

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

June 29, 2020

A Special meeting of the Louisville Metro Board of Zoning Adjustment was held on June 29, 2020 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

Members Present:

Lula Howard, Chair
Kimberly Leanhart, Vice Chair
Richard Buttorff, Secretary
LiAndrea Goatley
Michael Seale
Lester Turner, Jr.
Lindsey Jagoe

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
Zach Schwager, Planner I
Laura Ferguson, Legal Counsel
Sue Reid, Management Assistant

On the recommendation of the Louisville Metro Department of Public Health & Wellness regarding congregate events and social distancing, and as permitted by Commonwealth of Kentucky Senate Bill 150, the Special June 29, 2020 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

June 15, 2020 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:08:09 On a motion by Member Turner, seconded by Member Goatley, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the June 15, 2020 Board of Zoning Adjustment online meeting.

The vote was as follows:

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

Abstain: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0053

Request: Variance for an addition to an existing structure to encroach into the side yard setback and to allow a private yard area to be less than the required 30% of the area of a lot

Project Name: Weisser Avenue Variance

Location: 112 Weisser Avenue

Owner(s): Teresa F. Boome & Jonathan P. Boome

Applicant: Will Ready

Jurisdiction: Louisville Metro

Council District: 9 – Bill Hollander

Case Manager: Zach Schwager, Planner I

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

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

Agency testimony:

00:11:00 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:

Will Ready, 142 North Bayley Ave., Louisville, KY

Summary of testimony of those in favor:

00:15:30 Will Ready 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:

Clark Welch, 127 S. Crestmoor Ave., Louisville, KY
Robert Vice, 2303 River Road, Suite 301, Louisville, KY 40206

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0053

Summary of testimony of those in opposition:

00:24:18 Clark Welch spoke in opposition of the request. Mr. Welch stated he is opposed to this request because he feels there are alternatives that would better fit the existing Form District requirements and also meet the needs of the applicant. Mr. Welch responded to questions from the Board Members (see recording for detailed presentation).

00:35:18 Robert Vice (representing the apartment complex owner) spoke in opposition of the request. Mr. Vice stated their biggest concern is that they have four sets of windows that are going to be blocked. Mr. Vice stated they would like to see an alternative design. Mr. Vice responded to questions from the Board Members (see recording for detailed presentation).

REBUTTAL:

00:41:40 Will Ready spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

00:48:08 Board Members' deliberation

00:51:54 On a motion by Member Seale, 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, because the proposed addition must 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 structure will be similar in size and scale compared to surrounding structures, and

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

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0053

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as there is more open space to the side of the house that is not counted toward private yard area; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0053 does hereby **APPROVE** Variance from Land Development Code Table 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of a lot (**Private Yard Area Requirement 3,444 sq. ft., Request 0 sq. ft., Variance 3,444 sq. ft.**).

The vote was as follows:

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

No: Member Buttorff, and Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0103

Request: Conditional Use Permit for a short term rental of one dwelling unit of a duplex that is not the primary residence of the host – request to remove Condition of Approval

Project Name: South Brook Short Term Rental

Location: 1104 South Brook Street

Owner/Applicant: Matthew Kustes

Jurisdiction: Louisville Metro

Council District: 6-- David James

Case Manager: Steve Hendrix, Planning and Design Coordinator

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

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

Agency testimony:

00:55:33 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see staff report and recording for detailed presentation).

01:00:52 Joe Haberman, Planning & Design Manager, explained how the Condition of Approval was included as listed in the staff report. Mr. Haberman responded to questions from the Board Members. Vice Chair Leanhart stated this case included a letter to the Board stating the applicant planned on living in the home and it was part of the Board's packets (see recording for detailed presentation).

The following spoke in favor of the request:
Matthew Kustes, 1104 S. Brook St., Louisville, KY

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0103

Summary of testimony of those in favor:

01:03:02 Matthew Kustes 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.

01:16:28 Laura Ferguson, Legal Counsel, discussed the required actions of the Board for this request (see recording for detailed presentation).

01:19:17 Board Members' deliberation

01:30:50 On a motion by Member Buttorff, seconded by Member Seale, the following resolution, based upon the testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 19-CUP-0103 does hereby **DENY** the request to remove Condition of Approval #2 regarding residency.

The vote was as follows:

Yes: Members Buttorff, Turner, Jagoe, and Seale

No: Member Goatley, Vice Chair Leanhart, and Chair Howard

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0286

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

Project Name: Bass short term rental

Location: 1213 Central Avenue

Owner/Applicant: Soul Proprietorship, LLC

Jurisdiction: Louisville Metro

Council District: 6 – David James

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:

01:33:15 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:

Paul Whitty, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Jodie Bass, 210 E. Magnolia Ave., Louisville, KY

Summary of testimony of those in favor:

01:36:09 Paul Whitty spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

01:51:43 Jodie Bass spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0286

02:03:39 Paul Whitty spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

02:06:13 Board Members' deliberation

02:14:53 A motion was made by Member Turner, seconded by Member Goatley, based upon the Standard of Review and Staff Analysis (with relief from Standard 4D), and the testimony heard today, that Case Number 19-CUP-0286 be **APPROVED**, subject to one Condition of Approval. The motion **FAILED** by the following vote:

Yes: Members Turner, Goatley, and Chair Howard

No: Members Buttorff, Jagoe, Seale, and Vice Chair Leanhart

02:19:15 Board Members' deliberation

02:21:17 On a motion by Member Seale, seconded by Member Buttorff, 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 request does not meet all of the listed requirements (particularly Standard 4D) and the Conditional Use Permit cannot be approved; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** Case Number 19-CUP-0286.

