

Board of Zoning Adjustment

Staff Report

May 1, 2023



Case No:	23-CUP-0042
Project Name:	3 rd Street Bed and Breakfast Inn
Location:	1114 S 3 rd Street
Owner(s):	1114 S 3 rd , LLC.
Applicant:	Malcomb Pardo
Jurisdiction:	Louisville Metro
Council District:	6 – Phillip Baker
Case Manager:	Molly Clark, Planner II

REQUEST(S)

Conditional Use Permit to allow a Bed and Breakfast Inn in the TNZD zoning district (LDC 4.2.9)

CASE SUMMARY/BACKGROUND

The applicant proposes to operate a Bed and Breakfast Inn within an existing residential structure. The subject site has an existing single-family home with 6 bedrooms and 5 bathrooms. There are no exterior changes being proposed. The Bed and Breakfast will also have a resident innkeeper as required by the Land Development Code.

The site and all adjoining properties are in the TNZD within a Traditional Neighborhood form district. Adjoining properties to the north and east are in commercial use; properties to the west and south are in multi-family residential use.

STAFF FINDING / RECOMMENDATION

The applicant is meeting all the standards for a Bed and Breakfast Inn except for standard F, which the applicant will need relief from. The existing driveway is located in the side yard setback.

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.

RELATED CASES

There are no related cases.

TECHNICAL REVIEW

MSD and Transportation Planning have preliminarily approved the plan.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held with on January 11, 2023 with 10 people in attendance.

Staff has not received any interested party comments.

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.

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 substantial additional requirements for the site.

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

Bed and Breakfast Inns may be allowed in the R-R, R-1, R-2, R-3, R-4, R-5, U-N, TNZD (in effect within Louisville Metro only), R-5A, R-5B, R-6, M-1, PRO, PTD, PRD, W-1, W-2, and W-3 (Note: Revision proposed by Louisville Bed and Breakfast Association) Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. No more than nine (9) guest rooms shall be permitted, and a maximum of two adults shall be allowed per guest room. However, the Board of Zoning Adjustment may impose a lower limit on the number of guest rooms after considering the size of the building, the size of the property, the economics of the proposal, and the effect on surrounding properties.

STAFF: Applicant is meeting this requirement.

- B. Guests are limited to a length of stay no more than 14 consecutive days. The resident innkeeper or owner shall keep a current guest register including names, permanent addresses, dates of occupancy, and motor vehicle license number of all guests.

STAFF: Applicant has been informed of this requirement.

- C. Bed and Breakfasts may provide food service or space for indoor meetings provided all applicable food service and capacity regulations are complied with. No food preparation is allowed in any guest bedroom.

STAFF: Applicant has been informed of this requirement.

- D. Bed and Breakfast Inns in residential zoning districts shall be required to comply with the requirements of Section 4.3.7 and obtain a temporary activities permit for any outdoor activities and/or events that are attended by anyone that is not a current registered overnight guest of the Bed and Breakfast Inn. This provision shall not be altered or waived by the Board.

STAFF: Applicant has been informed of this requirement.

- E. Any signage which identifies the use shall be in accordance with the underlying zoning and form district standards.

STAFF: There is no proposed signage.

- F. The location of parking shall comply with the same parking standards as a single family detached dwelling unit, except any additional parking beyond what can be accommodated in a driveway no wider than to sufficiently park two (2) cars must be out of the required setback and yards as specified in the underlying Form District requirements. Parking for guests shall not be served by a separate driveway from that serving the principal residential structure.

STAFF: Applicant does need relief from this requirement. The existing driveway on the site is within the side yard setback.

- G. Conditional use permits for Bed and Breakfast Inns in residential zoning districts issued prior to the effective date of this ordinance (March 9, 2011) may continue to operate as authorized under the approved conditional use permit. Upon request by an applicant, such conditional use permits may be modified in any manner the Board determines, in its discretion to be appropriate.

STAFF: Applicant has been informed of this requirement.

REQUIRED ACTIONS

APPROVE or **DENY** the **CONDITIONAL USE PERMIT** to allow a Bed and Breakfast Inn in the TNZD zoning district.

