

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT
JUNE 1, 2026**

A regular meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, June 1, 2026, at the Old Jail Building, located at 514 West Liberty Street, Louisville, KY 40202.

Board Members Present:

Sharon Bond, Chair
Marilyn Lewis, Vice Chair
Brandt Ford
Jan Horton
Yani Vozos

Board Members Absent:

Miguel Rodriguez

Staff Members Present:

Julia Williams, Assistant Planning Director
Laura Ferguson, Assistant County Attorney
Joseph Haberman, Planning Manager
Rachel Casey, Planning Supervisor
Kaitlin Dever, Planner II
Mark Pinto, Planner II
Zack Jones, Planner II
Abby Bills, Planner I
Catherine Gomez, Planner I
Mollie Share, Planner I
Sydney Fawcett, Planner I
Mary Willis, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

MAY 18, 2026, BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:03:37 On a motion by Member Horton, seconded by Member Ford, the following resolution was adopted:

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the May 18, 2026, Board of Zoning Adjustment meeting.

The vote was as follows:

YES: Members Vozos, Horton, Ford, and Bond

ABSTAIN: Member Lewis

ABSENT: Member Rodriguez

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BUSINESS SESSION

CASE NO. BOZA BYLAWS & POLICIES UPDATE

Request: Amendment to BOZA Bylaws Article VII-Change in Meeting Day
Jurisdiction: Louisville Metro
Case Manager: Julia Williams, AICP, Assistant Director

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

Agency Testimony:

00:04:33 Julia Williams provided an overview of Article VII pertaining to the change of the meeting date and responded to questions from Board Members (see recording for details)

00:06:34 Laura Ferguson responded to questions from Board Members (see recording for details).

Deliberation:

00:06:52 Committee deliberation

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

00:07:04 On a motion by Member Ford, seconded by Member Lewis, the following resolution, was adopted:

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Amendment to BOZA Bylaws Article VII.

The vote was as follows:

YES: Members Vozos, Lewis, Horton, Ford, and Bond
ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-CUP-0029

Request: Conditional Use Permit to allow a transitional home in the R-4 Residential Single-Family zoning district (LDC 4.2.55)
Project Name: Transitional Home
Location: 6014 Robinhood Ln
Applicant: John Flynn
Representative: John Flynn
Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin
Case Manager: Mark Pinto, Planner II

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

Agency Testimony:

00:08:12 Mark Pinto provided an overview of the request and presented a PowerPoint Presentation. Pinto responded to questions from Board Members (see recording for details)

The following spoke in favor of the request:

John Flynn, 4218 River Rd, Louisville, Ky 40207

Lawerance Massaquoi, 135 Shadow Rock Ct, Shepherdsville, KY 40615

Jeff Angel, 10803 Sparrow Circle, Louisville, KY 40118

Summary of testimony of those in support of the request:

00:13:37 John Flynn spoke in support of the proposal. Flynn explained the reason for the continuance and noted that he was the owner of the subject property. Flynn responded to questions from Board Members (see recording for details).

00:14:40 Lawerance Massaquoi spoke in support of the proposal. Massaquoi provided a detailed explanation of how House of Favor offers support to individuals requiring rehabilitation and outlined the criteria for eligibility. Massaquoi responded to questions from Board Members (see recording for details).

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00:26:02 Jeff Angel expressed his support for the proposal. Angel emphasized on the benefits House of Favor provides to the community and to individuals seeking recovery support. Angel indicated that parking would not present a concern, as only a limited number of residents are expected to have vehicles on the property. Angel responded to questions from Board Members (see recording for details).

00:29:28 Rachel Casey responded to questions from Board Members (see recording for details).

The following spoke in opposition to the request:

Ann Ramser, P.O. Box 14243, Louisville, KY 40214

Summary of testimony of those in opposition of the request:

00:33:12 Ann Ramser spoke in opposition to the proposal, expressing concerns about code violations affecting both the home and the property (see recording for details).

Rebuttal:

00:36:39 John Flynn spoke in rebuttal and stated that no additional information needed to be provided. Mr. Flynn stated that violations had been issued and that the associated fines have been paid (see recording for details).

Deliberation:

00:37:24 Board deliberation

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

Conditional Use Permit to allow a transitional home in the R-4 Single-Family Residential zoning district with relief from lettered standard 'F' (LDC 4.2.55).

00:55:08 On a motion by Member Ford, seconded by Member Lewis, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

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WHEREAS, the Board of Zoning Adjustment finds the proposal is consistent with the land use and development policies of Plan 2040. The proposed use advances the equitable distribution of community services and promotes neighborhoods that have access to the resources necessary to maintain health and well-being, including access to recovery and supportive services, and

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with the surrounding land uses and the general character of the area. The applicant has not proposed any exterior changes that would reduce its compatibility with the residential character of the surrounding area. The existing home is to remain, and no construction is proposed, and

WHEREAS, the Board of Zoning Adjustment finds all necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation are adequate to serve the proposed use are available or will be provided, and

