

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT
JUNE 15, 2026**

A regular meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, June 15, 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
Jan Horton
Yani Vozos
Miguel Rodriguez
Keon Scott

Board Members Absent:

Brandt Ford

Staff Members Present:

Brian Davis, Planning Director
Julia Williams, Assistant Planning Director
Laura Ferguson, Assistant County Attorney
Joseph Haberman, Planning Manager
Mark Pinto, Planner II
Zack Schwager, Planner I
Catherine Gomez, Planner I
Abby Bills, Planner I
Haritha Gurivindapalli, Management Assistant

The following matters were considered:

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00:03:45 Keon Scott was sworn in as a member of the Board of Zoning Adjustment by the Assistant County Attorney.

APPROVAL OF MINUTES

JUNE 1, 2026, BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:04:47 On a motion by Member Horton, seconded by Member Lewis, the following resolution was adopted:

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the June 1, 2026, Board of Zoning Adjustment meeting.

The vote was as follows:

YES: Members Vozos, Horton, Lewis, and Bond

ABSTAIN: Members Rodriguez and Scott

ABSENT: Member Ford

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PUBLIC HEARING

CASE NO. 26-VARIANCE-0043

Request: Variance from Land Development Code Section 5.1.12.B.2.e.i.1 to allow two (2) accessory structures to encroach in the front and street side yard infill setbacks. Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence to exceed 48 inches in the front and street side yard infill setbacks.

Project Name: Terudon Dr Fence & Accessory Structures
Location: 1201 Terudon Dr
Applicant: Michel Acosta
Representative: Michel Acosta
Jurisdiction: Louisville Metro Government
Council District: District 12 – Jonathan Joseph
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:

00:05:35 Abby Bills provided an overview of the request and presented a PowerPoint Presentation. Bills responded to questions from Board Members (see recording for details)

The following spoke in favor of the request:

Michel Acosta, 1201 Terudon Drive, Louisville, KY 40214

Summary of testimony of those in support of the request:

00:10:20 Michel Acosta stated that the 6-foot fence and shed were constructed on the side of the lot due to lack of backyard space and to align with existing other structures in the neighborhood. The fence serves as a necessary safety barrier against a high- traffic roadway, following severe security incidents including an attempted vehicle theft. Acosta stated that shed functions as a storage unit for tools and property maintenance

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equipment. Acosta responded to questions from Board Members (see recording for details)

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

Deliberation:

00:13:40 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.

Variances:

00:15:20 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:

1. Variance from Land Development Code Section 5.1.12.B.2.e.i.1 to allow two (2) accessory structures to encroach in the front and street side yard infill setbacks. Front Yard Infill Setback (Requirement 30-40', Request 3', Variance 27'). Streetside Yard Infill Setback (Requirement 40', Request 21', Variance 19').

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, as the accessory structures are screened from view partially by the existing fence, and partially by existing landscaping adjacent to Manslick Rd, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will alter the essential character of the general vicinity, as there are no other residential properties along Manslick Rd and Terudon Dr with accessory structures encroaching in infill setbacks. However, the request will not allow an unreasonable circumvention of the requirements, as the subject lot is oriented in a unique way that justifies the location of the accessory structures, 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

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in the same zone. The subject site is a corner lot with the front property line facing the minor arterial Manslick Rd, rather than the local Terudon Dr where all other front property lines are facing. For this reason, the applicant has significantly less space to place structures in the side and rear yards compared to the neighboring properties, 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, as the applicant has already constructed the buildings that the variance is being requested for. Additionally, as the orientation of the lot is unique to the vicinity and the applicant has reduced space in the side and rear yards, there is little to no area for the structures to be moved into a complaint location, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has constructed both accessory structures; now, therefore be it.

2. Variance from Land Development Code Section 4.4.3.A.1.a.i to allow a fence to exceed 48 inches in the front and street side yard infill setbacks. Front & Street Side Yard Infill Setback (Requirement 48", Request 72", Variance 24").

