

**MINUTES OF THE MEETING
OF THE
LOUISVILLE BOARD OF ZONING ADJUSTMENT
September 9, 2024**

A meeting of the Louisville Metro Board of Zoning Adjustment was held on Monday, September 9, 2024, at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky

Board Members Present:

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

Board Members Absent:

Lula Howard

Staff Members Present:

Julia Williams, Planning Manager
Joel Dock, Planning and Design Supervisor
Jay Lockett, Planning Supervisor
Travis Fiechter, Assistant County Attorney
Amy Brooks, Planner II
Jude Mattingly, Planner II
Molly Clark, Planner II
Zack Schwager, Planner I
Jeremy Chesler, Planner I
Mark Pinto, Planner I
Mary Willis, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

August 19, 2024, BOARD OF ZONING ADJUSTMENT MEETING MINUTES

00:04:45 On a motion by Member Bieda, seconded by Member Vozos, the following resolution was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the minutes of the August 19, 2024, Board of Zoning Adjustment meeting.

The vote was as follows:

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

ABSENT: Member Howard

ABSTAIN: Member Ford

**BOARD OF ZONING ADJUSTMENT
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BUSINESS SESSION

CASE NO. 14CUP1009

Request:	Abandonment of Conditional Use Permit
Project Name:	Outdoor Dining Area
Location:	2634/2636 Frankfort Avenue
Applicant:	Crescent Cards LLC
Representative:	Crescent Cards LLC
Jurisdiction:	Louisville Metro
Council District:	9- Andrew Owen
Case Manager:	Joel Dock, AICP, Planning Supervisor

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

00:06:26 On a motion by Member Lewis, seconded by Member Ford, the following resolution, was adopted:

RESOLVED, The Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** and **ABANDON** the Conditional Use Permit and all conditions of docket 14CUP1009, including any modifications

The vote was as follows:

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

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PUBLIC HEARING

CASE NO. 24-VARIANCE-0099

Request:	Variance to omit the private yard area
Project Name:	Workshop Construction
Location:	2718 Macmore Place
Applicant:	Chad Rosen
Representative:	Chad Rosen
Jurisdiction:	Louisville Metro
Council District:	9 –Andrew Owen
Case Manager:	Mark Pinto, Planner I

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

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

Agency Testimony:

00:07:31 Mark Pinto provided an overview of the request and presented a PowerPoint presentation. Pinto responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Chad Rosen, 2718 Macmore Place, Louisville, KY 40206

Summary of testimony of those in support:

00:15:34 Chad Rosen spoke in support of the proposal and responded to questions from Board Members (see recording for details).

The following spoke in opposition of the request:

None

Deliberation:

00:17:50 Board deliberation

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PUBLIC HEARING

CASE NO. 24-VARIANCE-0099

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

Variance from Land Development Code (LDC) Section 5.4.1.D.2 to omit the required private yard area.

00:18:27 On a motion by Member Ford, seconded by Member Horton, the following resolution based on the staff analysis contained in the standard of review in the staff report, and evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety, or welfare, since the private yard area variance will not impede the safe movement of vehicles or pedestrians travelling along the right-of-way. Also, the accessory structure will be required to comply with all applicable building and fire code regulations, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not alter the essential character of the general vicinity since the subject property does not adhere to the customary design and layout of lots found in the Traditional Neighborhood form district, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not cause a hazard or nuisance to the public because the reduction in the private yard area will not impede the safe movement of motorists or pedestrians or negatively alter the essential character of the general vicinity. Also, the variance is contained within the subject property and will not adversely impact neighboring properties. Lastly, the proposed accessory structure will be required to comply with all applicable fire and building code regulations, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not allow an unreasonable circumvention of the zoning regulations since the configuration of the property does not follow the traditional neighborhood site design layout. The front yard is immediately north of a railway and the rear yard does not have alley access, instead accessed by a driveway off Macmore Place, a small private access road that does not extend to the subject site. Lastly, there will remain a considerable amount of open space in the front yard adjacent to the railway and side yard, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance does arise from special circumstances which generally do not apply to the land in the general vicinity or

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the same zone since the property does not adhere to the residential design layout of the Traditional Neighborhood form district, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the required private yard area is presently limited due to the location of the home and configuration of the lot, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The accessory structure is proposed and has not yet been constructed; now, therefore be it.

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from Land Development Code (LDC), Section 5.4.1.D.2 to omit the required private yard area (24-VARIANCE-0099) (**Requirement 2,996sqft, Request 0sqft, Variance 2,996sqft**)

The vote was as follows:

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

ABSENT: Member Howard

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CASE NO. 24-VARIANCE-0101

Request: To allow a fence to exceed the maximum height permitted within the required front yard
Project Name: Fence Height Variance
Location: 3610 Heman St
Applicant: Helen Akhtar
Representative: Helen Akhtar
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
Case Manager: Mark Pinto, Planner I

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

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

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

00:19:25 The chair indicated that the applicant had requested a continuance to the next available date and could not be present today.

