

Board of Zoning Adjustment
Staff Report
January 6, 2020



Case No:	19-CUP-0220
Project Name:	Short Term Rental
Location:	526 Forum Avenue
Owner/Applicant:	James Horn
Jurisdiction:	Louisville Metro
Council District:	# 21 – Nicole George
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST

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

CASE SUMMARY/BACKGROUND

The 0.13 acre site is located on the south side of Forum Avenue, approximately 620 feet southeast of Southern Parkway in the Beechmont Neighborhood. The single family dwelling has approximately 1,239 square feet and the applicant has submitted pictures of three bedrooms which will allow for eight guests. The property has approximately 50 feet of street frontage and a driveway more than 100 feet long, therefore, ample room for parking. The garage will not be available for guests. No other Short Term Rentals with a Conditional Use Permit are within 600 feet of the subject site. There is no Open Enforcement Case.

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 October 4, 2019, five invitees were in attendance. The applicant stated that the meeting was 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 or the Short Term Rental of a condominium unit that is 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.

The applicant has been informed of this requirement.

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

The applicant has been informed of this requirement.

C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals.

The applicant has submitted pictures of three bedrooms, which would allow for eight guests.

D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host.

As of the date of this report, there was no other property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property.

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

The structure is a single family dwelling.

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

The applicant has been informed of this requirement.

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

The applicant has been informed of this requirement.

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

A long driveway and street parking are available which will provide ample parking. The garage will not be available for guests.

I. 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 requirement.

J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

The applicant has been informed of this requirement.

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

The applicant has been informed of this requirement.

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

The applicant has been informed of this requirement.

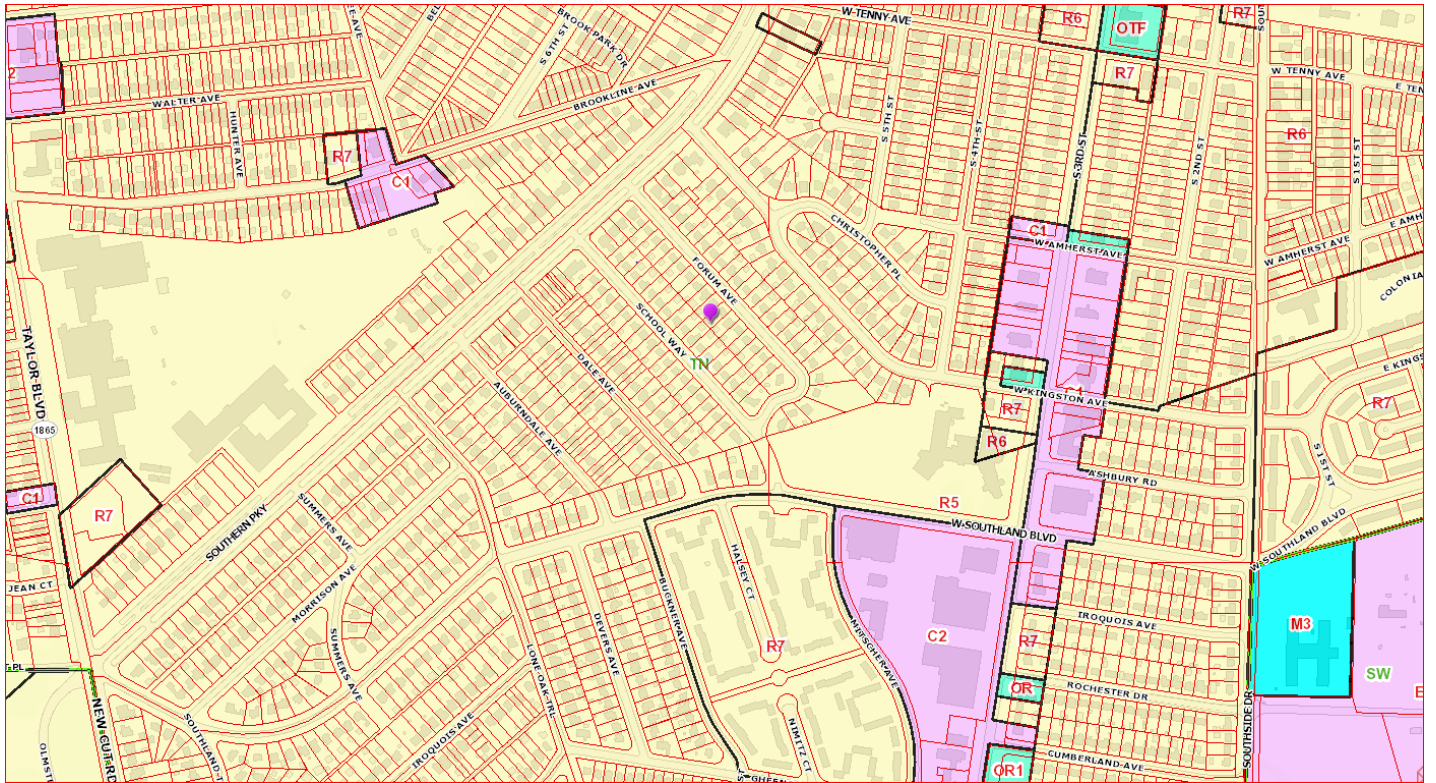
NOTIFICATION

Date	Purpose of Notice	Recipients
12/20/2019 12/26/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District #21
12/19 /2019	Hearing before BOZA	Sign Posting

