

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

December 4, 2023

A meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, November 20, 2023, at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky, and also via Webex.

Members Present:

Sharon Bond, Chair
Richard Buttorff, Vice Chair
Kimberly Leanhart
Jan Horton
Yani Vozos
Lula Howard

Members Absent:

Brandt Ford

Staff Members Present:

Brian Davis, Assistant Director
Joel Dock, Planning & Design Supervisor
Joe Haberman, Planning & Design Manager
Laura Ferguson, Legal Counsel
Mary Willis, Management Assistant
Clare Stuber, Management Assistant
Amy Brooks, Planner I
Molly Clark, Planner II
Jermey Chesler, Planner I
Jude Mattingly, Planner I

The following cases were heard:

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November 20, 2023, Board of Zoning Adjustment Meeting Minutes

00:05:41 Laura Ferguson makes corrections to the November 20 2023 minutes

00:07:05 On a motion by Member Leanhart, seconded by Member Horton, the following resolution, based on the corrections of the attorney, were adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the November 20, 2023, Board of Zoning Adjustment meeting.

The vote was as follows:

YES: Members Horton, Leanhart, Vice Chair Buttorff, and Chair Bond

ABSTAIN: Members Howard, and Vozos

ABSENT: Member Ford

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BUSINESS SESSION

Case No. 23-VARIANCE-0143

Request:	Variance to allow an accessory structure to encroach into the required rear yard setback
Project Name:	Audubon Parkway Variance
Location:	932 Audubon Parkway
Owner:	Hunt Dorn, Jr. & Kate D. Crawford
Applicant:	Kelli Jones
Representative:	Kelli Jones
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Jeremy Chesler, Planner I

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

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

Agency testimony:

00:08:24 Board Members reviewed the material and discussed the case (see recording for details).

The following spoke in support of the request:

None

The following spoke in opposition to the request:

None

00:09:17 Board Members' discussion

Variance from Land Development Code (LDC), Section 5.4.2.C.3.a, to allow an accessory structure to encroach into required rear yard setback of 5 feet.

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BUSINESS SESSION

Case No. 23-VARIANCE-0143

00:09:27 On a motion by Member Howard, seconded by Member Buttorff, the following resolution, based on the Staff Analysis and Staff Testimony, the evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare, because the proposed structure will not impede vision for any pedestrians or motorists. The applicant will obtain the appropriate building permits prior to construction to ensure the structure is built to code, and

WHEREAS, the proposed structure will not alter the essential character of the general vicinity as the proposed structure will maintain the current aesthetic and style of the structure in order to mitigate potential impacts from increasing the size of the structure, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because the proposed structure will be in compliance with building code requirements. The existing accessory structure encroaches into the required rear yard setback and the proposed accessory structure will not be increasing the encroachment, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations. The existing accessory structure is encroaching into the required rear yard setback and the applicant is simply seeking to demolish and rebuild a new structure in the location of the existing structure, and

WHEREAS, the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the lot is similar in size and shape to the surrounding properties. However, current zoning regulations do not take into account the existing conditions of structures that were built to comply with previous regulations, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as adjusting the location of the structure would require the removal of multiple fully mature trees that the applicant would like to preserve, and

WHEREAS, 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 as the applicant is appropriately requesting relief prior to construction of the proposed structure, now therefore be it;

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Case No. 23-VARIANCE-0143

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the request for a Variance from Land Development Code (LDC), Section 5.4.2.C.3.a, to allow an accessory structure to encroach into required rear yard setback of 5 feet.
(Requirement 5ft, Request 3ft, Variance 2ft)

The vote was as follows:

YES: Members Leanhart, Horton, Howard, Vozos, Vice Chair Buttorff, and Chair Bond

ABSENT: Member Ford

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BUSINESS SESSION

Case No. 23-CUP-0095

Request: Cont'd from 11/20/23 Public Hearing. A Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the owner

Project Name: Tyler Park Drive Short Term Rental

Location: 1363 Tyler Park Drive

Owner: Wesley Branch

Applicant: Zach Schwager

Representative: Zach Schwager

Jurisdiction: Louisville Metro

Council District: 8 – Ben Reno-Weber

Case Manager: Jeremy Chesler, Planner I

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

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

Agency testimony:

00:10:25 Board Member reviewed the material and discussed the case (see recording for details).

The following spoke in support of the request:

None

The following spoke in opposition to the request:

None

00:10:33 Board Members' deliberation

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)

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BUSINESS SESSION

Case No. 23-CUP-0095

00:10:50 On a motion by Member Leanhart, seconded by Member Horton, the following resolution, based on the Staff Analysis, the evidence and testimony heard today, was adopted:

WHEREAS, the proposal does not conflict with applicable policies of the Comprehensive Plan, and

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

WHEREAS, 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. The subject property is served by existing public utilities and facilities, and

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

A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 30 consecutive days or more is not considered a short term rental.

B. The dwelling unit shall be limited to a single short term rental contract at a time.

C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the registered property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. If the aforementioned occupancy allows for more than 12 individuals, that shall be a maximum of 12 persons over the age of 16. The Board may further restrict the number of individuals.

Relief to this provision may be provided by the Board on a case-by-case basis if the applicant can demonstrate that a greater occupancy will be in compliance with life safety and occupancy standards and the short term rental is of a sufficient distance to not adversely impact a neighboring property.

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D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property (i) on which another approved short term rental that required a conditional use permit is situated or (ii) located in an OR, OR-1, or OR-2 district and a TN form district which has an active registration and has maintained an active registration prior to the effective date of this provision and it has not been conclusively proven to the Board that the holder of the registration is the owner of the property, and the property is the owner's primary residence. Relief to this provision may be provided by the Board on a case-by-case basis for the following reasons; however relief may be denied upon consideration of the other factors and the burden is on the applicant to demonstrate that the subject short term rental would not contribute to an overconcentration of short term rentals in the immediate area and/or adversely affect the affordable housing stock in the immediate area.

(1) Reasons for Potential Relief:

(a) The Property is adjacent to nonresidential zoning districts that allow short term rentals by right

(b) There is a significant environmental feature or primary collector or higher classification road that separates the proposed short term rental from other short term rentals within the buffer area

(c) A short term rental property within the buffer area is located on the perimeter of the buffer area, with part of the property being located outside of the buffer area

(d) A neighborhood plan encourages and supports short term rentals in the subject area In applications where the entire area encapsulated by the 600 foot buffer is residentially zoned (including TNZD areas mapped Neighborhood General), under no circumstance shall the Board provide relief to this provision in cases in which two or more short term rentals with conditional use permits are already in existence within 600 feet.

(2) The following exceptions to this separation requirement apply:

(a) The separation requirement shall not apply to a property on which the conditional use permit is conditioned that the owner acts as host and maintains their primary residency within another dwelling unit in the same building or on the same parcel of land.

(b) The separation requirement shall not apply between two or more short term rentals on a single property being reviewed under the same conditional use permit application.

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However, if the property is subdivided after the conditional use permit is granted, a new conditional use permit shall be required in order for any new lot(s) to have a short term rental, with the separation requirements applying to that subsequent application.

(c) The separation requirement shall not apply to a property in the TNZD district on which the conditional use permit is conditioned that the host shall maintain their primary residency within the dwelling unit.

E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit in a multi-family building, the condominium unit must be the primary residence of the owner. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.

F. Food and alcoholic beverages shall not be served by the host to any guest.

G Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.

H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity.

I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the registration pursuant to section 4.3.23. When the Planning Director revokes an approved registration, staff shall schedule a public hearing for the Board to consider revoking the associated conditional use permit. The Board may also revoke the conditional use permit for other reasons pursuant to section 11.5A.6.

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K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void. In order to commence short term rentals, a new conditional use permit must be granted if required by this Land Development Code.

L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for thirty (30) days, or in the event of a change of ownership and/or host, a new registration is not issued within thirty (30) days from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code, and such conditional permit must satisfy the applicable requirements for a conditional use permit in effect at the time the new application for a conditional use permit is filed.

WHEREAS, the requested conditional use permit is not adequately justified for approval. The proposed conditional use permit is within 600' of another property with an approved conditional use permit for short term rentals. 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. Further, the property is not adjacent to a nonresidential zoning district or in an area where a significant environmental feature provides separation, and it is wholly contained within the 600' buffer, now therefore be it;

WHEREAS, there was not enough sufficient reasoning to give wavier for the 600ft rule

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** 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)

The vote was as follows:

YES: Members Horton, Leanhart, Vice Chair Buttorff, and Chair Bond

ABSTAIN: Members Vozos and Howard

ABSENT: Member Ford

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Case No. 23-CUP-0120

Request: Cont'd from 11/20/23 Public Hearing. A Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the owner

Project Name: South First Street Short Term Rental

Location: 921 South First Street

Owner: Prototype Properties, LLC.

Applicant: Keith Hawkins, Jr.

Representative: Keith Hawkins, Jr.

Jurisdiction: Louisville Metro

Council District: 4 – Jecorey Arthur

Case Manager: Jeremy Chesler, Planner I

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

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

Agency testimony:

00:12:07 Board Members reviewed the material and discussed the case (see recording for details).

The following spoke in support of the request:

None

Summary of testimony of those in opposition:

None

00:12:07 Board Members' deliberation.

00:12:40 Joel Dock makes a comment clarifying that the applicant was requesting relief from the 30 day requirement and requested 90 days as an alternative. Dock answered Board members questions. (see recording for details)

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BUSINESS SESSION

Case No. 23-CUP-0120

00:13:30 On a motion by Member Leanhart, seconded by Member Horton, the following resolution, based on the Standard of Review and Staff Analysis, relief from item K and evidence and testimony heard today, was adopted:

WHEREAS, the proposal does not conflict with applicable policies of the Comprehensive Plan, and

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

WHEREAS, 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. The subject property is served by existing public utilities and facilities, and

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

A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 30 consecutive days or more is not considered a short term rental.

B. The dwelling unit shall be limited to a single short term rental contract at a time.

C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the registered property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. If the aforementioned occupancy allows for more than 12 individuals, that shall be a maximum of 12 persons over the age of 16. The Board may further restrict the number of individuals. Relief to this provision may be provided by the Board on a case-by-case basis if the applicant can demonstrate that a greater occupancy will be in compliance with life safety and occupancy standards and the short term rental is of a sufficient distance to not adversely impact a neighboring property.

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D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property (i) on which another approved short term rental that required a conditional use permit is situated or (ii) located in an OR, OR-1, or OR-2 district and a TN form district which has an active registration and has maintained an active registration prior to the effective date of this provision and it has not been conclusively proven to the Board that the holder of the registration the owner of the property, and the property is the owner's primary residence. Relief to this provision may be provided by the Board on a case-by-case basis for the following reasons; however relief may be denied upon consideration of the other factors and the burden is on the applicant to demonstrate that the subject short term rental would not contribute to an overconcentration of short term rentals in the immediate area and/or adversely affect the affordable housing stock in the immediate area.