00:19:43 On a motion by Member Vozos, seconded by Member Bieda, the following resolution, was adopted:

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **CONTINUE** the request to the September 23rd Board of Zoning Adjustment meeting.

The vote was as follows:

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

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CASE NO. 24-VARIANCE-0106

Request: Variance to allow an addition to encroach into the required private yard area
Project Name: Alfresco Place Variance
Location: 1914 Alfresco Place
Applicant: Tom Boucher
Representative: Tom Boucher
Jurisdiction: Louisville Metro
Council District: 8 – Ben Reno-Weber
Case Manager: Zach Schwager, Planner I

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

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

Agency Testimony:

00:20:35 Zach Schwager provided an overview of the request and presented a PowerPoint presentation. Schwager responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Cindi Sullivan, 1914 Alfresco Place, Louisville, KY 40205

Summary of testimony of those in support:

00:23:33 Cindi Sullivan spoke in support of the proposal. Sullivan stated that the reason for the variance was to create a larger kitchen for her home (see recording for details).

The following spoke in opposition of the request:

None

Deliberation:

00:24:31 Board Deliberation

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CASE NO. 24-VARIANCE-0106

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

Variance from the Land Development Code (LDC) 5.4.1.D.2 to allow an addition to encroach into the required private yard area.

00:25:05 On a motion by Member Vozos, seconded by Member Ford, the following resolution based on the staff analysis contained in the standard of review in the staff report, and evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety, or welfare, because the proposed addition must be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board of Zoning Adjustment finds the variance will not alter the essential character of the general vicinity since there are other rear additions on neighboring properties with similar private yard areas, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not cause a hazard or nuisance to the public since there will not be an adverse effect on public health, safety, or welfare or negatively alter the essential character of the general vicinity, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not allow an unreasonable circumvention of the zoning regulations because there is additional open space at the rear of the lot in the accessory structure area that cannot be included in the calculation, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance does not arise from special circumstances which generally apply to the land in the general vicinity or the same zone since the property is similar in shape, size, and scale to properties in the general vicinity, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because there is additional open space at the rear of the lot in the accessory structure area that cannot be included in the calculation, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from

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which relief is sought. The applicant has requested the variance and construction has not yet begun; now, therefore be it.

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from the Land Development Code (LDC) 5.4.1.D.2 to allow an addition to encroach into the required private yard area (24-VARIANCE-0106) **(Requirement 1,920sqft, Request 1,450sqft, Variance 470sqft)**

The vote was as follows:

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

ABSENT: Member Howard

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CASE NO. 24-VARIANCE-0109

Request: Variance to allow an addition to encroach into the required private yard area
Project Name: Princeton Drive Variance
Location: 1880 Princeton Drive
Applicant: Eric Entrican
Representative: Eric Entrican
Jurisdiction: Louisville Metro
Council District: 8- Ben Reno-weber
Case Manager: Zach Schwager, Planner I

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

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

Agency testimony:

00:26:05 Zach Schwager provided an overview of the request and presented a PowerPoint presentation. Schwager responded to questions from Board Members (see recording for details).

00:28:30 Jock Dock asked if the center portion between the existing house and the new addition were within the minimum dimensions for an outdoor space (see recording for details).

The following spoke in favor of the request:

Eric Entrican, 1880 Princeton Dr, Louisville, KY 40205

Summary of testimony of those in support:

00:29:44 Eric Entrican spoke in support of the proposal. Entrican stated that he collaborated with an architect to make sure the addition stayed the same style and manor of the original home (see recording for details).

The following spoke in opposition to the request:

None

Deliberation:

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00:30:25 Board deliberation

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

Variance from the Land Development Code (LDC) 5.4.1.D.2 to allow an addition to encroach into the required private yard area.

00:30:46 On a motion by Member Horton, seconded by Member Ford, the following resolution based on the staff analysis contained in the standard of review in the staff report, and evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety, or welfare, because the proposed addition must be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board of Zoning Adjustment finds the variance will not alter the essential character of the general vicinity since there are other rear additions on neighboring properties with similar private yard areas, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not cause a hazard or nuisance to the public since there will not be an adverse effect on public health, safety, or welfare or negatively alter the essential character of the general vicinity, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not allow an unreasonable circumvention of the zoning regulations because there is additional open space at the rear of the lot in the accessory structure area that cannot be included in the calculation, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance does not arise from special circumstances which generally apply to the land in the general vicinity or the same zone since the property is similar in shape, size, and scale to properties in the general vicinity, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because there is additional open space at the rear of the lot in the accessory structure area that cannot be included in the calculation, and

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

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from the Land Development Code (LDC) 5.4.1.d.2 to allow an addition to encroach into the required private yard area (24-VARIANCE-0109) **(Requirement 2,194sqft, Request 950sqft, Variance 1,244sqft)**

The vote was as follows:

