

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

March 29, 2021

A meeting of the Louisville Metro Board of Zoning Adjustment was held on March 29, 2021 at 1:00 p.m. online via Cisco Webex Video Teleconferencing.

Members Present:

Lula Howard, Chair
Michael Seale, Vice Chair
Sharon Bond, Secretary (joined at approximately 1:16 p.m.)
Richard Buttorff
Kimberly Leanhart

Members Absent:

Lindsey Jagoe

Staff Members Present:

Emily Liu, Planning & Design Director
Joe Reverman, Planning & Design Assistant Director
Joe Haberman, Planning & Design Manager
Brian Davis, Planning & Design Manager
Chris French, Planning & Design Supervisor
Zach Schwager, Planner I
Jay Lockett, Planner I
Rachel Mandell, Planner I
Jon Crumby, 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 March 29, 2021 Board of Zoning Adjustment meeting was held online.

The following cases were heard:

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MARCH 15, 2021 BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:06:16 On a motion by Member Leanhart, seconded by Member Buttorff, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the March 15, 2021 Board of Zoning Adjustment online meeting.

The vote was as follows:

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

Absent: Members Jagoe, and Bond

BOARD OF ZONING ADJUSTMENT MINUTES
March 29, 2021

BUSINESS SESSION

CASE NUMBER 21-VARIANCE-0023

Request:	Variance to allow a private yard area to be less than the required 30% of the area of the lot
Project Name:	Wentworth Avenue Variance
Location:	3023 Wentworth Avenue
Owner:	Barbara Thomas Brezosky
Applicant:	Beverly D. Baker – Architect
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, Planner I

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:

00:07:51 Zach Schwager presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

00:11:29 On a motion by Vice Chair Seale, seconded by Member Leanhart, 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 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 addition will not alter the essential character of the general vicinity as it is will be on the rear of the house and there are similar structures 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 there is additional open space

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BUSINESS SESSION

CASE NUMBER 21-VARIANCE-0023

at the rear of the lot in the accessory structure area that cannot be included in the calculation; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0023 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 1,890 sq. ft., Request 1,350 sq. ft., Variance 540 sq. ft.**).

The vote was as follows:

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

Absent: Members Jagoe, and Bond

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

CASE NUMBER 20-VARIANCE-0177

Request:	Category 3 development Plan with a Variance to allow encroachment into the streamside buffer and approval of outdoor amenity area design
Project Name:	Louisville Renaissance Zone Lot 1
Location:	2430 Outer Loop
Owner:	Louisville Renaissance Zone
Applicant:	Louisville Renaissance Zone
Jurisdiction:	Louisville Metro
Council District:	13 – Mark Fox
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 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:

00:13:17 Jay Lockett presented the case and showed a Powerpoint presentation. Mr. Lockett responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Patrick Dominik, 608 S. 3rd Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:22:24 Patrick Dominik spoke in favor of the request and showed a Powerpoint presentation (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-0177

00:40:03 Board Members' deliberation

00:40:48 On a motion by Vice Chair Seale, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Variance to encroach up to 60 feet into the 100-foot streamside buffer along Southern Ditch as shown on the development plan:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposed development would not appear to present any adverse impacts, and

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

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the applicant will install adequate infrastructure to contain pollutants and runoff during rain events, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed development is consistent with other development in the same zone; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-VARIANCE-0177 does hereby **APPROVE** Variance to encroach up to 60 feet into the 100-foot streamside buffer along Southern Ditch as shown on the development plan.

The vote was as follows:

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

Absent: Member Jagoe

00:43:07 On a motion by Vice Chair 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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CASE NUMBER 20-VARIANCE-0177

Category 3 Development Plan with approval of Outdoor Amenity Area design:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that all applicable Guidelines and Policies of the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 20-CAT3-0019 does hereby **APPROVE** Category 3 Development Plan with approval of Outdoor Amenity Area design.

