

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

**January 11, 2021**

A meeting of the Louisville Metro Board of Zoning Adjustment was held on January 11, 2021 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

**Members Present:**

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

**Members Absent:**

Lula Howard, Chair

**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  
Zach Schwager, Planner I  
Rachel Mandell, Planner I  
Jon Crumbie, Planning & Design Coordinator  
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 January 11, 2021 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

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**DECEMBER 21, 2020 BOARD OF ZONING ADJUSTMENT MEETING MINUTES**

**00:07:38** On a motion by Member Seale, seconded by Member Buttorff, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the December 21, 2020 Board of Zoning Adjustment online meeting.

**The vote was as follows:**

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

**Abstain: Member Jagoe**

**Absent: Chair Howard**

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**PUBLIC HEARING**

**CASE NUMBER 20-VARIANCE-0155**

Request:	Variance to allow a second story addition to an existing structure to encroach into the side yard setbacks
Project Name:	Shelby Parkway Variance
Location:	714 Shelby Parkway
Owner:	S&S Investments of Kentucky, Inc.
Applicant:	Terrell Harris – TL Harris Construction
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:**

**00:09:08** Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

**NOTE:** The applicant was not available to provide testimony at this time. However, one neighbor in attendance wished to provide testimony as a neutral party. The Board Members agreed to hear the testimony, and table this item to the end of today's agenda in order to hear testimony from the applicant.

**The following spoke neither for nor against the request:**

Jacqui Van Ham, 712 Shelby Parkway, Louisville, KY

**Summary of testimony of those neither for nor against:**

**00:16:32** Jacqui Van Ham stated she is not the property owner, but she is the west side neighbor. Ms. Van Ham stated she is curious about how close this is going to be. Ms. Van Ham stated her driveway is a functioning driveway and the current renovators have not been super great about consideration for the neighbors. Mr. Schwager

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explained that was one of the concerns of staff that the applicant have permission from the neighbor to access their property for construction and maintenance. Ms. Van Ham stated her concern was how intrusive this would be. Ms. Van Ham responded to questions from the Board Members. Joe Haberman stated some of these issues require a response from the applicant and since the applicant is not present it may be best to table this case to the end of the day to see if the applicant could be available (see recording for detailed presentation).

**00:25:34** Laura Ferguson, Legal Counsel, clarified the process for Ms. Ham and advised her that even if the Board approved this variance that does not give the applicant the right to trespass onto her property for construction or maintenance (see recording for detailed presentation).

**00:27:55** 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 Table Case Number 20-VARIANCE-0155 to be heard at the end of today's agenda.

**The vote was as follows:**

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

**02:23:20** Vice Chair Leanhart recalled this case at this time.

**02:25:13** Zach Schwager briefly reviewed testimony previously provided by Ms. Van Ham (see recording for detailed presentation).

**The following spoke in favor of the request:**  
Terrell Harris, 2335 West Oak Street, Louisville, KY 40210

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

**02:26:33** Terrell Harris spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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**Additional testimony of those neither for nor against:**

**02:42:18** Jacqui Van Ham asked if any of the work would be on her property and what kind of access would be required and stated it sounds like all of that could be worked out (see recording for detailed presentation).

**02:43:22** Joe Haberman clarified for Mr. Harris that Ms. Van Ham is the tenant, not the property owner. Mr. Haberman stated only the property owner can give permission to go onto their property (see recording for detailed presentation).

**02:43:54** Member Seale responded to a question from Ms. Van Ham. Ms. Van Ham provided her email address to Mr. Harris, and Mr. Harris provided his telephone number (see recording for detailed presentation).

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

No one spoke.