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, as the existing fence is internal to the site and does not impede the safe movement of vehicles along either street, 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 fence is largely screened from view along Manslick Rd and Terudon Dr by existing landscaping, 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. Because the subject site is a corner lot and has a street side yard, it is unlike most properties in the vicinity. Most properties along Terudon Dr would be permitted to construct a 72 inch fence on the side of their house, and

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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, as the fence has already been constructed. Additionally, due to the unique orientation of the applicant's lot and house, strict application of the provisions would deprive the applicant of having a 6' fence on nearly the entire parcel, which would not be the case for a typical lot on this street, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, as the fence is existing on site; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance (1) from Land Development Code Section 5.1.12.B.2.e.i.1 to allow two (2) accessory structures to encroach in the front and street side yard infill setbacks. Front Yard Infill Setback (**Requirement 30-40', Request 3', Variance 27'**). Streetside Yard Infill Setback (**Requirement 40', Request 21', Variance 19'**) and Variance (2) from Land Development Code Section 4.4.3.A.1.a.i to allow a fence to exceed 48 inches in the front and street side yard infill setbacks. Front & Street Side Yard Infill Setback (**Requirement 48", Request 72", Variance 24"**).

The vote was as follows:

YES: Members Vozos, Horton, Lewis, Rodriguez, Scott and Bond

ABSENT: Member Ford

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PUBLIC HEARING

CASE NO. 26-VARIANCE-0051

Request: Variances from Land Development Code (LDC) Section 5.3.1, Table 5.3.2 (Associated with 26-CAT2-0012).
Project Name: LeafSpring at Whipps Mill
Location: Whipps Mill Road (Parcel ID: #002105890000)
Applicant: LeafSpring Daycare
Representative: Dinsmore; Clifford Ashburner
Jurisdiction: Louisville Metro
Council District: District 18 – Marilyn Parker
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:

00:17:30 Mark Pinto provided an overview of the request and presented a PowerPoint Presentation. Pinto outlined the development plan, access, elevations, and variance exhibit. Pinto responded to questions from Board Members (see recording for details)

The following spoke in favor of the request:

Cliff Ashburner, 101 S 5th Street, Suite 2500, Louisville, KY 40202

Steve Porter, 3109 Westone Way, Louisville, KY 40241

Summary of testimony of those in support of the request:

00:24:30 Cliff Ashburner provided an overview of the request and presented a PowerPoint Presentation. Ashburner stated that the project meets all code requirements except for two small variances (a 3-foot height variance and a front-yard setback variance). Ashburner stated that the reworked design places the building in the non-floodplain area to address prior community concerns about traffic, access, and

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proximity to nearby homes. Ashburner responded to questions from Board Members (see recording for details)

00:34:00 Steve Porter representing the City of Bellemeade, expressed support for the revised childcare center plan, requesting only that the dumpster and a small portion of the driveway be shifted about 30 feet farther east to increase distance from nearby Bellemeade homes. Porter responded to questions from Board Members. (see recording for details).

The following spoke in opposition to the request:

Daniel Auter, 8808 Perry Road, Louisville, KY 40222

Summary of testimony of those in opposition of the request:

00:38:00 Daniel Auter spoke in opposition to the proposal, raised concerns that the proposed building height still exceeds code even with the variance, questions whether the existing grove of trees which an important buffer for nearby residents, will be preserved. Auter worried about operational hours, potential light pollution, asking for commitments to dark-sky lighting and limits on nighttime illumination. Auter also requested clarification on long-term maintenance and oversight of the underground stormwater detention system. (See recording for details).

Rebuttal:

00:43:30 Cliff Ashburner responded that keeping the current location minimizes environmental impact and preserves tree canopy. Ashburner addressed issues such as building height meets the code regulations, downward-directed and minimal after hours lighting, required maintenance agreements for drainage, and parking needs for the childcare use. Ashburner also noted operational details, operating hours from 7 a.m. to 7 p.m., capacity up to 192 children and stated that features like the dumpster and storm outlet are intentionally placed to reduce visibility and disruption. Ashburner responded to questions from Board Members. (see recording for details)

Deliberation:

00:52:00 Board deliberation

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00:53:00 On a motion by Member Horton, seconded by Member Rodriguez, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

Variance from Land Development Code (LDC) Section 5.3.1, Table 5.3.2 to allow the proposed building to exceed the 80 ft. maximum front yard setback by 494 ft. Front Yard Infill Setback (Requirement 80', Request 574', Variance 494').