The vote was as follows:

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

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0006

Request:	Variance to allow a proposed gas station to exceed the maximum front and street side setbacks.
Project Name:	Circle K
Location:	6305 E Manslick Rd
Owner:	Parkway Professionals, LLC
Applicant:	Circle K
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
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 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:

00:45:57 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:

Daniel Whitley, 1136 South Park Dr., Louisville, KY 40213

Summary of testimony of those in favor:

00:49:51 Daniel Whitley 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:

Sean Manion, 6300 Saskatchewan Dr., Louisville, KY 40228
John Kessell, 6304 Saskatchewan Dr., Louisville, KY 40228

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0006

Summary of testimony of those in opposition:

00:54:05 Sean Manion spoke in opposition of the request. Mr. Manion stated it is unclear where the eight foot fence will be placed. Mr. Manion stated it appears there will be no fence between his property and the Circle K (see recording for detailed presentation).

00:56:33 John Kessell spoke in opposition of the request. Mr. Kessell stated although his property does not directly come in contact with the property, he would be indirectly affected with the noise. Mr. Kessell stated the gas pumps, the lights, and the intercom system 24/7 would greatly be a nuisance on their privacy (see recording for detailed presentation).

REBUTTAL:

00:59:12 Daniel Whitley spoke in rebuttal. Mr. Whitley stated Circle K is only going to be purchasing the front portion of the site and the seller will be retaining the lot back to the north that borders his property. Mr. Whitley stated that's the reason they are stopping the fence right there (as shown on the development plan) because they cannot legally put a fence on his property. Mr. Whitley stated they are required by code to direct all lighting inward. Mr. Whitley stated this store does not have a 24 hour intercom system. Mr. Whitley stated the additional tree buffer and the screening fence will help eliminate most, if not all, of the noise (see recording for detailed presentation).

01:01:39 Jay Luckett stated the applicant agreed to a Binding Element at LD&T that there would be no music or intercom, or any amplified sound audible beyond the property line. Mr. Luckett responded to questions from the Board Members (see recording for detailed presentation).

01:03:39 Mr. Whitley responded to questions from the Board Members regarding the fence and screening (see recording for detailed presentation).

01:05:45 Joe Reverman, Planning & Design Assistant Director, clarified that the entire property is subject of the development plan proposal, so if for some reason the Board thinks it is necessary for the fence to be extended at this time, that would be in their purview (see recording for detailed presentation).

01:06:23 Mr. Whitley responded to questions from the Board Members. Mr. Whitley stated they would be agreeable to extending the fence straight across the dumpster enclosure. The Board Members discussed with Mr. Whitley consideration of extending the fence (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0006

01:14:54 Board Members' deliberation

01:21:33 Mr. Whitley stated they agree to extend the fence to the north corner of the property line (see recording for detailed presentation).

01:25:23 On a motion by Member Buttorff, seconded by Vice Chair 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 as the structure will be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity, as other non-residential development in the area has a variety of setbacks, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the proposed will be constructed to comply with all building codes, including fire codes. Adequate landscaping and screening will be provided adjacent to residential development and roadways, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the drainage systems on the subject site already occupy a significant portion of the setbacks, leaving a reduced site area for construction; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0006 does hereby **APPROVE** Variance from Land Development Code table 5.3.2 to exceed the 80-foot maximum front setback along E. Manslick Rd. by up to 139 feet as shown on the development plan and the maximum 80-foot street side yard setback along Smyrna Pkwy. by up to 76 feet as shown on the development plan, **SUBJECT** to the following Condition of Approval (as agreed to by the applicant).

