

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

January 25, 2021

A meeting of the Louisville Metro Board of Zoning Adjustment was held on January 25, 2021 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

Members Present:

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

Members Absent:

Kimberly Leanhart, Vice 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 25, 2021 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

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JANUARY 11, 2021 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:05:43 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 **APPROVE** the minutes of the January 11, 2021 Board of Zoning Adjustment online meeting.

The vote was as follows:

Yes: Members Buttorff, Seale, Bond, and Jagoe

Abstain: Chair Howard

Absent: Vice Chair Leanhart

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 20-MVARIANCE-0004

Request:	Modified variance to allow an addition to an existing deck to encroach into the required front yard setback
Project Name:	Goss Avenue Modified Variance
Location:	1045 Goss Avenue
Owner:	TenFiftyEight, LLC
Applicant:	Laura Neely – TenFiftyEight, LLC
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Zach Schwager, Planner I

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

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

Agency testimony:

00:07:10 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Laura Neely, 1430 S. 1st Street, Louisville, KY 40208

Summary of testimony of those in favor:

00:14:53 Laura Neeley spoke in favor of the request and responded to questions from the Board Members. Ms. Neely noted a letter of support from the Germantown Neighborhood Association has been submitted to the Board Members, and Chair Howard acknowledged receipt of the letter (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-MVARIANCE-0004

00:19:46 **Board Members' deliberation**

00:22:44 On a motion by Member Seale, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, the letter of support, 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 deck brings the use closer to the street, which is consistent with other commercial uses in the area. Also, the deck must be constructed to comply with all building codes, and

WHEREAS, the Board further finds that the deck encroachment will not alter the character of the general vicinity as the deck brings the use closer to the street, which is consistent with other commercial uses in the area, 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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the deck will be consistent with other outdoor dining areas in the area; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-MVARIANCE-0004 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow an addition to existing deck to encroach into the minimum front yard setback (**Minimum Front Yard Requirement 15 ft., Request 1 ft., Variance 14 ft.**).

The vote was as follows:

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

Absent: Vice Chair Leanhart

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0165

Request:	Variance to allow a second story addition to encroach into the side yard setback and to not provide the 20% required private yard area
Project Name:	Lilly Avenue Variance
Location:	520 Lilly Avenue
Owner/Applicant:	Suncar LLC/Desmond Conley
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
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 5th Street.)

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

Agency testimony:

00:24:48 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:

Desmond Conley, 6920 Norlynn Drive, Louisville, KY 40228

Summary of testimony of those in favor:

00:29:00 Desmond Conley spoke in favor of the request (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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CASE NUMBER 20-VARIANCE-0165

00:31:24 Board Members' deliberation

00:32:24 On a motion by Member Jagoe, seconded by Member Seale, the following resolution, based upon the Standard of Review and Staff Analysis, the applicant's justification statements, and the testimony heard today, was adopted:

Variance from Land Development Code Section 5.1.10.F to allow a principle structure to encroach into the required side yard setback:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare. The structure will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed structure to be constructed in the rear and will be in character with the design of several other structures in the neighborhood. Additionally, the lot width is already substandard, and the addition will be in line with the existing structure, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the second story addition and expansion will be in the rear of the property. The addition will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed addition is a small continuance of the existing structure and the lot is already substandard in width; now, and

WHEREAS, the Board further finds that the applicant's justification statements adequately justify the requested variance; and

Variance from Land Development Code Section 5.4.1.D.3 to provide less than 20% private yard area:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the structure will need to be constructed to comply with all building codes, including fire codes, and

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WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the addition is consistent with several other structures in the general area, and

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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the lot is already substandard in nature, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0165 does hereby **APPROVE** Variance from Land Development Code Section 5.1.10.F to allow a principle structure to encroach into the required side yard setback (**East Side Yard Requirement 2 ft., Request 0 ft., Variance 2 ft.**), and Variance from Land Development Code Section 5.4.1.D.3 to provide less than 20% private yard area (**Private Yard Area Requirement 482 sq. ft., Request 403 sq. ft., Variance 79 sq. ft.**).