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 because the proposal will be required to comply with all applicable building and fire code regulations. The proposed buildings, parking, and landscaping are within the subject property and do not encroach into the right-of-way or adjacent, residential properties. Given the proposed building setback, there is not a sight distance issue for vehicles and pedestrians travelling along Old Whipps Mill and Whipps Mill Road, 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. Residential properties are located across the street along Whipps Mill and Old Whipps Mill Road. The requested variance to exceed the maximum setback would permit the proposed building to be located a greater distance away from adjacent residential property, thereby reducing the visible impact of the proposal on adjacent, lower-intensity residential properties, 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 not developed residentially and is significantly larger than other R-4, Neighborhood form district properties that are adjacent. Also, the site has environmental concerns such as the floodplain, floodway, existing mature tree canopy, and a protected waterway, 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, as the front yard setback would require

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the proposed building to be located closer to adjacent R-4, single-family residences. This area of the site is located primarily within the City of Lyndon zoning jurisdiction, which would not permit the request as currently proposed. This portion of the site is green space which could be preserved as open space with the requested variance for the building to be constructed elsewhere on the site. Environmental constraints are present on the property consisting of the floodplain, floodway, mature tree canopy, and a protected waterway. The strict application of the setback requirement could disrupt existing environmental features on site, and

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.

**Variance from LDC Section 5.3.1, Table 5.3.2 to allow the proposed building to exceed the 30 ft. maximum building height by 3 ft.
Building Height (Requirement 30', Request 33', Variance 3')**

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 because the proposal will be required to comply with all applicable building and fire code regulations. The building is located a significant distance from property lines that are adjacent to existing single-family residential properties that are mostly one-story. The existing zoning district is R-4, which does not permit land uses that are potentially hazardous, as potentially hazardous and nuisance uses generally require industrial zoning or additionally a conditional use permit, 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. The requested variance is to exceed the maximum permitted height by 3 ft, which appears to be primarily due to the gable roof style, which adds architectural value to the proposed building. The increased setback from adjacent properties and Old Whipps Mill Road should reduce the visual impact of the proposed building on nearby residential properties. The site across Old Whipps Mill is developed with the University of Louisville Shelby Campus, within the Campus Form District, and comprised of office buildings that exceed three stories. The Campus form district has a maximum permitted height of 150 ft, and

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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 not developed residentially and is significantly larger than other R-4, Neighborhood form district properties that are adjacent, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provision of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship since the proposed building height could be reduced by 3 ft. to meet the maximum permitted building height. However, this could reduce the architectural interest of the building, and

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 Variance **(1)** from Land Development Code (LDC) Section 5.3.1, Table 5.3.2 to allow the proposed building to exceed the 80 ft. maximum front yard setback by 494 ft. Front Yard Infill Setback (**Requirement 80', Request 574', Variance 494'**) and Variance **(2)** from LDC Section 5.3.1, Table 5.3.2 to allow the proposed building to exceed the 30 ft. maximum building height by 3 ft. Building Height. (**Requirement 30', Request 33', Variance 3'**).

The vote was as follows:

YES: Members Vozos, Horton, Lewis, Rodriguez, Scott, and Bond

ABSENT: Member Ford

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PUBLIC HEARING

CASE NO. 26-VARIANCE-0053

Request:	Variance to allow a structure to encroach into the required street side yard setback
Project Name:	Hycliffe Avenue Variance
Location:	3800 Hycliffe Avenue
Applicant:	Blake Buck & Kaitlin Cary
Representative:	SNDBX Design Collaborative
Jurisdiction:	St. Matthews
Council District:	District 9 – Andrew Owen
Case Manager:	Zach Schwager, 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:

00:54:20 Zach Schwager provided an overview of the request and presented a PowerPoint Presentation. Schwager responded to questions from Board Members (see recording for details)

The following spoke in favor of the request:

Chris Manzo, 139 N Bayly Avenue, Louisville, KY 40206

Summary of testimony of those in support of the request:

00:57:30 Chris Manzo spoke in support of the proposal and stated he was available to answer any questions on the owner's behalf. (See recording for details).