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit, except where relief is requested from standard "F." The existing home is located closer than 30 feet to the side property lines. This is an existing site condition, and the applicant is not proposing any new construction. Therefore, relief is adequately justified from standard "F" given the location of the existing home. A management care plan and rules of conduct have been submitted describing how the site and program are to be managed; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow a transitional home in the R-4 Single-Family Residential zoning district with relief from lettered standard 'F' and testimony from April 20, 2026, meeting (LDC 4.2.55) **SUBJECT** to the following Conditions of Approval:

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

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3. The maximum number of occupants shall not exceed 6 on the entire subject site, unless prior approval is received by the Board of Zoning Adjustment.
4. The applicant shall initiate the licensing process as required by LMCO Chapter 115 and submit the required application(s) with the Department of Codes and Regulations within thirty (30) days of approval from the Board of Zoning Adjustment.
5. An active license for the Transitional Home, as required by LMCO Chapter 115, shall be maintained. No transitional housing may take place unless the license is active and in the name of the current operator and property owner. If the license is not renewed and lapses for six (6) months, or in the event of a change of ownership and/or operator, a new license is not issued within six (6) months from the date of the change, the conditional use permit shall become null and void. In order to recommence any Transitional Housing use, a new conditional use permit must be granted if required.

The vote was as follows:

YES: Members Vozos, Lewis, Horton, and Ford

NO: Member Bond

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-VARIANCE-0049

Request: Variance from Land Development Code (LDC) Table 5.2.2 to allow principal structures to encroach into the side yard setbacks.

Project Name: 737 S 17th St-Duplex

Location: 737 & 739 S 17th St

Applicant: Shannon Bright

Representative: Min Max Construction & Consulting, LLC

Jurisdiction: Louisville Metro

Council District: 4 – Ken Herndon

Case Manager: Mollie Share, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:57:03 Mollie Share provided an overview of the request and presented a PowerPoint Presentation. Share responded to questions from Board Members (see recording for details)

The following spoke in favor of the request:

Donald Taylor, 6618 Orchard Club Place, Louisville, KY 40291

Summary of testimony of those in support of the request:

01:00:52 Donald Taylor spoke in support of the proposal and noted that the setback meets the requirements of the Land Development Code and that the request does not disrupt the local character but rather enhances the area (see recording for details).

The following spoke in opposition to the request:

None

Deliberation:

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CASE NO. 26-VARIANCE-0049

01:02:32 Board deliberation

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

Variance from Land Development Code (LDC) Table 5.2.2 to allow principal structures to encroach into the side yard setbacks.

01:02:58 On a motion by Member Vozos, seconded by Member Horton, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety, or welfare, or cause a hazard or nuisance to the public because the proposed structure must be constructed to comply with all building codes and the Land Development Code except for the requested relief,

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as the proposed dwelling units will follow the Traditional Neighborhood form district site design standards. Additionally, there are other multi-family homes in the general vicinity that have similar setbacks to what is being proposed, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity or in the same zoning district as the subject properties are similar in size and shape to other properties in the area. However, given the fact that the lots in the area are so narrow, new development is extremely difficult without relief, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land and create unnecessary hardship. Adherence to the setback standards would not permit the applicant to build any residential structure, given the fact that the lot widths are 24 feet, and the setback requirement is 10 feet on each side. The applicant is left with 4 feet they are permitted to build on, which is not feasible for any development, and

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WHEREAS, the Board of Zoning Adjustment finds the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, as the applicant has requested the variance before obtaining building permits; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance from Land Development Code (LDC) Table 5.2.2 to allow principal structures to encroach into the side yard setbacks (**SY Internal Requirement 10ft, Request 0ft, Variance 10ft**), (**SY 737 External Requirement 10ft, Request 7.5ft, Variance 3.5ft**), (**SY 739 External Requirement 10ft, Request 9.67ft, Variance .33ft**)

The vote was as follows:

YES: Members Vozos, Lewis, Horton, Ford, and Bond

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-VARIANCE-0055

Request: Variance from Land Development Code Section 5.1.12.A.2.a to allow a parking lot to encroach in the front yard infill setback.

Project Name: Swig Parking Lot
Location: 6402 Bardstown Rd
Applicant: Noperl Indy LLC
Representative: Land Design & Development, Inc
Jurisdiction: Louisville Metro
Council District: 22 – Kevin Bratcher
Case Manager: Abby Bills, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

01:04:18 Abby Bills provided an overview of the request and presented a PowerPoint Presentation (see recording for details)

The following spoke in favor of the request:

Ted Bernstein, Land Design & Development, 503 Washburn Ave, Louisville, KY

Summary of testimony of those spoke in favor of the request:

01:06:08 Ted Bernstein spoke in support of the proposal and presented a PowerPoint presentation. Bernstein provided an overview of the development plan and elaborated on the existing conditions. Bernstein responded to questions from Board Members (see recording for details).

The following spoke in opposition to the request:

None

Deliberation:

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PUBLIC HEARING

CASE NO. 26-VARIANCE-0055

01:09:23 Board deliberation

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

Variance from Land Development Code Section 5.1.12.A.2.a to allow a parking lot to encroach in the front yard infill setback.

