

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

**May 16, 2022**

A meeting of the Louisville Metro Board of Zoning Adjustment was held on May 16, 2022 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Members Present:**

Lula Howard, Chair  
Richard Buttorff, Vice Chair  
Sharon Bond, Secretary  
Brandt Ford  
Yani Vozos

**Members Absent:**

Kimberly Leanhart

**Staff Members Present:**

Emily Liu, Planning & Design Director  
Joe Reverman, Planning & Design Assistant Director  
Joe Haberman, Planning & Design Manager  
Brian Davis, Planning & Design Manager  
Tara Sorrels, Planner I  
Heather Pollock, Planner I  
Zach Schwager, Planner I  
Laura Ferguson, Legal Counsel  
Sue Reid, Management Assistant

The following cases were heard:

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**MAY 2, 2022 BOARD OF ZONING ADJUSTMENT MEETING MINUTES**

**00:03:42** On a motion by Vice Chair Buttorff, seconded by Member Vozos, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Minutes of the May 2, 2022 Board of Zoning Adjustment meeting.

**The vote was as follows:**

**Yes: Members Bond, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**  
**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**BUSINESS SESSION**

**Review\_Amendments\_Bylaws**

Review of Amendments to the BOZA Bylaws and Policies

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

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

**Agency testimony:**

**00:04:33** Joe Reverman reviewed proposed updates to the BOZA Bylaws and Policies regarding returning to in-person meetings with a remote attendance option for the public. Mr. Reverman stated a section has been added to provide guidelines for future states of emergency and discontinuing a secondary neighborhood meeting notification under future states of emergency. Mr. Reverman responded to questions from the Board Members (see recording for detailed presentation).

**00:18:23** On a motion by Member Bond, seconded by Vice Chair Buttorff, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the following Amendments to the BOZA Policies and Procedures:

**ARTICLE VII**  
**Meetings**

**Section 9. Remote or Virtual Attendance**

- A. Definition. Remote or virtual attendance means the attendance of meetings from a location away from the physical meeting site, using an electronic device to be visible and audible to the Board**
- B. If and when technology permits, the Board may allow remote or virtual attendance of its meetings with the following requirements:**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**BUSINESS SESSION**

**Review\_Amendments\_Bylaws**

1. Board members and staff must be in attendance, in person, at the physical location.
2. Remote attendees must be visible and audible to the Board members synchronous with the live meeting.
3. If technological issues arise during a meeting that is being conducted with an option for remote attendance, the meeting will only be paused or cancelled if the technology issues are occurring at the physical location. Technological difficulties experienced by a remote attendee will not be cause to delay the meeting, or cause to defer a docketed case.
4. Virtual meetings shall be hosted on software approved by Planning & Design Services in consultation with the Metro IT department.
5. At least one person representing the applicant of each case is highly encouraged to attend meetings in person at the physical location. If no representative is present at the physical location, the Board may elect to continue or table the case until a representative is available to attend in person.

**Section 10. Special Meeting Considerations During State of Emergency**

- A. The following shall apply during periods in which in-person public hearings and meetings are prohibited or discouraged by a State of Emergency declared either by the Office of the Governor of Kentucky or Office of the Mayor of Louisville Metro.
  1. During a State of Emergency in which in-person public hearings and meetings are prohibited or discouraged, the Board may allow remote or virtual attendance from Board members, staff, applicants, and/or citizens. A physical, in-person, location must be provided with at least one staff member present.
  2. During such a State of Emergency, The Board may allow attendance by phone whereby attendees are not visible. However, Board members must still be visible for certain actions as required by KRS.

**BOARD OF ZONING ADJUSTMENT MINUTES  
May 16, 2022**

**BUSINESS SESSION**

**Review\_Amendments\_Bylaws**

**POLICIES  
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT  
BOARD OF ZONING ADJUSTMENT**

APPLICATION PROCEDURES POLICIES.....3.00

3.01 Neighborhood Meetings

3.01.05 Virtual Neighborhood Meetings

~~(5) **Secondary Notice.** A second notice shall be sent to all required parties at least seven (7) days prior to the scheduled meeting date. The Secondary Notice shall include the date, time, physical location (if applicable) and information on how to connect to the virtual neighborhood meeting, as well as contact information for the applicant and associated professionals as described in the Primary Notice requirements.~~

**The vote was as follows:**

**Yes: Members Bond, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0077**

Request:	Conditional Use Permit to allow an accessory dwelling unit
Project Name:	Walter Avenue Accessory Dwelling Unit
Location:	9101 Walter Avenue
Owner:	3 Bears Ventures, LLC
Applicant:	Pamela Smith & Amber Willet
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Heather Pollock, 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:**

**00:20:00** Heather Pollock stated the applicant has requested to continue this case to a date uncertain (see recording for detailed presentation).