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

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CASE NO. 24-VARIANCE-0117

Request: Variance to allow an existing garage to encroach into the required side yard setback
Project Name: Mary Street Variance
Location: 1024 Mary Street
Applicant: Lindsay Simmons
Representative: Lindsay Simmons
Jurisdiction: Louisville Metro
Council District: 6 – Phillip Baker
Case Manager: Zach Schwager, Planner I

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

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

Agency testimony:

00:32:12 Zach Schwager provided an overview of the request and presented a PowerPoint presentation. Schwager responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Lindsay Simmons, 1024 Mary St, Louisville, KY 40204

Summary of testimony of those in support:

00:36:18 Lindsay Simmons spoke in support of the proposal. Simmons stated that when she purchased the home a garport was already located on the property and decided to enclose it to provide more storage. Simmons responded to questions from Board Members (see recording for details).

The following spoke in opposition of the request:

None

Deliberation:

00:37:27 Board deliberation

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PUBLIC HEARING

CASE NO. 24-VARIANCE-0117

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

Variance from the Land Development Code (LDC) 5.4.1.E.5 to allow an existing garage to encroach into the required side yard setback.

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

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not adversely affect the public health, safety, or welfare, because the proposed addition must be constructed to comply with all building codes, including fire codes, and

WHEREAS, the Board of Zoning Adjustment finds the variance will not alter the essential character of the general vicinity since there are other garages on neighboring properties with similar side yard setbacks, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not cause a hazard or nuisance to the public since there will not be an adverse effect on public health, safety, or welfare or negatively alter the essential character of the general vicinity, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance will not allow an unreasonable circumvention of the zoning regulations because there was an existing carport that the applicant enclosed, and

WHEREAS, the Board of Zoning Adjustment finds the requested variance does not arise from special circumstances which generally apply to the land in the general vicinity or the same zone since the property is similar in shape, size, and scale to properties in the general vicinity, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because there was an existing carport that the applicant enclosed, and

WHEREAS, the Board of Zoning Adjustment finds the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has requested the variance after the carport was enclosed; now, therefore be it.

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RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Variance from the Land Development Code (LDC) 5.4.1.E.5 to allow an existing garage to encroach into the required side yard setback **ON CONDITION** that all applicable building permits be requested within 60days of the Borad's decision for the existing structure and improvements as shown at the Public Hearing (24-VARIANCE-0117) **(Requirement 2ft, Request 1ft 9in, Variance 3in)**

The vote was as follows:

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

ABSENT: Member Howard

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CASE NO. 24-MCUP-0004

Request: Modified Conditional Use Permit for a hospital (LDC 4.2.29)
Project Name: Brook Hospital Parking Addition
Location: 8521 La Grange Rd.
Applicant: KMI Acquisition LLC
Representative: Kleingers Group
Jurisdiction: City of Lyndon
Council District: 7 – Paula McCraney
Case Manager: Amy Brooks, Planner II

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

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

Agency testimony:

00:43:00 Amy Brooks provided an overview of the request and presented a PowerPoint presentation. Brooks responded to questions from Board Members (see recording for details).

The following spoke in favor of this request:

Nima Mahmoodi, Kleingers Group, 2211 River Rd, Louisville, KY 40206

Summary of testimony of those in support:

00:49:58 Nima Mahmoodi spoke in support of the proposal and presented a PowerPoint presentation. Mahmoodi stated the parking addition will be adjacent to the hospital and will tie into the existing parking area. Mahmoodi stated they will continue maintaining the landscape buffering to capture surface runoff generated by the parking addition (see recording for details).

The following spoke in opposition of the request:

None

Deliberation:

00:52:30 Board deliberation

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PUBLIC HEARING

CASE NO. 24-MCUP-0004

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

Modified Conditional Use Permit (MCUP) for a hospital (LDC 4.2.29).

00:54:12 On a motion by Member Vozos, seconded by Member Lewis, the following resolution based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040. The proposed use advances the equitable distribution of community services and promotes access within neighborhood locations to the resources necessary to maintain health and well-being, and

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and appearance. The site is located in an area near community facilities and services. To diminish the impact of the proposed expansion on the surrounding neighborhood, the applicant will not be reducing any of the perimeter landscape buffer areas that serve to separate significantly different land uses. Additionally, the applicant will be providing trees and internal landscape areas within the proposed parking lot that will work to mitigate potential water quality issues within the Goose Creek watershed that flows along the site's northern edge. The proposed vegetation will help filter pollutants and reduce stormwater runoff volume that would be generated by an impervious expansion of this magnitude, and

WHEREAS, the Board of Zoning Adjustment finds all necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation are adequate to serve the proposed use are available or will be provided. The proposal has been preliminarily approved by both MSD and Transportation Planning, and

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit. There are no new structures being proposed within any of the required non-residential setbacks, and the applicant will be installing landscape buffer areas and plantings at the edge of the pavement surrounding the proposed lot. The placement of the landscaping will provide trees and plantings that will help capture the stormwater runoff that may be generated by an impervious surface lot. Furthermore, the applicant is not planning to reduce any of the existing landscaping that separates the more intensive