(1) Reasons for Potential Relief:

- (a) The Property is adjacent to nonresidential zoning districts that allow short term rentals by right
- (b) There is a significant environmental feature or primary collector or higher classification road that separates the proposed short term rental from other short term rentals within the buffer area
- (c) A short term rental property within the buffer area is located on the perimeter of the buffer area, with part of the property being located outside of the buffer area
- (d) A neighborhood plan encourages and supports short term rentals in the subject area In applications where the entire area encapsulated by the 600 foot buffer is residentially zoned (including TNZD areas mapped Neighborhood General), under no circumstance shall the Board provide relief to this provision in cases in which two or more short term rentals with conditional use permits are already in existence within 600 feet.

(2) The following exceptions to this separation requirement apply:

- (a) The separation requirement shall not apply to a property on which the conditional use permit is conditioned that the owner acts as host and maintains

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their primary residency within another dwelling unit in the same building or on the same parcel of land.

- (b) The separation requirement shall not apply between two or more short term rentals on a single property being reviewed under the same conditional use permit application. However, if the property is subdivided after the conditional use permit is granted, a new conditional use permit shall be required in order for any new lot(s) to have a short term rental, with the separation requirements applying to that subsequent application.
- (c) The separation requirement shall not apply to a property in the TNZD district on which the conditional use permit is conditioned that the host shall maintain their primary residency within the dwelling unit.

E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit in a multi-family building, the condominium unit must be the primary residence of the owner. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.

F. Food and alcoholic beverages shall not be served by the host to any guest.

G Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.

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H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity.

I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the registration pursuant to section 4.3.23. When the Planning Director revokes an approved registration, staff shall schedule a public hearing for the Board to consider revoking the associated conditional use permit. The Board may also revoke the conditional use permit for other reasons pursuant to section 11.5A.6.

K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void. In order to commence short term rentals, a new conditional use permit must be granted if required by this Land Development Code.

L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for thirty (30) days, or in the event of a change of ownership and/or host, a new registration is not issued within thirty (30) days from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code, and such conditional permit must satisfy the applicable requirements for a conditional use permit in effect at the time the new application for a conditional use permit is filed.

WHEREAS, 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 any OR, OR-1, or OR-2 properties that are non-conforming to the current regulations that require owner occupancy. The principal structure on the property has four bedrooms that will limit the maximum occupancy to ten guests, now, therefore be it;

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RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** 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 four bedrooms (with a maximum of ten guests at any one time). Bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances.
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, Leanhart, Vice Chair Buttorff, and Chair Bond

ABSTAIN: Members Vozos and Howard

ABSENT: Member Ford

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BUSINESS SESSION

Case No. 23-CUP-0128

Request: Cont'd from 11/20/23 Public Hearing. A Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the owner.

Project Name: Ewing Avenue Short Term Rental

Location: 152 N. Ewing Ave.

Owner: True Sons Properties LLC

Applicant: Rebecca Federman

Representative: Rebecca Federman

Jurisdiction: Louisville Metro

Council District: 9- Andrew Owen

Case Manager: Amy Brooks, Planner I

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

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

Agency testimony:

00:15:26 Amy Brooks gives a presentation on 23-CUP-0128. Brooks responded to questions from Board Members. (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

None

The following spoke in opposition to the request:

None

00:15:26 Board Members' discussion

00:15:48 On a motion by Member Howard, seconded by Member Leanhart, the following resolution, based on the Staff Analysis and Staff Testimony, the evidence heard from the previous meeting and testimony heard today, was adopted:

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WHEREAS the short term rental is inconsistent with the Comprehensive Plan. The proposal is contributing to an overconcentration of short term rentals and affecting affordable housing stock in the area, and

WHEREAS, 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, 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

A short term rental of dwelling unit that is not the primary residence of the owner or the short term rental of a condominium unit that is the primary residence of the owner in a R-R, R-E, R-1, R-2, R- 3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district; Short Term Rental of a dwelling unit that is not the primary residence of the owner or a condominium unit that is the primary residence of the owner that is in a OR, OR-1, or OR-2 district and a TN form district; and Short Term Rental of any dwelling unit in a TNZD district. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 30 consecutive days or more is not considered a short term rental.

B. The dwelling unit shall be limited to a single short term rental contract at a time.

C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the registered property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. If the aforementioned occupancy allows for more than 12 individuals, that shall be a maximum of 12 persons over the age of 16. The Board may further restrict the number of individuals. Relief to this provision may be provided by the Board on a case-by-case basis if the applicant can demonstrate that a greater occupancy will be in compliance with life safety and occupancy standards and the short term rental is of a sufficient distance to not adversely impact a neighboring property.

D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest

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property line) to any property (i) on which another approved short term rental that required a conditional use permit is situated or (ii) located in an OR, OR-1, or OR-2 district and a TN form district which has an active registration and has maintained an active registration prior to the effective date of this provision and it has not been conclusively proven to the Board that the holder of the registration is the owner of the property, and the property is the owner's primary residence. Relief to this provision may be provided by the Board on a case-by-case basis for the following reasons; however, relief may be denied upon consideration of the other factors and the burden is on the applicant to demonstrate that the subject short term rental would not contribute to an overconcentration of short term rentals in the immediate area and/or adversely affect the affordable housing stock in the immediate area.

(1) Reasons for Potential Relief:

- (a) The Property is adjacent to nonresidential zoning districts that allow short term rentals by right
- (b) There is a significant environmental feature or primary collector or higher classification road that separates the proposed short term rental from other short term rentals within the buffer area
- (c) A short term rental property within the buffer area is located on the perimeter of the buffer area, with part of the property being located outside of the buffer area
- (d) A neighborhood plan encourages and supports short term rentals in the subject area

In applications where the entire area encapsulated by the 600 foot buffer is residentially zoned (including TNZD areas mapped Neighborhood General), under no circumstance shall the Board provide relief to this provision in cases in which two or more short term rentals with conditional use permits are already in existence within 600 feet.

(2) The following exceptions to this separation requirement apply:

- (a) The separation requirement shall not apply to a property on which the conditional use permit is conditioned that the owner acts as host and maintains their primary residency within another dwelling unit in the same building or on the same parcel of land.

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- (b) The separation requirement shall not apply between two or more short term rentals on a single property being reviewed under the same conditional use permit application. However, if the property is subdivided after the conditional use permit is granted, a new conditional use permit shall be required in order for any new lot(s) to have a short term rental, with the separation requirements applying to that subsequent application.
- (c) The separation requirement shall not apply to a property in the TNZD district on which the conditional use permit is conditioned that the host shall maintain their primary residency within the dwelling unit.

I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

WHEREAS, the proposed short-term is located within 600 feet of another short-term rental with an approved conditional use permit. Moreover, the applicant has not provided sufficient reasoning as to why relief should be granted. While the site is in the middle of a block with a heavy commercial center anchoring at each end, the commercial zone neither splits the two short-term rentals nor creates inconsistencies within the area. Furthermore, the short-term rental with an approved conditional use permit is wholly contained within the applicant's 600-foot proximity buffer eliminating any avenue for potential relief, now, therefore be it:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** 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)

Based on staff findings, standard of review, and lack of sufficient reasoning

The vote was as follows:

YES: Members Horton, Leanhart, Vice Chair Buttorff, and Chair Bond

ABSTAIN: Members Vozos, and Howard

ABSENT: Member Ford

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PUBLIC HEARING

Case No. 19-CUP-0070

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0070
Location:	905 Central Avenue
Owner:	DAVIS COMMERCIAL PROPERTIES INC
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	3 – Kumar Rashad
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

00:04:37 Applicant requested the case be continued to January 29, 2024 (see recording for details.)

The following spoke in opposition to the revocation:

None

The following spoke in support of revocation:

None

00:22:21 Board Members' discussion

00:18:24 On a motion by Member Howard, seconded by Member Leanhart, the following resolution, based on the Staff Analysis and Staff Testimony, the evidence and testimony heard today, was adopted

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** the Conditional Use Permit previously approved under 18CUP1172 to January 29, 2024

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PUBLIC HEARING

Case No. 19-CUP-0070

The vote was as follows:

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

NO: Member Vozos

ABSENT: Vice Chair Buttorff

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PUBLIC HEARING

Case No. 23-VARIANCE-0120

Request:	Variances to allow a principal structure to exceed the maximum height, street side and front yard setbacks and a Waiver to omit to omit the four areas of the traditional neighborhood site design for multifamily development in an infill context
Project Name:	Talbott Ave Apartments
Location:	201 S. Birchwood Ave
Owner:	John Timm
Applicant:	Edwin Miller and John Timm
Representative:	Mark Foxworth, Foxworth Architecture
Jurisdiction:	Louisville Metro
Council District:	8- Ben Reno-Weber
Case Manager:	Amy Brooks, Planner I

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

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

Agency testimony:

00:19:24 Amy Brooks gives a presentation on 23-Variance-0120. Brooks responded to questions from Board Members. (see staff report and recording for detailed presentation.)

00:24:19 Joel Dock apologizes for technical difficulties relating to the present (see recording for details)

00:26:33 Joel Dock answers Board Members questions (see recording for details)

00:33:07 Commissioner Howard asks Chairwoman Bond why they were reviewing a piece of material even though it was received past the deadline (see recording for details)

The following spoke in support of the request:

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Mark Foxworth, 903 Lydia Street Louisville, KY 40217

John Timm, 2325 Village Drive Louisville, KY 40205

Summary of those who spoke in support:

00:34:30 Mark Foxworth spoke in support of the request. Foxworth explained that residential property is allowed to be multifamily due to zoning. Foxworth goes on to say that he needs to convert the backyard into a space for parking, as there is no other way to get parking within that space. Unless the residents would park all the way up on Talbot, but Foxworth worries that such a solution would create issues for the residents of that street. This variance is for avoidance of parking issues with nearby Talbot's Street. All the requests put together, there's only so much development space for the property. (see recording for details)

00:42:45 John Timm spoke in support of the request. Timm explains his relationship with the last speaker, and his plans for the property. Timm answers Board members questions. (see recording for details)

00:47:29 Joel Dock makes a clarifying statement about required parking for the site (see recording for details)

The following spoke in opposition to the request:

Erin Schnieder, 2558 Carolina Avenue Louisville, KY 40205

Laura Cromwell, 2552 Carolina Avenue Louisville, KY 40205

Pete Thomas, 2554 Carolina Avenue Louisville, KY 40205

Jason Perkey, 2630 Valletta Road Louisville, KY 40205

Jim Shaughnessy, 2504 Valletta Road Louisville, KY 40205

Summary of those in opposition:

00:48:12 Erin Schnieder spoke in opposition to the request. Schnieder stated that there are no other businesses that are more than two stories, so the three stories variance is unneeded. Schnider also states that parking and accidents due to visibility

