



26-CUP-0099

Board of Zoning Adjustment
Staff Report
August 31, 2026

Accessory Dwelling Unit Conditional Use Permit

Location: 9608 Titan Drive
Applicant: Liannys Rodriguez
Representative: Milestone Design Group, Inc.
Jurisdiction: Louisville Metro
Council District: 24 – Ginny Mulvey-Woolridge
Case Manager: Jude Mattingly, Planner II

REQUESTS & RECOMMENDED ACTIONS

1. Conditional Use Permit to allow for an Accessory Dwelling Unit in a R-4 zoning district with relief from items B and J in Land Development Code Section 4.3.27. (LDC 4.2.3)
 - Staff finds the justification for the requests are adequate and recommends the Board of Zoning Adjustment **APPROVE** the Conditional Use Permit with relief from items B & J from Land Development Code Section 4.3.27

CASE SUMMARY

The applicant has requested a Conditional Use Permit (CUP) to allow for a detached Accessory Dwelling Unit (ADU) in a R-4 zoning district and Neighborhood form district on 0.28 acres. The subject site is developed with a 1,624 square foot, 1-story single-family residential structure and 1,024 square foot accessory structure that has been converted into a 2-bedroom ADU. The subject site is north of the intersection of Titan Drive and Vanguard Drive, which are both classified as local level roadways and is roughly 0.25 miles west of Blue Lick Road which is classified as a minor arterial roadway.

ADUs may be permitted with Special Standards as listed in Land Development Code Section 4.3.27. When (1) or more special standards are not met a CUP is required. The request will require relief from item B and J as the Accessory Dwelling Unit exceeds the 800 square foot maximum size by 224 square feet and the property is owned by an LLC which cannot satisfy the owner-occupied requirement.

TECHNICAL REVIEW

- Comprehensive Plan 2040
- Land Development Code (Louisville Metro 2025)
- MSD and Transportation Planning have provided preliminary approval.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF FINDING: The proposal does not conflict with the applicable policies of the Comprehensive Plan. Housing Goal 1 Policy 1 encourages the development of a variety of housing types and specifically mentions accessory residential structures. Housing Goal 1 Policy 3 encourages the development of different housing styles that are affordable. Housing Goal 3 Policy 3 further encourages “accessory apartments” as a means to increase the production of fair and affordable housing to help improve long-term affordability and living options.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF FINDING: The proposed use 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. There is adequate off-street parking available on site.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF FINDING: The subject property is served by existing public utilities and facilities. The proposal has been reviewed by MSD, who have provided preliminary approval. Staff has not observed any environment constraints on site including but not limited to Steep Slopes, Hydric / Unstable Soils, Intense Karst features, Protected Waterways, and the site is not located within the regulatory Floodplain.

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

4.2.3 Accessory Dwelling Unit (ADU):

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

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

4.3.27 Accessory Dwelling Unit (ADU) Permitted with Special Standards:

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

- A. One ADU, either attached or detached is permitted per single family dwelling per lot.
- B. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.
- C. Location Requirements:
 - 1. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or behind the principal structure.
 - 2. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side 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.
 - 2. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.
- E. Maximum Height:
 - 1. For an Attached ADU, the maximum height shall not exceed the height of the principal structure.
 - 2. For a detached ADU, the maximum height shall not exceed the maximum height permitted for

an accessory structure in accordance with Chapter 5 of the LDC. The maximum height shall not exceed the height of the principal structure.

- F. ADUs approved under this provision shall not be used as a short term rental.
- G. Any property that has been subject to a zoning, property maintenance, or building code violation(s) in the 12 months prior to application shall be reviewed and approved by the directors of Planning & Design Services and Codes & Regulations, or their designees. Any violations shall be resolved prior to approval.
- H. Off-street parking shall meet the requirements of Chapter 9 of this 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 accessory dwelling unit.
- K. To avoid any confusion, since there is no language to the contrary, this section does not override any deed restriction or homeowners' association declarations restricting accessory dwelling units.

STAFF FINDING: The CUP is required because items B and J as listed in Land Development Code Section 4.3.27 are not being met. The ADU is 1,024 square feet which exceeds the 800 square feet maximum by 224. There is no new construction as the detached accessory structure where the ADU is requested presently exists. The accessory structure appears to meet setback and height requirements for the Neighborhood form district. Staff examined accessory structures in the general vicinity and notes that several are similar in size to the one on the subject site. No specific criteria for when relief to the size requirement is appropriate is provided in the LDC. Staff supports relief in this case as the structure is subordinate to the principal structure, appears to meet the setback and building height requirements, and there is no new construction that would result in an abnormally large accessory structure. The subject site is owned by an LLC and as a result does not satisfy the owner-occupied requirement. Metro Council included the owner-occupied requirement during the LDC text amendment concerning ADUs, which were passed and adopted in Louisville Metro in 2021. Metro Council elected to provide an avenue for potential relief through the CUP process. No specific criteria for when relief to the owner-occupied requirement is appropriate was provided and the decision was left to the Board's discretion. Staff is supportive of relief in this case on condition that the amount of rent does not exceed 30% of the Fair Market Rent (FMR) for a two (2) bedroom unit as published by the U.S. Department of Housing and Urban Development (HUD). Limiting the maximum rent that can be charged helps to maintain affordability. The property would still be subject to zoning and code enforcement that would maintain a level of accountability as it