01:09:47 On a motion by Member Lewis, seconded by Member Ford, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public since the proposed parking lot is contained within the subject property and is not directly adjacent to any residential property. The proposed structure and parking lot will additionally be buffered from Bardstown Rd and will be required to comply with all applicable landscaping and screening requirements, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations because the location of the parking lot falls in line with the existing parking lots of the adjoining properties, including the properties that determine the infill setback. Therefore, the applicant is meeting the intent of the infill regulation despite the parking lot encroachment, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance arises from special circumstances which do not generally apply to the land in the general vicinity, or in the same zone. The subject site is subject to infill context that did not apply to the surrounding properties on the same block face, as these properties were developed before the block face reached the 50% occupation requirement in LDC 5.1.12.A.1., and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. Upholding the infill setback for the parking lot would be unnecessary as the proposal meets the intent of the infill standards, and compliance with the infill setback would deprive the applicant of developing a large portion of the site, and

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WHEREAS, the Board of Zoning Adjustment finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has requested the variance and construction has not yet begun; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code Section 5.1.12.A.2.a to allow a parking lot to encroach in the front yard infill setback (**Requirement 51ft, Request 16ft, Variance 35ft**).

The vote was as follows:

YES: Members Vozos, Lewis, Horton, Ford, and Bond

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-VARIANCE-0057

Request: Variance from Land Development Code Table 5.2.2 to allow a principal structure to encroach into the required side yard setback.

Project Name: Bowman Warehouse

Location: 2421 Bowman Ave

Applicant: Charles Allen

Representative: Architectural Investments

Jurisdiction: Louisville Metro

Council District: 15 – Jennifer Chappell

Case Manager: Catherine Gomez, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

01:10:34 Catherine Gomez provided an overview of the request and presented a PowerPoint presentation. Gomez responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

David Kuo, 222 S First St, Louisville, KY 40202

Summary of testimony of those in favor:

01:17:42 David Kuo spoke in support of the proposal. Kuo stated that the owner is seeking a variance to allow for the construction of a warehouse, with the intent that the property would subsequently be leased. Kuo noted that the existing structure on the property maintains the same setback from the property line as that proposed for the new structure. Kuo responded to questions from Board Members (see recording for details).

The following spoke in opposition to the request:

None

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Deliberation:

01:25:18 Board deliberation

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

Variance from Land Development Code (LDC) Table 5.2.2 to allow a principal structure to encroach into the required side yard setback.

01:26:06 On a motion by Member Lewis, seconded by Member Horton, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety, or welfare, or cause a hazard or nuisance to the public as the proposed structure will be constructed in accordance with applicable building codes to ensure safety and structural integrity, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as the general area follows the Traditional Neighborhood form district pattern of development. The Traditional Neighborhood Form District intends to promote development and redevelopment consistent and compatible with the distinct site and community design elements of a traditional neighborhood according to the Land Development Code. The proposed principal structure follows the same setbacks as similar industrial uses in the general vicinity, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity or in the same zone, because this lot is similar in size and shape to other lots in the surrounding area, which also feature similar setbacks, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as adherence to the setback standards would not permit the applicant to construct a permit use on a vacant

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lot. The applicant states that the lot is constrained in size and a smaller size warehouse to meet the setbacks would not be economically viable, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought as the applicant has requested the Variance prior to beginning construction; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance from Land Development Code (LDC) Table 5.2.2 to allow a principal structure to encroach into the required side yard setback (**SS Requirement 10ft, Request 4ft 4in, Variance 5ft 8in**) & (**NS Requirement 10ft, Request 5ft, Variance 5ft**)

The vote was as follows:

YES: Members Vozos, Lewis, Horton, Ford, and Bond

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 25-MCUP-0004

Request: Modified Conditional Use Permit for RU-2 Residential Housing in the Broadway sub-area of the SoBro Planned Development District (PDD).
Location: 200 W Broadway
Applicant: Student Success Housing
Representative: Sabak, Wilson, & Lingo
Jurisdiction: Louisville Metro
Council District: 4 – Ken Herndon
Case Manager: Mark Pinto, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

01:27:02 Mark Pinto provided an overview of the request and presented a PowerPoint presentation. Pinto responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Doug Sellers, Sabak, Wilson, & Lingo, 301 E Main St, Louisville, KY 40202

Julia Oderda, AIA VCBO Architecture, 524 S 600 E, Salt Lake City, UT 84102

Summary of testimony of those in favor:

01:35:40 Doug Sellers spoke in support of the proposal and presented a PowerPoint presentation. Sellers provided an overview of the development plans and provided visuals of the proposed elevation (see recording for details).

01:39:32 Julia Oderda spoke in support of the proposal. Oderda elaborated on the development plan and discussed the changes to the Conditional Use Permit. Oderda noted that a market study had been completed and found that students preferred a more dorm-style living arrangement (see recording for details).

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**The following spoke in opposition to the request:
None**

Deliberation:

01:42:16 Board deliberation

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

Modified Conditional Use Permit (MCUP) for RU-2 Residential Housing in the Broadway sub-area of the SoBro Planned Development District (PDD).