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are already an issue that would be worsened due to the proposed property. Schnieder wonders why the applicant does not just work with the space that is there and creates a two story six unit apartment building instead. Schnieder believes that this solution would alleviate the parking concerns for the proposed property and surrounding streets. (see recording for details)

00:50:36 Laura Cornwell spoke in opposition to the request. Cornwell noted that the request had many Highland Douglass Neighborhood Plan violations. Cornwell states that Variances 2 and 3 are the main concerns- especially traffic and line of sight. Cornwell believes that there are no special circumstances- it should follow the current building rules and codes. (see recording for details)

00:56:16 Pete Thomas spoke in opposition of the request. Thomas stresses that the neighbors were only given 2 weeks' notice, and the applicants have had months of notice. Thomas also questions where the dumpster would go during construction, as it would disrupt the already present neighborhood rodent problem. (see recording for details)

00:59:51 Jason Perkey spoke in opposition of the request. Perkey wonders if there would be a way to stop the proposed property from being built. Perkey understands that a Board of Zoning Adjustment meeting is not the place to argue such a point, but he attempts to anyway, simply wanting an answer to his question. Perkey uses the Metro Council as an example of stopping unwanted development. (see recording for details)

01:02:37 Jim Shaughnessy spoke in opposition to the request. Shaughnessy compliments Amy and her involvement. Shaughnessy is concerned about wanting to change the rules that are established. Shaughnessy questions if the applicant has done everything he can, the way that he should. Shaughnessy asks the Board to follow the letter of the law. (see recording for details)

Rebuttal:

01:10:43 John Timm spoke in rebuttal. Timm answered Board members questions. (See recording for details)

01:15:48 Foxworth answers Board member's questions. Timm made an additional comment about the amount of space. (see recording for details)

01:21:23 Joel Dock made a clarifying statement relating to what was being requested (see recording for details)

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01:22:37 Board Members' deliberation.

Variance from Land Development Code (LDC), Section 5.1.12 for a principal structure to exceed the maximum height.

Variance from LDC, Section 5.1.12 to vary the street side yard setbacks along Trevilian Way and Taylorsville Road

Variance from LDC, Section 5.2.2 to reduce the front yard setback.

01:28:00 On a motion by Member Howard, seconded by Member Vozos, the following resolution, based on the Staff Analysis and Staff Testimony, the evidence and testimony heard today, was adopted

(Variance #1) WHEREAS, 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 structure will not alter the essential character of the general vicinity because a three-story building is compatible with other properties located within the Traditional Marketplace Corridor (TMC) form. Furthermore, this site can be seen as a transition zone from the more commercialized and non-residential uses along the TMC to the residential uses in the adjacent neighborhood form district that surrounds the proposal. In fact, the proposed total height complements both the taller buildings that align the TMC while only being slightly taller than the roof peaks that are present in the surrounding single-family homes, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations because the allowed maximum building height within this form district and transitional zone would have been 45 feet, but infill regulations restrict the height to match those of the single-family homes that share the block with the subject site, and

WHEREAS, 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 not similar in size and shape to the surrounding properties. This is a corner lot that shares

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street frontage with residential properties that determine its allowable maximum height, and

WHEREAS, The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the proposal could not be modified to bring the structure into more compliance with the code. The lot has limited development potential without relief from the prescribed regulations, and

WHEREAS, 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 #2) WHEREAS, the requested variances will not adversely affect the public health, safety, or welfare because varying the street side setbacks either along Trevillian Way or Taylorsville Rd will neither affect the existing sightlines nor established traffic patterns for vehicles, and

WHEREAS, the requested variances will not alter the essential character of the general vicinity because this request seems compatible with the already established pattern of setbacks. The streetscape, which infill standards are intended to preserve by requiring new development to complement existing construction, would not be significantly altered by allowing the proposed building to deviate from the required street side yard setbacks, and

WHEREAS, the requested variances will not cause a hazard or nuisance to the public because the structure must be constructed to comply with all building codes, and

WHEREAS, the requested variances will not allow an unreasonable circumvention of the zoning regulations because other structures in the surrounding neighborhood appear to have similar street side setback, and

WHEREAS, 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 because construction has not begun, and the applicant is applying for variances, now, therefore be it;

(Variance #3) WHEREAS, the requested variance will not adversely affect the public health, safety or welfare as the proposed setbacks do not interfere with the safe

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movement of people or vehicles or result in noxious uses being located inappropriately within close proximity to residential properties, and

WHEREAS 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 principal structures near the subject site that also seemingly encroach into the front yard setback, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public as the proposed building will need to be built in compliance with all building codes, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations. While the proposed building will encroach into the front yard setback along Talbott Ave, the development itself will result in a reduction to the existing impervious area and allow the proposed building to be located further away from the adjoining residential properties to the rear. In fact, the current built conditions will be replaced with landscaping and plantings that would be more compatible with the surrounding uses than a stand-alone parking lot, and

WHEREAS, 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 because the shape of this corner lot is unique and impervious surfaces occupy much of the current land, and

WHEREAS, 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 be granted relief from the prescribed regulations, and

WHEREAS, 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 as no development has occurred, now therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance **(1)** Variance from Land Development Code (LDC), Section 5.1.12 for a principal structure to exceed the maximum height setbacks. **(Requirement 33.8ft, Request 36ft, Variance 2.4ft)** Variance **(2)** from LDC, Section 5.1.12 to vary the street side yard setbacks along Trevilian Way and Taylorsville Road **(Requirement 3ft, Request 5ft, Variance 2ft)** Variance **(3)** from LDC, Section 5.2.2 to reduce the front yard setback. **(Requirement 27ft, Request 5ft, Variance 22ft)**

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Case No. 23-VARIANCE-0120

The vote was as follows:

YES: Members Horton, Leanhart, Vozos, Howard, and Chair Bond

NO: Vice Chair Buttorff

ABSENT: Member Ford

Waiver of LDC, Section 5.4.1.G.2 to omit the four areas of the traditional neighborhood site design for multifamily development in an infill context (23-WAIVER-0124)

01:31:49 On a motion by Member Howard, seconded by Member Vozos, the following resolution, based on the Staff Analysis and Staff Testimony, the evidence and testimony heard today, was adopted

WHEREAS, the waiver to eliminate the four areas of the traditional neighborhood yard will not adversely affect adjacent property owners because the applicant is proposing to provide both screening and buffering between the multi-family and single-family uses. The elimination of the required open space between the principal structure and the accessory use area will be supplanted by extensive plantings and landscaping around the building and to the rear of the lot. In fact, the applicant's proposed parking area would be located further from the rear of the lot than is required for accessory uses thereby helping mitigate potential impact on the adjacent property owners, and

WHEREAS, 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, and other potential impacts. The applicant will be providing the required landscaping and screening that will buffer the multi-family development from the closest residential uses, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as development is severely restricted due to its unique geometric design with road frontages on three streets, now, therefore be it;

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RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Wavier of LDC, Section 5.4.1.G.2 to omit the four areas of the traditional neighborhood site design for multifamily development in an infill context (23-WAIVER-0124) (**Requirement 15ft, Request 6ft, Variance 9ft**)

The vote was as follows:

YES: Members Horton, Leanhart, Howard, Vozos, and Chair Bond

NO: Vice Chair Buttorff

ABSENT: Member Ford

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PUBLIC HEARING

Case No. 23-VARIANCE-0127

Request:	Variance to allow a fence to exceed the maximum height in a front yard setback.
Project Name:	Birchwood Fence Variance
Location:	201 S. Birchwood Ave
Owner:	Christopher David
Applicant:	Chris David
Representative:	Chris David
Jurisdiction:	Louisville Metro
Council District:	9-Andrew Owen
Case Manager:	Amy Brooks, Planner I

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

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

Agency testimony:

01:33:53 Amy Brooks presented the case and showed a Power Point presentation. (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Chris David, 201 South Birchwood Avenue Louisville, KY 40206

Summary of testimony of those in support:

01:36:48 Chris David spoke in support of the request. David believes that the fence fits in with the character of the neighborhood. David states that because the fence is made from solid concrete, it cannot be altered. David answered Board members questions. (see recording for details.)

01:50:44 Joel Dock makes a clarifying comment about the information on the Metro website (see recording for details)

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The following spoke in opposition of the request:

Mark Wilmoth, 205 South Birchwood Avenue Louisville, KY 40206

Heather Drake, 209 South Birchwood Avenue Louisville, KY 40206

Summary of those in opposition:

01:52:50 Mark Wilmoth spoke in opposition of the request. There was a concern about a 55' inch wall and about a lighting unit and its height. Wilmoth uses his own height of 72' as a reference point for the height of the fence and to showcase how it is in violation of the Land Development Code. (see recording for details)

01:59:09 Heather Drake spoke in opposition of the request. Drake is concerned about height, and the hazard of the tripping hazard of the sidewalks and having the community, such as children and the elderly, falling. Code Enforcement had already been at the site before construction. Drake uses a fence from the neighborhood as an example, and explains how the proposed fence does not follow regulation the way the example does. Drake answered Board members questions. (see recording for details)

Rebuttal:

02:06:14 David spoke in rebuttal. David answered Staff and Board Members questions. (See recording for details)

02:16:18 Amy Brooks answers Board members questions (see recording for details)

02:16:42 Board Members' deliberation

Variance from Land Development Code, Section 4.4.3.A.1.a.i to allow a fence to exceed 42 inches (3'6") in height in the front yard setback.

02:21:43 On a motion by Member Leanhart, seconded by Member Buttorff, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the requested variance will not adversely affect public health, safety, or welfare. The fence would neither interfere with the safe movement of traffic along S. Birchwood Avenue nor with the safe movement of pedestrians along the sidewalk, and

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WHEREAS, the requested variance will not alter the essential character of the general vicinity because a fence that exceeds the allowed maximum height is compatible to the surrounding, neighborhood closest to the subject site. The concrete design of this wall/fence is seemingly complementary to the stone wall and fences that align Frankfort Avenue, and

WHEREAS, the variance will not cause a hazard or nuisance to pedestrians utilizing the public sidewalk along S. Birchwood Avenue, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations because a fence of this height and design serves as a transition between the historic fences established along the commercial corridor fronting Frankfort and the residential uses that extend along Birchwood Ave,

WHEREAS, the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the property is similar in size and shape to surrounding properties, and

WHEREAS, the strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant as the fence could be modified to be within the allowed height as specified by the regulations, and

WHEREAS, the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has completed construction of the fence, now, therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the requested Variance from the Land Development Code section 5.5.1.A.2 for an addition to an existing structure to be setback more than 5 feet for a corner lot **(Requirement 3'6ft, Request 5'1ft, Variance 1'7ft)**

The vote was as follows:

YES: Members Horton, Leanhart, Howard, Vozos, Vice Chair Buttorff, and Chair Bond

ABSENT: Members Ford

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PUBLIC HEARING

Case No. 23-VARIANCE-0132

Request:	Category 3 Development Plan with variances
Project Name:	North 25 th Street Development Plan
Location:	210 North 25 th Street
Owner:	Bennu Rowan, LLC.
Applicant:	Chris Crumpton
Representative:	Chris Crumpton
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Jeremy Chesler, Planner I

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

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

Agency testimony:

02:24:17 Jeremy Chesler presented the case and showed a Power Point presentation. Chesler answered Board members questions. (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Brittany Ridge, 3759 Southern Parkway Louisville, KY

Summary of testimony of those in support:

02:30:16 Britt Ridge spoke in support of the request. Ridge explained that her goal as the developer was to provide affordable housing. (see recording for detailed presentation.)

