

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

**December 7, 2020**

A meeting of the Louisville Metro Board of Zoning Adjustment was held on December 7, 2020 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

**Members Present:**

Lula Howard, Chair  
Kimberly Leanhart, Vice Chair  
Richard Buttorff, Secretary  
Michael Seale  
Sharon Bond  
Lindsey Jagoe

**Staff Members Present:**

Emily Liu, Planning & Design Director  
Joe Reverman, Planning & Design Assistant Director  
Brian Davis, Planning & Design Manager  
Joe Haberman, Planning & Design Manager  
Chris French, Planning & Design Supervisor  
Julia Williams, Planning & Design Supervisor  
Zach Schwager, Planner I  
Jay Lockett, Planner I  
Steve Hendrix, Planning & Design Coordinator  
Jon Crumbie, Planning & Design Coordinator  
Beth Jones, Planner II  
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 December 7, 2020 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT MINUTES  
December 7, 2020**

**NOVEMBER 16, 2020 BOARD OF ZONING ADJUSTMENT MEETING MINUTES**

**00:09:34** On a motion by Member Seale, seconded by Member Bond, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the November 16, 2020 Board of Zoning Adjustment online meeting.

**The vote was as follows:**

**Yes: Members Buttorff, Seale, Bond, Vice Chair Leanhart, and Chair Howard**  
**Abstain: Member Jagoe**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 7, 2020**

**BUSINESS SESSION**  
**2021 BOZA Meeting Schedule**

**Approval of the 2021 Board of Zoning Adjustment meeting schedule**

**00:16:20** On a motion by Vice Chair Leanhart, seconded by Member Seale, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the 2021 Board of Zoning Adjustment meeting schedule.

**The vote was as follows:**

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

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**BUSINESS SESSION**

**CASE NUMBER 20-MCUP-0015**

Request: Modified Conditional Use Permit for an addition to the main guard building at 1200 Story Avenue & building removal, parking lot and fences at 1308 Story Avenue

Project Name: Minor Revisions

Location: 1200 & 1308 Story Avenue

Owner: Swift Eckrich, Inc.

Applicant: Qk4, Ashley Bartley

Jurisdiction: Louisville Metro

Council District: 4 – Barbara Sexton Smith

Case Manager: Steve Hendrix, Planning and Design Coordinator

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

**00:17:32** 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).

**00:20:50** On a motion by Vice Chair Leanhart, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, was adopted:

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

**WHEREAS**, the Board further finds that the proposal is compatible with the surrounding land uses and the general character of the area, since the request is an addition to the existing main entrance security office and will match the existing exterior of that

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**BUSINESS SESSION**

**CASE NUMBER 20-MCUP-0015**

building. The fence along Story Avenue will match the existing fence along Story Avenue. The eastern property line fence will be painted black, and

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

**WHEREAS**, the Board further finds that:

4.2.42 Potentially Hazardous or Nuisance Uses

The following uses (manufacture, processing, treatment, or storage unless otherwise specified), having accompanying hazards such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic gases may, if not in conflict with other laws or ordinances, be located in industrial zones as indicated below by Conditional Use Permit after the location and nature of such use shall have been approved by the Board of Zoning Adjustment. In reviewing an application for a CUP, the Board of Zoning Adjustment shall review the plan and statements of the applicant and the following:

- A. The Comprehensive Plan; Proposal meets applicable requirements.
- B. Environmental and health related concerns raised by the operation and the applicant's proposal to mitigate any adverse effects to the public's health, safety and general welfare; Not applicable to this proposal.
- C. The applicant's site design, buffering, and security measures and their adequacy to mitigate any adverse effects to the public's health, safety and general welfare; Proposal has been approved by Transportation.
- D. Any other evidence submitted by the applicant and any other party addressing the issues. None

A Conditional Use Permit under this section shall be issued only if the evidence shows the applicant's operation and associated nuisances will be properly managed and the public's health, safety and general welfare will be protected. The Board of Zoning Adjustment may impose additional conditions to protect surrounding properties. All Conditional Use Permits under this section shall be issued subject to the applicant also receiving all necessary permits from local, state and federal regulatory agencies; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-MCUP-0015 does hereby **APPROVE** Modification of a Conditional Use Permit to allow an approximately 855 square foot addition to the main entrance guard/security building at 1200 Story Avenue and the building removal, parking and fences at 1308 Story Avenue, **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

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**CASE NUMBER 20-MCUP-0015**

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 modified 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 modification is not so exercised, the request becomes void.