The following spoke in opposition to the request:

None

Deliberation:

00:58:25 Board deliberation

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Variance from St. Matthews Development Code Section 4.6.C.2.c to allow a structure to encroach into the required street side yard setback. Street Side Yard (Requirement 30', Request 15', Variance 15').

00:58:55 On a motion by Member Vozos, 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 requested variance will not adversely affect the public health, safety, or welfare, because the proposed structure would not impact vision clearance or any other public health or safety issue, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity as there are other structures in the area that encroach into street side yard setbacks, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance does not arise from circumstances which do generally apply to land in the general vicinity, or in the same zone as the subject property is similar to the neighboring properties, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land because the structure is proposed to have a similar setback to structures on adjacent properties, 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 regulation from which relief is sought as work has not begun on the proposed alterations for which the variance is being requested; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the Variance from St. Matthews Development Code Section 4.6.C.2.c to allow a structure to encroach into the required street side yard setback. Street Side Yard (Requirement 30', Request 15', Variance 15').

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The vote was as follows:

YES: Members Vozos, Horton, Lewis, Rodriguez, Scott, and Bond

ABSENT: Member Ford

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CASE NO. 26-VARIANCE-0060

Request: Variance from Land Development Code Section 5.3.2.C.2.b. to allow parking, a drive-thru lane, and dumpsters to encroach in the side yard setback. (26-VARIANCE-0060) Waiver of Land Development Code Section 10.2.10. to omit the VUA LBA along Belmont Rd and reduce the VUA LBA along Bardstown Rd. (26-WAIVER-0064)

Project Name: McDonalds Bardstown Rd
Location: 3340 Bardstown Rd
Applicant: Frank Metts Trust
Representative: STV Group, Inc.
Jurisdiction: Louisville Metro Government
Council District: District 10 – Josie Raymond
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.).

01:00:10 Member Lewis recused herself from the case:

Agency Testimony:

01:00:15 Abby Bills provided an overview of the request and presented a PowerPoint Presentation. Bills responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Michelle Gonsalves, 65 Aberdeen Drive, Glasgow, KY 42141

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

01:05:28 Michelle Gonsalves spoke in support of the proposal and explained that the McDonald's is being rebuilt after a 2023 fire. The new building follows modern McDonald's standards, keeps the same general site layout, slightly expands the footprint and parking,

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relocates the dumpster for better circulation, and maintains existing entrances and exits. Waivers are needed because the original site predated current landscape and circulation requirements. Gonsalves responded to questions from Board Members (see recording for details).

The following spoke in opposition to the request:

None

Deliberation:

01:11:10 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 5.3.2.C.2.b. to allow parking, a drive-thru lane, and dumpsters to encroach in the side yard setback. (26-VARIANCE-0060)

Side Yard Setback (Requirement 25', Request 5', Variance 20')

01:12:00 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 and will not cause a hazard or nuisance to the public because the building itself will not be encroaching in the setback, and the applicant will provide a 5' Landscape Buffer Area with appropriate screening between the parking lot and the residentially used property, 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. Most properties fronting the Bardstown Rd corridor are developed with high intensity commercial uses adjacent to residential properties in the rear. The majority of these commercial properties are not currently providing the required setback between their parking lots and the residential properties, similar to the subject site, and

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WHEREAS, the Board of Zoning Adjustment finds the requested variance does not arise from special circumstances which do not generally apply to the land in the general vicinity, or in the same zone, as there is a prevailing pattern of residential uses located behind the commercial corridor on either side of Bardstown Rd, similar to the subject site. However, this pattern of development generally does not include the required setbacks between commercial and residential uses, 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, as the proposal is not substantially different from the existing McDonalds property on site. Strict application of the provision would deprive the applicant of a large portion of the land that has previously been used for the same purpose, and

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 Variance from Land Development Code Section 5.3.2.C.2.b. to allow parking, a drive-thru lane, and dumpsters to encroach in the side yard setback. (**26-VARIANCE-0060**). Side Yard Setback (**Requirement 25', Request 5', Variance 20'**).

