

Board of Zoning Adjustment
Staff Report
May 6, 2019



Case No:	18CUP1214
Project Name:	Short Term Rental
Location:	109 North Bellaire Avenue
Owner:	Garvey Properties LLC, by Wayne Garvey
Applicant:	David Orange
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST

Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in an R-6 Zoning District and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.04 acre site is located on the east side of North Bellaire Avenue just south of Frankfort Avenue and north of the CSX railroad line in the Clifton neighborhood. The dwelling contains one bedroom which would allow for 6 guests. One parking credit is located on the street in front of the house. Residential land uses are adjacent, including a new apartment complex to the east.

STAFF FINDING / RECOMMENDATION

Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on February 20, 2019, and no one attended

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposal does not conflict with Comprehensive Plan policies.

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: When appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site will be required.

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: The subject property is served by existing public utilities and facilities. The proposal will not create additional requirements for the site.

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

4.2.63 Short Term Rental Term Rental of a dwelling unit that is not the primary residence of the host 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 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 30 consecutive days or more is not considered a short term rental.

The applicant has been informed of this restriction.

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

The applicant has been informed of this restriction.

- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals.

The house has one bedroom which would allow six guests.

- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.

The dwelling unit is a single family residence.

- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.

The applicant has been informed of this restriction.

- F. Outdoor signage which identifies the short term rental is prohibited.
The applicant has been informed of this restriction.

- G. There shall be a sufficient amount of parking available for the host and 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. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated.
One parking credit exists along North Bellaire Avenue in front of the house.

- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
The applicant has been informed of this restriction.

- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6.
The applicant has been informed of this restriction.