01:43:00 On a motion by Member Horton, seconded by Member Lewis, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040, and

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and appearance. The primary portion of the building at the corner of S 2nd Street and W. Broadway is to remain. The building addition is compliant with the building design standards of the SoBro PDD and conforms to the Downtown form district standards. The proposal would permit the adaptive reuse of the site to provide student housing and contribute to the diversity of housing types in the area, and

WHEREAS, the Board of Zoning Adjustment finds all necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation adequate to serve the proposed use are available or will be provided; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Modified Conditional Use Permit (MCUP) for RU-2 Residential Housing in

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the Broadway sub-area of the SoBro Planned Development District (PDD) **SUBJECT** to the following Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.

2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for RU-2 Residential Housing until further review and approval by the Board.

The vote was as follows:

YES: Members Vozos, Lewis, Horton, Ford, and Bond

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-MCUP-0004

Request: Modified Conditional Use Permit for an Off-Street Parking Area in the R-5 Single Family Residential Zoning District (LDC 4.2.39)
Location: 1971 Richmond Drive
Applicant: Sanctuary on Bardstown LLLP
Representative: Nick Pregliasco, Attorney
Jurisdiction: Louisville Metro
Council District: 8 – Ben Reno-Weber
Case Manager: Zack Jones, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

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

Agency Testimony:

01:55:07 Zack Jones provided an overview of the request and presented a PowerPoint presentation (see recording for details).

The following spoke in favor of the request:

Nick Pregliasco, Bardenwerper, Talbott, & Roberts, 1000 N Hurstbourne Pkwy, Louisville, KY 40223

Summary of testimony of those in favor:

01:57:52 Nick Pregliasco spoke in support of the proposal and presented a PowerPoint presentation. Pregliasco noted that the applicant is requesting to modify a conditional use permit pertaining to parking and would like to reduce parking spaces from 25 to 11. Pregliasco stated that once the parking area is reduced, the remaining space would allow for the creation of a buildable lot (see recording for details).

The following spoke in opposition to the request:

Herbet DeLeGal, 1958 Roanoke Ave, Louisville, KY 40205

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Summary of testimony of those in opposition:

02:02:12 Herbert DeLeGal spoke in opposition of the proposal and voiced his concerns pertaining to parking within the area (see recording for details).

Rebuttal:

02:05:55 Nick Pregliasco spoke in rebuttal and reiterated the proposed changes to the number of parking spaces (see recording for details).

Deliberation:

02:07:15 Board deliberation

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

Modified Conditional Use Permit (MCUP) for an Off-Street Parking Area in the R-5 Single Family Residential zoning district (Land Development Code 4.2.39).

02:08:38 On a motion by Member Lewis, seconded by Member Ford, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040, and

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and appearance. The site is located in an area that is in close proximity to the existing mixed-use building it serves on Bardstown Road. While there are residential properties within the vicinity, the impacts proposed are no greater than the last approval provided in 16CUP1045, and

WHEREAS, the Board of Zoning Adjustment finds all necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation adequate to serve the proposed use are available or will be provided, and

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WHEREAS, the Board of Zoning Adjustment finds the proposal complies with the standards and policies of the Comprehensive Plan and of the LDC 4.2.39 where this CUP is requested from. The subject property is within 200 feet of the site it serves. The proposed walls, fences, and plantings are complementary to the residential character of the area and complies with all setbacks. MSD and Public Works have preliminarily approved the proposal. Heavy truck storage and parking have not been proposed for the site. This proposal needs no relief from any of the subject policies; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Modified Conditional Use Permit (MCUP) for an Off-Street Parking Area in the R-5 Single Family Residential zoning district (Land Development Code 4.2.39) **SUBJECT** to the following Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for an Off-Street Parking Area until further review and approval by the Board.
3. A minor subdivision plat shall be recorded creating the lots as shown on the approved development plan. A note shall be placed on the face of plat indicating that Lot 1 shall not be further subdivided or developed for any other use and shall remain an Off-Street Parking Area or vacant land, unless there is a time the proposed Lot 1 is no longer substandard, or an allowable use is otherwise allowed by the zoning regulations.
4. Lot 1 shall not be developed for any other use without review and approval by this Board.

The vote was as follows:

YES: Members Vozos, Lewis, Horton, Ford, and Bond

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-CUP-0061

Request: Conditional Use Permit to allow a licensed health care provider office in a residential (R-5) zoning district with Waivers

Project Name: Healthcare Provider

Location: 1203 Larue Avenue

Applicant: The Bettys, LLC & The Zen Den, LLC

Representative: The Bettys, LLC & The Zen Den, LLC

Jurisdiction: Louisville Metro

Council District: 21 – Betsy Ruhe

Case Manager: Kaitlin Dever, AICP, Planner II

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

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

Agency Testimony:

02:09:43 Kaitlin Dever provided an overview of the request and presented a PowerPoint presentation (see recording for details).

The following spoke in favor of the request:

Kathryn Fischer, 2724 Lamont Rd, Louisville, KY 40205

Summary of testimony of those in favor:

02:13:13 Kathryn Fischer spoke in support of the proposal. Fischer stated that the structure will be designed to maintain the appearance of a single family home while offering a therapeutic interior environment. Fischer indicated that no signage is proposed for the property and that operations would occur during normal business hours. Fischer responded to questions from Board Members (see recording for details).