**00:20:52** On a motion by Member Vozos, seconded by Member Ford, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** Case Number 22-CUP-0077 to a Date Uncertain.

**The vote was as follows:**

**Yes: Members Bond, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**  
**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0025**

Request:	Variance to allow an addition to encroach into the street side yard setback
Project Name:	Plymouth Road Variance
Location:	4000 Plymouth Road
Owner/Applicant:	Theodore Blevins
Representative:	Bradley Hicks, Grapevine Properties, INC
Jurisdiction:	City of St. Matthews
Council District:	26 – Brent Ackerson
Case Manager:	Heather Pollock, Planner I

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

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

**Agency testimony:**

**00:23:16** Heather Pollock presented the case and showed a Powerpoint presentation. Ms. Pollock responded to questions from the Board Members (see staff report and recording for detailed presentation).

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

Bradley Hicks, 3516 Meadow Bluff Way, Louisville, KY 40245

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

**00:26:34** Bradley Hicks spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

No one spoke.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0025**

**00:32:42**     **Board Members' deliberation**

**00:36:47**     Public Hearing was reopened to allow Mr. Hicks an opportunity to respond to questions from the Board Members (see recording for detailed presentation).

**00:49:54**     **Board Members' deliberation**

**00:51:25**     On a motion by Member Bond, seconded by Vice Chair 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 may alter the essential character of the general vicinity as there are other structures in the area that encroach into the street side yard setback; however, these other structures do not encroach as much as this proposal; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** Case Number 22-VARIANCE-0025.

**The vote was as follows:**

**Yes: Member Bond, Vice Chair Buttorff, and Chair Howard**

**No: Members Ford, and Vozos**

**Absent: Member Leanhart**



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0058**

Request:	Variance and Waivers
Project Name:	2124 Palatka
Location:	2124 Palatka Rd
Owner/Applicant:	Jawad Almajedi
Representative:	Julian Paul
Jurisdiction:	Louisville Metro
Council District:	25 – Amy Holton Stewart
Case Manager:	Tara Sorrels, Planner I

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

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

**Agency testimony:**

**00:53:27** Tara Sorrels presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

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

Julian Paul, 4213 Hurstbourne Woods Dr., Louisville, KY 40299

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

**00:57:29** Julian Paul spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

Maureen Welch, 7101 Venetian Way, Louisville, KY 40214

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0058**

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

**01:02:07** Maureen Welch spoke neither for nor against the request. Ms. Welch asked if the applicant would be willing to put some landscaping on the other side of the fence that runs parallel to Palatka (see recording for detailed presentation).

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

No one spoke.

**REBUTTAL:**

**01:03:54** Julian Paul stated there is currently a curb cut coming directly off of Palatka and he would have to review the site plan because he doesn't know if that area is technically in an easement or on his client's property. Mr. Paul stated if it's in an easement, he's not sure how much they can do there. Mr. Paul responded to questions from the Board Members (see recording for detailed presentation).

**01:07:35 Board Members' deliberation**

**01:13:51** On a motion by Member Vozos, seconded by Member Ford, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**Variance from Land Development Code Table 5.3.2 to allow a non-residential principle structure to exceed the maximum 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 proposed structure will be constructed to comply with all building codes, including fire codes. The proposed structure will be placed in the same location as the existing structure, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity as there will be minimal change regarding location, use, and design of the structure and there is another automotive use next door to the site. The characteristics of the proposal that do not comply with the code are existing conditions, and

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0058**

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public as the structure will be in the same location as the existing structure which has had no issues regarding hazard or nuisance to the public, and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the conditions that do not comply with the zoning regulations are existing; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0058 does hereby **APPROVE** Variance from Land Development Code Table 5.3.2 to allow a non-residential principle structure to exceed the maximum setback (**Front Yard Setback 80', Request 100', Variance 20'**).

