

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE BOARD OF ZONING ADJUSTMENT  
May 20, 2024**

A meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, May 20, 2024, at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky

**Board Members Present:**

Sharon Bond, Chair  
Richard Buttorff, Vice Chair (Left by 5:30 p.m.)  
Brandt Ford  
Jan Horton  
Lula Howard  
Yani Vozos (Left by 5:30 p.m.)  
Kimberly Leanhart (Left by 6:30 p.m.)

**Board Members Absent:**

None

**Staff Members Present:**

Joe Haberman, Planning and Design Manager  
Joel Dock, Planning and Design Supervisor  
Laura Ferguson, Assistant County Attorney  
Amy Brooks, Planner II  
Molly Clark, Planner II  
Heather Pollock, Planner I  
Jeremy Chesler, Planner I  
Mark Pinto, Planner I  
Haritha Gurivindapalli, Management Assistant

The following matters were considered:

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**APPROVAL OF MINUTES**

**MAY 6, 2024, BOARD OF ZONING ADJUSTMENT MEETING MINUTES**

00:05:37 On a motion by Member Howard, seconded by Member Ford, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the May 6, 2024, Board of Zoning Adjustment meeting with corrections as noted by the Board.

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, Leanhart, Vozos and Bond**

**ABSTAINED: Members Buttorff**

**ABSENT: None**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**BUSINESS SESSION**

**CASE NO. 24-VARIANCE-0059**

Request:	To allow a residential addition to encroach into the required side yard setback.
Project Name:	Residential Addition
Location:	3702 Hycliffe Ave
Owner:	Kailey & Nathan Sturtzel
Applicant:	Alen Mrsic
Representative:	Alen Mrsic
Jurisdiction:	City of St. Matthews
Council District:	9 – Andrew Owen
Case Manager:	Mark Pinto, Planner I

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 hearing (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**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.**

**Variance from Development Code, Section 4.6.C.2.b to allow a residential addition to encroach into the required side yard setback.  
(Requirement 6', Request 5.2', Variance 0.8')**

00:07:10 On a motion by Member Vozos seconded by Member Howard, the following resolution based on the staff analysis contained in the staff report, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety or welfare, since the addition does not impede the safe movement of vehicles or pedestrians. The proposed addition will also be required to comply with all applicable building code regulations, including fire code., and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity since the proposed addition is similar in scale to other residential structures in the vicinity. Since the addition will be constructed at the rear, there will be minimal visual impact from the public street. The addition is consistent with the existing side yard setbacks already present with the original footprint of the home. The proposed addition appears compatible with surrounding residential development since there are other two-story homes with similar characteristics within the immediate and general vicinity of the subject site, and

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**BUSINESS SESSION**

**CASE NO. 24-VARIANCE-0059**

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not cause a hazard or nuisance to the public because the addition will not encroach onto neighboring properties or increase the encroachment into the required side yard setbacks the current home maintains. Moreover, the addition will be required to comply with all applicable building code regulations. Also, the proposed addition will not adversely affect the public health, safety, or welfare, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not allow an unreasonable circumvention of the zoning regulations since the addition is maintaining the side yard setback of the original footprint. The addition is not increasing the level of nonconformity with respect to the required side yards, and a majority of the required side yard setback is being maintained, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance does not arise from special circumstances which generally apply to land in the general vicinity or the same zone because the subject property is similar in shape, size, and dimension of other properties within the general vicinity, 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 because the current footprint of the existing home does not maintain the required side yard setbacks, an addition that would remain consistent with the existing side yard setbacks already present with the footprint of the home would trigger a dimensional variance, 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 proposed addition has not been constructed, now, therefore be it.

**RESOLVED**, The Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code, Section 4.6.C.2.b to allow a residential addition to encroach into the required side yard setback. (**Requirement 6', Request 5.2', Variance 0.8'**)

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, Leanhart, Vozos and Bond**

**ABSTAINED: Members Buttorff**

**ABSENT: None**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**BUSINESS SESSION**

**CASE NO. 24-CUP-0088**

Request: Conditional Use Permit for a transitional home in R-5 single-family zoning district.  
Project Name: Second House Hope  
Location: 4734 Southern Pky  
Owner: The Potters Wheel Inc.  
Applicant: Nick Graham, Second Hope  
Representative: Joe Donaldson, The Potters Wheel  
Jurisdiction: Louisville Metro  
Council District: 21 – Betsy Ruhe  
Case Manager: Amy Brooks, Planner II

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 hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:07:40 Joel Dock explained to the Board that the applicant has requested that the case be continued to the public hearing on June 17, 2024, to provide new testimony regarding the house rules and occupancy. Dock responded to questions from Members. (See recording for details)

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

**None**

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

**None**

**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.**

00:09:30 On a motion by Member Howard, seconded by Member Horton, the following resolution, was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** this case to the June 17, 2024, Board of Zoning Adjustment public hearing.

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, Vozos, Leanhart, Buttorff, and Bond**  
**ABSENT: None**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 23-CUP-0287**

Request:	Conditional Use Permit to allow a commercial dog kennel
Project Name:	Heel, Stay, Play, Dog Boarding
Location:	1421 Flat Rock Road
Owner:	Julie and Natalie Oliner
Applicant:	Julie and Natalie Oliner
Representative:	Land Design and Development, INC.
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Molly Clark, Planner II

**This case has been withdrawn.**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. LIC-STA-24-00597**

Request: Waiver to Allow New Registration for a Short-Term Rental within 12 Months of a Citation  
Project Name: 34 Mockingbird Valley Dr. Owner-Occupied Short-Term Rental  
Location: 34 Mockingbird Valley Dr.  
Owner: Hoedt Fitz Schultze & Lindsay Schultze  
Applicant: Hoedt Fitz Schultze  
Representative: N/A  
Jurisdiction: Louisville Metro  
Council District: 16 – Scott Reed  
Case Manager: Jude Mattingly, Planner II

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 hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:11:30 Joe Haberman explained to the Board that the applicant has requested that the case be continued to the public hearing on June 17, 2024. Haberman responded to questions from Members. (See recording for details)

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

**None**

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

**None**

**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.**

00:12:10 On a motion by Member Howard, seconded by Member Vozos, the following resolution, was adopted:

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** this case to the June 17, 2024, Board of Zoning Adjustment public hearing.

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, Vozos, Leanhart, Buttorff, and Bond**  
**ABSENT: None**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-VARIANCE-0041**

Request: To allow a principal structure to encroach into the required side yard setbacks.  
Project Name: Ash Street Variance  
Location: 914 Ash Street  
Owner: OLT Development LLC  
Applicant: Omar Tatum  
Representative: Omar Tatum  
Jurisdiction: Louisville Metro  
Council District: 15- Jennifer Chappell  
Case Manager: Mark Pinto, 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 in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**Agency testimony:**

00:14:00 Mark Pinto provided an overview of the request and presented a PowerPoint presentation. Pinto responded to questions from Members (see recording for details)

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

Omar Tatum, 3617 St. Germaine Ct, Louisville, KY 40207

**Summary of testimony of those in support:**

00:18:20 Omar Tatum provided an overview of the case. Tatum responded to questions from the Board (see recording for a detailed presentation).

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

Lisa Pisterman, 1315 McHenry St, Louisville, KY 40217

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

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-VARIANCE-0041**

00:19:20 Lisa Pisterman raised concern about disposal of asbestos cement from construction site. Pisterman raised concern about pollution from construction. Pisterman responded to questions from the Board. (See recording for a detailed presentation).

**Rebuttal:**

00:22:20 Omar Tatum stated that if required he will hire an asbestos abatement company. Tatum stated that he would abide by the law. Tatum responded to questions from the Board. (See recording for a detailed presentation).