The following spoke in opposition to the request:

None

Deliberation:

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02:20:54 Committee deliberation

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

Conditional Use Permit to allow a licensed health care provider office in a residential (R-5) zoning district with relief from Items A and B (LDC 4.2.20).

02:21:18 On a motion by Member Lewis, seconded by Member Horton, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the proposal does not conflict with the applicable policies of the Comprehensive Plan, and

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and appearance since no changes to the exterior of the property are being proposed which reduce compatibility with the existing neighborhood pattern, and

WHEREAS, the Board of Zoning Adjustment finds the subject property is served by existing public utilities and facilities, and

WHEREAS, the Board of Zoning Adjustment finds the applicant is requesting a conditional use permit (CUP) to allow a licensed health care provider office within the existing structure on the property for a professional mental health therapy practice staffed by four (4) employees. The existing 1,671 square foot structure exceeds the maximum permitted floor area and will require relief from Item A. No exterior site construction is proposed at this time. The size of the structure is an existing condition; therefore, the proposal will maintain the residential character of the nearby neighborhood in accordance with Item D while still being an appropriately located professional office use on the Preston Highway major arterial and commercial corridor. Five (5) off-street parking spaces are available behind the principal structure to serve the proposal in accordance with LDC Table 9.1.3B. The applicant also seeks relief from Item B of the conditional use permit to not provide a 5' wall or screen around the rear parking area due to an existing 10' sewer easement on the eastern property line. Any existing or future plantings or structures

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within the easement area are subject to removal by the applicable agency if utility work is required. Furthermore, the applicant's proposed hours of operation Monday through Friday from 9am to 6pm sufficiently mitigate the need to significantly screen vehicle headlights in the rear parking area as the business will be closed before dusk. In lieu of the 5' screening provision, the applicant will meet the standard 3' evergreen screening requirement in the 5' VUA LBA at the perimeter of the rear parking pad to the existing garage per Chapter 10 of the LDC with the exception of the easement area. The applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit, including where relief is necessary; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow a licensed health care provider office in a residential (R-5) zoning district with relief from Items A and B (LDC 4.2.20) **SUBJECT** to the following Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.

2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a licensed health care provider office without further review and approval by the Board.

The vote was as follows:

YES: Members Vozos, Lewis, Horton, Ford, and Bond

ABSENT: Member Rodriguez

Waiver from Land Development Code (LDC) Section 10.2.4 to eliminate the required 35' property perimeter landscape buffer area (LBA) at the eastern property line (Waiver #1, 26-WAIVER-0050).

Waiver from LDC Section 10.2.8 to reduce the required street trees from 11 to 5 Type C trees on the Preston Hwy frontage (Waiver #2, 26-WAIVER-0050).

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Waiver from LDC Section 10.2.10 to eliminate the required 5' vehicle use area (VUA) LBA at the eastern property line (Waiver #3, 26-WAIVER-0050).

02:22:18 On a motion by Member Lewis, seconded by Member Horton, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

(WAIVER 1) WHEREAS, the Board of Zoning Adjustment finds the waiver will not adversely affect adjacent property owners as the applicant is not proposing any new exterior site construction at this time. The existing residential character of the subject site is to remain in the interest of compatibility with the surrounding neighborhood. The existing 10' sewer easement provides a natural green space buffer between the subject site and the adjacent residential property to the east because any potential structures or plants would otherwise be subject to removal at the expense of the property owner if utility work were required, and

WHEREAS, the Board of Zoning Adjustment finds that Plan 2040 Community Form Goal 1, Policy 3.1.3 characterizes the neighborhood form district as predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. The neighborhood form may contain, at appropriate locations, neighborhood centers with a mixture of uses such as offices, retail shops, restaurants, and serves. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. Community Form Goal 1, Policy 4 calls to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Community Form Goal 1, Policy 7 seeks to locate higher intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. Community Form Goal 1, Policy 9 advocates for an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 11 states that setbacks, lot dimensions, and building heights must be compatible with those of nearby developments that meet Form District guidelines. Community Form Goal 2, Policy 2 encourages development of non-residential uses in designated activity centers provided that proposed uses, density, and design are compatible with adjacent uses and meets Form District guidelines. The applicant is seeking to reuse an existing residential structure as a professional office appropriately located on the Preston Highway major arterial and commercial corridor.