**The vote was as follows:**

**Yes: Members Bond, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**  
**Absent: Member Leanhart**

**01:15:03** On a motion by Member Vozos, seconded by Member Ford, 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 5.3.1.C.8 to provide 5' instead of the required 15' between multiple principle structures:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners since the encroachment into the required space between multiple principal structures is present at this time. The new structure will match the character of that of other similar development in the area. Denial of the waiver would require the applicant to drastically change the location of the building and would create a greater impact on the existing character of the area, and

**WHEREAS**, the Board further finds that the waiver will not violate the Comprehensive Plan. The development will be compatible with other development in the area and form district, and

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0058**

**WHEREAS**, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the encroachment is existing and there is no other adequate location on the site for the building, and

**WHEREAS**, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because moving the building to a different location would not allow space for the existing principal use of the site which is automobile sales; and

**Waiver from Land Development Code Section 10.2.4 to provide a 6' screen instead of an 8' screen and to not provide the landscape buffer area and planting requirements along the East property line:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners since the lack of a landscape buffer area is existing at this time and a letter of support was received by the most impacted adjacent property owner, and

**WHEREAS**, the Board further finds that the waiver will not violate the Comprehensive Plan. The development will be compatible with other development in the area and form district. A 6' screen is provided between the site and the adjacent residential property, 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 since the existing automobile sales lot and remaining building are located where the landscape buffer is required. A 6' screen is provided between the site and the adjacent residential property, and

**WHEREAS**, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because moving the building to a different location would not allow space for the existing principal use of the site which is automobile sales. A letter of support was received by the most impacted adjacent property owner. A 6' screen is provided between the site and the adjacent residential property; and

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-VARIANCE-0058**

**Waiver from Land Development Code Section 10.2.12 to not provide internal landscape areas:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners since the lack of interior landscape areas is existing at this time. The existing vehicle use area where the interior landscape areas are required is not part of the new construction area and no changes were requested that area, and

**WHEREAS**, the Board further finds that the waiver will not violate the Comprehensive Plan. The development will be compatible with other development in the area and form district, 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 since the existing automobile sales lot is located where the interior landscape areas are required, and

**WHEREAS**, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the site is currently paved without internal landscape areas and no changes are proposed for that area; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 22-VARIANCE-0058 (22-WAIVER-0058) does hereby **APPROVE** Waiver from Land Development Code Section 5.3.1.C.8 to provide 5' instead of the required 15' between multiple principle structures, Waiver from Land Development Code Section 10.2.4 to provide a 6' screen instead of an 8' screen and to not provide the landscape buffer area and planting requirements along the East property line, and Waiver from Land Development Code Section 10.2.12 to not provide internal landscape areas.

**The vote was as follows:**

**Yes: Members Bond, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**  
**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0050**

Request:	Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Wagner Short Term Rental
Location:	2222 Hawthorne Avenue
Owner:	Daniel Wagner
Applicant:	Daniel Wagner
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers Armstrong
Case Manager:	Heather Pollock, Planner I

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

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

**Agency testimony:**

**01:19:21** Heather Pollock presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

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

Cliff Ashburner, 101 S. 5<sup>th</sup> Street, Suite 2500, Louisville, KY 40202

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

**01:22:07** Cliff Ashburner spoke in favor of the request and showed a Powerpoint presentation. Mr. Ashburner responded to questions from the Board Members (see recording for detailed presentation).

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

No one spoke.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0050**

**01:29:35**      **Board Members' deliberation**

**01:30:18**      On a motion by Member Vozos, seconded by Vice Chair 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 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:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental. **The applicant has been informed of this requirement.**
- B. The dwelling unit shall be limited to a single short term rental contract at a time. **The applicant has been informed of this requirement.**
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that the residence has 2 bedrooms that will allow a maximum number of 6 guests.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0050**

- 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. **The site has credit for 6 off street parking spots, 4 on the driveway and 2 in the 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



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0050**

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 22-CUP-0050 does hereby **APPROVE** Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in an R-5 zoning district and 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 2 bedrooms (with a maximum of 6 guests at any time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0050**

**The vote was as follows:**

**Yes: Members Bond, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0071**

Request:	Conditional Use Permit for Short Term Rental of Dwelling Units in the Traditional Neighborhood Zoning District
Project Name:	Halevi Short Term Rental
Location:	1017 S 1st Street
Owner/Applicant:	Yaron Halevi
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Chris French, AICP, Planning & Design Supervisor

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

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

**Agency testimony:**

**01:32:18** Joe Haberman presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see recording for detailed presentation).

