

Board of Zoning Adjustment
Staff Report
February 18, 2019



Case No:	18CUP1087
Project Name:	Short Term Rental
Location:	141 Pope Street
Owner:	Douglas Stockley
Applicant/Host:	Ana Ajero
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST(S)

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-5A Zoning District and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.093 acre site is located south of Frankfort Avenue between Arlington Avenue and North Charlton Street within the Clifton neighborhood. The house dates back to 1900. Various residential uses are adjacent to the site.
The submitted floor plan of the house shows 3 bedrooms.
The applicant has stated that the total amount of guests will be limited 8, regulations allow 10. Parties will not be allowed.
Transportation has noted that on-site and on-street parking are available.

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 August 10, 2018, with two people in attendance. The applicant stated that both appeared favorable.

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 Rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. The submitted floor plan shows that the residence has three bedrooms, that will allow a maximum number of 10 guests.
The applicant states that the unit will be limited to 8 people.
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.

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.

There is on- site and on-street parking.

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

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.

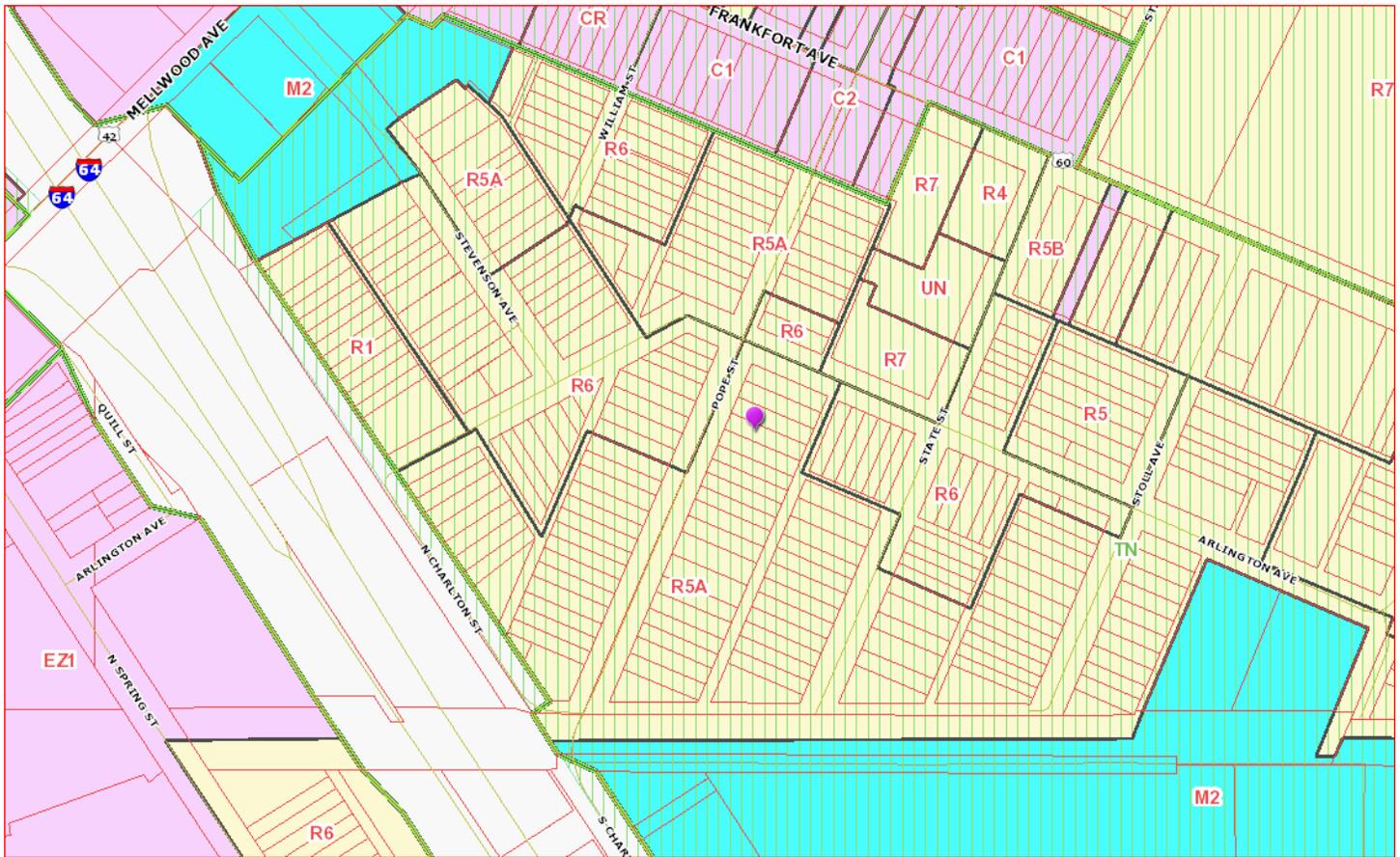
NOTIFICATION

Date	Purpose of Notice	Recipients
2/1/ 2019 2/6/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 9
2/1/2019	Hearing before BOZA	Sign Posting