The vote was as follows:

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

Absent: Vice Chair Leanhart

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0168

Request:	Variance to allow a fence in the front yard setback to exceed 42 inches in height in the Traditional Neighborhood Form District
Project Name:	Keswick Boulevard Variance
Location:	1232 Keswick Boulevard
Owner:	Barbara Schultz & Thomas Christian
Applicant:	Barbara Schultz
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Zach Schwager, Planner I

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

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

Agency testimony:

00:34:52 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Barbara Schultz, 1232 Keswick Blvd., Louisville, KY 40217

Summary of testimony of those in favor:

00:39:34 Barbara Schultz 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-0168

00:42:42 Board Members' deliberation

00:46:40 A motion was made by Member Seale, seconded by Member Buttorff, that Case Number 20-VARIANCE-0168 be **DENIED**. Following discussion of questions on the motion the motion was **WITHDRAWN**, and the Board Members continued deliberation.

01:03:54 On a motion by Member Seale, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare as the proposed fence would not obstruct vision clearance for motorists or pedestrians, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there are other privacy fences in front yard setbacks on the same street, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed fence would not obstruct vision clearance 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 subject property is irregular in shape as compared to the surrounding properties; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0168 does hereby **APPROVE** Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence in the front yard setback in a Traditional Neighborhood Form District to exceed 42 inches in height (**Front Yard Requirement 42 inches, Request (as amended by the Board and agreed to by the applicant) 54 inches, Variance (as amended by the Board and agreed to by the applicant) 12 inches**).

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CASE NUMBER 20-VARIANCE-0168

The vote was as follows:

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

Absent: Vice Chair Leanhart

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0170

Request:	Variance to allow the private yard area to be less than the required 30% of the area of the lot
Project Name:	Hill Road Variance
Location:	58 Hill Road
Owner:	Darren Royal & Tisha Davis
Applicant:	Beverly D. Baker – Architect, PLLC
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers Armstrong
Case Manager:	Zach Schwager, Planner I

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

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

Agency testimony:

01:07:06 Zach Schwager presented the case and showed a Powerpoint presentation. Mr. Schwager responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Beverly Baker, 230 Albany Avenue, Louisville, KY 40206

Summary of testimony of those in favor:

01:11:49 Beverly Baker spoke in favor of the request (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-0170

01:14:23 Board Members' deliberation

01:15:34 On a motion by Member Buttorff, seconded by Member Bond, the following resolution, based upon the Standard of Review and Staff Analysis, the owner's justification statements, 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 structure must be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the proposed deck will not alter the essential character of the general vicinity as it is going to be built in the same location as the existing garage at the rear of the property, 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

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as there is additional open space at the rear of the lot in the accessory structure area that cannot be included in the calculation. If this area could be counted toward the private yard then a variance would not be required, and

WHEREAS, the Board further finds that the owner's justification statements adequately justify the requested variance; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0170 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 30% of the area of the lot (**Private Yard Area Requirement 6,207 sq. ft., Request 5,200 sq. ft., Variance 1,007 sq. ft.**).

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0171

Request:	Variance to allow an existing accessory structure to encroach into the required side yard setback
Project Name:	Kennison Avenue Variance
Location:	3912 Kennison Avenue
Owner:	William Jones
Applicant:	William Jones
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, Planner I

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

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

Agency testimony:

01:17:17 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:

William Jones, 6323 Highway 329, Crestwood, KY 40014

Summary of testimony of those in favor:

01:20:54 William Jones spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

01:28:11 Board Members' deliberation

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CASE NUMBER 20-VARIANCE-0171

01:28:26 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 the public health, safety or welfare, because there is no new construction for the garage. The variance is to bring the garage into compliance due to the addition on the back of the principal structure, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there is no proposed construction for the existing garage, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public because there is no proposed construction for the garage, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the garage will be the same distance from the side property line as it is currently; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0171 does hereby **APPROVE** Variance from City of St. Matthews Development Code Section 4.6.C.2.b to allow an existing accessory structure to encroach into the required side yard setback **(Side Yard Requirement 6 ft., Request 2 ft. (as amended by the Board and agreed to by the applicant), Variance 4 ft. (as amended by the Board and agreed to by the applicant)).**

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0174

Request:	Variance to allow a second story addition to encroach into the side yard setback
Project Name:	Ash Street Variance
Location:	1027 Ash Street
Owner/Applicant:	Matrix Housing LLC/Keith Betts
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
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 5th Street.)