**The vote was as follows:**

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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**BUSINESS SESSION**

**CASE NUMBER 20-MCUP-0013**

Request: Modified Conditional Use Permit to allow a shade structure to be built over the existing outdoor play area

Project Name: Pet Suites addition

Location: 1200 Avoca Station Court

Owner/Applicant: Pet Suites of America, LLC

Jurisdiction: Louisville Metro

Council District: 19 – Anthony Piagentini

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 5<sup>th</sup> 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:**

**00:23:18** 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).

**00:26:36** On a motion by Member Seale, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, was adopted:

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

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

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

**WHEREAS**, the Board further finds that:

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**BUSINESS SESSION**

**CASE NUMBER 20-MCUP-0013**

Commercial Kennels may be located in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, C-1, C-2, C- M, M-1, M- 2, and M-3 Zoning Districts where such use is compatible with surrounding land uses upon the granting of a Conditional Use Permit when developed in compliance with the listed requirements.

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

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-MCUP-0013 does hereby **APPROVE** Modified Conditional Use Permit to allow the construction of a shade structure over the existing outdoor play yard, **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. The customer hours of operation shall be 7:00 a.m. to 8:00 p.m., 7 days a week.
2. An on-site veterinarian's office is not allowed.
3. The animals will be limited to cats and dogs.
4. The Conditional Use Permit shall not be effective until the applicant submits a copy of the recorded minor plat creating the property to the staff of the Board.



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5. One free-standing sign not more than 80 square feet in area and 15 feet in height shall be permitted where shown on the development plan. This sign shall be illuminated only during customer hours of operation.
6. 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.
7. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a commercial kennel without further review and approval by the Board.

**The vote was as follows:**

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

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**PUBLIC HEARING**

**CASE NUMBER 20-APPEAL-0006**

Request: Appeal of an administrative decision concerning the use of the property as a duplex  
Project Name: Southcrest Drive Appeal  
Location: 4634 Southcrest Drive  
Owner/Applicant: Aja Sherman  
Jurisdiction: Louisville Metro  
Council District: 21 – Nicole George  
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 5<sup>th</sup> 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:**

**00:34:09** Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**00:43:48** A motion was made by Member Seale, seconded by Member Bond, that the information received from the appellant after the deadline be **EXCLUDED**. The motion carried by a unanimous vote.

**The following spoke in opposition of the appeal:**

Gary Lair, 4632 Southcrest Dr., Louisville, KY 40215  
Shireen Deobhakta, 4640 Southcrest Dr., Louisville, KY 40215

**Summary of testimony of those in opposition:**

**00:48:23** Gary Lair spoke in opposition of the appeal (see recording for detailed presentation).

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**CASE NUMBER 20-APPEAL-0006**

**00:50:17** Shireen Deobhakta spoke in opposition of the appeal (see recording for detailed presentation).

**The following spoke in favor of the appeal:**

Aja Sherman, 3012 Bobolink Rd., Louisville, KY 40217  
Bryanna Milby, 4634 Southcrest Dr., Louisville, KY 40215  
Bryan Beach, 4634 Southcrest Dr., Louisville, KY 40215

**Summary of testimony of those in favor of the appeal:**

**00:53:49** Aja Sherman spoke in favor of the appeal and reviewed some additional information she had presented. Ms. Sherman responded to questions from the Board Members (see recording for detailed presentation).

**01:07:48** Laura Ferguson, Legal Counsel, explained examples that would be considered abandonment of nonconforming rights (see recording for detailed presentation).