Condition of Approval:

1. The applicant shall extend the fence to the north corner of the property line as discussed at today's hearing.

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CASE NUMBER 21-VARIANCE-0006

The vote was as follows:

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

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0013

Request:	Variance to exceed maximum corner-lot setbacks, waiver to allow parking in front of the structure and a waiver to allow a retaining wall in a required Landscape Buffer Area
Project Name:	Taco Bell
Location:	2801 W Broadway
Owner:	Mike Leonard
Applicant:	Mike Leonard
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
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 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:

01:28:41 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:

Derek Triplett, 503 Washburn Ave., Suite 101, Louisville, KY 40222
Councilwoman Donna Purvis, 4621 Garland Ave., Louisville, KY 40211

Summary of testimony of those in favor:

01:33:08 Derek Triplett spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

01:40:10 Councilwoman Donna Purvis spoke in favor of the request (see recording for detailed presentation).

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0013

The following spoke in opposition of the request:

No one spoke.

01:42:49 Board Members' deliberation

01:43:40 On a motion by Vice Chair Seale, seconded by Member Leanhart, 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 5.5.1.A.2 to exceed the maximum 5-foot corner lot setback by up to 48 feet along W Broadway and up to 95 feet along S 28th St as shown on the development plan:

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 reduction does not impede the safe movement of pedestrians or vehicles, and

WHEREAS, the Board further finds that the requested variance will not alter the essential character of the general vicinity as the site is situated in an area with similar uses and a variety of setbacks, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the building will meet all required health and safety regulations and provisions for the safe circulation of vehicular and pedestrian traffic have been provided, and

WHEREAS, the Board further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations as the site development will fit in with similar uses in the surrounding area and the historic use of the subject site; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-00013 does hereby **APPROVE** Variance from Land Development Code section 5.5.1.A.2 to exceed the maximum 5-foot corner lot setback by up to 48 feet along W. Broadway and up to 95 feet along S. 28th St. as shown on the development plan.

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0013

NOTE: Member Bond lost connectivity and did not vote on this case.

The vote was as follows:

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

Absent: Members Jagoe, and Bond

01:45:41 On a motion by Vice Chair Seale, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

Waiver from Land Development Code section 5.5.1.A.3.a to allow vehicular circulation in front of the structure:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners, as the applicant is reducing the amount of parking in front of the structure from existing conditions, and

WHEREAS, the Board further finds that the waiver will not violate the comprehensive plan, as adequate screening and plantings will be provided in front of the site, 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, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the proposed site design is consistent with the historic use on the site; and

Waiver from Land Development Code section 10.2.10 to allow an existing retaining wall and curb to encroach into the required 5-foot Vehicle Use Area Landscape Buffer Area:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners, as the waiver allows existing conditions to remain that are not harmful to neighboring properties, and

WHEREAS, the Board further finds that the waiver will not violate the comprehensive plan, as all required planting and screening will still be provided, and

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WHEREAS, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, and

WHEREAS, the Board further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as it would necessitate significant grading and engineering to move the retaining wall; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0013 (21-WAIVER-0009) does hereby **APPROVE** Waiver from Land Development Code section 5.5.1.A.3.a to allow vehicular circulation in front of the structure, and (21-WAIVER-0011) Waiver from Land Development Code section 10.2.10 to allow an existing retaining wall and curb to encroach into the required 5-foot Vehicle Use Area Landscape Buffer Area.

NOTE: Member Bond lost connectivity and did not vote on this case.

The vote was as follows:

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

Absent: Members Jagoe, and Bond

01:47:18 Meeting was recessed.

01:53:35 Meeting was reconvened.

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0014

Request:	Variance to allow a fence in the front yard setback to exceed the maximum height of 48 inches
Project Name:	Gageland Road Variance
Location:	7004 Gageland Road
Owner/Applicant:	Terry Justice
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
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:

01:54:04 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:

Terry Justice, 7004 Gageland Ave., Louisville, KY 40258

Summary of testimony of those in favor:

02:00:45 Terry Justice 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.