The following spoke in opposition to the request:

None

02:32:33 Board Members' deliberation

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Case No. 23-VARIANCE-0132

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

Variance from the LDC Section 5.4.1.D.3 to allow the private yard area to be less than the required 20% of the area of the lot.

Category 3 Development Plan

02:33:12 On a motion by Member Howard, seconded by Member Vozos, the following resolution, based on the Standard of Review, and evidence and testimony heard today, was adopted:

(Variance #1) WHEREAS, the requested variance will not adversely affect the public health, safety or welfare. The requested variances are not required because of proposed construction, but rather due to the location of proposed property lines and their proximity to existing structures. The applicant will obtain the appropriate building permits prior to construction of any new structures to ensure any proposed structures are built to code, and

WHEREAS, the proposal will not alter the essential, visual character of the general vicinity as the structures are already existing so there will be no visual changes. Any proposed structures will comply with current LDC regulations, and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because the structures are already existing,

WHEREAS the requested variance will not allow an unreasonable circumvention of the zoning regulations because the conditions on the ground cannot be changed to comply, therefore it would not be possible to subdivide the lot as proposed without this variance, and,

WHEREAS, despite the proposed lots being similar in size and shape to other properties in the general vicinity and same zone, the subdividing of lots with existing structures on it is a unique circumstance that led to the need for the variance, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because they would not be able to get the proposed minor plat approved, and

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WHEREAS, the circumstance is not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, because the variances are required due to the existing conditions on the site, now therefore be it;

(Variance #2) WHEREAS, the requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested, and

WHEREAS, The proposed reduction in private yard area will not alter the essential character of the general vicinity as compact lots with limited private yard area are not uncommon in the area, and

WHEREAS, The reduction in private yard area will not cause a hazard or nuisance to the public since it is required to meet all applicable requirements of the building code, and

WHEREAS, the requested variance would not be an unreasonable circumvention of the zoning regulations because the proposed reduction in private yard area is consistent with the area, and

WHEREAS, despite the proposed lots being similar in size and shape to other properties in the general vicinity and same zone, the subdividing of lots with existing structures on it is a unique circumstance that led to the need for the variance, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because they would not be able to get the proposed minor plat approved. The parcel lines could be shifted to prevent this variance from being required, however it would prevent the applicant from using the residual parcel in the manner they intend to, and

WHEREAS, the circumstance is the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, now, therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance **(1) Variance** from the Land Development Code (LDC), Section 5.2.2.C (Table 5.2.2) to allow structures to encroach into the required side yard setbacks. **(Requirement 5ft, Request 1.3ft, Variance 3.7ft)** Variance **(2)** from the LDC Section 5.4.1.D.3 to allow the private yard area to be less than the required 20% of the area of the lot **(Requirement 5ft, Request 1.3ft, Variance 3.7ft)**

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The vote was as follows:

YES: Members Horton, Leanhart, Vozos, Howard, Vice Chair Buttorff, and Chair Bond

ABSENT: Member Ford

Category 3 Development Plan

02:35:05 On a motion by Member Howard, seconded by Member Vozos, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Category 3 Development Plan (**Requirement 370 sq ft, Request 208 sq ft, Variance 162 sq ft**)

The vote was as follows:

YES: Members Horton, Leanhart, Vozos, Howard, Vice Chair Buttorff, and Chair Bond

ABSENT: Member Ford

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PUBLIC HEARING

Case No. 23-VARIANCE-0154

Request:	Variance to allow off-street parking in the required side yard setback
Project Name:	Englewood Avenue Variance
Location:	2907 Englewood Avenue
Owner:	Chelsey Del Grosso
Applicant:	Chelsey Del Grosso
Representative:	Chelsey Del Grosso
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Jeremy Chesler, Planner I

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

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

Agency testimony:

02:49:35 Jeremy Chesler presented the case and showed a Power Point presentation. (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Chelsey Del Grosso, 2907 Englewood Avenue Louisville, KY 40220

Summary of testimony of those in support:

02:52:33 Chelsey Del Grosso spoke in support of the request. Del Grosso answered Board members questions. (see recording for details)

02:56:38 Joe Haberman responded to Buttorff's question and clarified on the applicant's statement. (see recording for details)

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PUBLIC HEARING

Case No. 23-VARIANCE-0154

02:59:16 Joel Dock asks the applicant her plans for the site (see recording for details)

03:08:03 Joe Haberman answered Board members questions (see recording for details)

The following spoke in opposition of the request:

Henry Goodrow, 3102 Iris Way Louisville, KY 40220

Cherish Garbero, 2909 Englewood Avenue Louisville, KY 40220

Summary of those who spoke in opposition:

03:10:25 Henry Goodrow spoke in opposition to the request. Goodrow stated that the applicant has let her trailer sit in her gravel driveway. (see recording for details)

03:14:45 Cherish Garbero spoke in opposition to the request. Garbero stated that the applicant notified the neighbors of the plans and the accompanying construction the day that the construction was set to begin. Garbero is also concerned about how this will effect the property values of her home and the homes of her neighbors. (see recording for details)

Rebuttal:

03:18:10 Chelsey Del Grosso spoke in rebuttal. Del Grosso answers Board Members questions. (see recording for details)

03:22:49 Board Members' deliberation.

Variance from Land Development Code (LDC), Section 5.3.1.C to allow off-street parking in the required 5' side yard setback.

03:25:37 On a motion by Member Howard, seconded by Member Vozos, the following resolution, based on the Standard of Review and that Standard C be fully met, with the condition that a permanently affixed barrier that is no less than 4in in height be installed along the property line, along with the evidence and testimony heard today, was adopted:

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WHEREAS, the requested variance will not adversely affect the public health, safety or welfare, because the encroachment is located on private property that does not impede upon the right-of-way or impact visibility with the right-of-way, and

WHEREAS, the proposal will not alter the essential character of the general vicinity as wider driveways are present in the area that may be consistent in size and appearance to the proposed driveway, and

WHEREAS, the requested variance will not result in hazards or nuisances to the public or adjacent property owners with the addition of wheel stops or a similar type of physical barrier that prevents wheels from entering unpaved surfaces or encroaching into adjacent property, and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations, and

WHEREAS, the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the lot is similar in size and shape to the surrounding properties, and

WHEREAS, the strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant as there is already a driveway on the property with sufficient room for parking a vehicle in a location that does not encroach into any of the required setbacks, and

WHEREAS, the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. Permits were issued but those permits did not allow for parking; thus, creating the current conflict between existing conditions and requirements of the LDC, now therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variances from Land Development Code (LDC), Section 5.3.1.C to allow off-street parking in the required 5' side yard setback. **(Requirement 5ft, Request 0ft, Variance 5ft)**

The vote was as follows:

YES: Members Horton, Vozos, Howard, and Chair Bond

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Case No. 23-VARIANCE-0154

NO: Member Leanhart, Vice Chair Buttorff
ABSENT: Member Ford

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PUBLIC HEARING

Case No. 23-CUP-0248

Request:	Conditional Use Permit to allow an Accessory Dwelling Unit (ADU) that does not meet special standards.
Project Name:	Cooper Chapel ADU
Location:	6130 Cooper Chapel Road
Owner:	Yolexis Mesa Martinez
Applicant:	Yolexis Mesa Martinez
Representative:	Yolexis Mesa Martinez
Jurisdiction:	Louisville Metro
Council District:	23 – Jeff Hudson
Case Manager:	Molly Clark, Planner II

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

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

Agency testimony:

03:29:41 Molly Clark presented the case and showed a Power Point presentation. Clark responded to questions from Board Members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Yolexis Mesa Martinez, 4412 Mcfield Drive Louisville, KY 40215

Summary of those who spoke in support:

03:36:43 Yolexis Mesa Martinez spoke in support of the request. Mesa Martinez answered Board members questions. (see recording for details)

03:38:05 Joe Haberman answered Board members questions. (see recording for details)

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The following spoke in opposition to the request:

Ann Ramser, 307 East Kenwood Drive Louisville, KY 40214

Summary of those in opposition:

03:39:04 Ann Ramser spoke in opposition to the request. Ramser stressed the importance of the owner of the property living in the property. Ramser also has concerns about the other standards and regulations discussed in the Staff Report not being followed. Ramser does not want the presentment to turn to “asking forgiveness instead of permission.” Ramser urged the Board to deny the CUP. (see recording for details)

Rebuttal:

03:41:00 Yolexis Mesa Martinez spoke in rebuttal. Mesa Martinez answered Board members questions. (see recording for details)

03:42:35 Board Members’ deliberation.

Conditional Use Permit to allow an Accessory Dwelling Unit (ADU) that does not meet special standards (LDC 4.2.3)

03:42:45 On a motion by Vice Chair Buttorff, seconded by Member Horton, the following resolution, based on the Staff Report, Staff Analysis, and Staff recommendation, based on item J and evidence and testimony heard today, was adopted:

WHEREAS, the proposal meets all applicable policies of the Comprehensive Plan, and

WHEREAS, the proposed use is compatible with surrounding development and land uses. The existing accessory structure is residential in nature and is compatible with surrounding residential developments. There are no proposed exterior changes, and

WHEREAS, The subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal, and

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

A. One ADU, either attached or detached is permitted per single family dwelling per lot.

B. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.

C. Location Requirements:

1. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or behind the principal structure.

2. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or behind the principal structure.

D. ADU Access:

1. For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure. N/A

2. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.

E. Maximum Height:

1. For an attached ADU, the maximum height shall not exceed the height of the principal structure.

2. For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with Chapter 5 of the LDC. The maximum height shall not exceed the height of the principal structure.

F. ADUs approved under this provision shall not be used as a short term rental.

G. Any property that has been subject to a zoning, property maintenance, or building code violation(s) in the 12 months prior to application shall be reviewed and approved

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by the directors of Planning & Design Services and Codes & Regulations, or their designees. Any violations shall be resolved prior to approval.