**01:08:54** Ms. Sherman continued her testimony. Ms. Sherman explained why she believes there was no abandonment of the use of the property as a duplex. Ms. Sherman responded to questions from the Board Members (see recording for detailed presentation).

**01:17:02** Bryanna Milby spoke in favor of the appeal (see recording for detailed presentation).

**01:18:52** Bryan Beach spoke in favor of the appeal (see recording for detailed presentation).

**REBUTTAL:**

**01:22:15** Jon Crumbie declined rebuttal (see recording for detailed presentation).

**01:22:56** **Board Members' deliberation**

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**PUBLIC HEARING**

**CASE NUMBER 20-APPEAL-0006**

**01:40:43** On a motion by Member Jagoe, 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 a duplex existed on the property in 1971, and

**WHEREAS**, the Board further finds that the use of the property did not continue to present day; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-APPEAL-0006 does hereby **AFFIRM** Staff's decision and **DENY** the appeal.

**The vote was as follows:**

**Yes: Members Buttorff, Bond, Jagoe, and Chair Howard**

**No: Member Seale, and Vice Chair Leanhart**

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**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0095**

Request: Variance to allow an addition to an existing structure to encroach into the required infill front yard setback  
Project Name: Baxter Avenue Variance  
Location: 437 Baxter Avenue  
Owner: ERW Revocable Trust  
Applicant: Charles Podgursky – CRP & Associates Inc.  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
Case Manager: Zach Schwager, Planner I

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

**01:47:42** Zach Schwager stated this case and the next case on the agenda are for the same property and would be presented together. Mr. Schwager presented the cases 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:**

Eric Claypool, 8801 Hermitage Ct., Louisville, KY

**Summary of testimony of those in favor:**

**02:00:47** Eric Claypool spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

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**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0095**

**02:14:29**     **Board Members' deliberation**

**02:15:46**     A motion was made by Vice Chair Leanhart, seconded by Member Seale, that Case Number 20-VARIANCE-0095 be **DENIED**. The motion was **WITHDRAWN**.

**02:22:29**     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:

**Variance from Land Development Code Section 5.1.12.A.2.a to allow an addition to an existing principal structure to encroach into the required infill front yard setback:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the request does not meet all of the listed requirements and the variance cannot be approved; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0095 does hereby **DENY** Variance from Land Development Code Section 5.1.12.A.2.a to allow an addition to an existing principal structure to encroach into the required infill front yard setback.

**The vote was as follows:**

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

**02:24:44**     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:

**Variance from Table 5.2.2 to allow the structure to encroach into the required side yard setbacks:**

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**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0095**

**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 side yard setback would be consistent with the other 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

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the side yard setback would be consistent with the other structures; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0095 does hereby **APPROVE** Variance from Table 5.2.2 to allow the structure to encroach into the required side yard setbacks (**Side Yard Requirement 5 ft., Request 0 ft., Variance 5 ft.**), **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. The applicant shall obtain letters from the adjoining property owners allowing permission to access their properties for construction and maintenance.
2. The applicant shall submit to Planning & Design Services a revised plan showing the second story addition to the existing structure.

**The vote was as follows:**

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

**No: Chair Howard**

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**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0096**

Request: Variance to allow a private yard area to be less than the required 20% of the area of the lot  
Project Name: Baxter Avenue Variance  
Location: 437 Baxter Avenue  
Owner: ERW Revocable Trust  
Applicant: Charles Podgursky – CRP & Associates Inc.  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
Case Manager: Zach Schwager, Planner I

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

**NOTE:** Zach Schwager presented this case with Item #6 on today's agenda (presentation at Time Stamp 01:47:42, Page 13 of these Minutes - see staff report and recording for detailed presentation).

**02:36:18** 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 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 single-family uses on the block all have reduced private yard areas, and



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**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0096**

**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

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the single-family uses on the block all have reduced private yard areas; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0096 does hereby **APPROVE** Variance from Land Development Code Section 5.4.1.D.2 to allow a private yard area to be less than the required 20% of the area of a lot (**Private Yard Area Requirement 713 sq. ft., Request 551 sq. ft., Variance 162 sq. ft.**).