**Deliberation:**

00:23:40 Board 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.**

**Variations from the Land Development Code (LDC), Section 5.2.2.C (Table 5.2.2) to allow a principal structure to encroach into the required side yard setbacks.  
Side yard setback-Eastern (Requirement 3', Request 2', Variance 1')  
Side yard setback-Western (Requirement 3', Request 0', Variance 3')**

00:24:40 On a motion by Member Ford, seconded by Member Howard, the following resolution based on the staff analysis contained in the standard of review in the staff report, and 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 requested encroachment of the home into the side setback does not impede the safe movement of vehicles or pedestrians or prevent future maintenance of the property as the footprint is defined by the existing first floor. Furthermore, the proposed addition will be required to comply with all applicable building code regulations, including fire codes., and

**WHEREAS**, the Board of Zoning Adjustment finds the proposed camelback-style addition will not alter the essential character of the general vicinity since the addition will be constructed within the original footprint of the existing home. The proposed camelback-style addition will be consistent with houses in the immediate vicinity which contain similar style additions that are in close proximity to side property lines, and

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-VARIANCE-0041**

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not cause a hazard or nuisance to the public since there will not be an adverse effect public health, safety, or welfare. The requested encroachment of the home into the side setbacks does not impede one safe movement of vehicles or pedestrians or prevent future maintenance of the property since the footprint is defined by the existing first floor. Also, the second story addition will be located near the rear of the home which will not decrease the visual impact of the addition from the public street. The proposed second story addition will also be required to comply with all applicable building and fire code regulations, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not allow an unreasonable circumvention of the zoning regulations because the proposed addition will be contained within the original footprint of the existing home, and also not encroach beyond the property lines. The vertical addition will not expand the setback of the home in relation to the required side yard setbacks since the footprint is defined by the existing first floor. Reduced side yards not conforming to current rules appears to be common in the general vicinity as well as additions of similar size, shape, and scale, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance does arise from special circumstances which do not generally apply to the land in the general vicinity or the same zone since the existing home is over the property line, 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 since the existing house is not built to the current regulations regarding the required side yard setbacks, 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**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variances from the Land Development Code (LDC), Section 5.2.2.C (Table 5.2.2) to allow a principal structure to encroach into the required side yard setbacks. **Side yard setback-Eastern (Requirement 3', Request 2', Variance 1') and Side yard setback-Western (Requirement 3', Request 0', Variance 3')**

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, Vozos, Leanhart, Buttorff, and Bond**

**ABSENT: None**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-VARIANCE-0042**

Request: Variance and waivers from non-residential site design standards.  
Project Name: Urban League Office Addition  
Location: 1519 W Broadway  
Owner: The Urban League of Louisville  
Applicant: Marv Blomquist, Blomquist Design Group, LLC  
Representative: Marv Blomquist, Blomquist Design Group, LLC  
Jurisdiction: Louisville Metro  
Council District: 4 – Jecorey Arthur  
Case Manager: Amy Brooks, 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 in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**Agency testimony:**

00:26:25 Amy Brooks provided an overview of the request and presented a PowerPoint presentation. Brooks responded to questions from Members (see recording for details)

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

Marv Blomquist, 10529 Timber wood Circle, Suite D, Louisville, KY 40223

**Summary of testimony of those in support:**

00:35:00 Marv Blomquist provided an overview of the request. Blomquist explained the development in the project and discussed the parking and landscaping elements of the project. Blomquist responded to questions from the Board. (See recording for a detailed presentation).

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

**None**

**Deliberation:**

00:39:40 Board deliberation

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-VARIANCE-0042**

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.

**Variance from Land Development Code (LDC), Section 5.5.1.A.2 to allow a building to not be constructed at the right-of-way lines (24-VARIANCE-0042).**  
**Front Setback-S. 16th St. (Required 5', Request 140', Variance 135')**  
**Street Side Setback-W. Broadway (Required 5', Request 50', Variance 45')**

00:40:00 On a motion by Member Howard, seconded by Member Leanhart, the following resolution based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not adversely affect public health, safety or welfare because the location of the proposed addition further than five (5) feet from the adjacent right-of way lines will neither affect pedestrian access to the site nor reduce mobility. The existing building at the intersection of 16th street and Broadway is already further than 5' from the right of way lines on the adjacent public streets, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity because the proposed addition is compatible with other non-residential properties located within this portion of West Broadway. While the Traditional Marketplace Corridor (TMC) form emphasizes the design practice of building to the street, this is a location where the street wall is not continuous and several of the non-residential buildings are located further than 5 feet away from the corner, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not cause a hazard or nuisance to the public. Although the even the proposed location is further than five (5) feet from both existing right-of-way lines, the applicant is still providing pedestrian accessibility to the site from two points along the public-rights-of way, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not allow an unreasonable circumvention of the zoning regulations because the applicant is proposing an additional pedestrian access point to the site while not reducing mobility. However, to be in compliance with the corner-lot regulations for non-residential structures, it would require that the proposed addition be to the front of the existing building, thereby eliminating a safe entrance to the site from 16th St for both pedestrians and vehicles, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance does arise from special circumstances which do not generally apply to the land in the general vicinity or the same because of the existing built environment. This is a corner lot where non-

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-VARIANCE-0042**

residential buildings must be located in close proximity to the street property lines; however, the existing building is already more than 5' away, 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 to bring the structure into more compliance with the code. This would require a service facility to remove certain aspects of their current operations and change things around to meet a regulatory requirement, 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 not started construction on the project and is requesting the needed variance, now, therefore be it.

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variances from Land Development Code (LDC), Section 5.5.1.A.2 to allow a building to not be constructed at the right-of-way lines (24-VARIANCE-0042).

**Front Setback-S. 16th St. (Required 5', Request 140', Variance 135')**

**Street Side Setback-W. Broadway (Required 5', Request 50', Variance 45')**

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, Vozos, Leanhart, Buttorff, and Bond**

**ABSENT: None**

**Waiver (1) of LDC, Section 5.5.1.A.3.a to not provide a 3' masonry wall adjacent to right-of-way (24-WAIVER-0057).**

00:42:10 On a motion by Member Howard, seconded by Member Vozos, the following resolution based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds the waiver will not adversely affect adjacent property owners as the current conditions have street side parking along this portion of the public street. To compensate for the elimination of the required masonry wall, the applicant will be providing the required three (3) foot continuous screening, street trees, and landscaping, and

**WHEREAS**, the Board of Zoning Adjustment finds the waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy seeks to ensure an appropriate

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-VARIANCE-0042**

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. Policy 12 calls for the parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. A delineation will be made along the parking lot in the form of a three (3) foot screen and landscaping that will help separate the walkable public pedestrian area in along West Broadway from the provided parking lot, 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 because the existing street-side parking on the subject does not have the required masonry wall nor is there any existing network of walls that screen the commercial uses from the public street, 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 to provide to a masonry wall in an area where the street wall has not been maintained. A combination of screening and landscaping could provide the same effect as a continuous wall, and there are no structures at or near the right-of-way that demand a masonry wall of similar architectural detail. The applicant will be providing the required landscape buffer area between the public and private realms that will provide enhanced safety for pedestrians and vehicles, now, therefore be it.