**02:47:39 Board Members' deliberation**

**02:47:58** On a motion by Member Seale, seconded by Member Bond, 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; however, staff is concerned that the variance could adversely affect the adjacent property owner to the west because construction and maintenance of the structure may require encroachment onto the property, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there are other two-story structures on the block, and

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

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**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed addition will be the same distance from the side property lines as the existing structure; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0155 does hereby **APPROVE** Variance from Land Development Code Section 5.1.10.F to allow a second story addition to an existing structure to encroach into the required side yard setbacks (**West Side Yard Requirement 2.5 ft., Request 0.2 ft., Variance 2.3 ft.; East Side Yard Requirement 2.5 ft., Request 2 ft., Variance 0.5 ft.**), **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. The applicant must provide a letter to Planning & Design Services Staff within fourteen days from the West Side adjoining property owner allowing access to their property for construction and maintenance.

**The vote was as follows:**

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

**Absent: Chair Howard**

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**CASE NUMBER 20-VARIANCE-0162**

Request:	Variance to allow a fence in the front yard setback to exceed 42 inches in height
Project Name:	Independence School Road Variance
Location:	10107 Independence School Road
Owner/Applicant:	Lori Ann Jackson
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Rachel Mandell, 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:**

**00:31:08** Rachel Mandell presented the case and showed a Powerpoint presentation. Ms. Mandell responded to questions from the Board Members (see staff report and recording for detailed presentation).

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

Rick Hingson, 10107 Independence School Road, Louisville, KY

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

**00:40:35** Rick Hingson spoke in favor of the request. Mr. Hingson stated the variance request is only six inches because the fence will actually be only fifty-four inches. Mr. Hingson 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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**CASE NUMBER 20-VARIANCE-0162**

**00:44:35**     **Board Members' deliberation**

**00:45:28**     On a motion by Member Seale, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety, or welfare as the fence will not be a full privacy fence and is related to the surrounding agricultural use, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the area contains large, rural lots with surrounding agricultural uses, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the fence will comply with vision clearance requirements and will not obstruct site lines or create a hazard for motorists or pedestrians, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the fence is slightly over the requirement; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0162 does hereby **APPROVE** Variance from Land Development Code Section 4.4.3.1.a.i to allow a proposed fence to exceed the maximum fence height of 48 inches in the front yard setback (**Front Yard Requirement 48 in., Request 54 in., Variance 6 in.**).

**The vote was as follows:**

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

**Absent: Chair Howard**



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**CASE NUMBER 20-VARIANCE-0166**

Request:	Variance to allow a drive-thru lane to encroach into the required side yard setback
Project Name:	Bardstown Road Variance
Location:	7701 & 7703 Bardstown Rd
Owner/Applicant:	Newton Enterprises, LLC/Emily Estes
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Rachel Mandell, 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:**

**00:48:00** Rachel Mandell stated the applicant has submitted a revised plan and has requested this case be continued to a date uncertain (see staff report and recording for detailed presentation).

**00:48:21** On a motion by Member Seale, seconded by Member Jagoe, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 20-VARIANCE-0166 to a Date Uncertain.

**The vote was as follows:**

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

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**CASE NUMBER 20-NONCONFORM-0027**

Request:	Change in Nonconforming Use from a Restaurant to a Drug Store
Project Name:	Madison Street Change in Nonconformance
Location:	947 E. Madison St.
Owner:	Madison Street Properties LLC
Applicant:	Scott Herrmann
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Rachel Mandell, 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:**

**00:49:56** Rachel Mandell presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

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

Daniel Enyard, 5712 Old LaGrange Road, Crestwood, KY

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

**00:53:00** Daniel Enyard spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

No one spoke.

**00:56:19 Board Members' deliberation**

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**CASE NUMBER 20-NONCONFORM-0027**

**00:58:05** 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 the new nonconforming use is in the same or more restrictive classification of the first nonconforming use, and

**WHEREAS**, the Board further finds that the new nonconforming use is no more odious or offensive to surrounding properties than the first nonconforming use; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-NONCONFORM-0027 does hereby **APPROVE** Change in Nonconforming Use from a restaurant to a drug store.