The vote was as follows:

YES: Members Vozos, Horton, Rodriguez, Scott, and Bond

RECUSED: Member Lewis

ABSENT: Member Ford

Waiver of Land Development Code Section 10.2.10. to omit the VUA LBA along Belmont Rd and reduce the VUA LBA along Bardstown Rd. (26-WAIVER-0064)

01:12:55 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 waiver will not adversely affect adjacent property owners, as there are no residential properties adjacent to the

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subject site along Belmont Rd or Bardstown Rd. Additionally, the applicant will be required to provide street trees along both Belmont Rd and Bardstown Rd in accordance with Chapter 10 of the LDC, which will provide screening for the adjacent commercial properties, meeting the intent of the regulation, and

WHEREAS, the Board of Zoning Adjustment finds the requested waiver will not violate specific guidelines of Plan 2040. Community Form Goal 1, Policy 4 seeks 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.” The majority of the adjacent commercial properties along Bardstown Rd do feature Landscape Buffer Areas where required. While the applicant is requesting to omit the LBA along Belmont and reduce the LBA along Bardstown, there will still be trees and sizeable buffers provided in the right of way along both frontages. Therefore, the proposal will be compatible with existing development despite the waivers to reduce buffers within the parcel.

Additionally, the desired pattern of development within the Suburban Marketplace Corridor features buildings set back from the roadway with parking lots in front. The proposed development falls in line with this pattern and will not violate the intent of the form district or comprehensive plan, and

WHEREAS, the Board of Zoning Adjustment finds the requested extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as the applicant is still providing nearly 40’ of greenspace in the right of way adjacent to Belmont Rd, and approximately 11’ of greenspace adjacent to Bardstown Rd, when combining the proposed 4.9’ buffer with about 6’ of greenspace in the right of way, and

WHEREAS, the Board of Zoning Adjustment finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived, as the proposed plan provides additional greenspace in the right of way that exceeds the 10’ requirement. The 6’ street tree area along Bardstown Rd, paired with the proposed 4.9’ VUA LBA on the parcel, provides a buffer that exceeds the 10’ requirement on that frontage as well.

The applicant will additionally be required to provide a detailed landscape plan to demonstrate compliance with all other landscape requirements of the Land Development Code; now, therefore be it.

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RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Waiver of Land Development Code Section 10.2.10. to omit the VUA LBA along Belmont Rd and reduce the VUA LBA along Bardstown Rd. (**26-WAIVER-0064**).

The vote was as follows:

YES: Members Vozos, Horton, Rodriguez, Scott, and Bond

RECUSED: Member Lewis

ABSENT: Member Ford

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PUBLIC HEARING

CASE NO. 26-CUP-0082

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:	16071 Winding Ridge Trail
Applicant:	Rebecca Eisenback
Representative:	Rebecca Eisenback
Jurisdiction:	Louisville Metro
Council District:	District 20 – Stuart Benson
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:

01:14:10 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:

Rebecca Eisenback, 16071 Winding Ridge Trail, Louisville, KY 40299

Summary of testimony of those in favor:

01:16:35 Rebecca Eisenback spoke in support of the proposal. Eisenback stated that they live next door, will manage the property, and mainly want it for 30-day rentals, using short-term stays only during major events. Neighbors were generally supportive, and they're already familiar with rental registration rules. Eisenback 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-0082

Deliberation:

01:19:20 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 short term rental of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63).

01:19:40 On a motion by Member Rodriguez, 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 three (3) bedrooms, allowing a maximum occupancy of twelve (12) 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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CASE NO. 26-CUP-0082

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 (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 twelve (12) 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, Horton, Lewis, Rodriguez, Scott, and Bond

ABSENT: Member Ford

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PUBLIC HEARING

CASE NO. 26-APPEAL-0001

Request: Appeal of a Citation related to a Short-Term Rental
Project Name: 3004 Cleveland Blvd Citation Appeal
Location: 3004 Cleveland Blvd
Applicant: Osman Sufi
Representative: Osman Sufi
Jurisdiction: Louisville Metro
Council District: 9 – Andrew Owen
Case Manager: Jay Lockett, AICP, Planning Supervisor