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hospital use from the residential areas surrounding the subject site. Furthermore, there are planned improvements that will contribute to safer pedestrian movement within the development site. The applicant is proposing new pedestrian walkways that will connect the proposed parking expansion to the adjacent principal structure. There is no new signage or changes to existing signage included in the proposal.; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Modified Conditional Use Permit (MCUP) for a hospital (LDC 4.2.29) **SUBJECT** to the following Conditions of Approval:

1. The modification of the Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a hospital without further review and approval by the Board.
2. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
3. Existing vegetation between Goose Creek and the existing and proposed facilities shall be preserved in its natural state except where alteration is necessary

The vote was as follows:

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

ABSENT: Member Howard

Waiver of Land Development Code (LDC) Section 10.2.4 to eliminate property perimeter landscape buffer area, screening, and planting requirements between OR-1 and R-4 zoning districts (24-WAIVER-0118).

00:55:19 On a motion by Member Vozos, seconded by Member Lewis, the following resolution based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the waiver will not adversely affect adjacent property owners since the location of the required buffer would be internal to the subject site, and

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WHEREAS, the Board of Zoning Adjustment finds the waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 4 seeks to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. Adequate buffering will still be provided on the subject site, and

WHEREAS, the Board of Zoning Adjustment finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the required landscape buffer width cannot be provided due to an existing access drive that runs along the boundary that separates the two zoning districts, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of these provisions would deprive the applicant of the reasonable use of the land, since the buffer would be internal to the site where parking is proposed and not visible from any the public right of way; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Waiver of Land Development Code (LDC) Section 10.2.4 to eliminate property perimeter landscape buffer area, screening, and plating requirements between OR-1 and R-4 zoning districts (24-WAIVER-0118).

The vote was as follows:

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

ABSENT: Member Howard

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PUBLIC HEARING

CASE NO. 24-MCUP-0011

Request: Modified Conditional Use Permit for a Mini-Warehouse expansion with relief to item 'B'
Project Name: KO Storage
Location: 8213 Nash Road & 8204 National Turnpike
Applicant: KOSF II Louisville, LLC
Representative: Land Design and Development, INC
Jurisdiction: Louisville Metro
Council District: 13- Dan Seum, Jr.
Case Manager: Molly Clark, Planner II

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

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

Agency Testimony:

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

The following spoke in favor of this request:

Ann Richard, Land Design & Development, 503 Washburn Ave, Louisville, KY 40222

Summary of testimony of those in support:

01:00:59 Ann Richard spoke in support of the proposal. Richard mentioned that both storage buildings were approved back in 2016 and 2017. Richard elaborated on the reason for needing relief from item "B" (see recording for details).

The following spoke in opposition to the request:

None

Deliberation:

01:02:08 Board deliberation

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CASE NO. 24-MCUP-0011

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

Modified Conditional Use Permit (MCUP) for a Mini warehouse with relief from item 'B' (LDC 4.2.35).

01:03:57 On a motion by Member Vozos, seconded by Member Bieda, the following resolution based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040. The proposed use is located in the Suburban Workplace form district and surrounded by a variety of industrial and commercial uses which is an appropriate area for a mini-warehouse use, and

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and appearance. The site is located in an area with a variety of industrial and commercial uses, and

WHEREAS, the Board of Zoning Adjustment finds all necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services are adequate to serve the proposed use are available or will be provided. The proposal has been preliminarily approved by both MSD and Transportation Planning, and

WHEREAS, the Board of Zoning Adjustment finds the proposed buildings are in compliance with each of the standards for mini warehouses, except for standard B which was granted relief under the 16CUP1040. The applicant will need relief from item 'B' again as they are proposing to construction building #1 in the existing concrete pad that encroaches into the 30-foot setback. There will still be screening provided in the area of encroachment as the applicant will still providing fencing and landscaping between the proposed building and the side property line where the proposed encroachment will be located. The applicant is providing landscaping and screening that will minimize the impact of the proposal on the residential properties to the north and west of the subject site as well; now, therefore be it.

RESOLVED, that the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Modified Conditional Use Permit (MCUP) for a Mini warehouse with relief from item 'B' (LDC 4.2.35) **SUBJECT** to the following Conditions of Approval:

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1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on site without the prior review and approval by the Board.
2. The site shall be landscaped in accordance with the requirements of Chapter 10 of the Land Development Code.
3. Loading doors and vehicle maneuvering area shall be located away from the exterior of the property.
4. No storage of toxic or hazardous materials shall be allowed on the property.
5. There shall be no retail or wholesale sales or distributing activities on site.
6. No outdoor storage shall be allowed on the property.
7. Only one free standing sign shall be allowed. Such sign may be illuminated but shall be non-flashing and stationery in all components. Such sign shall not exceed 20 feet in height nor exceed a total of 64 square feet in area per side.
8. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within 2 years of the Board's vote on this case. Upon written application, filed at least thirty calendar days prior to said expiration date, the Board may, for cause shown, renew such Conditional Use Permit for one period of up to one year. If the Conditional Use Permit is not so exercised, the site shall not be used for a mini warehouse without further review and approval by the Board.