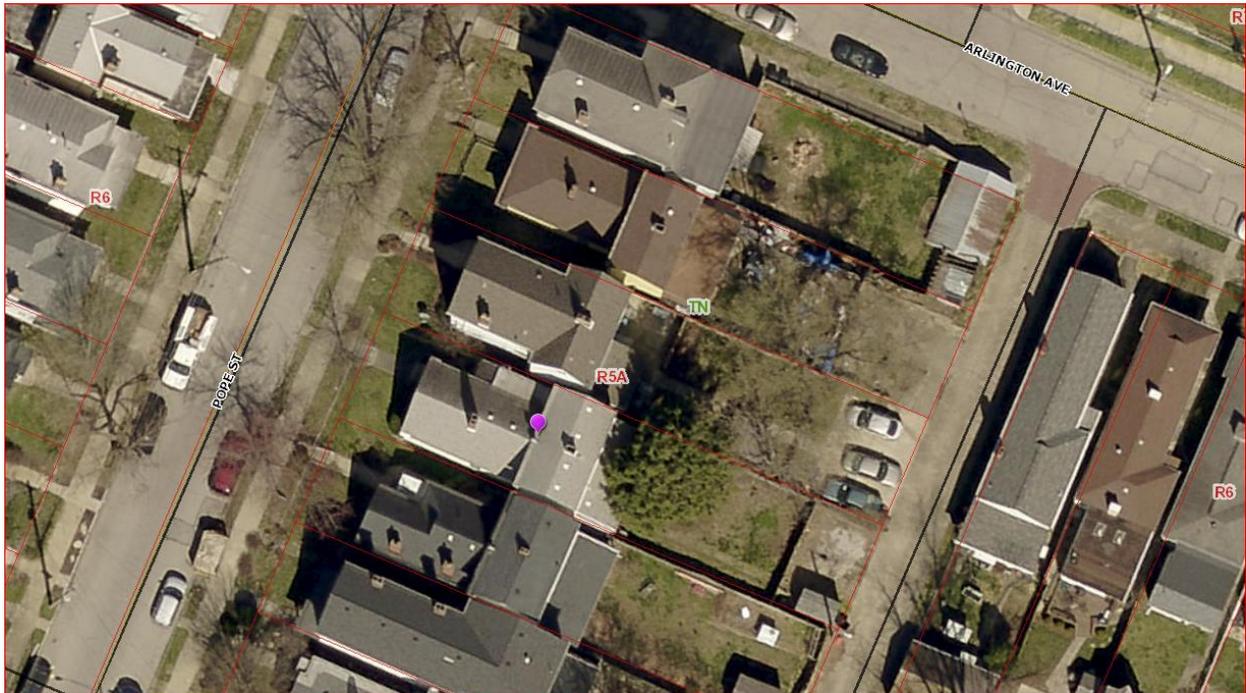
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Floor Plan
4. Conditions of Approval
5. Neighborhood Meeting Letter/Minutes