**Waiver (2) of LDC, Section 10.2.9 to waive the required 5' VUA LBA along the adjacent alleyway (24-WAIVER-0058).**

**WHEREAS**, the Board of Zoning Adjustment finds the waiver will not adversely affect adjacent property owners as the elimination of the vehicular use area landscape buffer along Esquire Alley is consistent with current site conditions. In addition, the adjacent property to the immediate north is a parking lot while the site to the east is a commercial use. Screening parking lots from residential districts provides visual separation and protects homes from the negative effects of excessive light, noise and dust. Where practical, the applicant has proposed landscape areas at the end of the parking spaces that are closest to the residential properties' northeast of the site., and

**WHEREAS**, the Board of Zoning Adjustment finds the waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 4 seeks to ensure 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. Policy 12 calls for the parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights,

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-VARIANCE-0042**

and other potential impacts. The area of the VUA LBA towards the rear at the alley is the appropriate location for parking in traditional neighborhoods and no buffer appears necessary for an alley because of their use and function to provide an alternative means of access to the subject site, and

**WHEREAS**, the Board of Zoning Adjustment finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because of existing site conditions, and

**WHEREAS**, the Board of Zoning Adjustment finds that strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the request does not violate Plan 2040 or adversely impact adjacent property owners., now, therefore be it.

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Waiver **(1)** of LDC, Section 5.5.1.A.3.a to not provide a 3' masonry wall adjacent to right-of-way (24-WAIVER-0057) and Waiver **(2)** of LDC, Section 10.2.9 to waive the required 5' VUA LBA along the adjacent alleyway (24-WAIVER-0058).

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, Vozos, Leanhart, Buttorff, and Bond**  
**ABSENT: None**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-VARIANCE-0057**

Request: To allow a fence to exceed the maximum height within the front yard setback.  
Project Name: 1918 Heaton Fence  
Location: 1918 Heaton Road  
Owner: Elizabeth Velázquez & Amaury Hernández Ramírez  
Applicant: Amaury Hernandez Ramirez  
Representative: Amaury Hernandez Ramirez  
Jurisdiction: City of Shively  
Council District: 3 – Shameka Parrish-Wright  
Case Manager: Mark Pinto, 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 in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**Agency testimony:**

0:44:30 Mark Pinto provided an overview of the request and presented a PowerPoint presentation. Pinto responded to questions from Members (see recording for details)

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

Amaury Hernandez Ramirez, 1918 Heaton Road, Louisville, KY 40216

Elizabeth Velázquez, 1918 Heaton Road, Louisville, KY 40216

**Summary of testimony of those in support:**

00:50:20 Amaury Hernandez Ramirez spoke in favor of the request. (See recording for details)

00:50:40 Elizabeth Velázquez spoke in favor of the request. (See recording for details)

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

**None**

**Deliberation:**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-VARIANCE-0057**

00:51:40 Board deliberation

00:55:10 Chair Bond reopened the public hearing for applicant testimony on landscaping.

00:58:00 Board deliberation

00:58:10 Member Bond suggested a condition for landscaping along Kendall Lane.

**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.**

**Variance from Land Development Code (LDC) Section 4.4.3.1.a.i to allow a fence to exceed the maximum height within the front yard setback.**  
**Fence Height – Front Yard: (Required 4', Request 6', Variance 2')**

00:58:20 On a motion by Member Buttorff, seconded by Member Vozos, the following resolution based on the staff analysis contained in the standard of review in the staff report and 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 fence will be set back 5 ft. or more from the sidewalk and edge of pavement along Kendall Ave. The proposed 6 ft. tall wooden fence will not impede the safe movement of pedestrians and vehicles travelling along the road and sidewalk since it is not within a vision clearance triangle, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity since the proposed wooden fence will be setback a distance greater than 5 ft. from the sidewalk and edge of pavement. As a result, there will be green space and vegetation preserved along Kendall Avenue. According to the site plan, the fence will not extend the entire length of the property line along Kendall Lane and will only extend 37 ft. along the southern portion of the property towards the rear yard. The fence will not extend past the front façade of the home, preserving a significant portion of open yard and green space, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not cause a hazard or nuisance to the public because the fence should not affect people or vehicles moving throughout the public right of way. The request is contained within the subject property and does not create any additional encroachment onto neighboring residential

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-VARIANCE-0057**

properties or the public right of way. Furthermore, the property line is irregular along the side abutting the neighboring property on Kendall Lane which allows for greater vision clearance for vehicles and pedestrians, and there will be no obstructions of view to the public street, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not allow an unreasonable circumvention of the zoning regulations because the proposed fence does not extend along the entirety of the required front yard and will not go beyond the front façade of the home. A majority of the front yard along Kendall Lane is being preserved and maintained as green space, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance does not arise from special circumstances which generally apply to land in the general vicinity or the same zone because the subject property is similar in shape, size, and dimension of other properties within the general vicinity. However, the lot dimensions are unique given the shape and location on the corner and the property line where the fence is located, 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 because the unique configuration of the lot on the corner in relation to the home would render constructing a fence for privacy challenging, 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 fence is proposed and has not yet been constructed, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC) Section 4.4.3.1.a.i to allow a fence to exceed the maximum height within the front yard setback **ON CONDITION** that an evergreen-type tree is planted every 8’ on-center along the portion of the fence located along Kendall Lane.

**Fence Height – Front Yard: (Required 4’, Request 6’, Variance 2’)**

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, Vozos, Leanhart, Buttorff, and Bond**

**ABSENT: None**

Request:	Variance to allow a freestanding sign to exceed the maximum height permitted.
Project Name:	Freestanding Sign Height
Location:	8104 Old Bardstown Road
Owner:	Endeavor Properties II, LLC

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-VARIANCE-0057**

Applicant: VisionFirst Eye Care  
Representative: Joseph Bates, B Sign Group  
Jurisdiction: Louisville Metro  
Council District: 22 – Robin Engel  
Case Manager: Heather Pollock, 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 this hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:59:40 Heather Pollock provided an overview of the request and presented a PowerPoint presentation. Pollock responded to questions from Members (see recording for details)

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

Meggen Swearingen, 4239 Earnings Way, New Albany, IN 47150

Craig Donoho, 8104 Old Bardstown Road, Suite # 2, Louisville, KY 40291

**Summary of testimony of those in support:**

01:04:40 Meggen Swearingen provided an overview of the request. Swearingen explained the existing signage height and reasons to extend the height of sign. Swearingen responded to questions from Members. (See recording for details)

01:09:20 Craig Donoho spoke in favor of the request. Donoho stated that they wanted to put the sign which is easily noticeable from both sides of the road. Donoho stated that the new sign will not impede the other signs in the complex. Donoho responded to questions from Members. (See recording for details)

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

**None**

**Deliberation:**

01:12:30 Board deliberation

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-VARIANCE-0057**

01:12:50 Member Howard enquired about the land dip at the property. (See recording for details)

01:13:40 Heather Pollock explained that there is a dip between Old Bardstown Road and Bardstown Road. Pollock stated that the land is leveled up at the commercial space. (See recording for details)

01:15:50 Member Ford suggested reducing the height of sign to 14 feet. Member Howard and Buttorff also supported to that. (See recording for details)

01:17:20 Joel Dock explained to the Board that the staff report does not support the variance request. Dock stated that applicant justification does not mention the right dimensions. Dock stated that applicant justification statement has requested for 10 feet sign. (See recording for details)

01:18:20 Heather Pollock explained that applicant justification statement is from initial request which mentions a sign that exceeds the area and height limit. Pollock stated that later the applicant changed height from 10 feet to 16 feet and area from 80Sq.ft to 50Sq.ft. (See recording for details)

01:21:00 There is a discussion on current signage visibility from Bardstown Road and existing conditions of the signage.

01:31:20 Joel Dock explained to the Board that 12 feet height for signage is allowed on Bardstown Road. (See recording for details)

01:32:10 Member Howard reopened the public hearing.

