

Board of Zoning Adjustment

Staff Report

June 29, 2026



Case No:	26-CUP-0083
Project Name:	Accessory Dwelling Unit CUP
Location:	4561 South 3 rd Street
Applicant:	Zachariah Saleh
Representative:	Zachariah Saleh
Jurisdiction:	Louisville Metro
Council District:	21 – Betsy Ruhe
Case Manager:	Jude Mattingly, Planner II

REQUEST(S)

- **Conditional Use Permit** to allow an Accessory Dwelling Unit (ADU) in R-5 zoning that does not meet the provisions of Section 4.3.27 of the Land Development Code (LDC 4.2.3)

CASE SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU) in R-5 zoning and a Traditional Neighborhood form district. ADUs in compliance with the special standards of Louisville Metro Land Development Code (LDC) section 4.3.27 can be approved at staff level. If one or more standards are not met a CUP is required. The subject property is located north of the South 3rd Street and West Wellington Avenue intersection and is currently developed with a single-family residential structure and detached garage containing the ADU.

The applicant has indicated that the ADU is 600 sq. ft and the intention is to offer the space to a long-term tenant.

STAFF FINDING

Item “J” in LDC section 4.3.27 requires the property owner to reside within either the principal or accessory dwelling unit on site. The property owner once resided within the main structure but has since established residency at a different property within Louisville Metro and would like to be able to offer both units as long term rentals.

TECHNICAL REVIEW

Land Development Code; Comprehensive Plan 2040

- *1.2.2 Dwelling Unit, Accessory (ADU):* A smaller, secondary dwelling unit located on the same lot as a principal dwelling. ADUs provide complete, independent living facilities (which at a minimum includes permanent provisions for living, sleeping, eating, cooking and sanitation which are accessed independently). The ADU shall not constitute a dwelling unit for the purposes of calculating permissible density. There are two types of ADUs:

(a) Attached ADUs which are connected to or part of the principal dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.

(b) Detached ADUs which are separate accessory structures from the principal dwelling. Examples include converted garages or new construction

- 4.2.3 *Accessory Dwelling Unit (ADU) CUP*: Accessory dwelling units that do not meet the provisions of Section 4.3.27 may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and UN districts upon the granting of a conditional use permit and compliance with listed requirements.

- 4.3.27 *Accessory Dwelling Unit (ADU) Permitted with Special Standards*: Accessory dwelling units may be permitted in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and UN districts that permit residential use in accordance with the applicable standards.

INTERESTED PARTY COMMENTS

No interested party comments have been received at the time of publishing this staff report.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: Yes, the proposal is consistent with applicable policies of the Comprehensive Plan. The subject site is located within a Traditional Neighborhood form district which encourages a significant range of housing opportunities. Housing Goal 1, Policy 1 reiterates the encouragement of housing types including accessory residential structures. Housing Goal 1, Policy 3 calls for the development of a variety of housing types to meet the needs of all residents by offering a supply of affordable and physically accessible housing. Housing Goal 3, Policy 3 encourages accessory apartments to increase the production of fair and affordable housing.

2. Is the proposal 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?

STAFF: Yes, the proposal is compatible with surrounding land uses and the general character of the area. The detached garage where the ADU is located is compliant with the height and setback requirements of the LDC and as a result no variances or waivers are associated with this request. The property owner has provided off-street parking and there is on-street parking available in the immediate area. There are a mix of higher density residential zoning (R-6 and R-7) in the general vicinity.

3. Are 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?

STAFF: Yes, 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. Agency comments have been received and resolved prior to a public hearing.

4. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

4.2.3 Accessory Dwelling Unit (ADU):

Accessory dwelling units that do not meet the provisions of Section 4.3.27 may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and UN districts upon the granting of a conditional use permit and compliance with listed requirements.

- A. All special standards outlined within Section 4.3.27 are met unless relief is granted by the Board. Applications requesting relief from special standards in Section 4.3.27 shall provide written justification demonstrating the reasons why relief should be granted and how such relief would retain the accessory nature of the dwelling unit

4.3.27 Accessory Dwelling Units (ADUs) Permitted with Special Standards:

Accessory dwelling units may be permitted in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and UN districts that permit residential use in accordance with the following standards:

- A. One ADU, either attached or detached is permitted per single family dwelling per lot
- B. Maximum ADU size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.
- C. Location Requirements:
 - 1: For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or behind the principal structure.
 - 2: For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side of behind the principal structure.
- D. ADU Access:
 - 1: For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure.
 - 2: For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.
- E. Maximum Height:
 - 1: For an attached ADU, the maximum height shall not exceed the height of the principal structure.
 - 2: For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with Chapter 5 of the LDC. The maximum height shall not exceed the height of the principal structure.
- F. ADUs approved under this provision shall not be used as a short term rental.
- G. Any property that has been subject to a zoning, property maintenance, or building code violation(s) in the 12 months prior to application shall be reviewed and approved by the directors of Planning & Design Services and Codes & Regulations, or their designees.

Any violations shall be resolved prior to approval.

- H. Off-street parking shall meet the requirements of Chapter 9 of the LDC
- I. ADUs that include new construction that results in habitable floor area (for example, additions to principal structures or new accessory structures) shall not be allowed on any areas of lots that contain environmental constraints (LDC Section 4.6.2.A)
- J. The owner of the property shall reside within either the principal or the accessory dwelling unit.
- K. To avoid any confusion, since there is no language to the contrary, this section does not override any deed restriction or homeowners' association declarations restricting accessory dwelling units.

STAFF: Relief from item J will be required. The owner occupied requirement was included by Metro Council during the LDC amendments concerning ADUs in 2021, with the ability to waive the provision through a CUP review. The subject property has not been the subject of any enforcement violations or reports at the time of publishing this staff report. The ADU provides a different form of housing that is of quality in an area more than capable of integrating the use.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Conditional Use Permit** to allow an **Accessory Dwelling Unit** with relief from item J in a R-5 zoning district.

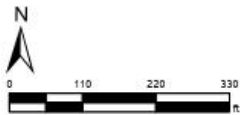
NOTIFICATION

Date	Purpose of Notice	Recipients
06/09/2026	Hearing before BOZA	1 st and 2 nd tier adjoining property owners and current residents
06/15/2026		Registered Neighborhood Groups in Council District 21
06/12/2026	Hearing before BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Conditions of Approval

1. Zoning Map



Zoning Map

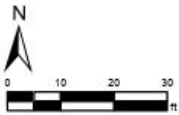
Monday, June 15, 2026 | 1:55 PM



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2. Aerial Photograph



Aerial Photograph

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This map is not a legal document and should only be used for general reference and identification.

3. Proposed 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 Accessory Dwelling Unit (ADU) without further review and approval by the Board.
3. Within 60 days, the property owner shall contact Louisville Metro Emergency Services to have a unique address assigned to the accessory dwelling unit.