The vote was as follows:

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

ABSENT: Member Howard

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CASE NO. 24-CUP-0152

Request: Conditional Use Permit to allow short-term rental of a dwelling unit that is not owner occupied.
Project Name: Short Term Rental
Location: 2213 Rowan St
Applicant: Troy and Shannon Boyd
Representative: Shannon Boyd
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
Case Manager: Amy Brooks, Planner II

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

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

Agency Testimony:

01:05:19 Amy Brooks provided an overview of the request and presented a PowerPoint presentation. Brooks responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Tori Lewis, 451 Roger's Ave, Louisville, KY 40229

Summary of testimony of those in favor:

01:08:27 Tori Lewis spoke in support of the proposal. Lewis stated she will be using the home as a two bedroom and would like to use it as a short-term or mid-term rental. Lewis stated that she would use the short-term rental for guests who would be traveling to Louisville. Lewis responded to questions from Board Members (see recording for details).

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

Deliberation:

01:12:07 Board deliberation

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

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

01:12:49 On a motion by Member Ford, seconded by Member Horton, the following resolution based on the staff analysis contained in the standard of review in the staff report, and evidence and testimony heard today, was adopted:

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

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

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

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit. The proposed short-term rental will not be located closer than 600 feet to any other short-term with an approved conditional use permit or those OR, OR-1 OR-2 properties that are non-conforming to the current regulations that require owner occupancy. The applicant states the short-term rental contains three bedrooms that would allow for a maximum of eight (8) guests. However, staff is concerned that one of the stated living areas do not meet the Louisville Metro Code of Ordinances definition of a bedroom space. Therefore, staff recommends that the short-term rental's occupancy be limited to two (2) bedrooms which would allow for a maximum of six (6) guests unless the applicant can demonstrate that the third bedroom can meet the occupancy standards as specified in LMCO 156.103. The site is in the Traditional Neighborhood form district, which has no parking minimums. There is on-street parking available within the neighborhood; now, therefore be it.

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit to allow short term rental (STR) of a dwelling unit

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that is not the primary residence of the owner (LDC 4.2.63) **SUBJECT** to the following Conditions of Approval:

1. The conditional use permit for this short-term rental approval shall allow up to two (2) bedrooms (with a maximum of six (6) guests at any one time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.
2. Prior to commencement of any short-term rental on the subject property, the host shall register the short-term rental pursuant to the Louisville Metro Code of Ordinances. If the short-term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

The vote was as follows:

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

ABSENT: Member Howard

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CASE NO. 24-CUP-0163

Request: Conditional Use Permit to allow short term rental of an owner-occupied dwelling unit in the Traditional Neighborhood Zoning District (TNZD)

Project Name: Short Term Rental

Location: 505 Park Avenue

Applicant: Chad Tolbert & Thomas Wilburn

Representative: Chad Tolbert

Jurisdiction: Louisville Metro

Council District: 6 – Phillip Baker

Case Manager: Jeremy Chesler, Planner II

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

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

Agency testimony:

01:14:21 Jeremy Chesler provided an overview of the request and presented a PowerPoint presentation. Chesler responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Chad Tolbert, 505 Park Ave, Louisville, KY 40208

Summary of testimony of those in favor:

01:18:58 Chad Tolbert spoke in support of the proposal. Tolbert elaborated on the neighborhood meeting that was conducted and stated that he spoke with the surrounding neighbors who were in favor of the short-term rental. Tolbert responded to questions from Board Members (see recording for details).

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

Deliberation:

01:23:10 Board deliberation

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

Conditional Use Permit to allow short term rental of an owner-occupied dwelling unit in the Traditional Neighborhood Zoning District (TNZD), (LDC 4.2.63)

01:24:03 On a motion by Member Vozos, seconded by Member Horton, the following resolution based on the staff analysis contained in the standard of review in the staff report, and evidence and testimony heard today, was adopted:

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

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

WHEREAS, the Board of Zoning Adjustment finds necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation adequate to serve the proposed use are available. The subject property is served by existing public utilities and facilities, and

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit. The proposed short-term rental will not be subject to the separation requirement as the owner will act as host and maintain their primary residence within a dwelling unit on the subject property. The dwelling unit in the principal structure contains three (3) bedrooms, allowing a maximum of eight (8) occupants. The dwelling unit in the carriage house contains one (1) bedroom, allowing a maximum of four (4) occupants. There are two (2) off-street parking available for guests at the rear of the property, with additional on-street parking available nearby; 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 an owner-occupied dwelling unit in the Traditional Neighborhood Zoning District (TNZD), (LDC 4.2.63) **SUBJECT** to the following Conditions of Approval:

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1. The conditional use permit for this short-term rental approval shall allow up to three (3) bedrooms (with a maximum of eight (8) guests at any one time) in the principal structure, and one (1) bedroom (with a maximum of four (4) guests at any one time) in the accessory structure. 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.
3. The owner shall act as host and maintain their primary residency on the subject property.