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 19-CUP-0286

The vote was as follows:

Yes: Members Buttorff, Jagoe, Seale, and Vice Chair Leanhart

No: Members Turner, Goatley, and Chair Howard

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0012

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:	Elmer Short Term Rental
Location:	5720 Elmer Lane
Owner(s):	Dana & Thomas Doherty
Applicant	William T. Vessels
Jurisdiction:	Louisville Metro
Council District:	13 – Mark Fox
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:

02:24:00 Zach Schwager 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:

William Vessels, 6818 Manslick Road, Louisville, KY 40214

Summary of testimony of those in favor:

02:26:23 William Vessels spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

02:28:00 Zach Schwager stated the applicant has tried to submit documentation for the second neighborhood meeting, but it has not come through email, so he will just need to submit that information for the file. Mr.

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0012

Vessels stated he would drop the information off (see recording for detailed presentation).

02:29:16 Mr. Vessels responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

02:32:52 Board Members' deliberation

02:33:09 On a motion by Vice Chair Leanhart, seconded by Member Seale, 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 proposed use is consistent with Comprehensive Plan policies, and

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

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposed use does not appear to create substantial additional requirements for the site, and

WHEREAS, the Board further finds that:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental. **The applicant has been informed of this requirement.**

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0012

- B. The dwelling unit shall be limited to a single short term rental contract at a time. **The applicant has been informed of this requirement.**
- 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. **There are three (3) bedrooms in the structure which will allow for up to eight (8) 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 requires a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there are no other approved short term rental conditional use permits within 600' of the subject site.**
- 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 subject property is a single-family structure.**
- F. Food and alcoholic beverages shall not be served by the host to any guest. **The applicant has been informed of this requirement.**
- G. Outdoor signage which identifies the short term rental is prohibited. **The applicant has been informed of this requirement.**

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0012

- H. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated. **The site has credit for one on-street parking space. The site has a driveway that can accommodate two spaces. Additional on-street parking is available in the surrounding area.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. **The applicant has been informed of this requirement.**
- 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. **The applicant has been informed of this provision.**
- 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. **The applicant has been informed of this requirement.**
- 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. **The applicant has been informed of this requirement;** now, therefore be it

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0012

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0012 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.

Condition of Approval:

1. The conditional use permit for this short term rental approval shall allow up to 3 bedrooms. A modification of the conditional use permit shall be required to allow additional bedrooms.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0013

Request: Conditional Use Permit for a short term rental of a dwelling unit that is not the primary residence of the host in a UN Zoning District
Project Name: Port 2---Short Term Rental
Location: 606 N. 24th Street
Owner/Applicant: Community RES, LLC by Wesley Vaughn
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
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:

02:35:52 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Wesley Vaughn, 1052 E. St. Catherine St., Louisville, KY 40204

Summary of testimony of those in favor:

02:38:38 Wesley Vaughn 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
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0013

02:46:19 Board Members' deliberation

02:46:35 On a motion by Vice Chair Leanhart, seconded by Member Seale, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

WHEREAS, the Board further finds that:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental. **The applicant has been informed of this requirement.**
- B. The dwelling unit shall be limited to a single short term rental contract at a time. **The applicant has been informed of this requirement.**
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The dwelling will have three bedrooms which would allow for eight guests.**

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0013

- 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 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. **The applicant has been informed of this requirement.**
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts. **The applicant has been informed of this requirement.**
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The property has approximately 66 feet of street frontage along North 24th Street.**

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0013

- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. **The applicant has been informed of this requirement.**

- 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. **The applicant has been informed of this requirement.**

- 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. **The applicant has been informed of this requirement.**

- 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. **The applicant has been informed of this requirement;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0013 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner in a UN Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Condition of Approval.

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0013

Condition of Approval:

1. The conditional use permit for this short term rental approval shall allow up to three bedrooms. A modification of the conditional use permit shall be required to allow additional bedrooms.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0018

Request: Conditional Use Permit for a short term rental of a dwelling unit that is the primary residence of the host in a Traditional Neighborhood Zoning District

Project Name: Short Term Rental

Location: 1233 South Sixth Street

Owner/Applicant: Barney A. Sutton

Jurisdiction: Louisville Metro

Council District: 6—David James

Case Manager: Steve Hendrix, Planning and Design Coordinator

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

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

Agency testimony:

02:49:09 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Barney Sutton, 1233 South Sixth Street, Louisville, KY

Summary of testimony of those in favor:

02:54:09 Barney Sutton 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
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0018

03:04:05 **Board Members' deliberation**

03:18:23 On a motion by Member Seale, seconded by Member Buttorff, the following resolution, based upon the testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 20-CUP-0018 to the July 20, 2020 Board of Zoning Adjustment meeting to allow for the applicant to provide additional information as proof of residency.