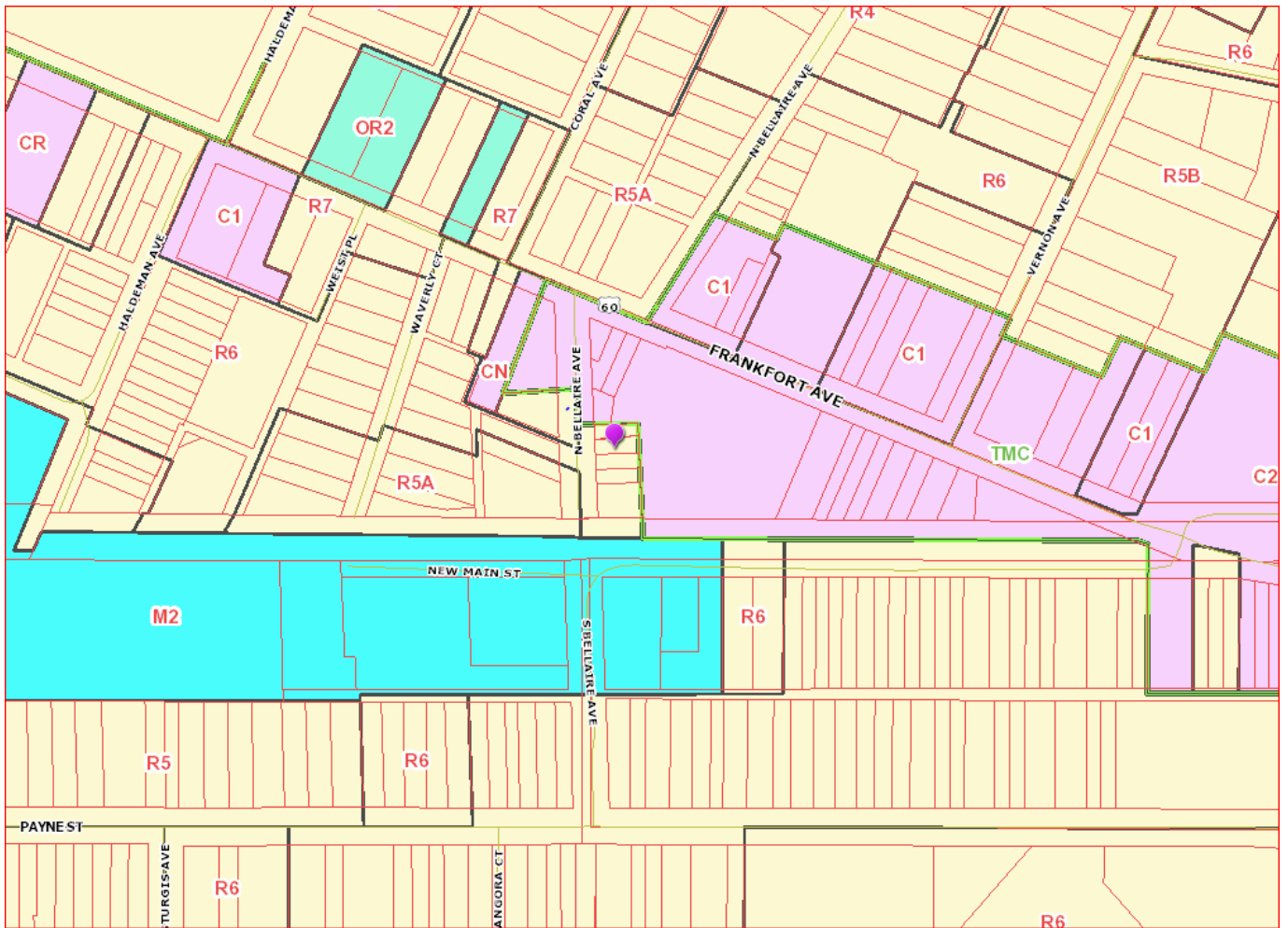
NOTIFICATION

Date	Purpose of Notice	Recipients
4/19/2019 4/22/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
4/25/2019	Hearing before BOZA	Sign Posting

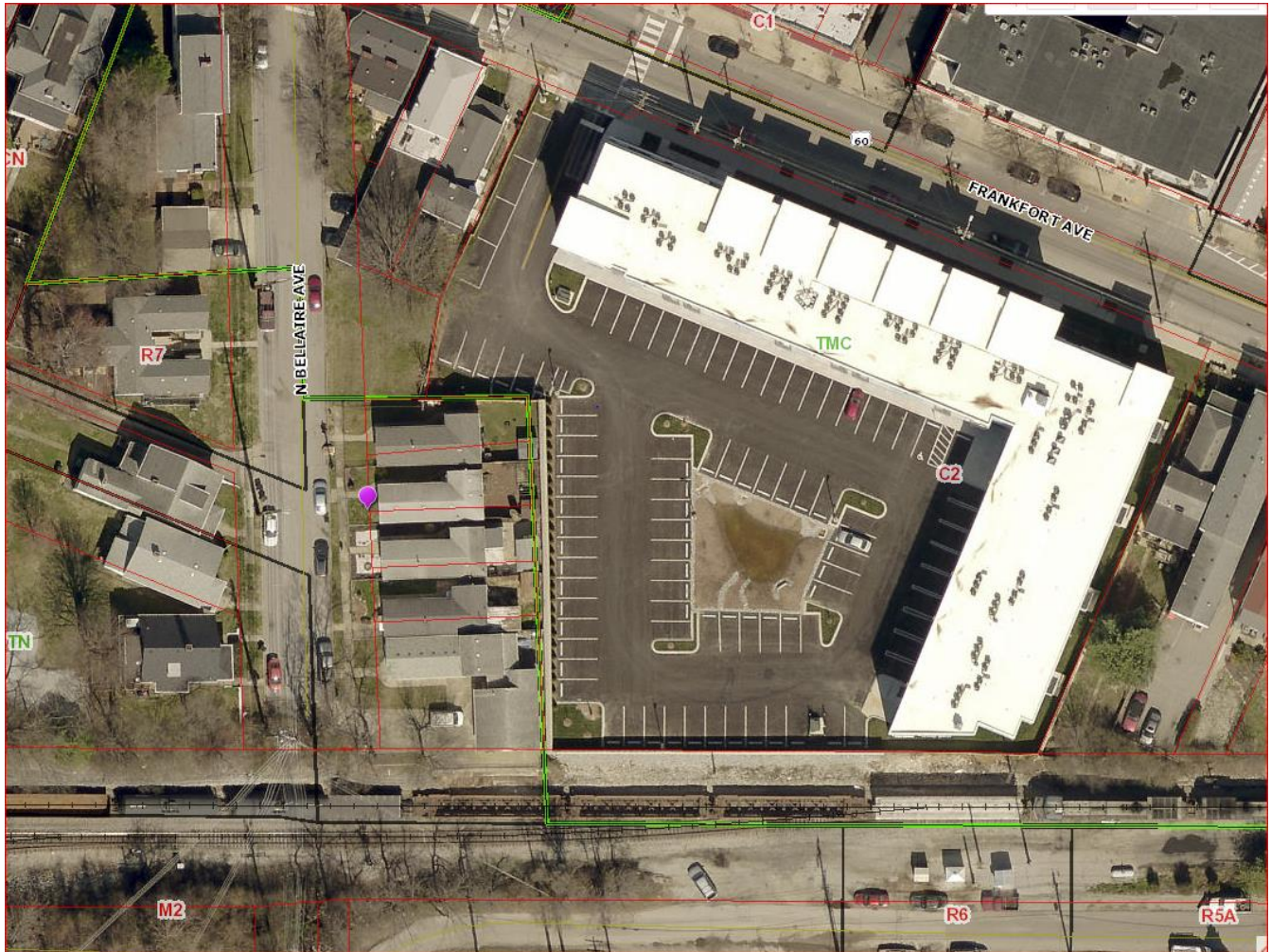
ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Front of house
- 4. Neighborhood Meeting/Minutes
- 5. Floor Plan
- 6. Bedroom Pictures
- 7. Conditions of Approval