The vote was as follows:

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

ABSENT: Member Howard

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CASE NO. 24-CUP-0172

Request: To allow a short-term rental that is not the primary residence of the owner.
Project Name: Short Term Rental
Location: 4034 Taylor Blvd
Applicant: Farooq Shaheen
Representative: Farooq Shaheen
Jurisdiction: Louisville Metro
Council District: 15- Jennifer Chappell
Case Manager: Jude Mattingly, Planner I

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

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

Agency testimony:

01:25:36 Jude Mattingly provided an overview of the request and presented a PowerPoint presentation. Mattingly responded to questions from Board Members (see recording for details).

1:30:01 Case was tabled by voice vote of the majority to allow the applicant time to appear. It was reintroduced and the public hearing continued at 03:00:52

The following spoke in favor of the request:

Farooq Shaheen, 9 Northfield Ln, Westbury, NY 11590

Summary of testimony of those in favor:

03:01:41 Farooq Shaheen spoke in support of the proposal and presented a PowerPoint presentation. Shaheen elaborated on the construction and improvements that were made to the home. Shaheen responded to questions from Board Members (see recording for details).

The following spoke in opposition of the request:

Ann Ramser, 307 E Kenwood Dr, Louisville, KY

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CASE NO. 24-CUP-0172

Summary of testimony of those in opposition:

03:06:03 Ann Ramser spoke in opposition to the proposal. Ramser stated she was concerned that the basement did not have proper windows and wanted clarification that the windows were accessible in case of an emergency (see recording for details).

Rebuttal:

03:06:39 Farooq Shaheen spoke in rebuttal. Shaheen clarified that all the windows in the basement were egress and are accessible in case of an emergency. Shaheen responded to questions from Board Members (see recording for details).

Deliberation:

03:07:23 Board deliberation

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

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

03:08:10 On a motion by Member Ford, seconded by Member Bieda, the following resolution based on the staff analysis contained in the standard of review in the staff report, and evidence and testimony heard today, was adopted:

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

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

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

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit. The proposed short-term rental will not be located closer than 600 feet to any

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other short-term rental with an approved conditional use permit or those OR, OR-1, and OR-2 properties that are non-conforming to the current regulations requiring owner occupancy; 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 five (5) bedrooms with a maximum of 12 guests at any one time. Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.

2. Prior to commencement of any short-term rental on the subject property, the owner shall register the short-term rental pursuant to the Louisville Metro Code of Ordinances. If the short-term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

The vote was as follows:

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

ABSENT: Member Howard

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CASE NO. 24-CUP-0176

Request:	Conditional Use Permit for an Accessory Dwelling Unit
Project Name:	Accessory Dwelling Unit
Location:	1501 Sand Dr
Applicant:	Fidel Alvarez & Idania Nunez
Representative:	Fidel Alvarez & Idania Nunez
Jurisdiction:	Louisville Metro
Council District:	12- Rick Blackwell
Case Manager:	Mark Pinto, Planner II

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

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

Agency testimony:

01:30:24 Mark Pinto provided an overview of the request and presented a PowerPoint presentation (see recording for details).

01:35:21 Joel Dock stated that the applicant requested an electrical permit which then triggered an additional review of the accessory dwelling unit (see recording for details).

The following spoke in favor of the request:

Idania Nunez, 1501 Sand Dr, Louisville, KY 40258

Summary of testimony of those in favor:

01:40:43 Idania Nunez spoke in support of the proposal. Nunez stated that she requested a building permit for the accessory dwelling unit and stated that she needed to create a sperate address for the unit. Nunez responded to questions from Board Members (see recording for details).

The following spoke in opposition of the request:

None

Deliberation:

04:31:35 Board deliberation

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

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

01:43:39 On a motion by Member Bieda, seconded by Member Ford, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the proposal meets all applicable policies of the Comprehensive Plan, and

WHEREAS, the Board of Zoning Adjustment finds the proposed use is compatible with surrounding development and land uses. The existing accessory structure is residential in nature and is compatible with surrounding residential developments. There are no proposed changes to the footprint of the accessory structure, and

WHEREAS, the Board of Zoning Adjustment finds the subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal, and

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated or will be required to provide compliance with each of the lettered standards of LDC 4.3.27. An ADU, by nature, is designed to be secondary to the principal structure and the current standards that limit size, height, and placement in its design criteria are meant to solidify that relationship between the main home and accessory unit. However, the ADU remains subordinate to the main home in area and is accessory in nature. Also, this property is roughly 14 acres and has the capacity for the increase in size and height. A proposed size and height deviation from the ADU regulations does not disrupt the pattern of residential development. Since the accessory structure has existed since at least the late 1990s, the ADU is compatible with surrounding land uses and the general character of the area. The owner resides on the property and has no plans to use the ADU as a short-term rental.; now, therefore be it.