**The vote was as follows:**

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

**02:39:40 Meeting was recessed.**

**02:53:04 Meeting was reconvened.**

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**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0127**

Request: Variance to Encroach into a 25' non-residential to residential setback  
Project Name: Matly Digital Solutions  
Location: 3432 Preston Hwy  
Owner: George Matly  
Applicant: George Matly  
Jurisdiction: Louisville Metro  
Council District: 21 – Nicole George  
Case Manager: Jay Lockett, AICP, 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 5<sup>th</sup> 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:**

**02:53:46** Jay Lockett presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Karl Lentz, 4010 Dupont Circle, Suite 478, Louisville, KY 40207

**Summary of testimony of those in favor:**

**02:58:32** Karl Lentz spoke in favor of the request and showed a Powerpoint presentation. Mr. Lentz responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

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**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0127**

**03:07:45 Board Members' deliberation**

**03:08:52** On a motion by Member Bond, 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 requested variance will not adversely affect public health, safety, or welfare as the proposed variance does not impede the safe movement of pedestrians or vehicles. The structure will be built to all applicable health and safety codes, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as it would serve an existing commercial use. The adjacent residentially zoned property is not residentially used and unlikely to be redeveloped for residential use, and

**WHEREAS**, the Board further finds that the variance will not adversely affect adjacent property owners or the general public since the adjacent residentially zoned property is not used residentially and is unlikely to be redeveloped for residential use in the future, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations. The adjacent residentially zoned property is used as a commercial or light industrial use by Jefferson County Public Schools and is unlikely to be redeveloped for residential use. If the adjacent property was more properly zoned for its actual intensity of use, no buffer or setback would be required; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0127 does hereby **APPROVE** Variance from Land Development Code Section 5.3.2.C.2.b to allow the proposed building to encroach into the required 25-foot setback at the rear property line.

**The vote was as follows:**

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

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**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0137**

Request: Variance to permit the encroachment of a building into a setback  
Project Name: Rabbit Hole Distillery  
Location: 711 E Jefferson Street  
Owner: Rabbit Hole Spirits LLC  
Applicant: Rabbit Hole Spirits LLC  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
Case Manager: Julia Williams, AICP, Planning Supervisor

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 5<sup>th</sup> 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:**

**03:11:12** Julia Williams presented the case and showed a Powerpoint presentation. Ms. Williams responded to questions from the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Curtis Petty, 737 S. 3<sup>rd</sup> Street, Louisville, KY  
Christopher Quirk, 737 S. 3<sup>rd</sup> Street, Louisville, KY  
Douglas Pierson, 210 N. Columbia Street, Chapel Hill, NC

**Summary of testimony of those in favor:**

**03:17:39** Curtis Petty spoke in favor of the request (see recording for detailed presentation).

**03:18:47** Christopher Quirk spoke in favor of the request (see recording for detailed presentation).

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**03:21:51** Douglas Pierson spoke in favor of the request (see recording for detailed presentation).

**03:27:09** Julia Williams stated this building will be reviewed by the Nulu Overlay at an upcoming meeting (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**03:27:29 Board Members' deliberation**

**03:27:46** On a motion by Member Buttorff, 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 variance will not adversely affect the public health, safety or welfare because the proposed addition is located to the rear of the site and will not be visible to the public on the main road, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity because the addition is located to the rear of the site and will not be visible to the public on the main road, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because the proposed addition is located to the rear of the site and will not be visible to the public on the main road, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations because the addition is located to the rear of the site and will leave at least 5' of clearance between the proposed building and the alley; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0137 does hereby **APPROVE** Variance from 5.2.2.C to permit the building to encroach into the 15' rear setback by 10' (10' variance).