01:32:30 Craig Donoho stated that their neighbor commercial has bigger sign and requested for equal opportunity for them too. (See recording for details)

01:34:00 Board 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 obtain a copy.**

**Variance of Land Development Code (LDC), Section 8.3.3, Table 8.3.2 to allow a freestanding sign to exceed the height permitted.**

**Total Sign Area (Permitted-60 sq. ft., Proposed-50 sq. ft.)**

**Total Sign Height (Permitted-8 ft., Proposed-16 ft.)**

**Base Style (Permitted-Monument or Columnar, Proposed-columnar)**

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-VARIANCE-0057**

01:34:30 On a motion by Member Ford, seconded by Member Howard, the following resolution based on the staff analysis contained in the standard of review in the staff report and 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 and welfare and will not cause a hazard or a nuisance to the public as the sign will not impact the safe movement of pedestrians and vehicles. However, it will allow an unreasonable circumvention of the requirements of the zoning regulations. The signage in this area is directed towards Bardstown Road which is about 150 ft. away from the sign location, and the requested height is not necessary to increase visibility as there is little elevation change, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or in the same zone as this property is part of a commercial corridor setback from Bardstown Road. Old Bardstown Road acts as an access road running parallel to Bardstown Road, and

**WHEREAS**, the Board of Zoning Adjustment finds the Strict application of the regulations would not create an unnecessary hardship on the applicant, while the proposed sign is significantly setback from the vehicle traffic on Bardstown Road, the scale of the proposed sign is inconsistent with development on site and in the surrounding area, 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 regulations as work has not begun on the proposed sign for which the variance is being requested, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the requested Variance of LDC, Section 8.3.3, Table 8.3.2 to allow a freestanding sign to exceed the height permitted.

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, Leanhart, and Bond**

**NO: Members Vozos and Buttorff**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-MCUP-0001**

Request: Modified Conditional Use Permit with associated variances and development plan.  
Project Name: Home of the Innocents  
Location: 1100 E. Market St (HOTI Campus) and 1048 R, 1196, 1198, and 1200 E. Main St. (E. Main Street Parking Lot)  
Owner: HOTI Realty, LLC  
Applicant: Jon Baker; Wyatt, Tarrant & Combs LLP  
Representative: Jake Belwood, Gresham Smith  
Jurisdiction: Louisville Metro  
Council District: 4 – Jecorey Arthur  
Case Manager: Amy Brooks, 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 this hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

01:36:50 Amy Brooks provided an overview of the request and presented a PowerPoint presentation. Brooks responded to questions from Members (see recording for details)

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

Jon Baker, 400 W Market Street, Suite 2000, Louisville, KY 40202

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

01:50:00 Jon Baker spoke in favor of the request and presented a PowerPoint presentation. Baker Explained the parking and structural elements of the property. Baker responded to questions from Members (see recording for details)

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

Ann Ramser, 307 E Kenwood Dr Louisville KY 40214

**Summary of testimony of those in neutral of the request:**

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-MCUP-0001**

02:11:00 Ann Ramser opposed the construction of a parking lot in the buffer zone. Ramser was concerned about the buffer zone reduction along Beargrass Creek area. Ramser responded to questions from Members. (See recording for details)

**Rebuttal:**

02:05:00 Jon Baker spoke in rebuttal. Baker stated that a water quality unit will be installed. Baker stated that they do not have any other parking options, that's why they are seeking a variance to accommodate parking. (See recording for details).

**Deliberation:**

02:17:40 Board 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 obtain a copy.**

**Modified Conditional Use Permit for institutional use (docket # B-307-98).**

02:18:10 On a motion by Member Vozos, seconded by Member Horton, the following resolution based on the staff analysis contained in the standard of review in the staff report and 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 surrounded by commercial and industrially zoned properties. To mitigate the impact on the neighborhood, the applicant will be providing all the required landscaping and buffering, 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, now, therefore be it.

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Modified Conditional Use Permit for institutional use (docket # B-307-98) subject to the following Conditions of Approval:

# BOARD OF ZONING ADJUSTMENT

## MINUTES

May 20, 2024

### PUBLIC HEARING

#### CASE NO. 24-MCUP-0001

1. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within one year 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 institution without further review and approval by the Board.
2. 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.
3. At the time of development, the following restoration standards shall be met:
  - a. Riparian vegetation shall be planted, as necessary, to stabilize the banks of a protected waterway within a Buffer Area. Where a bank is denuded of its vegetation due to erosion, slope failure or similar occurrence, appropriate vegetation shall be planted to quickly establish a vegetative cover, and then replanted with riparian vegetation to ensure the long-term stabilization of the bank. Restoration plantings shall be selected from the MSD native species restoration specifications.
  - b. Where stream bank erosion has occurred as a result of on-site development activities, riparian vegetation shall be planted to stabilize the stream bank unless MSD determines such vegetation would be inadequate to re-stabilize the bank. In instances where the MSD determines that planting of riparian vegetation is inadequate to stabilize the stream bank alternate methods of stabilization, approved by the MSD shall be utilized.
  - c. Stream, stream bank, and vegetation restoration projects are allowed where the goal is to restore the protected waterway, wetlands, or Buffer Area to an ecologically healthy state, as approved by MSD.
4. Tree and Vegetation Removal.
  - a. Existing, healthy trees and vegetation within the Buffer Area shall be preserved, except for those areas designated by the Limits of Disturbance on the approved district development plan. Trees and vegetation shall be restored in accordance with Condition of Approval # 16 for all areas within the buffer that lie between impervious surfaces and the Limits of Disturbance.
  - b. This provision shall not prohibit any of the following: Removal of dead or diseased trees/vegetation (provided a live root system stays intact); removal of noxious weeds; Removal of non-native trees/vegetation that threaten native species growth or reintroduction; removal of fallen trees, tree limbs, brush and

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-MCUP-0001**

similar debris that accumulate naturally in river/stream beds and that impede river/stream flow, or removal of any other tree/vegetation that is a threat to the public health or safety; Removal of trees as part of an approved plan for stream side recreation or access (e.g. pedestrian trail) or as part of an approved utility or road construction project.

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, Vozos, Leanhart, Buttorff, and Bond**

**ABSENT: None**

**Variance (1) from Land Development Code (LDC), Section 5.3.5.C.3.a to allow parking to encroach into front setback on the Main Street Parking lot site.**

**Front setback: (Required 50', Request 10', Variance 40')**

**Variance (2) from LDC, Section 5.3.5.C.3.c to allow parking to encroach into the rear setback on the Main Street Parking lot site.**

**Rear setback: (Required 20', Request 0', Variance 20')**

02:19:20 On a motion by Member Vozos, seconded by Member Horton, the following resolution based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not adversely affect public health, safety or welfare as the proposed setbacks do not interfere with the safe movement of people or vehicles along the adjacent public roadway, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity. The proposed apartment building will complement the existing pattern of the surrounding neighborhood. There are other parking lots near the subject site that also seemingly encroach into the required setbacks. The applicant will also be providing internal landscaping, where none currently exists to capture run-off and mitigate the impacts of unbroken impervious surfaces, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not cause a hazard or nuisance to the public as the reduced setbacks will not interfere with existing sightlines and proposed access to the site. Additionally, there is only a limited portion of the proposed parking lot that will encroach into the required 20' rear yard setback. This is an area that where encroachment will remain mostly undetected from the general public or adjacent properties because the rear property line is directly adjacent to a railroad line

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-MCUP-0001**

that serves a demarcation line between the subject site, and the neighboring properties to the south, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not allow an unreasonable circumvention of the zoning regulations. While the proposed parking lot will encroach into the front yard setback, the development itself will result in a reduction to the existing impervious area along the front setback, where there is no vegetation. In fact, the current site conditions will be replaced with landscaping and plantings that would help mitigate the run-off from both existing and proposed impervious surfaces, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variances arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the property lacks the depth to provide the minimum setbacks that are required in the Campus form district, 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 as the property could not be easily developed without being granted relief from the prescribed regulations, 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 not started construction on the project and is requesting the needed variances, now, therefore be it.