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

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1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for an accessory dwelling unit without further review and approval by the Board.
3. The applicant shall contact Louisville Metro Emergency Services to have a unique address assigned to the dwelling unit in the accessory structure within 30 days of the Board's decision.

The vote was as follows:

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

ABSENT: Member Howard

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CASE NO. 24-CUP-0177

Request:	Conditional Use Permit for a Child Care Center with waiver
Project Name:	Commercial Child Care Center
Location:	4022 W Broadway
Applicant:	Small Footprints Childcare
Representative:	Keesha Sanders
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Jeremy Chesler, Planner II

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

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

Agency testimony:

01:46:31 Jeremy Chesler provided an overview of the request and presented a PowerPoint presentation. Chesler responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Keesha Sanders, 4022 W Broadway, Louisville, KY 40211

Summary of testimony of those in favor:

01:53:23 Keesha Sanders spoke in support of the proposal. Sanders elaborated on how the fence was destroyed and the timing it will take to repair the area. Sanders responded to questions from Board Members (see recording for details).

The following spoke in opposition of the request:

None

Deliberation:

01:59:34 Board deliberation

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

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Conditional Use Permit (CUP) for a Child Care Center (LDC 4.2.19).

02:03:35 On a motion by Member Vozos, seconded by Member Lewis, the following resolution based on the staff analysis contained in the standard of review in the staff report, and evidence and testimony heard today, was adopted:

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

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with the surrounding land uses and the general character of the area. There is a diverse spectrum of land uses along the Broadway corridor, varying from civic and institutional uses to commercial and residential uses. The pattern of development along Broadway is also diverse. There are large institutional sites developed with large structures accompanied by large parking areas, as well as single-family residential properties with limited paved surfaces. The subject property currently is, and will remain, compatible with the existing pattern of development along the Broadway corridor. The applicant has not proposed any exterior changes that would reduce its compatibility with the general character of the surrounding area, and

WHEREAS, the Board of Zoning Adjustment finds the property being located along Broadway, an arterial roadway, allows for access to a variety of transportation options. In addition to having access to public transit along Broadway, there is an existing bike lane and sidewalk network that can be used by people travelling to the subject property. The property has adequate access to water, sanitation, and other relevant utilities. Childcare is further regulated by Kentucky Administrative Regulations Title 922 (922 KAR), and

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit. The applicant is not proposing any significant exterior alterations on the property that will prevent it from being utilized as residential property in the future. Although there is a driveway on the property, the pick-up/drop-off area will be located in the parking lane on Broadway, allowing for a safer and more efficient flow during pick-up/drop-off times. The existing bike lane will serve as a buffer from motor vehicle traffic for people entering and exiting vehicles. The structure on the property is over 50 years old, therefore there is no required parking minimum. However, there is a parking pad off the alley, at the rear of the property that will be used for employee parking. The proposed hours for the childcare center will be Monday through Friday, from 6 A.M. to 6 P.M., although no outdoor activities are to occur until 7 A.M., except for drop-off. There is an

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existing fence that fully encloses the backyard area behind the structure on the property. The enclosed back yard will be the location of the play area to be used by children. The use will comply with all applicable regulations as administered by the Kentucky Cabinet for Health and Family Services; now, therefore be it.

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Conditional Use Permit (CUP) for a Child Care Center (LDC 4.2.19) **SUBJECT** to the following Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a childcare center until further review and approval by the Board.
3. Passenger pick-up/drop-off shall occur in the area designated on the approved plan, unless otherwise approved by the Board of Zoning Adjustment.
4. Prior to the operation of the childcare center and following receipt of the appropriate license from the Commonwealth of Kentucky, the operator must request and receive approval from the Louisville Metro Office of Public Works for an area designated for the safe pick-up and drop-off of children in the right-of-way of W Broadway.
5. Landscaping, as shown in the applicant's exhibit presented to the Board on September 9, 2024, shall be provided, and maintained.

The vote was as follows:

YES: Members Horton, Howard, Bieda, Lewis, Vozos, and Bond

ABSENT: Member Ford

Waiver from LDC, Section 10.2.4 to omit the 35' LBA, including plantings and screening along the eastern and western property lines (24-WAIVER-0111).