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Seeing as no new exterior site construction is proposed at this time, the request demonstrates and will maintain compatibility with the residential character of the surrounding neighborhood while providing services within an existing activity center. The existing 10' sewer easement provides a natural green space buffer between the subject site and the adjacent residential property to the east because any potential structures or plants would otherwise be subject to removal at the expense of the property owner if utility work were required, and

WHEREAS, the Board of Zoning Adjustment finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The existing home, accessory structure, and parking pad comprise nearly the full required 35' property perimeter LBA. Due to the existing 10' sewer easement, a reduction in the LBA would be ineffective as plantings within easement areas are subject to removal at the expense of the property owner if utility work were required, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant. The existing home, accessory structure, and parking pad comprise nearly the full required 35' property perimeter LBA. Due to the existing 10' sewer easement, a reduction in the LBA would be ineffective as plantings within easement areas are subject to removal at the expense of the property owner if utility work were required, and

(WAIVER 2) WHEREAS, the Board of Zoning Adjustment finds the waiver will not adversely affect adjacent property owners as it is internal to the site, and

WHEREAS, the Board of Zoning Adjustment finds that Plan 2040 Community Form Goal 1, Policy 3.1.3 characterizes the neighborhood form district as predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. The neighborhood form may contain, at appropriate locations, neighborhood centers with a mixture of uses such as offices, retail shops, restaurants, and serves. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. Community Form Goal 1, Policy 4 calls to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Community Form Goal 1, Policy 7 seeks to locate higher intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. Community Form Goal 1, Policy 9 advocates for an appropriate transition between uses that are substantially different in scale and intensity or density of development. The

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transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 11 states that setbacks, lot dimensions, and building heights must be compatible with those of nearby developments that meet Form District guidelines. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas roadway corridors, and public spaces. Community Form Goal 2, Policy 2 encourages development of non-residential uses in designated activity centers provided that proposed uses, density, and design are compatible with adjacent uses and meets Form District guidelines. The applicant is seeking to reuse an existing residential structure as a professional office appropriately located on the Preston Highway major arterial and commercial corridor. Seeing as no new exterior site construction is proposed at this time, the request demonstrates and will maintain compatibility with the residential character of the surrounding neighborhood while providing services within an existing activity center. To the extent possible as a result of existing utility constraints on the subject site, the applicant has committed to providing 5 small Type C Street trees that will not interfere with the overhead utilities, which will still provide a net benefit to the community compared to existing conditions on Preston Highway, and

WHEREAS, the Board of Zoning Adjustment finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant due to the presence of overhead utilities, utility anchors on site, as well as the distance between the public sidewalk and existing driveway which severely limit the available space on site to provide the full street tree requirement, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant. The presence of overhead utilities, utility anchors on site, as well as the distance between the public sidewalk and existing driveway which severely limit the available space on site to provide the full street tree requirement. If the applicant were to reduce the width of the existing driveway, it would impede vehicular circulation to and from the rear parking pad and cause financial hardship disproportionate to the impact of the proposal. To the extent possible as a result of these constraints, the applicant has committed to providing 5 small Type C Street trees that will not interfere with the overhead utilities, which will still provide a net benefit to the community compared to existing conditions on Preston Highway, and

(WAIVER 3) WHEREAS, the Board of Zoning Adjustment finds the waiver will not adversely affect adjacent property owners as the applicant is not proposing any new exterior site construction at this time. The existing residential character of the subject site

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is to remain in the interest of compatibility with the surrounding neighborhood. The existing 10' sewer easement provides a natural green space buffer between the subject site and the adjacent residential property to the east because any potential structures or plants would otherwise be subject to removal at the expense of the property owner if utility work were required. The applicant's proposed hours of operation Monday through Friday from 9am to 6pm sufficiently mitigate the need to significantly screen vehicle headlights in the rear parking area as the business will be closed before dusk. The applicant will otherwise provide the required 3' evergreen screening around the remainder of the 5' VUA LBA at the perimeter of the rear parking pad in accordance with LDC Chapter 10, and

WHEREAS, the Board of Zoning Adjustment finds that Plan 2040 Community Form Goal 1, Policy 3.1.3 characterizes the neighborhood form district as predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. The neighborhood form may contain, at appropriate locations, neighborhood centers with a mixture of uses such as offices, retail shops, restaurants, and serves. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. Community Form Goal 1, Policy 4 calls to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Community Form Goal 1, Policy 7 seeks to locate higher intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. Community Form Goal 1, Policy 9 advocates for an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 11 states that setbacks, lot dimensions, and building heights must be compatible with those of nearby developments that meet Form District guidelines. Community Form Goal 2, Policy 2 encourages development of non-residential uses in designated activity centers provided that proposed uses, density, and design are compatible with adjacent uses and meets Form District guidelines. The applicant is seeking to reuse an existing residential structure as a professional office appropriately located on the Preston Highway major arterial and commercial corridor. Seeing as no new exterior site construction is proposed at this time, the request demonstrates and will maintain compatibility with the residential character of the surrounding neighborhood while providing services within an existing activity center. The existing 10' sewer easement provides a natural green space buffer between the subject site and the adjacent residential property to the east because any potential structures or

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plants would otherwise be subject to removal at the expense of the property owner if utility work were required, and

WHEREAS, the Board of Zoning Adjustment finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. Due to the existing 10' sewer easement overlapping with the required 5' VUA LBA, even a reduction in the LBA would be ineffective as plantings within easement areas are subject to removal at the expense of the property owner if utility work were required, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant. Due to the existing 10' sewer easement overlapping with the required 5' VUA LBA, even a reduction in the LBA would be ineffective as plantings within easement areas are subject to removal at the expense of the property owner if utility work were required; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested **(1)** Waiver from Land Development Code (LDC) Section 10.2.4 to eliminate the required 35' property perimeter landscape buffer area (LBA) at the eastern property line, **(2)** Waiver from LDC Section 10.2.8 to reduce the required street trees from 11 to 5 Type C trees on the Preston Hwy frontage, and **(3)** Waiver from LDC Section 10.2.10 to eliminate the required 5' vehicle use area (VUA) LBA at the eastern property line.