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:

01:21:00 Joe Haberman presented the case on behalf of Jay Lockett and the administrative official that issued the citation, Alicia Pedreira. Joe Haberman provided an overview of the request and presented a PowerPoint presentation. Haberman supported the administrative decision and explained that the appeal stems from a zoning citation for a short-term rental that violated the “one contract at a time” requirement by hosting multiple unrelated guests simultaneously. Evidence from Airbnb listings and reviews suggested shared spaces with other guests, indicating overlapping rentals. The appellant did not provide any direct booking records to support his claim that he was the other guest being referenced. Haberman responded to questions from Board Members. (see recording for details).

The following spoke in favor of the request:

Osman Sufi, 3004 Cleveland Blvd, Louisville, KY 40206

Summary of testimony of those in favor:

01:36:30 Osman Sufi, acting as the appellant, argued that complaints stem from a personal dispute with a neighbor and maintained that he does not rent to multiple parties at the same time. Sufi stated that Airbnb listings are linked to prevent overlapping bookings and that he lives on-site, which explains references to shared spaces. Sufi also acknowledged past lack of clarity to guests but said he has since improved communication about the shared, owner-occupied arrangement. Sufi responded to questions from Board Members. (See recording for details).

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CASE NO. 26-APPEAL-0001

Rebuttal:

02:03:00 Joe Haberman acknowledged that the Airbnb feature that can prevent overlapping bookings but noted there is no way to verify whether it was actually used. The citation is based on guest reviews suggesting multiple occupants at the same time, which staff believes are tied to this property. The board was advised that the key issue is whether evidence supports overlapping rentals, and if upheld, the citation results in a fine and contributes to the “two-strike” rule. Haberman responded to questions from Board Members. (see recording for details).

Deliberation:

02:14:35 Committee deliberation

02:18:00 Member Horton noted that the applicant did not provide any new evidence to support his case, making it difficult to justify overturning the citation. (See recording for details).

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.

Appeal of a citation for permitting multiple simultaneous contracts for a single short term rental unit.

02:20:00 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 that it is unknown how often the dwelling unit is simultaneously rented to multiple contracts in violation of LDC 4.23.B and LMCO 115.520.B. The violation depends in part on opportunity. On Airbnb.com, separate listings allow rental of each bedroom independently or the entire dwelling. A violation occurs when separate parties rent each bedroom independently at the same or overlapping timeframes. Customer reviews indicate that it is a regular occurrence for multiple years leading up to the issuance of the citation. The way the host is referred to consistently separately from “other guests” etc. indicate to staff that the violation has occurred multiple times, leading to issuance of the citation, and

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CASE NO. 26-APPEAL-0001

WHEREAS, the Board of Zoning Adjustment finds the property is also required to be the primary residence of the owner. It is unknown how often the owner resides in the residence and whether or not he in fact shares the dwelling with guests. The owner also serves as the host. While the owner may contend that he was the other party staying in the dwelling, the comments refer to other “guest” or “guests” and not the host. It is not typical or common to refer a host as another guest. Airbnb rental records, which could confirm or dispute the violation, have not been provided, and

WHEREAS, the Board of Zoning Adjustment finds that the property owner is subject to the fine as indicated in the citation, and

WHEREAS, the Board of Zoning Adjustment finds that in review of the appellant’s basis of appeal and other information with the record, no error was made in determining that the property has been regularly rented to multiple contracts; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the Appeal of a citation and affirm the administrative decision of the zoning enforcement officer.