**Variance (3) from LDC, Section 5.7.1 for a principal structure to exceed the maximum height in a transitional zone on the Home of the Innocents site.**

**Maximum Building Height: (Required 45', Request 48'8", Variance 3'8")**

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not adversely affect public health, safety or welfare because an increased building height will not affect the movement of people or vehicles traveling along any of the road frontages that surround the property, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variances will not alter the essential character of the general vicinity because a non-residential building in the Campus form district can be as tall as 150'. The height of this building is restricted because it is in a form district transitional zone where the first 200' of this subject site is subjected to the Traditional Neighborhood form district guidelines. Transition zones have been established to ensure compatibility of adjacent form districts of differing intensities; yet the intensity of the uses to the south of the site, where the Traditional Neighborhood form district is located, are well buffered by an CSX railway line and Bear grass Creek

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-MCUP-0001**

that serves as a natural divide between the HOTI site, and the limited residential uses along this area of Lexington Road, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not cause a hazard or nuisance to the public because the proposed structure would be located near the southeastern corner of the HOTI site where there are no public roadways and is screened from the public view by the existing buildings, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not allow an unreasonable circumvention of the zoning regulations because the allowed maximum building height within this form district would typically allow for building heights to be as tall 150 feet, but the HOTI site falls within a form district transitional zone that restricts building heights to 45 feet. This is mainly an industrial area where there are buildings of varying heights, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance does arise from special circumstances which do not generally apply to the land in the general vicinity or the same zone as the lot is subject to additional regulatory requirements. Its site design guidelines are determined by the Traditional Neighborhood form district because the building is within 200 ft. of the area where the form districts differ from one another, 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 because the requested height variance is for a proposed building that is internal to the 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 not started construction on the project and is requesting the needed variances, now, therefore be it.

**Variance (4) from Land Development Code (LDC), section 4.8.3 to encroach upon the 100' protected waterway along Bear grass Creek.  
Protected Waterway Buffer: (Required 100', Request 75', Variance 25')**

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not adversely affect public health, safety, or welfare because the applicant will install a water quality unit to separate the water from other pollutants before its discharge. Additionally, the applicant will plant new trees between the where the parking lot will encroach into the protected waterway buffer, and top of the stream to further fortify the integrity of the streambank, and

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-MCUP-0001**

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity as encroachments of existing industrial uses are present in the area. The proposal will greatly improve the subject site's existing conditions with street trees and landscaping plantings along E. Main Street. This will improve the site's curb appeal and overall appearance from passerby E. Main Street drivers and pedestrians, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not cause a hazard or nuisance to the public as stream bank restoration will be required in disturbed areas to accommodate the proposal. The applicant is proposing to strengthen the streambank between the encroachment and protected waterway by planting trees, and

**WHEREAS**, the Board of Zoning Adjustment finds the requested variance will not allow an unreasonable circumvention of zoning regulations as the proposed parking lot encroachment into is consistent with the existing impervious surfaces that are present in the surrounding neighborhood, and

**WHEREAS**, the Board of Zoning Adjustment finds the variance is necessary because the requirements of this section do represent an extreme hardship such that no minimal or reasonable economic use of the land is available without reducing the width of the required buffer area. This is a narrow lot, where providing the entire 100' protected waterway buffer is impractical. The applicant will not be encroaching into the 25' streamside buffer; that critical area will be preserved, and

**WHEREAS**, the Board of Zoning Adjustment finds the proposed use could be accommodated without encroachment into the buffer. Without a redesign of the development, however, its omission would result in a loss of several proposed parking spaces that will serve the use at the adjacent site, and

**WHEREAS**, the Board of Zoning Adjustment finds the applicant is committed to mitigations measures that substantially offset any potential adverse impacts of the proposed encroachment. The applicant is required to submit a Site Disturbance permit and best management practices prior to any land disturbing activity, and

**WHEREAS**, the Board of Zoning Adjustment finds the approval of the variance will not result in a reduction in water quality because the applicant is proposing to install a water quality unit to separate the water from other pollutants before its discharge. MSD, KDOW and USACE will also review and approve the development plan prior to any site disturbance to minimize environmental degradation of sensitive features, now, therefore be it.

**BOARD OF ZONING ADJUSTMENT**

**MINUTES**

**May 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-MCUP-0001**

**RESOLVED**, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance **(1)** from Land Development Code (LDC), Section 5.3.5.C.3.a to allow parking to encroach into front setback on the Main Street Parking lot site. **Front setback: (Required 50', Request 10', Variance 40')** and Variance **(2)** from LDC, Section 5.3.5.C.3.c to allow parking to encroach into the rear setback on the Main Street Parking lot site. **Rear setback: (Required 20', Request 0', Variance 20')** and Variance **(3)** from LDC, Section 5.7.1 for a principal structure to exceed the maximum height in a transitional zone on the Home of the Innocents site. **Maximum Building Height: (Required 45', Request 48'8", Variance 3'8")** and Variance **(4)** from Land Development Code (LDC), section 4.8.3 to encroach upon the 100' protected waterway along Bear grass Creek. **Protected Waterway Buffer: (Required 100', Request 75', Variance 25')**

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, Vozos, Leanhart, Buttorff, and Bond**

**ABSENT: None**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-CUP-0033**

Request:	Conditional Use Permit to allow a transitional home
Project Name:	Transitional Home
Location:	2001 – 2003 Chestnut Street and 556 – 558 S 20th Street
Owner:	Jump Start Realty and Development, LLC.
Applicant:	Jump Start Realty and Development, LLC.
Representative:	Jump Start Realty and Development, LLC.
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Molly Clark, 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 this hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

02:30:20 Molly Clark provided an overview of the request and presented a PowerPoint presentation. Clark responded to questions from Members (see recording for details)

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

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

Tammy Calloway, 2516 legion drive Louisville, KY 40216

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

02:34:20 Cliff Ashburner spoke in favor of the request and presented a PowerPoint presentation. Ashburner explained the operations and rules of the house. Ashburner responded to questions from Members (see recording for details)

02:49:20 Tammy Calloway stated that the staff are well trained and from different disciplines. Calloway stated that the clinicians are licensed and able to do therapeutic services and case management services. Calloway responded to questions from Members (see recording for details)

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-CUP-0033**

02:34:20 Cliff Ashburner stated that two neighborhood meetings are being conducted and concerns of opposition have been addressed properly. Ashburner responded to questions from Members (see recording for details)

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

**Deliberation:**

02:54:10 Board 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 obtain a copy.**

**Conditional Use Permit to allow a transitional home (4.2.65).**

02:54:20 On a motion by Member Leanhart, seconded by Member Horton, the following resolution based on the staff analysis contained in the standard of review in the staff report and 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, and

**WHEREAS**, the Board of Zoning Adjustment finds the proposed use is compatible with surrounding development and land uses. The proposed structure will be residential in character and will not negatively impact compatibility with the area. The proposed land use provides residential accommodation for women and men participating in a transitional home program. Parking is available on the street for guests, staff, and any vehicles that residents may own, and

**WHEREAS**, the Board of Zoning Adjustment finds the subject property is served by existing public utilities and facilities. Transit service is available, and the subject property is in a walkable area, 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. The existing structure contains a mixture of commercial and residential character and can operate as a mixed-use corner building should the transitional home choose to no longer operate. The proposed transitional home will have up to 10 women residents on one floor and 10 male residents on another floor. The proposed home will have 5 bedrooms on the second floor and 5 bedrooms on the third floor with 2 residents per bedroom. Each floor with bedrooms will have bathrooms, laundry room, full kitchen,

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-CUP-0033**

a living room, and dining room. The first floor will be used as an open group therapy space, an office for private individual therapy, a bathroom, storage area, and a therapeutic media center that will all operate between 8am and 5pm. The applicant has also acquired 556 S 20th Street, the property next door, to use as an enclosed outdoor space that can be used by the residents. Residents are required to attend 12-step meetings every day, morning meditation, attend peer support/group support meetings, abide by house rules such as a curfew and daily chores and participate in outpatient treatment. There is on-street parking available on W Chestnut and S 20th Street. There are no other group housing CUP's within 1000 feet. The applicant does relief from item "F" to allow the structure to be closer than 30 feet to the property lines. The property the structure is located on is 30 feet wide and strict application of this standard would make the lot not buildable, now, therefore be it.