H. Off-street parking shall meet the requirements of Chapter 9 of the LDC.

I. ADUs that include new construction that results in habitable floor area (for example, additions to principal structures or new accessory structures) shall not be allowed on any areas of lots that contain environmental constraints (LDC Section 4.6.2.A)

J. The owner of the property shall reside within either the principal or the accessory dwelling unit.

K. To avoid any confusion, since there is no language to the contrary, this section does not override any deed restriction or homeowners' association declarations restricting accessory dwelling units.

WHEREAS, The proposal is showing a proposed 2 story structure for the ADU with a garage on the first floor. Item "B" requires that the ADU be either 800 SF or 30% of the gross floor area of the principal structure. The ADU will be approximately 1300 SF which is more than 30% of the gross floor area of the principal structure and larger than 800 SF therefore will need relief. Due to the size of the proposed ADU being larger than the principal structure, this creates more of a duplex situation rather than a single family home with a detached ADU. Item "E" requires that the ADU not be taller than the principal structure. The proposed ADU is 2 stories while the principal structure is only 1 story. The property will not be occupied by the owner and will need relief from item "J." There is no short term rental being proposed. Both units are to be long term rentals. While the owner does not reside on the property, additional units are being provisioned in the appropriate area within the site, which leads to an increase in housing units, but does not necessarily result in affordable housing units. Because the owner does not live on the property, any wealth created leaves the property as it is not associated with an occupant of the subject site, now, therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** the requested Conditional Use Permit to allow an Accessory Dwelling Unit (ADU) that does not meet special standards (LDC 4.2.3)

The vote was as follows:

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YES: Members Horton, Leanhart, Vice Chair Buttorff, Vozos, Howard, and Chair Bond

ABSENT: Members Ford

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PUBLIC HEARING

Case No. 23-CUP-0306

Request:	Conditional Use Permit to allow for a mini-warehouses with associated variances and waivers.
Project Name:	Juneau Drive Development
Location:	200 Juneau Drive
Owner:	Mike Leonard, Hogan Holdings 82 LLC
Applicant:	Cliff Ashburner, Dinsmore & Shohl LLP
Representative:	Ann Richard, Land Design and Development, Inc.
Jurisdiction:	City of Middletown
Council District:	17- Markus Winkler
Case Manager:	Amy Brooks, Planner I

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

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

Agency testimony:

03:44:43 Amy Brooks presented the case and showed a Power Point presentation. (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

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

Ann Richard, 503 Washburn Avenue Louisville, KY 40222

Summary of testimony of those in support:

03:50:31 Cliff Ashburner spoke in support of the request. Ashburner explained that this site was a redevelopment for the improvement of the current site conditions. Ashburner answered Board members questions. (see recording for details)

03:52:00 Joe Haberman answered Board members questions (see recording for details)

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04:09:40 Ann Richard spoke in support of the request. Richard answered Board members questions. (see recording for details)

The following spoke in opposition of the request:

None

04:10:56 Board Members' deliberation.

Conditional Use Permit for Mini-warehouses (Land Development Code 4.2.34).

Variance from LDC, Section 5.3.2.C.2.b to reduce the side setback from 25' to 15' (23- VARIANCE-0151).

Waiver of LDC, Section 5.7.1.B.3 to reduce the landscape buffer area (LBA) to 15' along the northern property line for Tracts 1 and 2 (23-WAIVER-0172).

Waiver of LDC, Section 10.2.4 to waive the 8 ft screen along Tract 1's western property line. (23-WAIVER-0173).

Waiver of LDC, Section 10.2.4 to allow more than a 50% overlap of existing utilities within the LBA on Tracts 1 and 2 (23-WAIVER-0173 and 23-WAIVER-0133).

Waiver of LDC, Section 5.6.1.B. to not provide animating features along less than 60% of the horizontal length and not to provide 50% clear windows and doors for the proposed building on Tract 2. (23-WAIVER-0174).

04:12:31 On a motion by Member Vozos, seconded by Member Leanhart, the following resolution, with relief from items E, G, and H, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040, and

WHEREAS, 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. There are residential

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uses along the northern property line; however, the site will both screened and landscaped to mitigate potential impacts, and

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

WHEREAS, The building on Tract 1, where the mini warehouses will be located requires a conditional use permit. A portion of pavement will be closer than 30 feet to the western property line. However, the encroachment will not affect any residential use because the adjoining property to the west of the subject is zoned being utilized as office space. There will be an office/retail space on the bottom level of the mixed-use building which fits the character of the neighborhood along Shelbyville Road corridor where there is existing commercial and retail space. The tower of the mini-warehouse building will be 29 feet which exceeds the allowed height for mini-warehouses. However, because the units are enclosed in the building, there will be less of an impact on any adjacent residential uses. Moreover, the applicant is providing landscaping and screening that will minimize the impact of the proposal on the residential properties to the north of the subject site and is meeting the required 30-foot setback from residential uses. The applicant is proposing a monument sign that is consistent with other signs within the Suburban Marketplace Corridor fronting Shelbyville Road, now therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the request Conditional Use Permit for Mini-warehouses (Land Development Code 4.2.34). 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 off-street parking until further review and approval by the Board.

The vote was as follows:

YES: Members Horton, Leanhart, Vozos, Howard, Vice Chair Buttorff and Chair Bond

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ABSENT: Member Ford

Variance from LDC, Section 5.3.2.C.2.b to reduce the side setback from 25' to 15' (23- VARIANCE-0151).

04:13:57 On a motion by Member Vozos, seconded by Member Horton, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, The requested variance will not adversely affect the public health, safety or welfare as the proposed setback does not interfere with the safe movement of people or vehicles. The adjacent residential property will be screened and buffered from commercial uses on the site, and

WHEREAS, The requested variance will not alter the essential character of the general vicinity. While the proposed development will encroach into the required side yards on the northern property line, the proposal appears to result in a net reduction of both pavement and encroachment. The current building on the site encroaches more than what the proposed buildings and vehicle maneuvering will. In addition, landscaping and trees will be provided in this area where none currently exists, and

Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.

B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.

C. No outside storage shall be allowed on the property.

D. No storage of toxic or hazardous materials shall be allowed on the property.

E. There shall be no retail or wholesale sales or distributing activities on site.

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F. Loading doors and vehicle maneuvering areas shall be located away from the exterior of the property.

G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below)

H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

WHEREAS, The requested variance will not cause a hazard or nuisance to the public as the proposed setbacks do not interfere with the safe movement of people or vehicles. While the building for the grocery store and loading docks will be located within close proximity to residential use, the applicant has revised their original plan to help with screening and noise mitigation. The dock will be depressed by 4 ft. and a 5 ft masonry wall will be constructed on top of the dock retaining wall. Additionally, a double staggered row of evergreen trees, arborvitae and junipers 6ft at planting are proposed to be planted adjacent to the dock-dumpster area. The applicant is also proposing to remove existing parking spaces that currently face residential use to the north, and

WHEREAS, The requested variance will not allow an unreasonable circumvention of the zoning regulations as the requested setback does not adversely impact public health, safety, or welfare and no hazards or nuisances are created. Further, it is consistent with the character of the area, and

WHEREAS, The requested variances arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the site's development is limited by its close proximity to residential zoning. However, the development site is not technically sharing a common boundary line with single-family homes but will be separated from the residential uses by landscaping and an existing rear alleyway/parking lot that serves those homes along Brothers Ave, and

WHEREAS, The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the site would be difficult to develop without encroachment into the required side yard. Without the proposed variance, the development would not have adequate vehicle maneuvering space, and

WHEREAS, 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 as no development has occurred, now therefore be it;

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RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the request Variance from LDC, Section 5.3.2.C.2.b to reduce the side setback from 25' to 15' (23- VARIANCE-0151).

The vote was as follows:

YES: Members Horton, Leanhart, Vozos, Howard, Vice Chair Buttorff and Chair Bond

ABSENT: Members Ford

Waiver of LDC, Section 5.7.1.B.3 to reduce the landscape buffer area (LBA) to 15' along the northern property line for Tracts 1 and 2 (23-WAIVER-0172).

Waiver of LDC, Section 10.2.4 to waive the 8 ft screen along Tract 1's western property line. (23-WAIVER-0173).

Waiver of LDC, Section 10.2.4 to allow more than a 50% overlap of existing utilities within the LBA on Tracts 1 and 2 (23-WAIVER-0173 and 23-WAIVER-0133).

Waiver of LDC, Section 5.6.1.B. to not provide animating features along less than 60% of the horizontal length and not to provide 50% clear windows and doors for the proposed building on Tract 2. (23-WAIVER-0174).

04:15:29 On a motion by Member Vozos, seconded by Member Howard, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

(Wavier 1) WHEREAS, the waiver will not adversely affect adjacent property owners as the reduction is consistent with existing conditions. There is an existing 6-ft privacy fence that will separate the uses, in addition to more proposed plantings to mitigate the proposed reduction in the LBA, and

WHEREAS, 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, and other potential impacts. The

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reduced buffer is consistent with existing conditions. The required landscape screening will be provided with the applicant proposing to plant eight-foot-tall evergreens, and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject property would not be able to be developed for the proposed use without relief from this landscape buffer which would occupy a large portion of the site, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the reduced buffer request is consistent with the confirmed site conditions. The applicant's proposed improvements would add the required screening and more landscaping where a limited amount is currently, now therefore be it;

(Wavier 2) WHEREAS, the waiver will not adversely affect adjacent property owners as the elimination of an eight-foot screen is consistent with the current site conditions. There is currently no screening between the adjoining property to the west and the subject site. The adjoining property is being utilized as an office which is a more intensive use than residential and requires less screening, and

WHEREAS, the waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 3 1.8 encourages developers in the Suburban Marketplace Corridor to construct new commercial development in compact groups of buildings that share parking and have a common buffering or streetscape plan to ensure an appropriate transition between uses that are different in intensity. The applicant plans to augment the area with landscaping and trees, which is an improvement over what currently can be found while promoting the type of development that is encouraged within Plan 2040, and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The proposed waiver will permit the applicant to provide mixed-uses on a single development site while also increasing the tree canopy and green space, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the requested waiver does not violate Plan 2040 or adversely impact adjacent residents, now therefore be it;

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(Wavier 3) WHEREAS, the waiver will not adversely affect adjacent property owners as the 50% overlap of existing utility easement within the LBA is consistent with the existing environment on the subject property, and

WHEREAS, 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, and other potential impacts. The applicant plans to position a more robust green space in the landscape buffer area than what currently separates the residential and non-residential uses. This requires an overlap with the existing utility easements to fulfill the specific guidelines of 2040 which encourage utilizing landscaping and screening to separate uses, and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject property would not be able to be developed for the proposed use without relief from this landscape waiver because existing utility easements occupy a large portion of the development site, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the overlap with utility easement is consistent with existing conditions. The required landscape screen will be provided in the on Tract 2 while buffering will be provided on the western edge of Tract 1, now therefore be it;