The vote was as follows:

YES: Members Vozos, Horton, Lewis, Rodriguez, Scott, and Bond

ABSENT: Member Ford

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PUBLIC HEARING

CASE NO. 26-APPEAL-0003

Request:	Appeal of a Citation related to a Short-Term Rental
Project Name:	3004 Cleveland Blvd Citation Appeal
Location:	3004 Cleveland Blvd
Applicant:	Osman Sufi
Representative:	Osman Sufi
Jurisdiction:	Louisville Metro
Council District:	9 – Andrew Owen
Case Manager:	Jay Lockett, AICP, Planning Supervisor

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:

02:31:00 Joe Haberman presented the case on behalf of Jay Lockett and the administrative official that issued the decision, Brian Davis. Joe Haberman provided an overview of the request and presented a PowerPoint presentation. Haberman explained that the appeal concerns revocation of the short-term rental registration under the “two-strike rule,” based on multiple substantiated citations or complaints within a year, including property maintenance and rental-related violations. Haberman mentioned that the ordinance requires revocation once two violations are confirmed, the board’s role is to determine whether any nuance or circumstances justify overturning that decision. If upheld, the owner must cease short-term rentals but may reapply after a one-year period. Haberman responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Osman Sufi, 3004 Cleveland Blvd, Louisville, KY 40206

Summary of testimony of those in favor:

02:52:30 Osman Sufi, acting as the appellant, argued that the multiple citations were essentially repeat notices from separate inspections of the same issues, not distinct violations, and that he was unaware of them due to being sent to the wrong address. Sufi stated that once aware, he promptly corrected the issues and that some citations were conditionally discharged. Sufi contended that he was not properly informed about the implications of those actions, including that they could still count as violations toward revocation. Sufi responded to questions from Board Members. (See recording for details).

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CASE NO. 26-APPEAL-0003

03:08:20 Joe Haberman clarified that a “conditional discharge” means the violation is still acknowledged, but the fine is waived unless the offense occurs again. The enforcement action itself remains on record and can still count toward violations. In this case, the property maintenance case was ultimately closed after compliance was achieved, but the underlying violations were not erased. Haberman responded to questions from Board Members. (See recording for details).

03:11:20 Joe Haberman clarified that the citations were not duplicates but separate violations documented under a single parent case, with each inspection resulting in its own citation. Although tied to the same complaint, each instance is treated as an independent offense under code, and gaps between citations may reflect inspections, discretion, or procedural steps like posting notices. Haberman responded to questions from Board Members. (See recording for details).

03:13:20 Osman Sufi stated that he promptly repaired all cited issues (siding, railing, lawn damage) once he became aware of them and provided documentation of contractor work completed in June 2025. Sufi emphasized that delays were due to citations being sent to the wrong address and difficulties accessing the property during flooding, as well as delays with lawn care services. Sufi mentioned that he acted quickly and responsibly once notified and worked to correct communication issues to prevent future problems. Sufi responded to questions from Board Members. (See recording for details).

Rebuttal:

03:21:00 Joe Haberman clarified that the citations were separate violations, even if tied to the same case number, and emphasized that inspection evidence supports those conditions existed at each visit. Haberman stated that while there may have been past mailing issues, the specific citations used for revocation were documented under the correct address and remain valid substantiated complaints. The board was advised to focus on whether the violations meet the two-strike threshold and whether revocation is warranted, rather than re-evaluating the underlying property maintenance findings. Haberman responded to questions from Board Members. (See recording for details).

Deliberation:

03:24:50 Committee deliberation

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CASE NO. 26-APPEAL-0003

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.

Appeal of administrative action to revoke a registration for an owner-occupied Short-Term Rental.

03:28:00 On a motion by Member Horton, seconded by Member Rodriguez, 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 four citations were issued within 365 days of the February 5, 2026, administrative decision to revoke the short term rental registration, dated February 5, 2025, April 14, 2025, April 24, 2025, and February 4, 2026 respectively, and

WHEREAS, the Board of Zoning Adjustment finds that the Board of Zoning Adjustment denied the appeal in 26-APPEAL-0001 and upheld the citation for permitting multiple simultaneous contracts for a single short term rental unit, and

WHEREAS, the Board of Zoning Adjustment finds that while the property owner successfully filed appeals for the subject violations each of the citations were ultimately upheld and constitutes a substantiated complaint; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the appeal of the administrative decision to revoke the subject short term rental annual registration.

The vote was as follows:

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

ABSTAIN: Member Scott

ABSENT: Member Ford

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ADJOURNMENT

The meeting adjourned at approximately 4:36 p.m.

Chair

Planning Director