Zoning Map



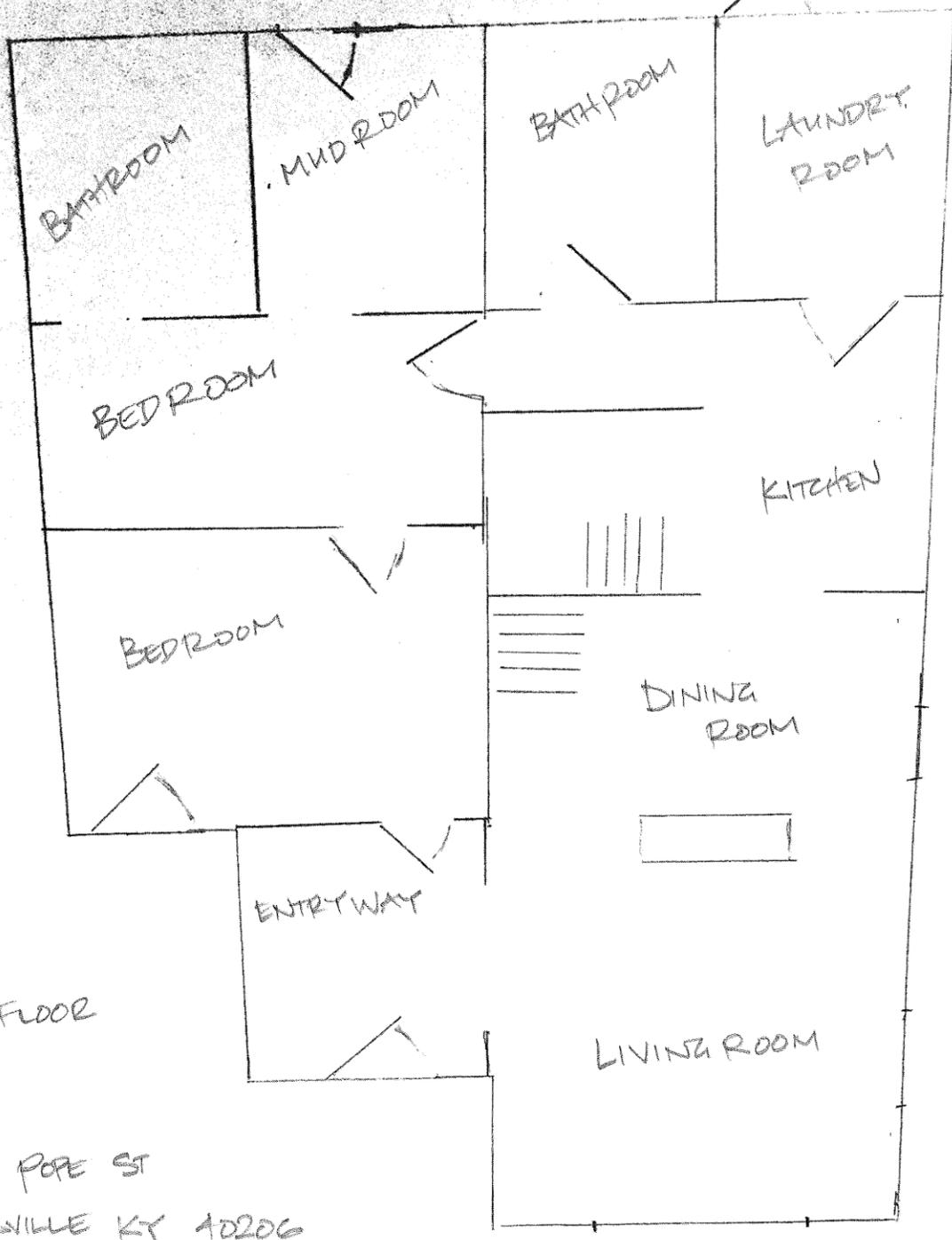
Aerial Photograph



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SEP 07 2018

PLANNING &
DESIGN SERVICES

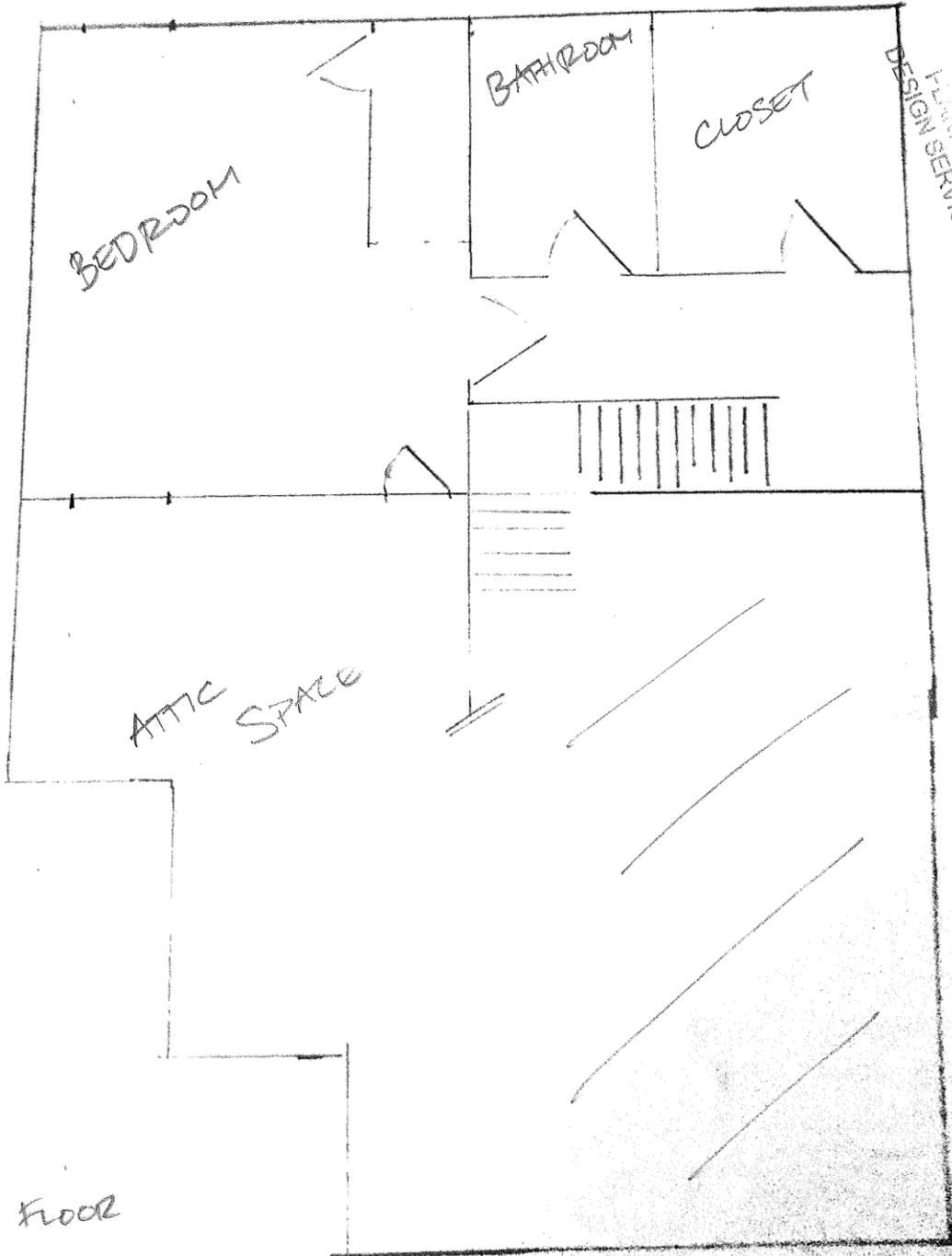


1ST FLOOR

141 POPE ST
LOUISVILLE KY 40206

FRONT

* 8 SEP 2018



RECEIVED
SEP 01 10 18
PLANNING &
DESIGN SERVICES

2ND FLOOR
141 POPE ST
LOUISVILLE KY 40206

FRONT

18 CUP 1087

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.
3. The maximum number of guests permitted in the short term rental shall be the lesser of eight (8) or that permitted by the Louisville Metro Code of Ordinances.

Dear Ottis & Lynn Florence,

Douglas Stockley and Ana Rowena Ajero, husband and wife, owners of 141 Pope Street are seeking a Conditional Use Permit (CUP) from the City of Louisville to use this property for short-term and vacation rentals. We will be holding a neighborhood meeting at the property to allow for questions about the use or management of the property. The meeting will be held at 141 