(Wavier 4) WHEREAS, the waiver will not adversely affect adjacent property owners as the elimination of windows and animating features will be mitigated by the buffering of new and existing landscaping. It will conceal the blank walls that will face Juneau Drive, and

WHEREAS, the waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. The proposed building will have small windows facing the public street which will allow some

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articulation for the façade facing the public street. The height of the existing tower on the grocery store will also alter the façade adding some visual interest, and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The applicant is preserving trees at the rear of the building that will soften the appearance of the building's façade, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as it would require the applicant to provide windows and animating features for areas that will be covered by screening features, trees, and landscaping, now therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Wavier **(1)** of LDC, Section 5.7.1.B.3 to reduce the landscape buffer area (LBA) to 15' along the northern property line for Tracts 1 and 2 (23-WAIVER-0172). Wavier **(2)** of LDC, Section 10.2.4 to waive the 8 ft screen along Tract 1's western property line. (23-WAIVER-0173). Wavier **(3)** of LDC, Section 10.2.4 to allow more than a 50% overlap of existing utilities within the LBA on Tracts 1 and 2 (23-WAIVER-0173 and 23-WAIVER-0133) Wavier **(4)** of LDC, Section 5.6.1.B. to not provide animating features along less than 60% of the horizontal length and not to provide 50% clear windows and doors for the proposed building on Tract 2. (23-WAIVER-0174)

The vote was as follows:

YES: Members Horton, Leanhart, Vozos, Howard, Vice Chair Buttorff and Chair Bond

ABSENT: Members Ford

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PUBLIC HEARING

Case No. LIC-STL-23-00560

Request:	Short Term Rental Host Residency Hearing
Project Name:	Host, Reagen Oliver
Location:	1935 Alfresco Place
Owner:	Darrell C Oliver & Rebecca E Oliver
Applicant:	n/a
Representative:	Darrell C Oliver
Jurisdiction:	Louisville Metro
Council District:	8 – Ben Reno-Weber
Case Manager:	Jude Mattingly, Planner I

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

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

Agency testimony:

04:16:32 Jude Mattingly presented the case and showed a Power Point presentation. Mattingly responded to questions from Board Members (see staff report and recording for detailed presentation.)

The following spoke in support of the residency:

Darrell Oliver, 1935 Alfresco Place Louisville, KY 40205

Summary of testimony of those in support of host residency:

04:22:12 Darrell Oliver spoke in support of the request. Oliver discusses his concern over the harassment that his daughter has been receiving at her current residency. Oliver answered Board member questions (see recording for details)

The following spoke in opposition to the host's residency:

Janet Steffens, 1937 Alfresco Place Louisville, KY 40205

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Ray Keijner, 1926 Alfresco Place Louisville, KY 40205

Summary of those in opposition to the host's residency:

04:51:33 Janet Steffens spoke in opposition to the request. Steffens stated that she has never met the host, despite living right next door to the property. Steffens explained that she has met the father of the host and supports his claims of vandalism. Steffens answers Board members questions (see recording for details)

04:54:48 Ray Keijner spoke in opposition to the request. Keijner explained that he went to the notice meeting for the Airbnb, and expressed his concerns for the change of the house. Keijner states that the neighbors were told that the host would be living there, but he has no proof that she in fact does. Although, he does have evidence of an abundance of Airbnb guests cycling through the property. Keijner answered Board members questions. (see recording for details)

05:00:26 Joel Dock answers Board members question (see recording for details)

Rebuttal:

05:02:48 Darrell Oliver spoke in rebuttal. Oliver answered Board members questions (see recording for details)

01:50:18 Board Members' deliberation.

05:09:01 On a motion by Member Leanhart, seconded by Member Horton, the following resolution, based on the evidence and testimony heard today, and the noncompliance with Section 1.2.2 of the ordinance, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the requested Short-Term Rental Host Residency

The vote was as follows:

YES: Members Horton, Leanhart, Vice Chair Buttorff, Vozos, Howard, and Chair Bond

ABSENT: Member Ford

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PUBLIC HEARING

Case No. LIC-STL-23-00560

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PUBLIC HEARING

Case No. 23-CUP-0145

Request:	A Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the owner.
Project Name:	Ivanhoe Court Short Term Rental
Location:	1933 Ivanhoe Ct.
Owner:	John Dziedzic
Applicant:	Zach Schwager
Representative:	Zach Schwager
Jurisdiction:	Louisville Metro
Council District:	8-Ben Reno-Weber
Case Manager:	Amy Brooks, Planner I

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

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

Agency testimony:

05:13:07 Amy Brooks presented the case and showed a Power Point presentation. Brooks responded to questions from Board Members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Zach Schwager, 2704 Brownsboro Road Louisville, KY 40206

John Driedzic, 9406 Hobbleshush Street Prospect, KY 40059

Summary of testimony of those in support:

05:19:17 Zach Schwager spoke in support of the request. Schwager argued against the Staff review. (See recording for details)

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05:23:37 John Driedzic spoke in support of the request. Driedzic explained to the Board his plans for the rental. Driedzic answered Board members questions. (see recording for details)

The following spoke in opposition to the request:

Arthur Cestaro, 1936 Ivanhoe Court Louisville, KY 40205

Chris Cestaro, 1936 Ivanhoe Court Louisville, KY 40205

Ann Ramser, 307 East Kenwood Drive Louisville, KY 40214

Summary of testimony of those in opposition:

05:27:43 Arthur Cestaro spoke in opposition of the request. Cestaro spoke on behalf of the Deer Park neighborhood association. Cestaro stated that, within keeping of the neighborhood plan, he wants to keep the residential area the way that it is, and “keep commercial infrastructure from within the residential areas.” Cestaro argues that the short term rental is the same as a hotel, and should be kept away from the neighborhood. (see recording for details)

Member Vozos left the meeting at 6:36 PM and does not return.

05:32:05 Chris Cestaro spoke in opposition of the request. Cestaro explained that the building next to the proposed property is an apartment building with long term renters and some lower-level commercial business. Cestaro is worried for the children that play within the court, as having a commercial property would disrupt that, and the close-knit community that comes with it. Cestaro sees no issue with long term renters living in the property, but believes that short term renters would be inappropriate. (see recording for details)

05:34:04 Ann Ramser spoke in opposition to the request. Ramser stated that she wanted to uphold the 600ft rule. Ramser claimed that she heard no justification for the housing shortage. (see recording for details)

Rebuttal:

05:35:01 John Driedzic spoke in rebuttal. (see recording for details)

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05:38:19 Board Members' deliberation.

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)

05:40:13 On a motion by Member Horton, seconded by Vice Chair Buttorff, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, The short term rental is consistent with the Comprehensive Plan, and

WHEREAS, 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, 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

A short term rental of dwelling unit that is not the primary residence of the owner or the short term rental of a condominium unit that is the primary residence of the owner in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district; Short Term Rental of a dwelling unit that is not the primary residence of the owner or a condominium unit that is the primary residence of the owner that is in a OR, OR-1, or OR-2 district and a TN form district; and Short Term Rental of any dwelling unit in a TNZD district. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 30 consecutive days or more is not considered a short term rental.

B. The dwelling unit shall be limited to a single short term rental contract at a time.

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C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the registered property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. If the aforementioned occupancy allows for more than 12 individuals, that shall be a maximum of 12 persons over the age of 16. The Board may further restrict the number of individuals. Relief to this provision may be provided by the Board on a case-by-case basis if the applicant can demonstrate that a greater occupancy will be in compliance with life safety and occupancy standards and the short term rental is of a sufficient distance to not adversely impact a neighboring property.

D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property (i) on which another approved short term rental that required a conditional use permit is situated or (ii) located in an OR, OR-1, or OR-2 district and a TN form district which has an active registration and has maintained an active registration prior to the effective date of this provision and it has not been conclusively proven to the Board that the holder of the registration is the owner of the property, and the property is the owner's primary residence. Relief to this provision may be provided by the Board on a case-by-case basis for the following reasons; however, relief may be denied upon consideration of the other factors and the burden is on the applicant to demonstrate that the subject short term rental would not contribute to an overconcentration of short term rentals in the immediate area and/or adversely affect the affordable housing stock in the immediate area.

(1) Reasons for Potential Relief:

(a) The Property is adjacent to nonresidential zoning districts that allow short term rentals by right

(b) There is a significant environmental feature or primary collector or higher classification road that separates the proposed short term rental from other short term rentals within the buffer area

(c) A short term rental property within the buffer area is located on the perimeter of the buffer area, with part of the property being located outside of the buffer area

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A neighborhood plan encourages and supports short term rentals in the subject area. In applications where the entire area encapsulated by the 600 foot buffer is residentially zoned (including TNZD areas mapped Neighborhood General), under no circumstance shall the Board provide relief to this provision in cases in which two or more short term rentals with conditional use permits are already in existence within 600 feet.

(2) The following exceptions to this separation requirement apply:

(a) The separation requirement shall not apply to a property on which the conditional use permit is conditioned that the owner acts as host and maintains their primary residency within another dwelling unit in the same building or on the same parcel of land.

(b) The separation requirement shall not apply between two or more short term rentals on a single property being reviewed under the same conditional use permit application. However, if the property is subdivided after the conditional use permit is granted, a new conditional use permit shall be required in order for any new lot(s) to have a short term rental, with the separation requirements applying to that subsequent application.

(c) The separation requirement shall not apply to a property in the TNZD district on which the conditional use permit is conditioned that the host shall maintain their primary residency within the dwelling unit.

E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit in a multi-family building, the condominium unit must be the primary residence of the owner. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association.

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Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.

F. Food and alcoholic beverages shall not be served by the host to any guest.

G Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.

H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity.

I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the registration pursuant to section 4.3.23.. When the Planning Director revokes an approved registration, staff shall schedule a public hearing for the Board to consider revoking the associated conditional use permit. The Board may also revoke the conditional use permit for other reasons pursuant to section 11.5A.6.

K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void. In order to commence short term rentals, a new conditional use permit must be granted if required by this Land Development Code.

L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for thirty (30) days, or in the event of a change of ownership and/or host, a new registration is not issued within thirty (30) days from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code, and such conditional permit must satisfy the

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applicable requirements for a conditional use permit in effect at the time the new application for a conditional use permit is filed.