The vote was as follows:

YES: Members Vozos, Lewis, Horton, Ford, and Bond

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-CUP-0055

Request: Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner.
Project Name: Short Term Rental
Location: 3184 S 3rd Street
Applicant: Daniel Bowling
Representative: Daniel Bowling
Jurisdiction: Louisville Metro
Council District: 15 – Jennifer Chappell
Case Manager: Rachel Casey, AICP, Planning Supervisor

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

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

Agency Testimony:

02:23:21 Rachel Casey provided an overview of the request and presented a PowerPoint presentation. Casey responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Daniel Bowling, 3608 Graham Rd, Louisville, KY 40207

Summary of testimony of those in favor:

02:29:08 Daniel Bowling spoke in support of the proposal and mentioned he was available for questions. Bowling responded to questions from Board Members (see recording for details).

The following spoke in opposition to the request:

None

Deliberation:

02:32:07 Committee deliberation

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PUBLIC HEARING

CASE NO. 26-CUP-0055

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

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63).

02:32:32 On a motion by Member Ford, seconded by Member Lewis, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the proposal is consistent with the applicable policies of the Comprehensive Plan, and

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area, including considerations such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and overall appearance. As no exterior modifications to the property are proposed, the existing compatibility with the neighborhood will be maintained, and

WHEREAS, the Board of Zoning Adjustment finds the Adequate on-site and off-site public facilities, including transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation, are available to support the proposed use, and

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated, or will be required to demonstrate, compliance with each of the lettered standards for a Conditional Use Permit. The proposed short-term rental will not be located within 600 feet of another short-term rental with an approved Conditional Use Permit, nor within 600 feet of any OR, OR-1, or OR-2 zoned property operating as a non-conforming short-term rental without the required owner occupancy. The principal structure contains five (5) bedrooms, limiting maximum occupancy to twelve (12) guests; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the owner **SUBJECT** to the following Conditions of Approval:

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1. The conditional use permit for this short term rental approval shall allow up to five (5) bedrooms, with a maximum of twelve (12) guests. 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. Prior to commencement of any short term rental on the subject property, the owner 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 vote was as follows:

YES: Members Vozos, Lewis, Horton, Ford, and Bond

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-CUP-0056

Request: Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner.
Project Name: Short Term Rental
Location: 3173 S 3rd Street
Applicant: David Tang
Representative: David Tang
Jurisdiction: Louisville Metro
Council District: 15 – Jennifer Chappell
Case Manager: Rachel Casey, AICP, Planning Supervisor

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

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

Agency Testimony:

02:33:30 Rachel Casey provided an overview of the request and presented a PowerPoint presentation. Casey responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

David Tang, 4811 S 6th St, Louisville, KY 40214

Summary of testimony of those in favor:

02:39:48 David Tang spoke in support of the proposal. Tang noted that there are valid grounds for granting relief for the rental based on the unique characteristics of the property and the surrounding area. Tang noted that the subject property is directly adjacent to properties with commercial and other non-residential uses. Tang stated that an arterial roadway serves as a buffer between his property and a short term rental with the same vicinity. Tang responded to questions from Board Members (see recording for details).

The following spoke in opposition to the request:

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Ann Ramser, P.O. Box 14243, Louisville, KY 40214

Summary of testimony of those in opposition:

02:47:52 Ann Ramser spoke in opposition of the proposal and voiced her concern pertaining to affordable housing within the area (see recording for details).

Rebuttal:

02:49:02 David Tang spoke in rebuttal and reiterated that the short term rental would not affect affordable housing within the area of the subject property (see recording for details).

Deliberation:

02:55:57 Committee deliberation

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

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63).

02:56:42 On a motion by Member Ford, seconded by Member Horton, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds that because the 600 ft separation requirement is not met, the proposal is not consistent with policies of the Comprehensive Plan. Housing Goal 3 seeks to ensure long-term affordability and livable options in neighborhoods, with expanded opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro. The 600-foot separation requirement is in place to support these Housing Goals and to prevent an overabundance of short term rentals in an area, which can lead to scarcity in the housing supply and increased rent or purchase prices for existing homes, and

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WHEREAS, the Board of Zoning Adjustment finds that because the 600 ft separation requirement is not met, the request does not comply with Land Development Code Section 4.2.63(D) and will require relief. Based on the number of short term rentals in the general area, the Board does not believe that relief is justified because it would result in an overconcentration of short term rentals; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the Conditional Use Permit to allow a short term rental of a swelling unit that is not the primary residence of the owner.