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

Yaron Halevi, 1017 S. 1<sup>st</sup> Street, Louisville, KY 40203

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

**01:38:07** Yaron Halevi 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.

**01:43:28 Board Members' deliberation**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0071**

**01:44:09** On a motion by Member Bond, seconded by Member Vozos, 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:

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental. **The applicant has been informed of this requirement.**
- B. The dwelling unit shall be limited to a single short term rental contract at a time. **The applicant has been informed of this requirement.**
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that Unit 1 has 1 bedroom that will allow a maximum number of 4 guests. The applicant states that Unit 2 has 3 bedrooms that will allow a maximum number of 8 guests.**
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0071**

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 three properties with approved conditional use permits allowing short term rentals that are not the primary residence of the host. The applicant has agreed to proposed condition number two which states that there shall be a single host for both of the rentals and that one of the units on the property shall be the primary residence of the host of record.**

- 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 one on-street parking space. There appears to be available on-street parking in the area.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. **The applicant has been informed of this requirement.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0071**

- 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 22-CUP-0071 does hereby **APPROVE** Conditional Use Permit to allow short term rental of dwelling units in the TNZD and Traditional Neighborhood Form District, with **RELIEF** from Standard 4D because the host will maintain residency in one of the two units, and **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. The conditional use permit for this short term rental approval shall allow up to 1 bedroom in Unit 1 (with a maximum of 4 guests at any time in unit 1) and up to 3 bedrooms in Unit 2 (with a maximum of 8 guests at any time in unit 2). Prior to use,

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0071**

bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.

2. The host of record for Units 1 and 2 shall be the same person. The host of record for the short term rental shall maintain his or her primary residence in one of the two dwelling units on the subject property. In the event that the host establishes primary residence on another property he or she must immediately cease conducting short term rentals of both units on the subject property. A new Conditional Use Permit shall be required to allow for short term rental of any unit on the property that is not the primary residence of the host.

**The vote was as follows:**

**Yes: Members Bond, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0074**

Request:	Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Atwood Street Short Term Rental
Location:	513 Atwood Street
Owner:	Courtney & Isaiah Dietrich
Applicant:	Courtney Dietrich
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Zach Schwager, Planner I

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

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

**Agency testimony:**

**01:46:47** 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:**

Courtney Dietrich, 513 Atwood Street, Louisville, KY 40217

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

**01:54:30** Courtney Dietrich spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

No one spoke.



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0074**

**02:00:00**      **Board Members' deliberation**

**02:07:49**      On a motion by Vice Chair Buttorff, 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 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. There is one property with an approved conditional use permit for a non-host occupied short term rental within 600 ft. of the subject property; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** Case Number 22-CUP-0074.

**The vote was as follows:**

**Yes: Members Bond, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**  
**Absent: Member Leanhart**

**02:08:53**      **Meeting was recessed.**

**02:16:24**      **Meeting was reconvened.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0075**

Request:	Conditional Use Permit for a Short Term Rental of a Dwelling Unit that is Not the Primary Residence of the Host
Project Name:	Ashview Terrace Short Term Rental
Location:	3007 Ashview Terrace
Owner/Applicant:	Russell S Taylor
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Chris French, AICP, Planning & Design Supervisor

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

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

**Agency testimony:**

**02:17:03** Joe Haberman presented the case on behalf of the Case Manager and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

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

Russell Taylor, 10635 Hillcrest Drive, Mauckport, IN 47165

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

**02:20:55** Russell Taylor spoke in favor of the request and provided photographs to the Board Members showing the barrier that had been installed at the end of the driveway. Mr. Taylor responded to questions from the Board Members (see recording for detailed presentation).

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

Dr. Kenneth Thielmeier, 2904 Harrison Ave., Louisville, KY 40217

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0075**

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

**02:33:04** Kenneth Thielmeier spoke in opposition of the request. Dr. Thielmeier described the area surrounding the property. Dr. Thielmeier stated his first concern is in regard to the parking, and until yesterday there was no structure to serve as a barrier. Dr. Thielmeier stated he would also like to request an eight foot privacy fence be installed. Dr. Thielmeier responded to questions from the Board Members (see recording for detailed presentation).

**REBUTTAL:**

**02:41:50** Mr. Taylor spoke in rebuttal and provided photographs to the Board Members showing trees planted by his neighbor. Mr. Taylor stated he is agreeable to providing landscaping or the privacy fence. Mr. Taylor and Dr. Thielmeier discussed screening options with the Board Members. Mr. Taylor responded to questions from the Board Members. Laura Ferguson, Legal Counsel, read into the record a condition regarding the installation of privacy fencing. Mr. Taylor agreed to the proposed Condition of Approval number 3 (see recording for detailed presentation).