WHEREAS, The subject site is located within 600 feet of another short-term rental with an approved conditional use permit and a non-owner occupied short term rental in the office-residential district The applicant has not provided sufficient reasoning as to why relief should be granted from the short-term rental proximity standard. While Bardstown Road is a major arterial roadway and does act as a definitive line between the subject site and the OR-1 property at 2005 Kenilworth Place, this request would still contribute to an overconcentration of short-term rentals on the western side of Bardstown Road where there is a large residential pocket. Furthermore, the CUP (22-CUP-0211) that was granted for the site on Richmond Drive limited the short-term rental to the accessory dwelling unit which is located at the rear of the property. Hence, while the 600- foot buffer bisects the parcel on Richmond Drive, the rear portion of site where the short-term rental is located is wholly contained within the applicant's 600-foot proximity buffer, now, therefore be it;

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **DENY** 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)

The vote was as follows:

YES: Members Horton, Leanhart, Vice Chair Buttorff, Howard

NO: Chair Bond

ABSENT: Member Ford and Vozos

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PUBLIC HEARING

Case No. 23-CUP-0148

Request:	A Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the owner.
Project Name:	Peachtree Avenue Short Term Rental
Location:	4828 Peachtree Ave.
Owner:	Farooq Shaheen
Applicant:	Slava Furs, Furs Real Estate Inc.,
Representative:	Slava Furs, Furs Real Estate Inc.,
Jurisdiction:	Louisville Metro
Council District:	21- Betsy Ruhe
Case Manager:	Amy Brooks, Planner I

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

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

Agency testimony:

05:42:15 Amy Brooks presented the case and showed a Power Point presentation. (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Slava Furs, 6928 Coal Ring Circle Louisville, KY

Farooq Shaheen, 9 North Key Lane West, NY

Summary of testimony of those in support:

05:45:02 Slava Furs spoke in support of the request. Furs explained that the property was fully remodeled. Furs stated that the neighbors are supportive of the improvements to the property and the fact that it would be a short term rental. Furs assured that the property is within the 600ft rule. (see recording for details)

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05:50:12 Faroq Shaheen spoke in support of the request. Shaheen explained that he did his due diligence to make sure that every rule was followed. Shaheen even assured that he split his time evenly between properties, and that he was caring for the property and improving it. (see recording for details)

The following spoke in neutral to the request:

Ann Ramser, 307 East Kenwood Drive Louisville, KY 40214

Summary of testimony of those in neutral:

05:53:06 Ann Ramser spoke in neutral to the request. Ramser asked the property owner that since he lives in New York, and his local property manager lives thirty minutes out from the property, if the property manager would be able to arrive at the property and fix issues and or deescalate emergencies in a timely manner. (see recording for details)

The following spoke in opposition:
None

Rebuttal:

05:54:44 Faroq Shaheen spoke in rebuttal. Shaheen answered Board members questions. (see recording for details)

05:58:22 Board Members' deliberation.

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)

05:58:30 On a motion by Member Leanhart, seconded by Vice Chair Buttorff, the following resolution, based on the Standard of Review and Staff Analysis, the conditions on page eight of the Staff Report, with the condition at the owner understands he has thirty days to register upon approval, and evidence and testimony heard today, was adopted:

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WHEREAS, The proposal does not conflict with applicable policies of the Comprehensive Plan, and

WHEREAS, 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, 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.

A short term rental of dwelling unit that is not the primary residence of the owner or the short term rental of a condominium unit that is the primary residence of the owner in a R-R, R-E, R-1, R-2, R- 3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district; Short Term Rental of a dwelling unit that is not the primary residence of the owner or a condominium unit that is the primary residence of the owner that is in a OR, OR-1, or OR-2 district and a TN form district; and Short Term Rental of any dwelling unit in a TNZD district. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 30 consecutive days or more is not considered a short term rental.

B. The dwelling unit shall be limited to a single short term rental contract at a time.

C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the registered property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. If the aforementioned occupancy allows for more than 12 individuals, that shall be a maximum of 12 persons over the age of 16. The Board may further restrict the number of individuals. Relief to this provision may be provided by the Board on a case-by-case basis if the applicant can demonstrate that a greater occupancy will be in compliance with life safety and occupancy standards and the short term rental is of a sufficient distance to not adversely impact a neighboring property.

D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property (i) on which another approved short term rental that

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required a conditional use permit is situated or (ii) located in an OR, OR-1, or OR-2 district and a TN form district which has an active registration and has maintained an active registration prior to the effective date of this provision and it has not been conclusively proven to the Board that the holder of the registration is the owner of the property, and the property is the owner's primary residence. Relief to this provision may be provided by the Board on a case-by-case basis for the following reasons; however, relief may be denied upon consideration of the other factors and the burden is on the applicant to demonstrate that the subject short term rental would not contribute to an overconcentration of short term rentals in the immediate area and/or adversely affect the affordable housing stock in the immediate area.

(1) Reasons for Potential Relief:

(a) The Property is adjacent to nonresidential zoning districts that allow short term rentals by right

(b) There is a significant environmental feature or primary collector or higher classification road that separates the proposed short term rental from other short term rentals within the buffer area

(c) A short term rental property within the buffer area is located on the perimeter of the buffer area, with part of the property being located outside of the buffer area

(d) A neighborhood plan encourages and supports short term rentals in the subject area. In applications where the entire area encapsulated by the 600 foot buffer is residentially zoned (including TNZD areas mapped Neighborhood General), under no circumstance shall the Board provide relief to this provision in cases in which two or more short term rentals with conditional use permits are already in existence within 600 feet.

(2) The following exceptions to this separation requirement apply:

(a) The separation requirement shall not apply to a property on which the conditional use permit is conditioned that the owner acts as host and maintains their primary residency within another dwelling unit in the same building or on the same parcel of land.

(b) The separation requirement shall not apply between two or more short term rentals on a single property being reviewed under the same conditional use permit application. However, if the property is subdivided after the conditional use permit is granted, a new

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conditional use permit shall be required in order for any new lot(s) to have a short term rental, with the separation requirements applying to that subsequent application.

(c) The separation requirement shall not apply to a property in the TNZD district on which the conditional use permit is conditioned that the host shall maintain their primary residency within the dwelling unit.

E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit in a multi-family building, the condominium unit must be the primary residence of the owner. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.

F. Food and alcoholic beverages shall not be served by the host to any guest.

G Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.

H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity.

I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the registration pursuant to section 4.3.23.. When the Planning Director revokes an approved registration, staff shall schedule a public hearing for the Board to consider revoking the associated conditional use permit. The Board may also revoke the conditional use permit for other reasons pursuant to section 11.5A.6.

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K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void. In order to commence short term rentals, a new conditional use permit must be granted if required by this Land Development Code.

L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for thirty (30) days, or in the event of a change of ownership and/or host, a new registration is not issued within thirty (30) days from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code, and such conditional permit must satisfy the applicable requirements for a conditional use permit in effect at the time the new application for a conditional use permit is filed.

WHEREAS, 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 four bedrooms that will limit the maximum occupancy to 10 guests. The site is in the Traditional Neighborhood form district which has no parking minimums. However, there is an existing driveway and available one-car garage that will be available for off-street parking to minimize the impact of increased parking demand that may be generated, 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 four bedrooms (with a maximum of 10 guests at any one time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.

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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, Leanhart, Vice Chair Buttorff, Howard and Chair Bond

ABSENT: Member Ford, Vozos

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Case No. 23-CUP-0149

Request:	Conditional Use Permit to allow a short term rental of a dwelling unit that is not the primary residence of the owner
Project Name:	Belmar Drive Short Term Rental
Location:	1628 Belmar Drive
Owner:	Anetta Linton
Applicant:	Kirk Macaulay
Representative:	Kirk Macaulay
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Molly Clark, Planner II

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

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

Agency testimony:

05:59:56 Molly Clark presented the case and showed a Power Point presentation. Clark responded to questions from Board Members (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Kirk Macaulay, 6207 Breeze Hill Road Louisville, KY 40014

Summary of testimony of those in support:

06:01:30 Macaulay spoke in support of the request. Macaulay explained that this property was his Mother's home. Macaulay plans to rent the property so that she can use the money for her retirement. Macaulay answers Board members questions. (see recording for details)

The following spoke in opposition to the request:

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None

06:03:40 Board Members' deliberation.

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)

06:03:55 On a motion by Vice Chair Buttorff, seconded by Member Howard, the following resolution, based on the Standard of Review and Staff Analysis, Staff Recommendations, conditions on page eight of the Staff Report, and evidence and testimony heard today, was adopted:

WHEREAS,: The proposal does not conflict with applicable policies of the Comprehensive Plan, and

WHEREAS, 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,: 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

A short term rental of dwelling unit that is not the primary residence of the owner or the short term rental of a condominium unit that is the primary residence of the owner in a R-R, R-E, R-1, R-2, R- 3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district; Short Term Rental of a dwelling unit that is not the primary residence of the owner or a condominium unit that is the primary residence of the owner that is in a OR, OR-1, or OR-2 district and a TN form district; and Short Term Rental of any dwelling unit in a TNZD district. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 30 consecutive days or more is not considered a short term rental.

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B. The dwelling unit shall be limited to a single short term rental contract at a time.

C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the registered property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. If the aforementioned occupancy allows for more than 12 individuals, that shall be a maximum of 12 persons over the age of 16. The Board may further restrict the number of individuals. Relief to this provision may be provided by the Board on a case-by-case basis if the applicant can demonstrate that a greater occupancy will be in compliance with life safety and occupancy standards and the short term rental is of a sufficient distance to not adversely impact a neighboring property.

D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property (i) on which another approved short term rental that required a conditional use permit is situated or (ii) located in an OR, OR-1, or OR-2 district and a TN form district which has an active registration and has maintained an active registration prior to the effective date of this provision and it has not been conclusively proven to the Board that the holder of the registration is the owner of the property, and the property is the owner's primary residence. Relief to this provision may be provided by the Board on a case-by-case basis for the following reasons; however, relief may be denied upon consideration of the other factors and the burden is on the applicant to demonstrate that the subject short term rental would not contribute to an overconcentration of short term rentals in the immediate area and/or adversely affect the affordable housing stock in the immediate area.

(1) Reasons for Potential Relief:

(a) The Property is adjacent to nonresidential zoning districts that allow short term rentals by right

(b) There is a significant environmental feature or primary collector or higher classification road that separates the proposed short term rental from other short term rentals within the buffer area

(c) A short term rental property within the buffer area is located on the perimeter of the buffer area, with part of the property being located outside of the buffer area

(d) A neighborhood plan encourages and supports short term rentals in the subject area

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 23-CUP-0149

In applications where the entire area encapsulated by the 600 foot buffer is residentially zoned (including TNZD areas mapped Neighborhood General), under no circumstance shall the Board provide relief to this provision in cases in which two or more short term rentals with conditional use permits are already in existence within 600 feet.

(2) The following exceptions to this separation requirement apply:

(a) The separation requirement shall not apply to a property on which the conditional use permit is conditioned that the owner acts as host and maintains their primary residency within another dwelling unit in the same building or on the same parcel of land.

(b) The separation requirement shall not apply between two or more short term rentals on a single property being reviewed under the same conditional use permit application. However, if the property is subdivided after the conditional use permit is granted, a new conditional use permit shall be required in order for any new lot(s) to have a short term rental, with the separation requirements applying to that subsequent application.

