft. of the subject property (see Attachment 3). The applicant has provided justification, which is attached to the agenda item. Any motion to approve this CUP will need to include relief from this standard.**
- 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.

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0261

- 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 one on-street parking space. In addition, there appears to be available 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-0261 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
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0261

4.2.63), with **RELIEF** from Standard 4D because the property is in close proximity to multiple entertainment opportunities, and because the other two previously approved CUP's are on the outskirts of the 600 foot buffer, and this area can sustain three short term rentals within the 600 foot buffer area.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0267

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:	Goss Avenue Short Term Rental
Location:	1127 Goss Avenue
Owner:	Derby Town Rentals, LLC
Applicant:	Jackie O'Neil – Derby Town Rentals, LLC
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:

02:15:56 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Jackie O'Neil, 4220 Glenarm Road, Crestwood, KY 40014

Summary of testimony of those in favor:

02:19:47 Jackie O'Neil spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0267

The following spoke in opposition of the request:

No one spoke.

02:23:42 Board Members' deliberation

02:26:17 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 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
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0267

- 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 will be one bedroom when the accessory apartment is completed; LDC regulations will 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 are zero properties with an approved conditional use permit for a non-host occupied short term rental 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 duplex.**
- 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

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0267

parking shall be based on the land uses and density of the immediate vicinity. **LDC standards credit the site with three on-street parking spaces. There is parking for three cars at the rear of the property. In addition, there appears to be available 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-0267 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), **SUBJECT** to the following Condition of Approval:

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0267

Condition of Approval:

1. The subject CUP for short-term rentals shall apply only to the dwelling unit located on the second floor (accessory apartment) at 1127 Goss Avenue. A modification of the CUP shall be required before short-term rentals can be operated in the first floor unit, whether instead of or in addition to the second floor unit.

The vote was as follows:

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

Absent: Member Buttorff, and Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0280

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:	Goss Avenue Short Term Rental
Location:	957 Goss Avenue
Owner:	SDE Investments, LLC
Applicant:	Jonathan Klunk – Key Source Properties
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:

02:27:55 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:

Jonathan Klunk, 3826 Bardstown Road, Louisville, KY 40218

Summary of testimony of those in favor:

02:29:43 Jonathan Klunk spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0280

02:33:50 Board Members' deliberation

02:34:34 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 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
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0280

applicant there are two bedrooms; LDC regulations will permit up to six 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 a non-host occupied short term rental within 600 ft. of the subject property (see Attachment 3). The applicant has provided justification, which is attached to the agenda item. Any motion to approve this CUP will need to include relief from this standard.**
- 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 one on-street parking space. There is**

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0280

parking for one car in the attached carport on the side of the residence.
In addition, there appears to be available 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, 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
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0280

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0280 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), with **RELIEF** from Standard 4D based upon the justification statement submitted by the applicant, and highlighting that Goss Avenue is a heavily populated commercial/residential corridor, and there is multi-family in the area across the street.

The vote was as follows:

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

Absent: Member Buttorff, and Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0277

Request:	Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	432 M Street
Location:	432 M Street
Owner/Applicant:	Puro Domum LLC., by Larry Bolton
Host:	Chill House LLC., Alexandria Bolton
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:

02:36:50 Steve Hendrix presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

02:40:40 **NOTE: This case was continued to the end of today's docket, since the applicant was not present at this time (see recording for detailed presentation).**

Agency testimony:

03:35:17 Mr. Hendrix asked the Board Members if they wanted him to review the case again. Chair Howard said no, but asked Mr. Hendrix to remind the Board of the required actions (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0277

The following spoke in favor of the request:

Alexandria Bolton, 117 W. Breckinridge St., Louisville, KY 40203

Summary of testimony of those in favor:

03:35:56 Alexandria Bolton 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.

03:40:25 Board Members' deliberation

03:41:02 On a motion by Member Jagoe, seconded by Member Turner, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

Short Term Rental 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

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0277

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 three bedrooms, which would allow for 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, 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.**
- 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

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0277

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. **M Street has approximately 30 feet of street frontage and South Fifth Street has approximately 100 feet of street frontage along this 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 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

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0277

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-0277 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.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0275

Request:	Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Weiter short term rental
Location:	612 Atwood Street
Owner/Applicant:	James Weiter
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
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:

02:41:21 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:

James Weiter, 2700 Delor, Louisville, KY 40217

Jonathan Klunk, 3826 Bardstown Road, Louisville, KY 40218

Summary of testimony of those in favor:

02:45:00 James Weiter spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:48:13 Jonathan Klunk spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0275

The following spoke in opposition of the request:

No one spoke.

02:56:23 Board Members' deliberation

02:57:13 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 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:

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

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0275

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 last Board meeting there are no approved short term rental conditional use permits within 600 feet of the subject property.**
- 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.
- 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 appears to be ample parking along the street. The applicant states that there are two spaces along the alley near the side of the residence.**

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0275

- 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-0275 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.

**BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020**

PUBLIC HEARING

CASE NUMBER 19-CUP-0275

The vote was as follows:

Yes: Members Goatley, Jagoe, and Chair Howard

No: Member Turner

Absent: Member Buttorff, and Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-APPEAL-0004

Request:	Appeal of an Administrative Decision
Project Name:	Powell Avenue Appeal
Location:	3744 Powell Avenue
Appellant:	R. Louis Hobbs
Representative:	R. Louis Hobbs
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
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:

03:00:07 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:

R. Louis Hobbs, 6800 Riggs Drive, Louisville, KY 40291

Summary of testimony of those in favor:

03:03:16 R. Louis Hobbs 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
February 17, 2020

PUBLIC HEARING

CASE NUMBER 19-APPEAL-0004

03:13:17 Board Members' deliberation

03:32:25 Public Hearing was reopened to find out if Mr. Hobbs would be available to attend on March 16, 2020 so this case could be continued to allow him an opportunity to see if he can obtain information as to whether more than one family lived at this property in the 1960's. Mr. Hobbs stated he would go back to the library like he did previously, that is the only source he has. Mr. Hobbs stated he would prefer to return on March 2nd (see recording for detailed presentation).

03:34:03 On a motion by Member Goatley, seconded by Member Jagoe, the following resolution was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 19-APPEAL-0004 to the March 2, 2020 Board of Zoning Adjustment meeting.

The vote was as follows:


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

Absent: Member Buttorff, and Vice Chair Leanhart

03:35:01 See page 47 of these minutes for the conclusion of Case Number 19-CUP-0277.

BOARD OF ZONING ADJUSTMENT MINUTES
February 17, 2020

The meeting adjourned at approximately 4:56 p.m.


Chair


Secretary