Zoning Map



Aerial Photograph



Front of house



February 20, 2019

I, David Orange plan to request a Conditional Use Permit (CUP) to operate a short term rental at 109 N Bellaire Ave. I have conducted the preapplication process by notifying first and second tier adjoining property owners at least 14 days prior to a neighborhood meeting and held the meeting February 19th, 2019 at 5:30pm in the Crescent Hill Library, located at 2762 Frankfort ave.

In attendance was myself as the applying host. No others came to the meeting or reached out prior although they were provided a host of contact options.

The meeting room was reserved for one full hour and I stayed 15 minutes beyond until 6:45 pm in order to address any and all comers that may come in late. No one arrived and I concluded the meeting.

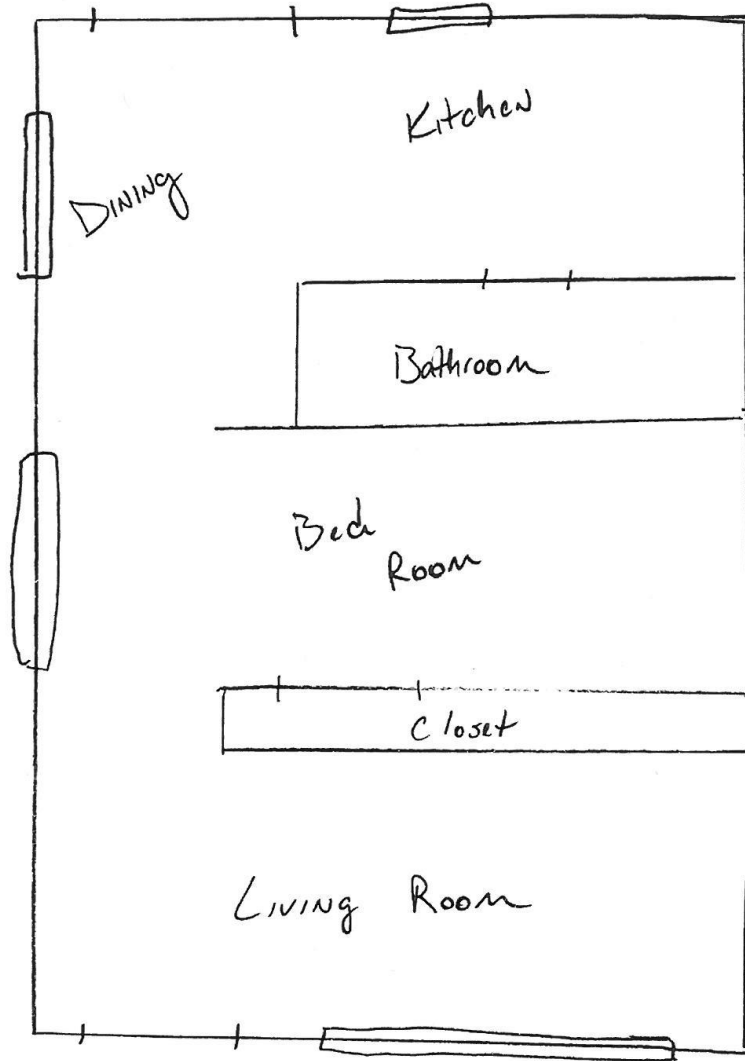
I hope this satisfies criteria of official minutes for the 109 N Bellaire Avenue Neighborhood meeting. I attest that all information above is accurate.