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**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0137**

**The vote was as follows:**

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

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**PUBLIC HEARING**

**CASE NUMBER 20-SIGNAUTH-0004**

Request: Sign Authorization to allow a sign type not permitted in the form district  
Project Name: Calvary Episcopal Church  
Location: 821 S. 4th Street  
Applicant: Rev. Lee F. Shafer  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
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 5<sup>th</sup> 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:**

**03:30:07** Beth Jones presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Stephanie Smith, 4014 Ashridge Drive, Louisville, KY 40241

**Summary of testimony of those in favor:**

**03:35:28** Stephanie Smith was available to answer any questions (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

**03:37:21** Board Members' deliberation

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 7, 2020**

**PUBLIC HEARING**

**CASE NUMBER 20-SIGNAUTH-0004**

**03:37:39** On a motion by Member Bond, 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 waiver will not adversely affect adjacent property owners in that it is typical of institutional uses of the type located on the site and other similar uses in the vicinity and will not interfere with uses on adjacent properties, and

**WHEREAS**, the Board further finds that the waiver will not violate specific guidelines of Plan 2040 (Community Form Goal 1, Policy 14) as the proposal is in compliance with the underlying form district and the character of the area and makes a positive contribution to the visual quality of its surroundings. It is also of a size and height adequate for effective communication and proportionate with the scale of the historic development on the site. The proposal also meets LDC design guidelines for a Sign Authorization in that it is visually consistent with the architecture, materials, colors and overall design of its surroundings, 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 sign is not excessive in size for the purpose of identification of the site's use and does not include lighting that would detract from the visual quality of the vicinity, and

**WHEREAS**, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant in that use of an attached sign, as permitted in the form district, would detract from the historic integrity of the development on the site; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-SIGNAUTH-0004 does hereby **APPROVE** Sign Authorization to allow a sign type not permitted in the form district of the site (LDC Table 8.3.2 Downtown Form District).

**The vote was as follows:**

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



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**December 7, 2020**

**PUBLIC HEARING**

**CASE NUMBER 20-CUP-0131**

Request: Conditional Use Permit to allow a short term rental of a dwelling that is the primary residence of the host in a TNZD  
Project Name: Short Term Rental  
Location: 1413 South Second Street  
Owners/Applicants: Lisa Brown & Benjamin Williamson  
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 5<sup>th</sup> 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:**

**03:40:08** Steve Hendrix presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Lisa Brown, 1413 South Second Street, Louisville, KY 40208  
Benjamin Williamson, 1413 South Second Street, Louisville, KY 40208

**Summary of testimony of those in favor:**

**03:45:04** Lisa Brown spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**03:50:33** Benjamin Williamson spoke in favor of the request (see recording for detailed presentation).

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**December 7, 2020**

**PUBLIC HEARING**

**CASE NUMBER 20-CUP-0131**

**The following spoke in opposition of the request:**

Karen Mullen, 1422 South Second Street, Louisville, KY 40208

**Summary of testimony of those in opposition:**

**03:52:31** Karen Mullen spoke in opposition of the request and showed a Powerpoint presentation. Ms. Mullen responded to questions from the Board Members (see recording for detailed presentation).

**REBUTTAL:**

**04:06:31** Lisa Brown and Benjamin Williamson spoke in rebuttal and responded to questions from the Board Members (see recording for detailed presentation).

**04:12:55 Board Members' deliberation**

**04:17:32** On a motion by Member Bond, 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. 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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**CASE NUMBER 20-CUP-0131**

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 has six bedrooms which will allow for 14 guests. The applicant has stated that they intend to rent 3-4 times a year a portion or possibly the whole house.**
- D. The property on which the short term rental 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. **The property is within the TNZD, therefore the 600 foot rule does not apply. In addition, the applicant accepts the Condition of Approval that states this location will be their primary residence and if a primary residence is established at another location, the short term rentals must cease at 1413 South Second Street.**
- 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

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**CASE NUMBER 20-CUP-0131**

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 three parking spaces off the alley and has 40 feet of street frontage.**
- 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

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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-0131 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit in the TNZD that is the primary residence of the host, **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. The Conditional Use Permit for this short term rental approval shall allow up to six bedrooms. A modification of the Conditional Use Permit shall be required to allow additional bedrooms.
2. The host of record for the short term rental shall maintain their primary residence in the dwelling unit on the subject property. In the event a primary residence is established on another property, short term rentals on the subject property must cease.