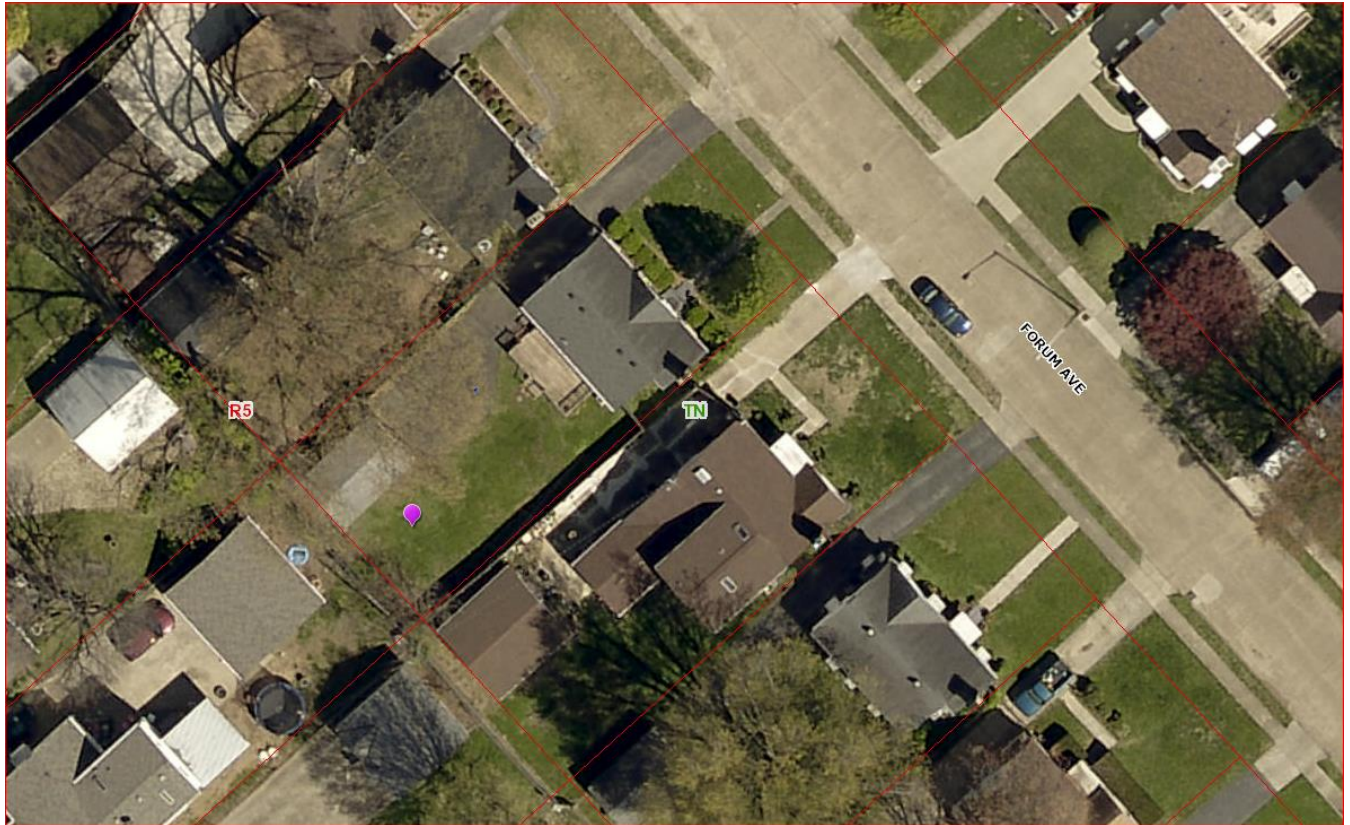
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. 600 Foot Map
4. Explanation Letter
5. Neighborhood Meeting/Minutes
6. Bedroom Pictures

Zoning Map



Aerial Photograph



map Created: 12/20/2019

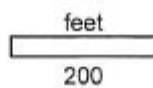


Legend

-  Subject Site
-  Buffer



**19-CUP-0220
Proximity Map**



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This map is subject to change upon the Board of Zoning Adjustment granting approvals to other Short Term Rental Conditional Use Permits.

Letter of Explanation for Proposal –

Tomcyn Productions
James & Cynthia Horn
526 Forum Ave. Louisville, KY 40214

It is our intention to offer the property, 526 Forum Ave. Louisville, KY 40214 for short term rental.

This property is a single unit dwelling and all of the unit will be rented.

Owner Occupations – James and Cynthia Horn are the sole partners of Tomcyn Productions, LLC.

RECEIVED
OCT 21 2019
PLANNING &
DESIGN SERVICES

526 Forum Ave Louisville Kentucky
Neighborhood Meeting Notes
October 4, 2019 6pm

General discussion of plan to offer property for short term rental, followed by group discussion.

Following questions were asked and answered –

Q1: Can we trim trees that boarder property between homes?

A1: Yes. We are in agreement that any overlapping branches can be trimmed to property lines.

Q2: Will we be including a neighborhood amenities binder for all Guests to reference?

A2: Yes. We will be highlighting local restaurants, parks, local attractions promoting Beechmont and surrounding area

Q3: Will you have noise meter?

A3: The house rules will stipulate no loud gatherings or parties at the property during any rental. We are agreeable to investigate option to install a noise detection unit at the residence.

Meeting adjourned at approximately 6:40pm

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OCT 21 2019
DESIGN SERVICES

Sample Neighborhood Meeting Attendance Sheet

Name	Street Address	Zip	Phone	Email
BJ SCHWEIDER	525 Forum Ave	40214	(522) 367-1483	
Jim Quire	522 Forum	40214	522 Forum 368-6968	
Cathy Castle	527 School Way	40214	602-394-5455	
Belineta Croft	527 Forum Ave	40214	614 273 5445	
Neal George	4517 Southern Pkwy	40214	614-8235	NealGeorge@bellsouth.net

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 OCT 21 2019
 DESIGN SERVICES







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