David Orange
(502) 440-0418

RECEIVED
FEB 26 2019
PLANNING &
DESIGN SERVICES

18CUP1214

109 N Bellaire Ave

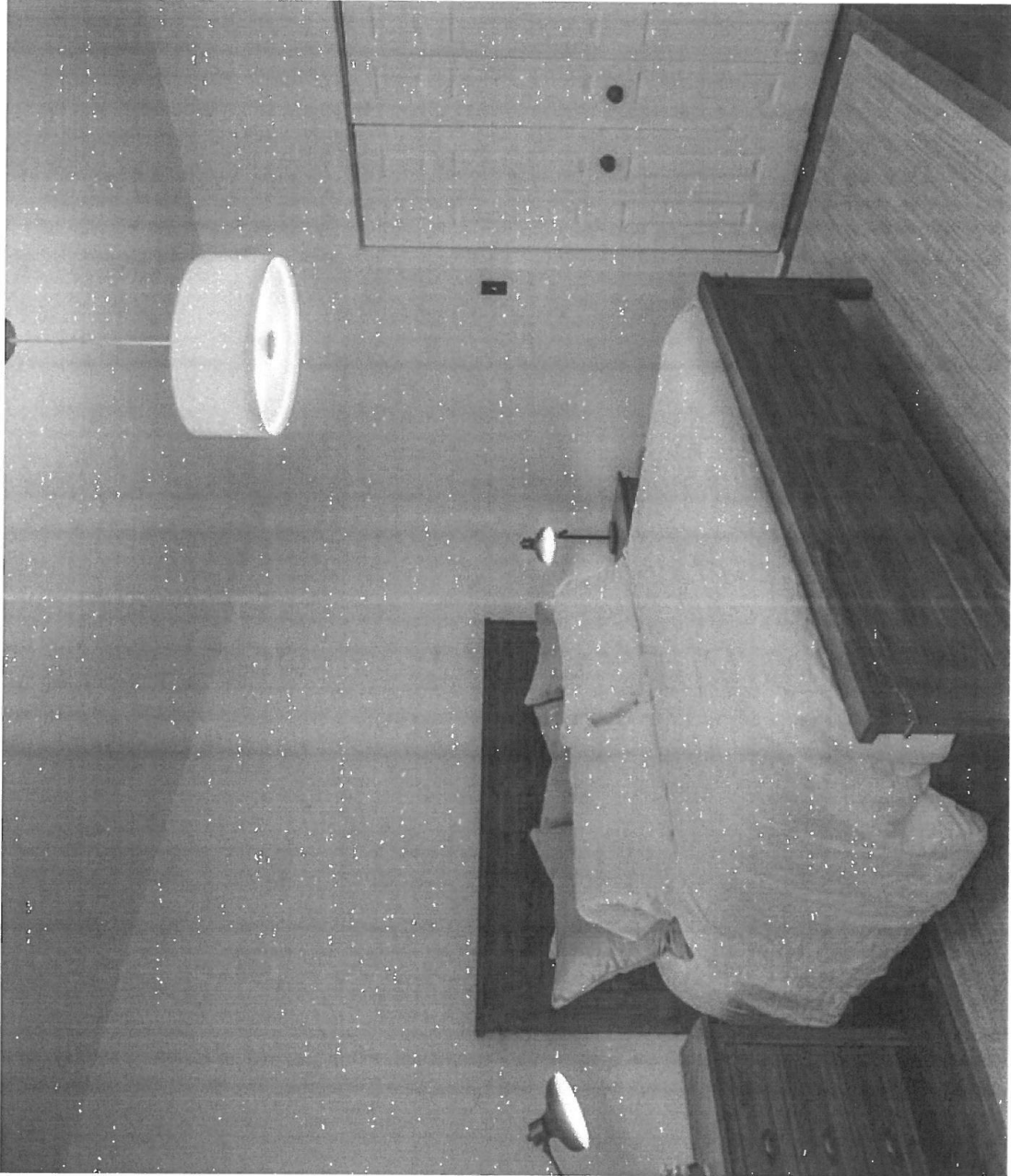


Legend

| | = Doors

▭ = Windows

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Conditions of Approval

1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 60 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.
2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.