**The vote was as follows:**

**Yes: Members Buttorff, Bond, Jagoe, and Chair Howard**

**No: Member Seale, and Vice Chair Leanhart**

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**PUBLIC HEARING**

**CASE NUMBER 20-CUP-0133**

Request:	Conditional Use Permit to allow a short term rental of a dwelling that is the primary residence of the host in a TNZD
Project Name:	1229 Garvin Place
Location:	1229 Garvin Place
Owner/Applicant:	Megan McLain
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 5<sup>th</sup> 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:**

**04:20:06** 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:**

Megan McLain, 1229 Garvin Place, Louisville, KY

**Summary of testimony of those in favor:**

**04:26:10** Megan McLain spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

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**04:31:41 Board Members' deliberation**

**04:33:00** On a motion by Vice Chair Leanhart, 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. 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 has six bedrooms, however only two bedrooms will be offered as short term rentals, allowing for a total of 6 guests.**

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- D. The property on which the short term rental 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. **The property is within the TNZD, therefore the 600 foot rule does not apply. In addition, the applicant accepts the Condition of Approval that states this location will be their primary residence and if a primary residence is established at another location, then short term rentals must cease at 1229 Garvin Place.**
- 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 two to three parking spaces off the alley and has 33 feet of street frontage.**
- 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.**



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- 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-0133 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit in the TNZD that is the primary residence of the host, **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. The Conditional Use Permit for this short term rental approval shall allow up to two bedrooms. A modification of the Conditional Use Permit shall be required to allow additional bedrooms.

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2. The host of record for the short term rental shall maintain their primary residence in the dwelling unit on the subject property. In the event a primary residence is established on another property, short term rentals on the subject property must cease.

**The vote was as follows:**

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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
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**PUBLIC HEARING**

**CASE NUMBER 20-CUP-0138**

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:	Eastern Parkway Short Term Rental
Location:	1064 Eastern Parkway
Owner/Applicant:	Molly & Benjamin Roberson
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 5<sup>th</sup> 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:**

**04:36:18** Due to technical difficulties, Chris French began presentation of the case on behalf of the Case Manager and showed a Powerpoint presentation. Zach Schwager concluded the presentation and responded to questions from the Board Members (see staff report and recording for detailed presentation).

**The following spoke in favor of the request:**

Benjamin Roberson, 1064 Eastern Pkwy., Louisville, KY 40217

**Summary of testimony of those in favor:**

**04:40:51** Benjamin Roberson spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke in opposition of the request:**

No one spoke.

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**PUBLIC HEARING**

**CASE NUMBER 20-CUP-0138**

**04:46:26 Board Members' deliberation**

**04:47:04** On a motion by Member Seale, seconded by Member Bond, the following resolution, based upon 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 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 subject property is smaller than two acres. The applicant states that the residence has 1 bedroom that will allow a maximum number of 4 guests.**

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- 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 no other approved conditional use permit short term rentals 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 applicant has been informed of this requirement.**
- 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 applicant has been informed of this requirement.**
- 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

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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-0138 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-5 Zoning District and Traditional Neighborhood Form District, **SUBJECT** to the following Condition of Approval.

Condition of Approval:

1. The Conditional Use Permit for this short term rental shall allow only 1 bedroom. A modification of the Conditional Use Permit shall be required to allow additional bedrooms.

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**The vote was as follows:**

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

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**04:49:09** Prior to adjournment, Emily Liu reminded the Board Members of upcoming workshops. Joe Haberman stated he would send the Board Members their forms and stated everyone needed training hours.

The meeting adjourned at approximately 5:55 p.m.

DocuSigned by:

*Lula Howard*

Chair

DocuSigned by:

*Rick Buttonff*

Secretary