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

Agency testimony:

01:32:37 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:

Keith Betts, 11005 Lansford Drive, Louisville, KY 40272

Summary of testimony of those in favor:

01:35:17 Keith Betts spoke in favor of the request (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-0174

01:37:25 Board Members' deliberation

01:38:04 On a motion by Member Jagoe, 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. The structure will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the proposed addition will be in character with the design of structures in the general vicinity, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the rebuilt structure will be within the existing footprint. Additionally, the new construction will comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed addition is in line with the existing structure; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0174 does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a principle structure to encroach into the required side yard setback (**East Side Yard Requirement 3 ft., Request 0 ft., Variance 3 ft.**).

The vote was as follows:

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

Absent: Vice Chair Leanhart

01:39:37 Meeting was recessed.

01:45:59 Meeting was reconvened.

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CASE NUMBER 20-VARIANCE-0175

Request:	Variance to allow an addition to an existing structure to encroach into the required street side yard setback
Project Name:	Shelbyville Road Variance
Location:	11601 Shelbyville Road
Owner:	My Three Suns, LLC
Applicant:	Doug White – WPC Company
Jurisdiction:	City of Middletown
Council District:	19 – Anthony Piagentini
Case Manager:	Zach Schwager, Planner I

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

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

Agency testimony:

01:46:25 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:

Doug White, 4307 Progress Blvd., Louisville, KY 40218

Summary of testimony of those in favor:

01:49:15 Doug White 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-0175

01:56:17 Board Members' deliberation

01:57:20 On a motion by Member Jagoe, 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 addition is similar to other commercial additions in the area, 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 addition will be the same distance from the street side property line as the existing structure; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0175 does hereby **APPROVE** Variance from City of Middletown Development Code Table 5.3.2 to allow an addition to an existing non-residential structure to encroach into the required street side yard setback (**Street Side Yard Requirement 10 ft., Request 5 ft. 2 in., Variance 4 ft. 10 in.**).

The vote was as follows:

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

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CASE NUMBER 20-CUP-0159

Request:	Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Waddell short term rental
Location:	1406 Southgate Avenue
Owner/Applicant:	Sydney Waddell
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

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

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

Agency testimony:

01:59:48 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:

Sydney Waddell, 2915 Rio Rita Ave., Louisville, KY 40220

Summary of testimony of those in favor:

02:02:46 Sydney Waddell spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

02:08:00 Board Members' deliberation

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PUBLIC HEARING

CASE NUMBER 20-CUP-0159

02:08:35 On a motion by Member Jagoe, 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 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 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 three bedrooms that will allow a maximum number of eight guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that

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CASE NUMBER 20-CUP-0159

required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, within 600' of the subject property, there are no properties with an approved conditional use permit allowing short term rentals that is not the primary residence of the host.**

- 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 site has credit for on-street parking and the applicant states that there are three parking spaces along the existing driveway.**
- 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

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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 resister 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-0159 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 approval shall allow up to three bedrooms. 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, and Chair Howard

Absent: Vice Chair Leanhart

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02:10:40 Prior to adjournment, Joe Haberman reminded the Board Members that they had received two meeting invitations for 2/1/21, one for the Annual Meeting and one for the Regular Meeting. Mr. Haberman advised the Board Members to click the link for the Annual Meeting first. Chris French advised the Board Members that Steve Hendrix is retiring at the end of January. Mr. Hendrix addressed the Board and thanked them for their service.

The meeting adjourned at approximately 3:20 p.m.

DocuSigned by:

Lula Howard
Chair

DocuSigned by:

Rick Buttorff
Secretary