**The vote was as follows:**

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

**Absent: Chair Howard**

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**CASE NUMBER 20-CUP-0136**

Request:	Conditional Use Permit to allow a potentially hazardous or nuisance use in an EZ-1 zoning district
Project Name:	Welders Supply
Location:	340 Byrne Avenue
Owner:	Pettit HQ LLC
Applicant:	Larry Simpson – Welders Supply
Representative:	Kelli Jones – Sabak, Wilson & Lingo, Inc.
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 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:**

**01:00:40** Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

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

Kelli Jones, 608 S. 3<sup>rd</sup> Street, Louisville, KY 40202

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

**01:05:30** Kelli Jones spoke in favor of the request and showed a Powerpoint presentation. Ms. Jones responded to questions from the Board Members (see recording for detailed presentation).

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

No one spoke.

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**01:21:40      Board Members' deliberation**

**01:23:58**      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:

**Conditional Use Permit to allow a potentially hazardous or nuisance use in an EZ-1 Zoning District (LDC 4.2.1):**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with applicable policies of the Comprehensive Plan with the granting of a waiver to not provide a landscape buffer along the east property line, and

**WHEREAS**, the Board further finds that the proposed development is compatible with surrounding land uses as most are industrial, however, there is some park space and semi-public space. It is similar in regard to the other factors listed above, and

**WHEREAS**, the Board further finds that the subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal, and

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

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;

The applicant has addressed Plan 2040 in the attached justification statement. Staff has provided review of Plan 2040 in the staff report.

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;

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See attachments and staff report.

- 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;

See attachments and staff report.

- D. Any other evidence submitted by the applicant and any other party addressing the issues.

See attachments and staff report; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0136 does hereby **APPROVE** Conditional Use Permit to allow a potentially hazardous or nuisance use in an EZ-1 Zoning District (LDC 4.2.1), **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a potentially hazardous or nuisance use without further review and approval by the Board.
3. Prior to lawful commencement of the potentially hazardous or nuisance use the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies.

**The vote was as follows:**

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

**Absent: Chair Howard**

**01:25:32** 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:

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## **PUBLIC HEARING**

### **CASE NUMBER 20-CUP-0136**

**Waiver from Land Development Code Section 10.2.4 to not provide a landscape buffer along the east property line:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners as the waiver is for the eastern property line, which abuts semi-public space. The waiver is required because the property to the east is zoned single-family, however, it is used as semi-public space, and

**WHEREAS**, the Board further finds that Community Form Goal 1, Policies 9 and 10 of Plan 2040 call to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements and the impacts caused when incompatible developments unavoidably occur adjacent to one another. Community Form Goal 1, Policy 12 states design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. The waiver request can be justified because the subject property is located at the end of a dead-end street. Also, the adjoining property, while zoned R-1 Single-Family, is used as semi-public space, 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 as they are providing an 8 ft. concrete wall along the eastern property line to provide a buffer, and

**WHEREAS**, the Board further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) by providing a continuous concrete wall to match the existing conditions on the adjoining property to the south; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0136 (20-WAIVER-0103), does hereby **APPROVE** Waiver from Land Development Code Section 10.2.4 to not provide a landscape buffer along the east property line.

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**The vote was as follows:**

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

**Absent: Chair Howard**



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**CASE NUMBER 20-CUP-0141**

Request:	Conditional Use Permit to allow the construction of an accessory apartment
Project Name:	Hager Accessory Apartment
Location:	105 Dorsey Way
Owner/Applicant:	Edward Hager, III
Jurisdiction:	Louisville Metro
Council District:	18 – Marilyn Parker
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:**

**01:27:48** Jon Crumbie presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

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

Ludmila Dimitrov, 105 Dorsey Way, Louisville, KY 40223

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

**01:31:29** Ludmila Dimitrov spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**The following spoke neither for nor against the request:**

John Jones, 200 Dorsey Way, Louisville, KY 40223

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**Summary of testimony of those neither for nor against:**

**01:34:05** John Jones spoke neither for nor against the request. Mr. Jones questioned the square footage of the accessory apartment and Ms. Dimitrov provided clarification (see recording for detailed presentation).