02:14:00 Board Members' deliberation

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PUBLIC HEARING

CASE NUMBER 21-VARIANCE-0014

02:21:58 On a motion by Vice Chair 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 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 since there are other similar fences within the general vicinity, and the fence is appropriate due to the unique shape of the lot, and

WHEREAS, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the primary purpose of the fence was to enclose an above ground pool as a safety measure, 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 with a restricted backyard area, leaving the front and side yards as the primary open spaces on the lot; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-VARIANCE-0014 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 the Neighborhood form district to exceed 48 inches in height (**Front Yard Requirement 48 inches, Request 72 inches, Variance 24 inches**). The Board further finds that Standard B has been met as stated above.

The vote was as follows:

Yes: Members Bond, Leanhart, Vice Chair Seale, and Chair Howard

No: Member Buttorff

Absent: Member Jagoe

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PUBLIC HEARING

CASE NUMBER 21-CUP-0008

Request:	Conditional Use Permit to allow a private institutional use
Project Name:	St. Elizabeth Ann Seton Church garage addition
Location:	11501 Maple Way
Owner/Applicant:	Roman Catholic Bishop of Louisville
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

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

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

Agency testimony:

02:24:41 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Nick Hyde, 429 Woodbine St., Louisville, KY 40208

Summary of testimony of those in favor:

02:28:56 Nick Hyde 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.

02:35:54 Board Members' deliberation

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PUBLIC HEARING

CASE NUMBER 21-CUP-0008

02:38:20 On a motion by Member Bond, seconded by Vice Chair Seale, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal meets all applicable policies of the Comprehensive Plan, and

WHEREAS, the Board further finds that the proposed improvements are compatible with surrounding development and land uses, and

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

WHEREAS, the Board further finds that:

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

- A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line and all off-street parking shall be at least 30 feet from any property line. **A small portion of the off-street parking at the rear of the site is approximately 15 feet from the property line. This is an existing condition. All structures are at least 30 from any property line.**
- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated. **The applicant states that no new traffic will be generated.**
- C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use. **All parking is located at the rear of the building. Also, the plan has been reviewed and approved by Public Works/Transportation Planning.**

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- D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99). **All activities will be in compliant with the Metro Noise Ordinance.**
- E. The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties. **The Board can determine whether there is a need to set hours of operation for the use;** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0008 does hereby **APPROVE** Conditional Use Permit to allow a private institutional use, with Relief from Standard A due to the existing conditions of the site and the Board has determined there is no need to set hours of operation, **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

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

The vote was as follows:

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

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PUBLIC HEARING

CASE NUMBER 21-CUP-0009

Request:	Conditional Use Permit to allow a medical clinic
Project Name:	Crossroads Treatment Center
Location:	4615 Dixie Highway
Owner:	Dr. Mehdi Ghayoumi
Applicant:	Crossroads of Louisville Management Co., LLC
Jurisdiction:	Shively
Council District:	3 – Keisha Dorsey
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.)

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Agency testimony:

02:40:42 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Chris Brown, 3001 Taylor Springs Dr., Louisville, KY 40220
Steve Kester, 55 Beattie Pl., Suite 810, Greenville, SC 29601
Dr. Erika Ruth, 614 Ledgeview Park Dr., Louisville, KY 40206

Summary of testimony of those in favor:

02:46:07 Chris Brown and Steve Kester were sworn in. Mr. Brown introduced the case and a Powerpoint presentation. Mr. Brown stated Mr. Kester was going to provide testimony at this time (see recording for detailed presentation).

02:47:27 Steve Kester spoke in favor of the request and provided information about Crossroads (see recording for detailed presentation).

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CASE NUMBER 21-CUP-0009

02:56:03 Chris Brown spoke in favor of the request. Mr. Brown discussed the site location and reviewed the site plan. Mr. Brown and Mr. Kester responded to questions from the Board Members (see recording for detailed presentation).

03:03:49 Dr. Erika Ruth stated she is the Medical Director of all but one of the facilities in Kentucky, including the two in Louisville. Dr. Ruth spoke in favor of the request (see recording for detailed presentation).