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow a transitional home (4.2.65) with relief from item 'F' 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.

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, Vozos, Leanhart, Buttorff, and Bond**

**ABSENT: None**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-CUP-0049**

Request: Conditional Use Permit for a commercial kennel and variance for a fence to exceed the maximum height in the front setback.  
Project Name: Puppy Paradise  
Location: 3505 Old Clark Station Rd  
Owner: Christopher and Erin Taylor  
Applicant: Christopher and Erin Taylor  
Representative: Nick Pregliasco, Bardenwerper, Talbott, & Roberts, PLLC  
Jurisdiction: Louisville Metro  
Council District: 20 – Stuart Benson  
Case Manager: Amy Brooks, 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 in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**Agency testimony:**

02:56:00 Amy Brooks provided an overview of the request and presented a PowerPoint presentation. Brooks responded to questions from Members (see recording for details)

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

Nick Pregliasco, 1000 N Hurstbourne Pkwy, Louisville, KY 40223

Derek Triplett, 503 Washburn Avenue, Suite 101, Louisville, KY 40222

Chris Taylor, 3505 Old Clark Station Road, Fisherville, KY 40023

Erin Taylor, 3505 Old Clark Station Road, Fisherville, KY 40023

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

03:01:30 Nick Pregliasco provided an overview of the request and presented a PowerPoint presentation. Pregliasco responded to questions from Members (see recording for details)

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-CUP-0049**

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

Randy Strobo, 730 W Main Street, Suite 202, Louisville, KY 40202

Paulette Puryear, 3504 Old Clark Station Road, Fisherville, KY 40023

Marty Ridge, 3608 Old Clark Station Road, Fisherville, KY 40023

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

03:22:00 Randy Strobo questioned Nick Pregliasco on fencing in the CUP area and outdoor play area for dogs. (See recording for details)

03:22:00 Chris Taylor responded on fencing and outdoor paly rules and timings. (See recording for details)

03:25:30 Randy Strobo was concerned about loud noise from dog barking to the neighbors and the nuisance created by it. Strobo raised concerns about road conditions and drainage from the property. Strobo stated that outdoor animal facilities must be screened from view, but the current facility is on a hill which makes it impossible to be screened in any direction. Strobo stated that animal facilities must be provided with acoustical shields that prevent animal noise from surrounding properties. Strobo raised concern about the impact on water quality due to animal waste. Strobo stated that the facility is incompatible with the existing uses, and it is a high intensity use in a very low intensity area. Strobo requested to deny the request as it is violating the LDC guidelines. Strobo responded to questions from Members. (See recording for details)

03:34:00 Paulette Puryear was concerned about their property value. Puryear raised concerns about nuisance from dog kennel and traffic. Puryear was concerned that the noise nuisance would prevent her from effectively working from home in her job. Puryear responded to questions from Members. (See recording for details)

03:38:00 Marty Ridge was concerned about his property value. Ridge also raised concerns about the screening around the facility and noise. Ridge mentioned another dog breeding facility in the neighborhood which is quite disturbing. Ridge responded to questions from Members. (See recording for details)

**Rebuttal:**

03:43:00 Nick Pregliasco stated that spray installation throughout facility is provided mitigate the noise from dog barking. Pregliasco stated that the facility is 584 feet away from neighbor Mr. Ridge, which is equivalent to 2 football fields. Pregliasco stated that the applicant will be able to dispose of pet waste daily and the applicant also agrees to

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-CUP-0049**

add condition on this aspect. Pregliasco stated that property drains from the north from old park station road towards south in the rear of the property where a pond is located. Pregliasco mentioned that the drainage flows towards the site not away from it. Pregliasco stated that the applicant is working with MSD and public works on drainage issues and water contamination. Pregliasco stated that to maintain the character of the community the barn was maintained without windows, and it would reduce the noise problem. (See recording for details).

03:48:00 Erin Taylor responded that there is no requirement of certifications in dog boarding. Taylor mentioned that she has been doing dog care for the past few years. Taylor stated that dogs will be inside the building for maximum time. (See recording for details)

03:50:00 Erin Taylor stated that there is a dog grooming service in the facility. Taylor stated that there will be windows. (See recording for details)

03:51:00 Chris Taylor stated that they will cover the walls and ceiling with thin plywood, and they put chandeliers in the facility to give a better look. (See recording for details)

03:56:00 Chris Taylor stated that they will pick dog waste immediately and it will be trashed in dumpster. Taylor stated that there are no veterinary services in the facility, but they can provide on customer request. (See recording for details)

04:00:00 Nick Pregliasco stated that the facility accommodates 19 dogs at any point of time. (See recording for details)

04:02:00 Randy Strobo stated that dog noise is very sharp and abrupt. Strobo stated that the facility is very close to his client property. (See recording for details)

04:06:00 Marty Ridge stated that German shepherd dogs barking is very loud from the breeding facility in the community, and it is much worse in the winter. (See recording for details)

04:06:20 Nick Pregliasco stated that training German shepherd dogs is allowed to bark at particular times loud. Pregliasco stated that their facility is taking care to mitigate all these noise problems. (See recording for details)

04:07:40 There is discussion on the number of dogs allowed in the facility and adding a condition on the limit. The attorney suggested continuing the case as the opposition requested time to review the changes proposed by applicant at the time of meeting. (See recording for details)

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-CUP-0049**

**Deliberation:**

04:11:00 Board deliberation

04:11:20 There is discussion on continuing the case to next public hearing. (See recording for details)

04:14:20 Member Buttorff started discussion on noise levels and suggested involving a sound engineer to get exact figures. Buttorff also suggested both parties to come up with concrete solution for the problem if the case is continued. (See recording for details)

04:14:20 Joe Haberman suggested adding a condition on hours of operation. (See recording for details)

04:15:40 Member Howard suggested hours of operation for pick up and drop off from 7:00AM to 7:00PM. Howard stated that dogs must be kept inside the installation after 7:00PM. (See recording for details)

04:16:20 Member Buttorff stated that the biggest concern is when the dogs are outside. Buttorff stated that they need to take some advice from a recognized authority like UofL about the research on noise of the dog kennels. (See recording for details)

04:23:40 Nick Pregliasco stated that it will be very expensive for applicant to provide a sound study on the case. (See recording for details)

04:25:20 Member Bond suggested opposition to research on decibel levels and come up with standard figures and evidence for the next meeting. (See recording for details)

04:28:40 Nick Pregliasco stated that if the case is continued to next meeting, they will come up with more information like testimony related to sound and additional conditions on noise. Pregliasco requested that the testimony at the next hearing should be limited to noise and revisiting the concerns stated today. (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.**

**Conditional Use Permit to allow a commercial kennel in the R-4 zoning district (LDC 4.2.17)**

04:29:00 On a motion by Member Buttorff, seconded by Member Howard, the following resolution was adopted:

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-CUP-0049**

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** the requested Conditional Use Permit for commercial kennel to the June 17, 2024, Board of Zoning Adjustment Public hearing for the applicant to study and provide additional information concerning noise levels, and any material produced shall be provided to the opposition's representative 1-week prior to the public hearing.