(c) The separation requirement shall not apply to a property in the TNZD district on which the conditional use permit is conditioned that the host shall maintain their primary residency within the dwelling unit.

E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit in a multi-family building, the condominium unit must be the primary residence of the owner. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association.

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PUBLIC HEARING

Case No. 23-CUP-0149

Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.

F. Food and alcoholic beverages shall not be served by the host to any guest.

G Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.

H. There shall be a sufficient amount of parking available for guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity.

I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the registration pursuant to section 4.3.23. When the Planning Director revokes an approved registration, staff shall schedule a public hearing for the Board to consider revoking the associated conditional use permit. The Board may also revoke the conditional use permit for other reasons pursuant to section 11.5A.6.

K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void. In order to commence short term rentals, a new conditional use permit must be granted if required by this Land Development Code.

L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for thirty (30) days, or in the event of a change of ownership and/or host, a new registration is not issued within thirty (30) days from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code, and such conditional permit must satisfy the applicable requirements for a conditional use permit in effect at the time the new application for a conditional use permit is filed.

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PUBLIC HEARING

Case No. 23-CUP-0149

WHEREAS, 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 8 guests. there is an existing driveway with 4 off-street parking spaces to minimize the impact of increased parking demand that may be generated, 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 3 bedrooms for the principal structure (with a maximum of 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

The vote was as follows:

YES: Members Horton, Leanhart, Vice Chair Buttorff, Howard and Chair Bond
ABSENT: Member Ford, and Vozos

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0144

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0144
Location:	4513 Southern Parkway
Owner:	MEGAN PROPERTIES LLC
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	21 – Betsy Ruhe
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:05:13 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:

Senator David Yates, District 37

Paul Cox, 4511 Southern Parkway Louisville, KY 40214

Summary of those in opposition:

06:12:36 Senator David Yates spoke in opposition of the request. Yates stated that he supported the applicant to purchase the property, and defended the applicant. Yates answered Board member questions. (see recording for details)

06:18:33 Paul Cox spoke in opposition of the request. Cox answered Board members questions. (see recording for details)

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

Case No. 19-CUP-0144

The following spoke in support of revocation:
None

06:20:39 Board Members' discussion

06:28:20 On a motion by Vice Chair Buttorff, seconded by Member Howard, the following resolution, based on the information supplied by staff, Buttorff declares this a hardship case and instructs staff to expedite reinstatement of the Conditional Use application, the notice of revocation letter, and the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

The vote was as follows:

YES: Members Horton, Leanhart, Vice Chair Buttorff, Howard, and Chair Bond
ABSENT: Member Ford, and Vozos

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 18CUP1207

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #18CUP1207
Location:	1240 Boyle Street
Owner:	WYNNFIELD COMPANY LLC THE
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	6 – Phillip Baker
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:30:29 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:

None

The following spoke in support of revocation:

None

06:32:40 Board Members' discussion

06:32:40 On a motion by Vice Chair Buttorff, seconded by Member Howard, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 18CUP1207

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

The vote was as follows:

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff, and Chair Bond

ABSENT: Member Ford and Vozos

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19CUP1002

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19CUP1002
Location:	1914 Decatur Drive
Owner:	MANGAR JUNA & MANGAR KHAM
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:33:12 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:
None

The following spoke in support of revocation:
None

06:34:24 On a motion by Vice Chair Buttorff, seconded by Member Howard, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19CUP1002

The vote was as follows:

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff, and Chair Bond

ABSENT: Members Ford and Vozos

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0047

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0047
Location:	466 East Brandeis Avenue
Owner:	COASTAL INVESTMENTS LLC
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	15 – Jennifer Chappell
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:34:54 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:

None

The following spoke in support of revocation:

None

00:43:29 On a motion by Member Howard, seconded by Vice Chair Buttorff, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0047

The vote was as follows:

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff, and Chair Bond

ABSENT: Members Ford and Vozos

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0060

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0060
Location:	804 Cannonside Drive
Owner:	CLEMONS PROPERTIES I LLC
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	9 – Andrew Owen
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:35:35 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:

None

The following spoke in support of revocation:

None

00:43:29 On a motion by Member Howard, seconded by Vice Chair Buttorff, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

The vote was as follows:

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

Case No. 19-CUP-0060

**YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff
and Chair Bond**

ABSENT: Members Ford and Vozos

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0077

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0077
Location:	1451 South 6 th Street
Owner:	FLORES STEPHEN & JESSICA KUTZ
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	6 – Phillip Baker
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:36:18 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:

None

The following spoke in support of revocation:

None

06:37:02 On a motion by Member Horton, seconded by Member Howard, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

The vote was as follows:

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING

Case No. 19-CUP-0077

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

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0106

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0106
Location:	546 Rawlings Street
Owner:	COWLEY ANNA T & HILLIARD JEAN ELIZABETH
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	15 – Jennifer Chappell
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:37:14 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:

None

The following spoke in support of revocation:

None

06:37:40 On a motion by Member Leanhart, seconded by Vice Chair Buttorff, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

The vote was as follows:

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0106

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff, and Chair Bond
ABSENT: Member Vozos and Ford

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0107

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0107
Location:	1010 East Saint Catherine Street
Owner:	KNEHANS MORGAN E
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	6 – Phillip Baker
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:37:54 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:

None

The following spoke in support of revocation:

None

06:38:15 On a motion by Member Howard, seconded by Chair Bond, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

The vote was as follows:

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0107

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff, and Chair Bond
ABSENT: Member Vozos, and Ford

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0157

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0157
Location:	3847 Peachtree Avenue
Owner:	LONGHORN INVESTMENTS LLC
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	21 – Betsy Ruhe
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:38:28 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:
None

The following spoke in support of revocation:
None

06:38:54 On a motion by Vice Chair Buttorff, seconded by Member Howard, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** this case to the January 29, 2024 business session.

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0157

The vote was as follows:

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff, and Chair Bond

ABSENT: Member Vozos and Ford

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0158

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0158
Location:	3356 Peachtree Avenue
Owner:	LONGHORN INVESTMENTS LLC
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	15 – Jennifer Chappell
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:38:28 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:

None

The following spoke in support of revocation:

None

06:38:54 On a motion by Vice Chair Buttorff, seconded by Member Howard, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** this case to the January 29, 2024 business session.

The vote was as follows:

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0158

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff, and Chair Bond
ABSENT: Member Vozos and Ford

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0167

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0167
Location:	6810 Wind Ridge Court
Owner:	CARRICO RUTH & CARRICO JOSEPH LAWRENCE
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:39:15 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:

None

The following spoke in support of revocation:

None

06:39:40 On a motion by Vice Chair Buttorff, seconded by Member Howard, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

The vote was as follows:

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0167

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff, and Chair Bond
ABSENT: Member Vozos, and Ford

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0218

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0218
Location:	2216 Grinstead Avenue
Owner:	FAIRLEIGH JOE L
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	8 – Ben Reno-Weber
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:39:53 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:
None

The following spoke in support of revocation:
None

06:40:13 On a motion by Member Howard, seconded by Chair Bond, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0218

The vote was as follows:

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff, and Chair Bond

ABSENT: Member Ford, and Vozos

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0219

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0219
Location:	165 Pope Street
Owner:	FAIRLEIGH POPE LLC
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	9 – Andrew Owen
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:40:24 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:
None

The following spoke in support of revocation:
None

06:40:46 On a motion by Member Howard, seconded by Vice Chair Buttorff, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0219

The vote was as follows:

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff, and Chair Bond

ABSENT: Member Ford, and Vozos

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0221

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0221
Location:	914 Euclid Avenue
Owner:	JATA PROPERTIES LLC
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	3 – Kumar Rashad
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:41:02 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:
None

The following spoke in support of revocation:
None

06:41:21 On a motion by Vice Char Buttorff, seconded by Member Howard, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0221

The vote was as follows:

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff, and Chair Bond

ABSENT: Member Ford, and Vozos

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0236

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0236
Location:	2525 Bradley Avenue
Owner:	2525 BRADLEY AVENUE LAND TRUST THE
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	15 – Jennifer Chappell
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:41:30 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:
None

The following spoke in support of revocation:
None

06:41:51 On a motion by Member Horton, seconded by Vice Chair Buttorff, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0236

The vote was as follows:

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff, and Chair Bond

ABSENT: Member Ford, and Vozos

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0268

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0268
Location:	2847 Cleveland Boulevard
Owner:	YUREK DAVID A
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:42:09 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:
None

The following spoke in support of revocation:
None

06:42:27 On a motion by Member Howard, seconded by Vice Chair Buttorff, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0268

The vote was as follows:

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff and Chair Bond

ABSENT: Member Ford and Vozos

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0270

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0270
Location:	332 Kenilworth Road
Owner:	DENSFORD MIRANDA E & KINDER SETH C
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:42:58 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:
None

The following spoke in support of revocation:
None

06:43:40 On a motion by Member Howard, seconded by Vice Chair Buttorff, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0270

The vote was as follows:

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff, and Chair Bond

ABSENT: Member Ford and Vozos

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0275

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #19-CUP-0275
Location:	612 Atwood Street
Owner:	WEITER JAMES G
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	15 – Jennifer Chappell
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:43:52 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:
None

The following spoke in support of revocation:
None

06:44:12 On a motion by Member Leanhart, seconded by Member Howard, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 19-CUP-0275

The vote was as follows:

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff, and Chair Bond

ABSENT: Member Ford and Vozos

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 20-CUP-0118

Request:	Conditional Use Permit Revocation Hearing
Project Name:	Short Term Rental Conditional Use Case #20-CUP-0118
Location:	2201 Strathmoor Boulevard
Owner:	CECCOLI KARLA KINDERMAN
Applicant:	n/a
Representative:	n/a
Jurisdiction:	Louisville Metro
Council District:	8 – Ben Reno-Weber
Case Manager:	Joseph Haberman, Planning & Design Manager

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

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

Agency testimony:

06:44:18 Joesph Haberman presented the case and spoke about the Conditional Use Permit Revocation. Haberman responded to questions from the Board Members (see recording for detailed presentation.)

The following spoke in opposition to the revocation:
None

The following spoke in support of revocation:
None

06:44:56 On a motion by Vice Chair Buttorff, seconded by Member Howard, the following resolution, based on the notice of revocation letter, the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **REVOKE** the Conditional Use Permit previously approved under 18CUP1172

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

PUBLIC HEARING

Case No. 20-CUP-0118

The vote was as follows:

YES: Members Horton, Howard, Leanhart, Vice Chair Buttorff, and Chair Bond

ABSENT: Member Ford, and Vozos

BOARD OF ZONING ADJUSTMENT MINUTES
December 4, 2023

The meeting adjourned at approximately 07:51 p.m.

Chair

Secretary