**01:36:00** Jon Crumbie responded to a question from Mr. Jones regarding uses of the structure if the property is sold. Mr. Jones wanted clarification that this was not approving use as an Airbnb. Mr. Crumbie said no, that is a separate application (see recording for detailed presentation).

**01:37:00** Joe Haberman provided additional clarification for the use of the building (see recording for detailed presentation).

**01:37:30** Mr. Jones continued his testimony. Mr. Jones questioned deed restrictions, and Mr. Haberman and Mr. Crumbie stated the Board does not deal with deed restrictions (see recording for detailed presentation).

**01:42:33** Laura Ferguson, Legal Counsel, stated unless the government is a party to the deed restriction or has enforcement right under the deed restriction, we can't deal with that. Ms. Ferguson stated that's a separate process from what this Board considers (see recording for detailed presentation).

**01:43:18** Mr. Jones stated he was trying to understand what is going on. Mr. Jones stated he does not have an issue except for what he has just mentioned (see recording for detailed presentation).

**01:45:05** Joe Haberman stated the Board can be informed by the deed restrictions, but just because it would be in violation of the deed restriction doesn't mean they have to necessarily deny the application. Mr. Haberman stated the Board reviews for compliance based on what is in Kentucky Revised Statute and the Land Development Code as it applies to this type of use (see recording for detailed presentation).

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

Joanne Fletcher, 10104 Cantor Ridge, Louisville, KY

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

**01:52:25** Joanne Fletcher spoke in opposition of the request. Ms. Fletcher stated her back yard abuts their side yard. Ms. Fletcher stated she is asking that they pull the building further away from their property and she would like for them to plant some kind of screen. Ms. Fletcher stated their current residence is listed as a rental property that they rent out occasionally (see recording for detailed presentation).

**01:55:41** Ms. Dimitrov stated they agree that they will plant some trees (see recording for detailed presentation).

**01:55:46** Ms. Fletcher stated she would just like to make sure that that is a requirement because right now she feels the property value of herself and her neighbors will go down greatly. Ms. Fletcher stated she would like to have in writing and know where and how many trees will be planted. Ms. Fletcher responded to questions from the Board Members (see recording for detailed presentation).

**REBUTTAL:**

**01:59:03** Ludmila Dimitrov and Edward Hager spoke in rebuttal and responded to questions from the Board Members. Vice Chair Leanhart asked the applicants if they were aware the accessory apartment could not be used as an Airbnb. Ms. Dimitrov stated their property is already approved for Airbnb (see recording for detailed presentation).

**02:07:44** Joe Haberman clarified that staff's position is that the accessory apartment is not permitted as a short term rental at this time. Mr. Haberman stated they would need a Conditional Use Permit to have a short term rental of a dwelling which you do not live in. Mr. Haberman stated it's possible to have a registration for the front dwelling but not for the back. Mr. Haberman stated if they would like to be able to use it for short term rental he thinks we would need to table this item and advertise it for that Conditional Use Permit as well. Ms. Dimitrov stated this is not a separate address so how could they separate the addresses. Mr. Haberman stated under our Code it would be two dwellings and if they wanted to use the accessory apartment as a short term rental they would have to obtain a separate address (see recording for detailed presentation).

**02:12:13 Board Members' deliberation**

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**CASE NUMBER 20-CUP-0141**

**02:15:22** On a motion by Member Bond, seconded by Member Seale, the following resolution, based upon the testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the proposed use is not compatible with surrounding development and land uses; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CUP-0141 does hereby **DENY** Conditional Use Permit to allow an accessory apartment.

**The vote was as follows:**

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

**No: Member Jagoe**

**Absent: Chair Howard**

**02:23:20** Item #2 on today's agenda was recalled at this time.

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The meeting adjourned at approximately 3:55 p.m.

DocuSigned by:

*Lula Howard*

**Chair**

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DocuSigned by:

*[Signature]*

**Secretary**

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