**The vote was as follows:**

**YES: Members Horton, Leanhart, Howard, Vozos, Buttorff and Bond**

**NO: Member Ford**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 23-CUP-0366**

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: 1601 Gardiner Lane  
Owner: Veronica Castro  
Applicant: Veronica Castro  
Representative: Veronica Castro  
Jurisdiction: Louisville Metro  
Council District: 8 – Ben Reno Weber  
Case Manager: Molly Clark, 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 in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**Agency testimony:**

04:34:00 Molly Clark provided an overview of the request and presented a PowerPoint presentation. Clark responded to questions from Members (see recording for details)

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

Verónica Castro, 1601 Gardiner Lane, Louisville, KY 40205

Vladimir De La Paz, 1601 Gardiner Lane, Louisville, KY 40205

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

04:36:00 Verónica Castro provided an overview of the request and spoke in favor of the request. Castro answered questions from Members. (See recording for details).

04:42:10 Vladimir De La Paz spoke in favor of the request. De La Paz answered questions from Members. (See recording for details).

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

Lawrence “Larry” Rother, 1600 Gardiner Lane, Louisville, KY 40205

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 23-CUP-0366**

**Summary of testimony of those in neutral to the request:**

04:42:50 Lawrence "Larry" Rother was concerned about the private parking and trespassing in their building. Rother answered questions from Members. (See recording for details)

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

Mary Ann Strothman, 1603 Gardiner Lane, Louisville, KY 40205

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

04:45:40 Mary Ann Strothman stated that they did not get notice of short-term rental by the owner. Strothman was concerned about the car parking. Strothman questions from Members. (See recording for details)

**Rebuttal:**

04:36:00 Vladimir De La Paz stated that they have strict rules in the house, and they will explain it to the guests and implement them. De La Paz stated that they are allowing only 8 guests in the house, and the violation of rules will result in removal of guest and a fine. De La Paz stated that there is an 8-car parking space in the driveway. De La Paz answered questions from Members. (See recording for details).

**Deliberation:**

05:02:10 Board 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)**

05:03:10 On a motion by Member Horton, seconded by Member Howard, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds proposal does not conflict with 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

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 23-CUP-0366**

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

**WHEREAS**, the Board of Zoning Adjustment finds the 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. The proposed short-term rental will not be located closer than 600 feet to any other short-term with an approved conditional use permit or those OR, OR-1 OR-2 properties that are non-conforming to the current regulations that require owner occupancy. The principal structure on the property has 4 bedrooms that will limit the maximum occupancy to 8 guests, now, therefore be it.

**RESOLVED**, 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 4 bedrooms for the principal structure (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.
2. Prior to commencement of any short-term rental on the subject property, the host shall register the short-term rental pursuant to the Louisville Metro Code of Ordinances. If the short-term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
3. The owner / host shall provide a house rule visible to all guests stating that no on-street parking is allowed.

**The vote was as follows:**

**YES: Members Horton, Ford and Bond**

**NO: Members Howard**

**ABSENT: Members Leanhart, Vozos and Buttorff**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 23-CUP-0367**

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: 2041 Bashford Manor Lane  
Owner: Carreno Investments LLC  
Applicant: Yisel Pupo  
Representative: Yisel Pupo  
Jurisdiction: Louisville Metro  
Council District: 10 - Pat Mulvihill  
Case Manager: Amy Brooks, 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 in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**Agency testimony:**

05:06:00 Amy Brooks provided an overview of the request and presented a PowerPoint presentation. Brooks responded to questions from Members (see recording for details)

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

Lisel Pupo, 6906 Homestead Dr, Louisville, KY 40214

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

05:11:00 Lisel Pupo spoke in favor of the request. Pupo responded to questions from Members. (See recording for details)

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

**None**

**Deliberation:**

05:12:20 Board deliberation

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 23-CUP-0367**

**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 (STR) of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63).**

05:12:30 On a motion by Member Ford, seconded by Member Howard, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds the proposal does not conflict with 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 area, and

**WHEREAS**, the Board of Zoning Adjustment finds 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. The proposed short-term rental will not be located closer than 600 feet to any other short-term with an approved conditional use permit or those OR, OR-1 OR-2 properties that are non-conforming to current regulations requiring owner occupancy. There is a two-story home on the property and second floor has two (2) bedrooms that will limit the maximum occupancy to Five (5) short-term rental guests. The subject site has an existing driveway that will be available for guest use to mitigate increased parking demands, now, therefore be it.

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow short term rental (STR) 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 bedrooms on the 2<sup>nd</sup> level only (with a maximum of Five (5) guests at any one time). Prior to use, bedrooms must meet all occupancy requirements set forth in

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 23-CUP-0367**

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 host shall register the short-term rental pursuant to the Louisville Metro Code of Ordinances. If the short-term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, and Bond  
ABSENT: Members Leanhart, Vozos and Buttorff**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 23-CUP-0374**

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: 5233 Cedrus Circle  
Owner: Kylee Sciarrino  
Applicant: Kylee Sciarrino  
Representative: Kylee Sciarrino  
Jurisdiction: Louisville Metro  
Council District: 2 - Barbara Shanklin  
Case Manager: Molly Clark, 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 in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**Agency testimony:**

05:14:00 Molly Clark provided an overview of the request and presented a PowerPoint presentation. Clark answered questions from Members. (See recording for details)

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

Kylee Sciarrino, 5233 Cedrus Circle Louisville, KY 40213

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

05:17:00 Kylee Sciarrino provided an overview of the case and explained the house rules. Sciarrino answered questions from Members (see recording for details).

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

**None**

**Deliberation:**

05:20:30 Board deliberation

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 23-CUP-0374**

**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 (STR) of a dwelling unit that is not the primary residence of the owner (LDC 4.2.63)**

05:20:50 On a motion by Member Ford, seconded by Member Horton, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds the proposal does not conflict with 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 historic area, and

**WHEREAS**, the Board of Zoning Adjustment finds 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. The proposed short-term rental will not be located closer than 600 feet to any other short-term with an approved conditional use permit or those OR, OR-1 OR-2 properties that are non-conforming to the current regulations that require owner occupancy. The principal structure on the property has 4 bedrooms that will limit the maximum occupancy to 10 guests. The applicant is limiting the maximum occupancy to eight (8) guests, now, therefore be it.

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow short term rental (STR) 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 4 bedrooms for the principal structure (with a maximum of eight (8) guests at any one time). Prior to use, bedrooms must meet all occupancy requirements set forth

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 23-CUP-0374**

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 host shall register the short-term rental pursuant to the Louisville Metro Code of Ordinances. If the short-term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, and Bond**  
**ABSENT: Members Vozos, Leanhart and Buttorff**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 23-CUP-0380**

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: 5232 Cedrus Circle  
Owner: Cameron Brown  
Applicant: Cameron Brown  
Representative: Cameron Brown  
Jurisdiction: Louisville Metro  
Council District: 2 – Barbara Shanklin  
Case Manager: Jeremy Chesler, 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 in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**Agency testimony:**

05:22:00 Jeremy Chesler provided an overview of the request and presented a PowerPoint presentation. Chesler responded to questions from Members (see recording for details)

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

Cameron Brown, 5300 Cedrus Circle, Louisville, KY 40213

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

05:25:00 Cameron Brown spoke in favor of the request. Brown stated that he is deeply invested in the community and its welfare as a long-standing member of the community. Brown explained that he is being vigilant and taking strict measures to provide sufficient parking for guests. Brown answered questions from Members (see recording for details).