Pope Street on Friday, August 10 at 5:30 PM. If you cannot make the meeting and have questions about our short-term rental or the properties use, please email: rowena@spacelosangeles.co.

We look forward to seeing you. Thank you for your consideration.

Douglas Stockley

Ana Rowena Ajero

MEETING DATE: AUGUST 10, 2018 5:30 PM

MEETING LOCATION: 141 POPE ST
LOUISVILLE KY 40206

PRESENT @ MEETING

ANA R. AJERO, OWNER OF 141 POPE ST

DOUGLAS J. STOCKLEY, OWNER OF 141 POPE ST

ATTENDED BY NEIGHBORS

LYNN FLORENCE, 139 POPE ST

GREG GIBBONS, 143 POPE ST

RECEIVED

SEP 6 / 2018
FLANNING &
DESIGN SERVICES

DISCUSSED:

- OUR GRAND DAUGHTER & HER FAMILY RELOCATED TO THIS AREA. IN ORDER FOR US TO MAKE IT FINANCIALLY POSSIBLE, WE ARE REQUESTING THAT 141 POPE BE AN AIRBNB.
- ANA SPENDS 3 WEEKS OUT OF THE MONTH IN LOUISVILLE AS SHE IS PART OF THE SUPPORT SYSTEM FOR THEIR GRAND DAUGHTER
- BOTH NEIGHBORS APPEARED FAVORABLE AND THOUGHT IT WAS A SMART IDEA.

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