The following spoke neither for nor against the request:

Finn Cato, 2950 Breckenridge Ln., Suite #3, Louisville, KY 40220

Mayor Beverly Chester-Burton, 3901 Dixie Highway, Louisville, KY 40216

Summary of testimony of those neither for nor against:

03:08:40 Finn Cato spoke neither for nor against the request as attorney for the City of Shively. Attorney Cato stated the City of Shively has a separate business license requirement and they have not yet received a business license application from the medical clinic, so at this point in time the City of Shively has not made a decision one way or the other whether or not to grant that license. Attorney Cato stated Mr. Kester has appeared before the City of Shively several months back to advise they were interested in opening a medical clinic in the City of Shively, but they have never received an application to be licensed within the City of Shively (see recording for detailed presentation).

03:10:32 Mr. Kester stated they haven't actually started any operations and their understanding was they go through the CUP and then go through the business licensing process (see recording for detailed presentation).

03:10:58 Attorney Cato stated it puts the city in an awkward position because if the city were in favor of it or opposed to it collectively, he thinks that would contribute toward the Board's decision. Attorney Cato stated Mr. Kester is right, he does need to get a Conditional Use Permit, but he also has to get a business license in the City of Shively. Attorney Cato stated his recommendation to the Board would be perhaps Mr. Kester could apply for the business license and get some kind of consensus from the city whether it's in favor or opposed to it and let the Board make that decision based upon those submissions and any other considerations they may make (see recording for detailed presentation).

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03:11:46 Chair Howard stated they would move on to hear from everyone unless the Board's Legal Counsel tells them they need to halt (see recording for detailed presentation).

03:12:10 Laura Ferguson, Legal Counsel, stated our review today is for the Conditional Use Permit and granting approval of one piece of the puzzle doesn't give them carte blanche over the rest. Attorney Ferguson stated our analysis is based more in the Land Development Code and those conditions than whether or not down the road they do or don't get a business license from the City of Shively. Attorney Ferguson stated it could be a factor that could be considered but our piece is more grounded in the Land Development Code (see recording for detailed presentation).

03:14:02 Mayor Beverly Chester-Burton stated they have not always approved a business application. Mayor Chester-Burton stated they look at many factors. Mayor Chester-Burton stated the applicant gave a presentation on what the surrounding area looks like, but since this process has begun, they have received numerous calls from business owners as well as residents that are opposing this particular business within the City of Shively. Mayor Chester-Burton stated in that area there is also an adult book store as well as churches that are within walking distance. Mayor Chester-Burton stated in the area that was mentioned of Stewart and Dixie Highway there are times they have had to address homelessness or panhandling. Mayor Chester-Burton stated their officers have often had to make runs to address negative behavior within that nearby area. Mayor Chester-Burton stated they would suggest that individuals seeking to have a business within their city to start with City Hall first so they can assure them there won't be any delays for their business (see recording for detailed presentation).

03:18:13 Chair Howard advised speakers in opposition they would have twenty minutes and asked that no one repeat testimony (see recording for detailed presentation).

03:18:54 Joe Haberman, Planning & Design Manager, and Chair Howard called for Kim Hutchenson but received no reply (see recording for detailed presentation).

The following spoke in opposition of the request:

Kim Hutchenson (was called several times and did not reply)

Kim Morris, 1723 San Jose Ave., Louisville, KY 40216

Kathy Boggs, 6447 Duff Road, Falls of Rough, KY 40119

Sherrie Hall, 1706 Cardinal Court, Louisville, KY 40216

Shanell Thompson, 3920 Dixie Highway, Louisville, KY 40216

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Summary of testimony of those in opposition:

03:19:42 Kim Morris spoke in opposition of the request. Ms. Morris stated there are too many issues that are still outstanding regarding this. Ms. Morris said they stated they were going to be open two to three hours per day, one to two days per week. Ms. Morris stated their other location is open every day of the week for at least three to five hours per day. Ms. Morris stated we should be looking at the integrity of their whole proposal. Ms. Morris stated the Shively Police are already overwhelmed as it is, and we don't need to create any more possible runs. Ms. Morris stated it is too close to a residential area (see recording for detailed presentation).