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02:04:46 On a motion by Member Vozos, seconded by Member Bieda, the following resolution based on the staff analysis contained in the standard of review in the staff report, and evidence and testimony heard today, was adopted:

WHEREAS, the Board of Zoning Adjustment finds the waiver will not adversely affect adjacent property owners as the request for a reduced landscape buffer area (LBA) is consistent with existing site conditions where there is limited room to provide a 35' open space area adjacent to residential uses. Although the applicant will not be providing a buffer that strictly adheres to the regulations, the applicant previously installed a wooden privacy fence that will screen the enclosed play area from the view of adjacent properties. Additionally, the applicant previously planted evergreen shrubs and trees along the eastern property line, however these plantings would not comply with applicable planting requirements, and

WHEREAS, the Board of Zoning Adjustment finds the waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 4 seeks to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Although the applicant is requesting to omit the required landscape buffer width, the existing plantings and screening will serve as appropriate shielding between the proposed childcare center and adjacent residential uses, and

WHEREAS, the Board of Zoning Adjustment finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject property would not be able to be developed for the proposed use without relief from this landscape buffer because of existing site conditions. The property is only 46' wide, therefor the required landscape buffer area would encapsulate the entire property, and

WHEREAS, the Board of Zoning Adjustment finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as they would potentially need to remove the existing plantings that are not strictly in compliance with applicable buffering requirements. The property is only 46' wide, therefore the required landscape buffer area would encapsulate the entire property; now, therefore be it.

RESOLVED, the Louisville Metro Board of Zoning Adjustment does hereby **APPROVE** the requested Waiver from LDC, Section 10.2.4 to omit the 35' LBA, including plantings and screening along the eastern and western property lines (24-WAIVER-0111).

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PUBLIC HEARING

CASE NO. 24-CUP-0177

The vote was as follows:

YES: Members Horton, Howard, Bieda, Lewis, Vozos, and Bond

ABSENT: Member Ford

**BOARD OF ZONING ADJUSTMENT
MINUTES
September 9, 2024**

PUBLIC HEARING

CASE NO. 24-CUP-0186

Request: To allow a short-term rental that is not the primary residence of the owner.
Project Name: Short Term Rental
Location: 2514 Longest Ave
Applicant: Robert Clifton & Susan Frockt
Representative: Robert Clifton
Jurisdiction: Louisville Metro
Council District: 8 – Ben Reno-Weber
Case Manager: Jude Mattingly Planner II

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

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

Agency testimony:

02:17:08 Jude Mattingly provided an overview of the request and presented a PowerPoint presentation. Mattingly responded to questions from Board Members (see recording for details).

The following spoke in favor of the request:

Robert Clifton, 4062 Richland Ave, Louisville, KY 40207

Summary of testimony of those in favor:

02:18:49 Robert Clifton spoke in support of the proposal. Clifton stated that at the neighborhood meeting residents were concerned about parking at the back of the home along the ally way and if the owner sold the home would the buyer be grandfathered into the short-term rental. Clifton responded to questions from Board Members (see recording for details).

The following spoke in opposition of the request:

Ann Ramser, 307 E Kenwood Dr, Louisville, KY 40217

Bruce Rogers, 2501 Longest Ave, Louisville, KY 40204

Duncan Lamfers, 2512 Longest Ave, Louisville, KY 40204

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Summary of testimony of those in opposition:

02:26:28 Ann Ramser spoke in opposition to the proposal. Ramser stated she needed clarification on how big the windows were in the attic bedroom. Ramser responded to questions from Board Members (see recording for details).

02:27:57 Bruce Rogers spoke in opposition to the proposal. Roger stated he wanted more clarification on the usage of the garage and access point along Ridgeway Avenue. Rogers asked if the bedroom on the third floor had egress windows (see recording for details).

02:30:15 Duncan Lamfers spoke in opposition to the proposal. Lamfers elaborated on his concerns pertaining to the owner of the short-term rental not living on the property and the usage of vehicles along Ridgeway Avenue (see recording for details).

Rebuttal:

02:34:47 Roger Clifton spoke in rebuttal. Clifton stated that per policy the renter will not have access to the garage or have the ability to park on Ridgeway Avenue. Clifton stated that the windows are egress and have the ability to open from the inside. Clifton responded to questions from Board Members (see recording for details).

Deliberation:

02:41:07 Board deliberation

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

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

02:59:27 On a motion by Member Lewis, seconded by Member Vozos, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

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

WHEREAS, the Board of Zoning Adjustment finds the proposal is compatible with surrounding land uses and the general character of the area including factors such as

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height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, and appearance since no changes to the exterior of the property are being proposed which reduce compatibility with the area, and

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

WHEREAS, the Board of Zoning Adjustment finds the applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit. The proposed short-term rental will not be located closer than 600 feet to any other short-term rental with an approved conditional use permit or those OR, OR-1, and OR-2 properties that are non-conforming to the current regulations requiring owner occupancy; 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 (4) 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.
2. Prior to commencement of any short-term rental on the subject property, the owner shall register the short-term rental pursuant to the Louisville Metro Code of Ordinances. If the short-term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.
3. A house rule shall be created stating the following: Do Not use Ridgeway Avenue (alley) to access the property, access only through Longest Avenue.

The vote was as follows:

YES: Members Horton, Lewis, Vozos, and Bond

NO: Members Ford and Bieda

ABSENT: Member Howard

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ADJOURNMENT

The meeting adjourned at approximately 04:13 p.m.

Chair

Planning Director