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

**None**

**Deliberation:**

05:36:00 Board deliberation

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 23-CUP-0380**

**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 (4.2.63).**

05:36:20 On a motion by Member Howard, seconded by Member Ford, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds the proposal does not conflict with 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 historic area, and

**WHEREAS**, the Board of Zoning Adjustment finds the 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 requested conditional use permit is not adequately justified for approval. Following action to approve case 23-CUP-0374, the proposed short-term rental would be within 600' of one other short-term rental with an approved conditional use permit. The applicant has not provided sufficient justification that this short-term rental conditional use permit will not contribute to an overconcentration or adversely affect the affordable housing stock in the immediate area and does not meet the listed requirements of the conditional use permit, now, therefore be it.

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

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, and Bond**  
**ABSENT: Members Vozos, Leanhart and Buttorff**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-CUP-0001**

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: 3003 Lexington Road  
Owner: Jan Debevoise  
Applicant: Jan Debevoise  
Representative: Jan Debevoise  
Jurisdiction: Louisville Metro  
Council District: 9 – Andrew Owen  
Case Manager: Molly Clark, 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 in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**Agency testimony:**

05:37:30 Molly Clark provided an overview of the request and presented a PowerPoint presentation. Clark responded to questions from Members (see recording for details)

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

Jan Debevoise, 815 E Washington Street, Louisville, KY 40206

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

05:40:00 Jan Debevoise provided an overview of the request and spoke in favor of the request. Debevoise answered questions from Members. (See recording for details)

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

Joan Chandler, 501 Garden Drive, Louisville, KY 40206

Diane Cooke, 3318 Lexington Rd, Louisville, KY 40206

Jon Cooke, 3318 Lexington Rd, Louisville, KY 40206

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-CUP-0001**

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

05:43:00 Joan Chandler spoke in opposition of the request and raised concerns about traffic and limited parking. Chandler was also concerned about litter and noise in the area. Chandler answered questions from Members. (See recording for details).

05:46:00 Jon Cooke raised concerns about traffic and parking. Cooke was concerned about the curb cut at the house. Cooke answered questions from Members. (See recording for details)

05:48:00 Diane Cooke also raised concerns about traffic and parking. Cooke answered questions from Members. (See recording for details)

**Rebuttal:**

05:51:00 Jan Debevoise stated that he resolved parking issues with neighbor and barrier has been built between their driveways. Debevoise stated that curb-cut had existed since he bought the house. Debevoise mentioned that he widened the driveway for ease of parking. Debevoise stated that they are monitoring the house and have strict rules in the house. Debevoise stated that there are no incidents of littering by their guests. Debevoise stated that they are maintaining their property very meticulously. Debevoise answered questions from Members. (See recording for details)

**Deliberation:**

06:00:00 Board 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)**

06:00:40 On a motion by Member Ford, seconded by Member Horton, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

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

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-CUP-0001**

**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 historic area, and

**WHEREAS**, the Board of Zoning Adjustment finds 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. The proposed short-term rental will not be located closer than 600 feet to any other short-term with an approved conditional use permit or those OR, OR-1 OR-2 properties that are non-conforming to the current regulations that require owner occupancy. The principal structure on the property has 3 bedrooms that will limit the maximum occupancy to Six (6) guests. There is off-street parking available in the existing driveway but there is no on-street parking permitted on Lexington Road., now, therefore be it.

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested the 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 3 bedrooms for the principal structure (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 host shall register the short-term rental pursuant to the Louisville Metro Code of Ordinances. If the short-term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

**The vote was as follows:**

**YES: Members Horton, Ford, and Bond**

**ABSENT: Members Vozos, Leanhart and Buttorff**

**ABSTAINED: Members Howard**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-CUP-0002**

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: 1305 E Washington St  
Owner: Empire Realty LLC  
Applicant: Ahmad Fadhil  
Representative: Ahmad Fadhil  
Jurisdiction: Louisville Metro  
Council District: 4 – Jecorey Arthur  
Case Manager: Amy Brooks, 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 in the Office of Planning, 444 S. 5<sup>th</sup> Street.)

**Agency testimony:**

06:02:50 Amy Brooks provided an overview of the request and presented a PowerPoint presentation. Brooks responded to questions from Members (see recording for details)

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

David Mour, 513 South 2<sup>nd</sup> Street, Louisville, KY 40202

**Summary of testimony of those in support:**

06:09:00 David Mour as attorney presented the owner and provided an overview of the request. Mour stated that his client disagrees with the staff recommendation of long-term rental on rear dwelling unit. Mour responded to questions from the Board (see recording for details).

06:20:00 Joel Dock explained that to limit the overconcentration of STR in the area staff has recommended the rear unit for long term rental. (See recording for details).

06:29:00 Joe Haberman has summarized the options for consideration and reasons for potential relief. (See recording for details).

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-CUP-0002**

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

**None**

**Deliberation:**

06:38:00 Board deliberation

06:40:00 Member Howard was concerned about over concentration of STR in that area. (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.**

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

06:46:00 On a motion by Member Howard, seconded by Member Horton, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

**WHEREAS**, the Board of Zoning Adjustment finds the short term rental is consistent with 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 historic area, and

**WHEREAS**, the Board of Zoning Adjustment finds the 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. The proposed short-term rental will be located closer than 600 feet to one other short-term with an approved conditional use permit. The CUP (22-CUP-0079) that was granted for the property at 1313 E. Washington St. is null and void because that applicant failed to maintain ongoing compliance with Louisville Metro's annual licensing requirement. However, the property owner has filed a new conditional use permit request

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**PUBLIC HEARING**

**CASE NO. 24-CUP-0002**

to allow short-term rentals that the Board of Zoning Adjustment will hear on June 3, 2024; the revocation hearing will be conducted immediately following that new request. However, the property owner at 1313 E. Washington is only requesting that short-term rentals be allowed in the accessory dwelling unit at the rear of the property. Therefore, the entire property is not being used as a short rental; this limits the overall number of potential short-term rentals in the area. Furthermore, the staff is recommending that the accessory apartment at 1305 E. Washington St be held for long-term occupancy. Hence, the short-term rentals would be limited on each subject site and would not contribute to an overconcentration of short-term rentals in the area and/or adversely affect the affordable housing stock in the immediate area. The principal structure on the property has four (4) bedrooms that will limit the maximum occupancy to ten (10) guests. The site is in the Traditional Neighborhood form district which has no parking minimums. However, the site has a one-car garage that will be available for off-street parking to minimize the impact of increased parking demand that may be generated. The LDC will credit the site with one off-street parking space, and there will on-street parking available along East Washington St, and

**WHEREAS**, the Board of Zoning Adjustment further finds that the request meets one of the reasons for relief as the subject property is adjacent to nonresidential districts that allow short term rentals by right, now, therefore be it,

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow short term rental (STR) 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 four (4) bedrooms in the principal structure only (with a maximum of ten (10) guests at any one time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.
2. Prior to commencement of any short-term rental on the subject property, the host shall register the short-term rental pursuant to the Louisville Metro Code of Ordinances. If the short-term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

**The vote was as follows:**

**YES: Members Horton, Ford, Howard, and Bond**  
**ABSENT: Members Vozos, Leanhart and Buttorff**

**BOARD OF ZONING ADJUSTMENT  
MINUTES  
MAY 20, 2024**

**ADJOURNMENT**

The meeting adjourned at approximately 07:45 p.m.

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**Chair**

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**Planning Director**