03:22:28 Joe Haberman called Kim Hutchenson again, and received no reply (see recording for detailed presentation).

03:23:17 Kathy Boggs spoke in opposition of the request. Ms. Boggs stated she owns the adjoining property. Ms. Boggs stated homelessness is an ongoing problem, as well as a lot of drug use. Ms. Boggs described the residential area. Ms. Boggs stated Dunkin Donuts has been robbed once (see recording for detailed presentation).

03:26:45 Sherri Hall spoke in opposition of the request. Ms. Hall stated they are in a depressed area and there are plenty of other open areas up and down Dixie Highway that do not butt against four neighborhood streets. Ms. Hall stated this does not add to their community (see recording for detailed presentation).

03:29:27 Dr. Mehdi Ghayoumi (4615 Dixie Highway, Suite A) began to provide testimony and it was determined that he is with the applicant. Chair Howard advised Dr. Ghayoumi that testimony in support had already been heard. Dr. Ghayoumi stated he has tried to speak several times and had been unable to be heard. Chair Howard advised Dr. Ghayoumi that she would allow him to speak in rebuttal, after all testimony in opposition has been heard (see recording for detailed presentation).

03:31:59 Shanell Thompson stated she is with Shively City Council and she agrees with the surrounding business owners and residents' objections because she receives a lot of phone calls and emails concerning what's going on over on San Jose (see recording for detailed presentation).

REBUTTAL:

03:34:31 Dr. Mehdi Ghayoumi spoke in rebuttal. Dr. Ghayoumi stated he owns the building and is also a chiropractor practicing in the Shively area for twenty-five years.

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Dr. Ghayoumi stated he has seen the devastation with addiction in this area but that's precisely why Crossroads is going to help the community. Dr. Ghayoumi stated Shively is in dire need of this type of prevention. Dr. Ghayoumi stated he has done his homework before he signed a contract with these guys to come into his building. Dr. Ghayoumi stated if he knew this was a problematic tenant, he would not want to bring them to devalue his property. Dr. Ghayoumi stated he has other tenants in this building; next to Crossroads is an attorney who has been practicing there for many years and he's not opposed to it even though he's next door to it. Dr. Ghayoumi stated this is not a problem, this actually could be part of a solution to the problem of addiction we have, especially in Shively (see recording for detailed presentation).

03:39:26 Steve Kester spoke in rebuttal and discussed hours of operation. Mr. Kester stated they build communities, they don't tear them down. Mr. Kester stated they understand they have to obtain a business license and that is separate from this. Mr. Kester responded to questions from the Board Members (see recording for detailed presentation).

03:52:57 Board Members' deliberation

03:54:29 Mr. Kester responded to a question from Member Bond regarding his meetings with the City of Shively (see recording for detailed presentation).

03:55:44 Board Members' deliberation

04:03:20 On a motion by Member Leanhart, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal meets all applicable policies of the Comprehensive Plan, 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. Transportation Planning and MSD have reviewed the proposal, and

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WHEREAS, the Board further finds that:

4.2.28 Hospitals, Clinics, and Other Medical Facilities

Facilities requiring a Certificate of Need issued by the Commonwealth of Kentucky, including hospitals, clinics, and other medical facilities, may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A.** Signs - One freestanding sign, not to exceed 80 square feet in area or 10 feet in height, may be placed at each of the major entrances, except in districts where signs are allowed. Attached signs may be located at any height. The Board shall determine the size of all attached signs. **The applicant has been informed of this requirement.**
- B.** All buildings and structures shall be at least 30 feet from any property line. **It would be impractical to move the existing building 30 feet from any property line. The building is approximately 5 feet off the west property line and approximately 20 feet off the south property line.**

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0009, does hereby **APPROVE** Conditional Use Permit to allow a medical clinic, with Relief from Standard B due to the existing conditions of the site, **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 medical clinic until further review and approval by the Board.