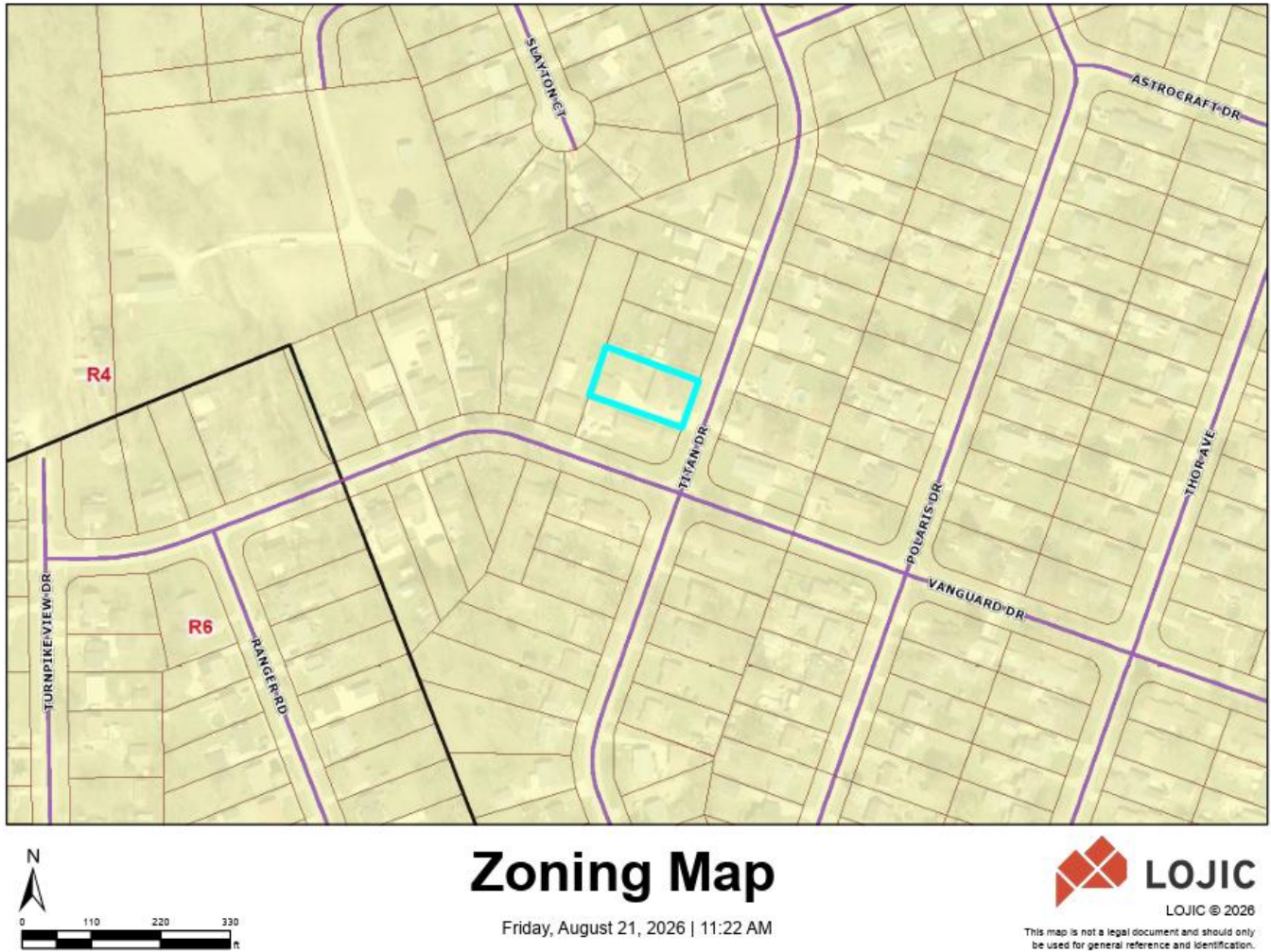
relates to property maintenance and general upkeep. The Board will ultimately need to determine if relief is appropriate. Factors that could be considered would include if approval would negatively impact the surrounding area and land uses through bulk, scale, intensity, traffic, noise, etc. There are multiple properties beginning roughly 0.10 miles west of the subject site that are zoned R-6 residential multi-family that would allow for two-dwelling units by right. The subject site contains space to allow for an adequate amount of off-street parking space. Approval of an ADU would be unlikely to greatly expand the traffic impact on the neighborhood.

NOTIFICATION

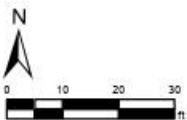
DATE	PURPOSE OF NOTICE	RECIPIENTS
8/14/2026 8/17/2026	Board of Zoning Adjustment Public Hearing	1st and 2nd tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 24
8/14/2026	Board of Zoning Adjustment Public Hearing	Sign Posting on Property

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



Aerial Photograph

Friday, August 21, 2026 | 11:23 AM



LOJIC © 2026

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

3. Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for an Accessory Dwelling Unit (ADU) until further review and approval by the Board.
3. The Accessory Dwelling Unit (ADU) shall be rented at a rate that is no greater than 30% of the Louisville, KY-IN Metro area Fair Market Rent (FMR) rent limit for a two (2) bedroom unit as published by the U.S. Department of Housing and Urban Development (HUD) Small Area Fiscal Year.
4. Within 60 days, the property owner shall contact Louisville Metro Emergency Services to have a unique address assigned to the Accessory Dwelling Unit.