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0019

Request:	Conditional Use Permit for an accessory apartment
Project Name:	W. Collins Court Accessory Apartment
Location:	113 W. Collins Court
Owner:	Anthony & Katie Smith
Applicant:	Anthony & Katie Smith
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:

03:22:44 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:

Katie and Anthony Smith, 113 W. Collins Court, Louisville, KY 40214

Summary of testimony of those in favor:

03:25:00 Katie and Anthony Smith spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0019

03:31:32 Board Members' deliberation

03:32:17 On a motion by Vice Chair Leanhart, seconded by Member Seale, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

WHEREAS, the Board further finds that the proposed development does not appear to substantially increase demands on public infrastructure and facilities. The plan has received preliminary approval from MSD and Transportation Planning, and

WHEREAS, the Board further finds that:

4.2.3. Accessory Apartments Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements:

- A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises. **This standard is met.**
- B. The accessory apartment shall be no greater than 650 sq. ft. or 30% of the floor area of the principal residence, whichever is greater. **This standard is met.**
- C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0019

abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate. **This standard is met.**

D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:

1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors;
2. Traditional Neighborhood - at least one off-street space provided on the lot; and
3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate. **The site is located in a Traditional Neighborhood Form District and would provide two spaces in the garage, which meets off-street parking requirements;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0019 does hereby **APPROVE** Conditional Use Permit for an Accessory Apartment (LDC 4.2.3), **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. All development shall be in accordance with the approved district development plan, including all notes thereon, and with all applicable sections of the Land Development Code (LDC). No further development shall occur on the site without prior review of and approval by the Board of Zoning Adjustment (BOZA).
2. The Conditional Use Permit shall be exercised as prescribed by KRS 100.237 within two years of BOZA approval. If it is not so exercised, the site shall not be used for an Accessory Apartment without further review and approval by BOZA.
3. The applicant is required to contact Louisville Metro Emergency Services to have a unique address assigned to the accessory apartment.

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0019

The vote was as follows:

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

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0020

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:	W. Collins Court Short Term Rental
Location:	113 W. Collins Court
Owner:	Anthony & Katie Smith
Applicant:	Anthony & Katie Smith
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:

03:35:29 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 appeal:

Katie and Anthony Smith, 113 W. Collins Court, Louisville, KY 40214

Summary of testimony of those in favor:

03:41:51 Katie and Anthony Smith spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0020

The following spoke in opposition of the request:

No one spoke.

03:49:14 Board Members' deliberation

03:53:31 On a motion by Vice Chair Leanhart, seconded by Member Buttorff, 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 request does not meet all of the listed requirements (particularly Standard 4D) and the Conditional Use Permit cannot be approved; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** Case Number 20-CUP-0020.

The vote was as follows:

Yes: Members Buttorff, Turner, Jagoe, and Vice Chair Leanhart

No: Members Goatley, Seale, and Chair Howard

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0021

Request: Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host
Project Name: Cain short term rental
Location: 1908 Bonnycastle Avenue
Owner/Applicant: Bryan Cain
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
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.

NOTE: Member Buttorff left the meeting at approximately 5:00 p.m.

Agency testimony:

03:56:18 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 appeal:

Bryan Cain, 1908 Bonnycastle Ave., #2, Louisville, KY

Summary of testimony of those in favor:

04:00:09 Bryan Cain spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0021

The following spoke neither for nor against the request:

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

Summary of testimony of those neither for nor against:

04:15:05 Councilman Brandon Coan spoke neither for nor against the request (see recording for detailed presentation).

The following spoke in opposition of the request:

Bob Atkin, 1927 Ivanhoe Court, Louisville, KY

NOTE: Chair Howard stated the Board had received a letter from the Deer Park Neighborhood Association in opposition of this request.

Summary of testimony of those in opposition:

04:18:53 Bob Atkin spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

04:25:10 Bryan Cain spoke in rebuttal (see recording for detailed presentation).

04:30:22 Board Members' deliberation

04:31:03 On a motion by Member Seale, seconded by Vice Chair Leanhart, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the request does not meet all of the listed requirements (particularly Standard 4D) and the Conditional Use Permit cannot be approved; now, therefore be it

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

PUBLIC HEARING

CASE NUMBER 20-CUP-0021

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** Case Number 20-CUP-0021.

The vote was as follows:

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

Absent: Member Buttorff

BOARD OF ZONING ADJUSTMENT MINUTES
June 29, 2020

04:34:02 Prior to adjournment, Chair Howard stated that this is Member Goatley's last meeting. Member Goatley has accepted a position in another city.

The meeting adjourned at approximately 5:40 p.m.

DocuSigned by:
Lula Howard
Chair 316B6F7FEAC7453...

DocuSigned by:
Rick Buttorff
Secretary 1619A056AA1346433...