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The vote was as follows:

Yes: Members Buttorff, Leanhart, and Chair Howard

No: Member Bond, and Vice Chair Seale

Absent: Member Jagoe

04:06:26 Meeting was recessed.

04:14:31 Meeting was reconvened.

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CASE NUMBER 21-CUP-0026

Request:	Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Gallavin short term rental
Location:	1009 Johnson Road
Owner/Applicant:	Wayne Gallavin
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 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:

04:15:05 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:

Wayne Gallavin, 1274 Everett Ave., Louisville, KY 40204
Eric Feller, 1156 Bardstown Road, Louisville, KY 40204

Summary of testimony of those in favor:

04:18:13 Wayne Gallavin spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

04:20:36 Eric Feller spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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The following spoke in opposition of the request:

No one spoke.

04:27:56 Board Members' deliberation

04:28:26 On a motion by Member Leanhart, 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 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

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number of bedrooms plus six individuals. **The subject property consists of approximately five acres. The applicant states that the residence has four bedrooms that will allow a maximum number of fourteen guests.**

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, 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. **Parking is not allowed on Johnson Road, but the applicant states that there are at least six**

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parking spaces located on site along the existing driveway and attached garage.

- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. ***The applicant has been informed of this requirement.***
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief. ***The applicant has been informed of this requirement.***
- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void. ***The applicant has been informed of this requirement.***
- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code. ***The applicant has been informed of this requirement;*** now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CUP-0026 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-4 Zoning District and Neighborhood Form District, **SUBJECT** to the following Condition of Approval.

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Condition of Approval:

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

The vote was as follows:

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

Absent: Member Jagoe

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CASE NUMBER 21-CUP-0021

Request:	Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Wohl short term rental
Location:	634 Maylawn Avenue
Owner/Applicant:	WHEWorks, LLC
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:

04:30:38 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:

Zach Wohl, 632 Maylawn Ave., Louisville, KY

Summary of testimony of those in favor:

04:33:18 Zach Wohl spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in opposition of the request:

Angela Keene, 628 Maylawn Ave., Louisville, KY 40217

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Summary of testimony of those in opposition:

04:38:14 Angela Keene spoke in opposition of the request. Ms. Keene stated she was curious if no parties could be added to the house rules, as well as no local requests (see recording for detailed presentation).

REBUTTAL:

04:40:46 Zach Wohl spoke in rebuttal. Mr. Wohl stated no parties could be implied with the rules, and he doesn't know what would qualify as partying; would partying be excessively loud music or someone enjoying a drink on the deck. Mr. Wohl stated he wanted to make sure if a guest decided to drink wine on the deck that that wasn't going to be construed as partying. Mr. Wohl responded to additional questions from Ms. Keene (see recording for detailed presentation).

04:48:00 Board Members' deliberation

04:51:10 On a motion by Member Bond, seconded by Member 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 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

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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 two bedrooms that will allow a maximum number of six guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, 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

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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 up to 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 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

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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 21-CUP-0021 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 two bedrooms. A modification of the conditional use permit shall be required to allow additional bedrooms.

NOTE: Member Buttorff lost connectivity during the presentation of this case.

The vote was as follows:

Yes: Members Bond, Leanhart, Vice Chair Seale, and Chair Howard

Absent: Members Jagoe, and Buttorff

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04:53:00 Prior to adjournment, Emily Liu, Planning & Design Director, advised the Board Members a new Board Member will be starting next week, Yani Vozos.

The meeting adjourned at approximately 6:00 p.m.

DocuSigned by:

Lula Howard

Chair

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DocuSigned by:

Sharon Bond

Secretary

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