**02:58:22 Board Members' deliberation**

**02:59:38** On a motion by Member Vozos, seconded by Vice Chair 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 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:

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0075**

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental. **The applicant has been informed of this requirement.**
- B. The dwelling unit shall be limited to a single short term rental contract at a time. **The applicant has been informed of this requirement.**
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **The subject property is smaller than two acres. The applicant states that the residence has 4 bedrooms that will allow a maximum number of 10 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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0075**

Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The applicant has been informed of this requirement.**

- F. Food and alcoholic beverages shall not be served by the host to any guest. **The applicant has been informed of this requirement.**
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts. **The applicant has been informed of this requirement.**
- H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. **The applicant states that there is sufficient space in the driveway for up to 4 vehicles.**
- 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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0075**

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 22-CUP-0075 does hereby **APPROVE** Conditional Use Permit to allow short term rental of dwelling unit that is not the primary residence of the host in an R-5 zoning district and Neighborhood Form District, **SUBJECT** to the following Conditions of Approval.

Conditions of Approval:

1. The conditional use permit for this short term rental approval shall allow up to 4 bedrooms (with a maximum of 10 guests at any one time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.
2. The applicant shall install curbing, anchored wheel stops, or other barrier acceptable to the Office of Planning and Design Services at the end of the existing driveway prior to commencement of the short term rental use.
3. An eight foot privacy fence shall be installed about three feet away from the barrier at the end of the existing driveway with the finished side facing out prior to commencement of the short term rental use.

**The vote was as follows:**

**Yes: Members Bond, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**  
**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0078**

Request:	Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	Bishop Street Short Term Rental
Location:	509 Bishop Street
Owner/Applicant:	Mary Williams
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, Planner I

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

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

**Agency testimony:**

**03:01:29** 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:**

Mary Williams, 88 King Street, Roswell, GA 30075

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

**03:03:39** Mary Williams 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.

**03:08:11 Board Members' deliberation**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0078**

**03:08:35** On a motion by Member Bond, seconded by Member Ford, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

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

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

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



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0078**

required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there are zero properties with an approved conditional use permit for a non-host occupied short term rental within 600 ft. of the subject property.**

- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The dwelling unit is a single-family residence.**
- 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. **LDC standards credit the site with zero on-street parking spaces and there is space for one vehicle in the driveway. In addition, there appears to be available parking in the area.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. **The applicant has been informed of this requirement.**
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0078**

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 22-CUP-0078 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63), **SUBJECT** to the following Condition of Approval.

Condition of Approval:

1. The conditional use permit approval for this short term rental shall be allowed up to two bedrooms (with a maximum of 6 guests at any time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0078**

**The vote was as follows:**

**Yes: Members Bond, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**  
**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0079**

Request:	Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	E. Washington Street Short Term Rental
Location:	1313 E. Washington Street
Owner:	Bruce McCann & Kay Chambers
Applicant:	Bruce McCann
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Zach Schwager, Planner I

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

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

**Agency testimony:**

**03:09:57** 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:**

Bruce McCann, 1313 E. Washington St., Louisville, KY 40206

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

**03:12:39** Bruce McCann spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

No one spoke.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0079**

**03:15:20      Board Members' deliberation**

**03:15:59**      On a motion by Member Ford, seconded by Vice Chair 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 is consistent with Comprehensive Plan policies, and

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

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

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

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental. **The applicant has been informed of this requirement.**
- B. The dwelling unit shall be limited to a single short term rental contract at a time. **The applicant has been informed of this requirement.**
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **According to the applicant, there is one bedroom in the dwelling unit located within the accessory structure; LDC regulations permit up to four guests.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0079**

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there are zero properties with an approved conditional use permit for a non-host occupied short term rental within 600 ft. of the subject property.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The dwelling unit is a single-family residence.**
- 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. **LDC standards credit the site with two on-street parking spaces and there is space to accommodate two vehicles in the garage (the principal structure use is also using these spaces). In addition, there appears to be available parking in the area.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. **The applicant has been informed of this requirement.**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0079**

- 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 22-CUP-0068 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63), **SUBJECT** to the following Condition of Approval.