The vote was as follows:

YES: Members Ford, Horton, and Bond

NO: Member Vozos

ABSENT: Member Rodriguez

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PUBLIC HEARING

CASE NO. 26-CUP-0073

Request: Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner
Project Name: Short Term Rental
Location: 5710 Southern Pkwy
Applicant: Marytodd Gagel
Representative: Marytodd Gagel
Jurisdiction: Louisville Metro
Council District: 21 – Besty Ruhe
Case Manager: Catherine Gomez, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

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

Agency Testimony:

02:58:18 Catherine Gomez provided an overview of the request and presented a PowerPoint presentation. Gomez responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Mary Gagel, 4516 Southcrest Dr, Louisville, KY 40215

Summary of testimony of those in favor:

03:00:43 Mary Gagel spoke in support of the proposal. Gagel noted that the short term rental would be available up to four guests due to the home being two bedrooms and one bath. Gagel noted that the parking area would be large enough to provide space up to six vehicles and that no vehicles are allowed to park along the bridle path located in front of the property. Gagel responded to questions from Board Members (see recording for details).

The following spoke in opposition to the request:

None

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PUBLIC HEARING

CASE NO. 26-CUP-0073

Deliberation:

03:06:42 Committee deliberation

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

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63).

03:06:56 On a motion by Member Vozos, seconded by Member Lewis, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the proposal is consistent with the applicable policies of the Comprehensive Plan, and

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area, including considerations such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and overall appearance. As no exterior modifications to the property are proposed, the existing compatibility with the neighborhood will be maintained, and

WHEREAS, the Board of Zoning Adjustment finds that adequate on-site and off-site public facilities, including transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation, are available to support the proposed use, and

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated, or will be required to demonstrate, compliance with each of the lettered standards for a Conditional Use Permit. The proposed short-term rental will not be located within 600 feet of another short-term rental with an approved Conditional Use Permit, nor within 600 feet of any OR, OR-1, or OR-2 zoned property operating as a non-conforming short-term rental without the required owner occupancy. The principal structure contains two (2) bedrooms, allowing a maximum occupancy of six (6) guests. Off-street parking will be provided via an existing rear alley and the detached garage on the property; now, therefore be it.

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RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63) **SUBJECT** to the following Conditions of Approval:

1. The conditional use permit for this short term rental approval shall allow up to two (2) bedrooms (with a maximum of six (6) 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. Prior to commencement of any short term rental on the subject property, the owner 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 vote was as follows:

YES: Members Vozos, Lewis, Horton, Ford, and Bond

ABSENT: Member Rodriguez

**BOARD OF ZONING ADJUSTMENT
MINUTES
JUNE 1, 2026**

PUBLIC HEARING

CASE NO. 26-CUP-0078

Request: Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner
Project Name: Short Term Rental
Location: 2014 S Preston Street
Applicant: Kelly Rawalt
Representative: Kelly Rawalt
Jurisdiction: Louisville Metro
Council District: 15 – Jennifer Chappell
Case Manager: Sydney Fawcett, Planner I

A notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by applicants.

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

Agency Testimony:

03:07:51 Sydney Fawcett provided an overview of the request and presented a PowerPoint presentation (see recording for details).

The following spoke in favor of the request:

Kelly Rawalt, 2014 S Preston St, Louisville, KY 40217

Summary of testimony of those in favor:

03:10:23 Kelly Rawalt spoke in support of the proposal. Rawalt noted that the short term rental would be separate from her primary residence and would have its own dedicated entrance. Rawalt indicated that she would be responsible for managing the short rental, including cleaning the property following each renters stay. Rawalt responded to questions from Board Members (see recording for details).

03:12:17 Rachel Casey responded to questions from Board Members (see recording for details).

The following spoke in opposition to the request:

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Ann Ramser, P.O. Box 14243, Louisville, KY 40214

Summary of testimony of those in opposition:

03:13:24 Ann Ramser spoke in opposition of the proposal and voiced her concern pertaining to the size of the bedrooms (see recording for details).

03:16:43 Rachel Casey and Joe Haberman responded to questions from Board Members (see recording for details).

Rebuttal:

03:22:05 Kelly Rawalt spoke in rebuttal. Rawalt stated that most of the windows in the home have been replaced and confirmed that all rooms meet adequate spacing requirements. Rawalt responded to questions from Board Members (see recording for details).

Deliberation:

03:23:34 Committee deliberation

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

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63).

03:24:01 On a motion by Member Ford, seconded by Member Horton, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the proposal is consistent with the applicable policies of the Comprehensive Plan, and

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and appearance

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since no changes to the exterior of the property are being proposed which reduce compatibility with the area, and

WHEREAS, the Board of Zoning Adjustment finds that necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation adequate to serve the proposed use are available, and

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63) **SUBJECT** to the following Conditions of Approval:

1. The conditional use permit for this short-term rental approval shall allow up to three (3) bedrooms with a maximum of eight (8) 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/guests.
2. Prior to the commencement of any short-term rental on the subject property, the owner 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.
3. The owner shall act as host and maintain their primary residency within a dwelling unit on the subject property. If the owner does not maintain their primary residency within a dwelling unit on the subject property, the short term rental must cease.

The vote was as follows:

YES: Members Vozos, Lewis, Horton, Ford, and Bond

ABSENT: Member Rodriguez

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ADJOURNMENT

The meeting adjourned at approximately 4:25 p.m.

Chair

Planning Director