Condition of Approval:

1. The conditional use permit approval for this short term rental shall be limited to the dwelling unit located within the accessory structure; this unit is allowed up to one bedroom (with a maximum number of 4 guests at any time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0079**

additional bedrooms. A modification of the conditional use permit shall be required to allow the unit within the principal structure to conduct short term rentals.

**The vote was as follows:**

**Yes: Members Bond, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**Absent: Member Leanhart**



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0084**

Request:	Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	E. Oak Street Short Term Rental
Location:	700 E. Oak Street
Owner/Applicant:	Kate Dunlap
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Zach Schwager, Planner I

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

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

**Agency testimony:**

**03:17:43** 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:**

Kate Dunlap, 1057 Reasor Ave., Louisville, KY 40217  
Bryce Biery, 1227 Logan St., Louisville, KY 40204

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

**03:20:05** Kate Dunlap spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

**03:22:05** Bryce Biery spoke in favor of the request (see recording for detailed presentation).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0084**

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

No one spoke.

**03:24:26      Board Members' deliberation**

**03:24:54**      On a motion by Vice Chair Buttorff, seconded by Member Vozos, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

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

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

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

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

4.2.63 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

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0084**

excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **According to the applicant, there are two bedrooms; LDC regulations permit up to 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, there are zero properties with an approved conditional use permit for a non-host occupied short term rental within 600 ft. of the subject property.**
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **PVA lists the existing structure as a duplex but the principal structure appears to be single-family and the applicant states it is single-family.**
- 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. **LDC standards credit the site with one on-street parking space and there is space to accommodate two**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0084**

**vehicles in the detached garage. In addition, there appears to be available parking in the area.**

- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. **The applicant has been informed of this requirement.**
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief. **The applicant has been informed of this 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 22-CUP-0084 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63), **SUBJECT** to the following Condition of Approval.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0084**

Condition of Approval:

1. The conditional use permit approval for this short term rental shall be allowed up to two bedrooms (with a maximum of 6 guests at any time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.

**The vote was as follows:**

**Yes: Members Bond, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**

**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0088**

Request:	Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host
Project Name:	S. Spring Street Short Term Rental
Location:	222 S. Spring Street
Owner/Applicant:	Mark Borum
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, Planner I

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

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

**Agency testimony:**

**03:26:43** 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:**

Mark Borum, 59 Island Drive, Copake, NY 12516

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

**03:28:44** Mark Borum 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.

**03:33:44 Board Members' deliberation**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0088**

**03:33:52** On a motion by Vice Chair Buttorff, 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 is consistent with Comprehensive Plan policies, and

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

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

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

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

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental. **The applicant has been informed of this requirement.**
- B. The dwelling unit shall be limited to a single short term rental contract at a time. **The applicant has been informed of this requirement.**
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. **According to the applicant, there are three bedrooms; LDC regulations permit up to 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 required a conditional use permit is situated. The provision shall not apply to a

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0088**

property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. **As of the date of this report, there are zero properties with an approved conditional use permit for a non-host occupied short term rental within 600 ft. of the subject property.**

- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. **The dwelling unit is a single-family residence.**
- 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. **LDC standards credit the site with one on-street parking space. In addition, there appears to be available parking in the area.**
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances. **The applicant has been informed of this requirement.**
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in



**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0088**

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 22-CUP-0088 does hereby **APPROVE** Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63), **SUBJECT** to the following Condition of Approval.

Condition of Approval:

- 1. The conditional use permit approval for this short term rental shall be allowed up to three bedrooms (with a maximum of 8 guests at any time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**PUBLIC HEARING**

**CASE NUMBER 22-CUP-0088**

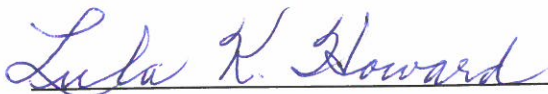
**The vote was as follows:**

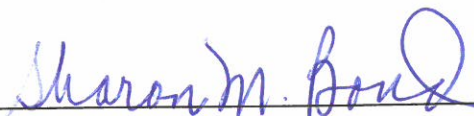
**Yes: Members Bond, Ford, Vozos, Vice Chair Buttorff, and Chair Howard**  
**Absent: Member Leanhart**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**May 16, 2022**

**03:35:09** Prior to adjournment, Joe Haberman reminded the Board Members of the BOZA Special Meeting on 5/23/22.

The meeting adjourned at approximately 4:50 p.m.

  
Chair

  
Secretary