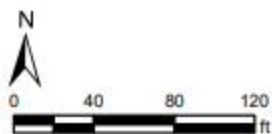
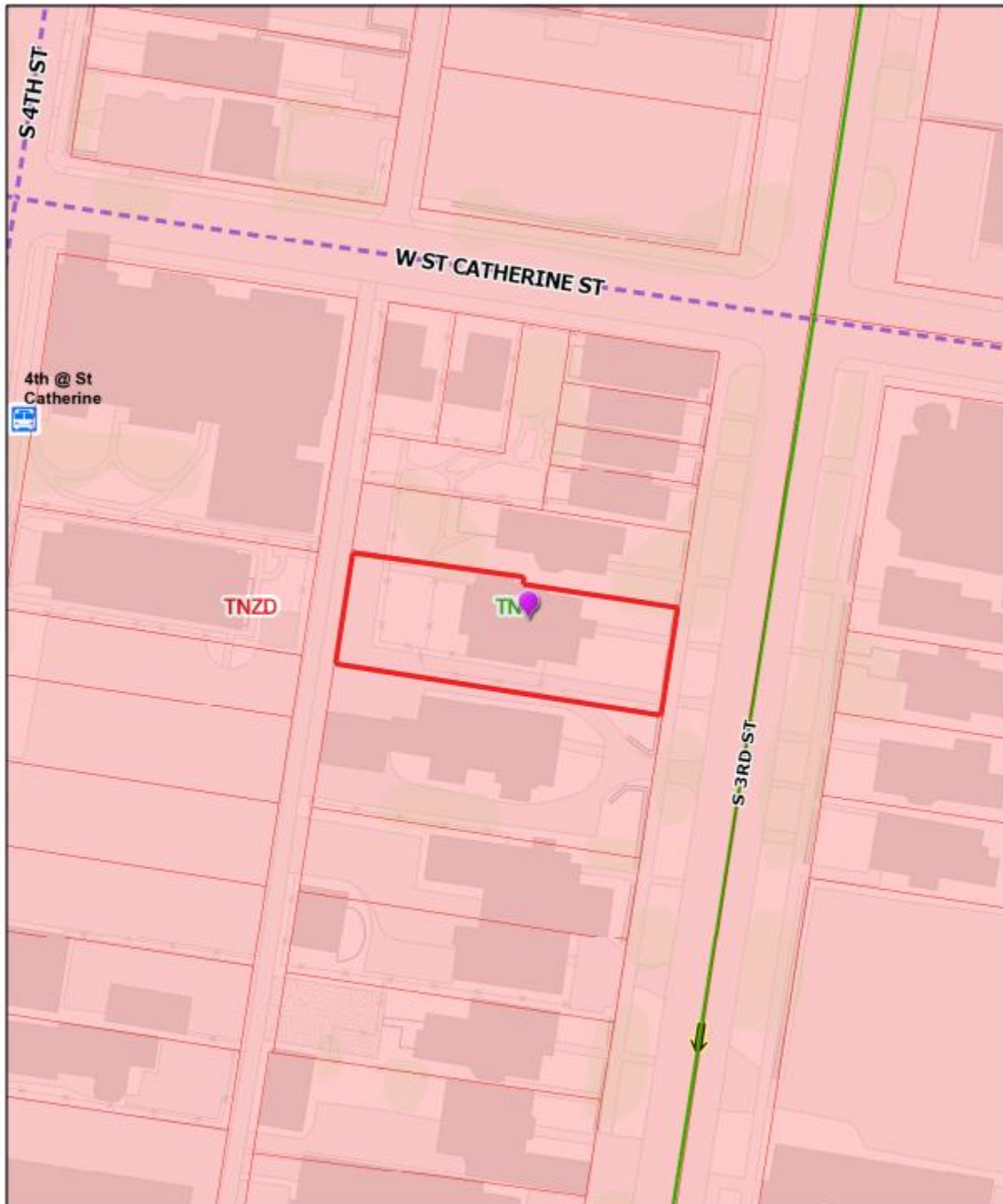
NOTIFICATION

Date	Purpose of Notice	Recipients
04/19/23	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 6
04/19/23	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos
5. Conditions of Approval

1. Zoning Map



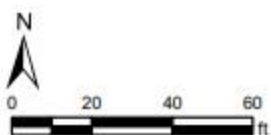
Tuesday, April 25, 2023 | 4:58:57 PM



LOJIC © 2023

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

2. Aerial Photograph



Tuesday, April 25, 2023 | 4:53:52 PM



LOJIC © 2023

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

3. Site Plan

NOTES

1. The unadjusted closure error was 1 in 29,852. No adjustments were made for closure.
2. A Title Examination may reveal roads and easements not shown herein.
3. Reference of meridian was taken from the recent Minor Plat in DB, 5123, PG. 391, shown as reference bearing on this survey.
4. The property shown herein is not in the 100 year flood area as located by F.F.M.A. Map No. 218125 0641 it dated 12-05-2009.
5. This site lies within the Traditional Neighborhood Zoning District. Any subsequent development on site is subject to the requirements of Section 2.7.4 & Appendix 2B of the Land Development Code.



LOCATION MAP
No Scale

"A" = N 05°00'00" W 3.46'
"B" = S 83°50'33" W 43.13'

LEGEND

- = Existing 5/8" rebar with a cap #2542.
- = Existing magnetic nail in a brick wall.
- = Existing crosscut in wall.
- = Existing line cuts in wall.
- = Set a 1/2" rebar with a cap #3444 Willett.
- = Set a magnetic nail with and I.D. Washer #3444.



0 15 30 45 60
Graphic Scale 1" = 30'

LAND SURVEYORS CERTIFICATE

I hereby certify that this plat and survey were made by me or under my direct supervision and that the angular and linear measurements as witnessed by monuments shown herein are true and correct to the best of my knowledge and belief. This Urban Boundary Survey meets or exceeds the minimum standards of 201 KAR 10:100.

Todd K. Willett Date 5-06-21
Professional Land Surveyor, Kentucky Registration No. 3444

CERTIFICATE OF APPROVAL

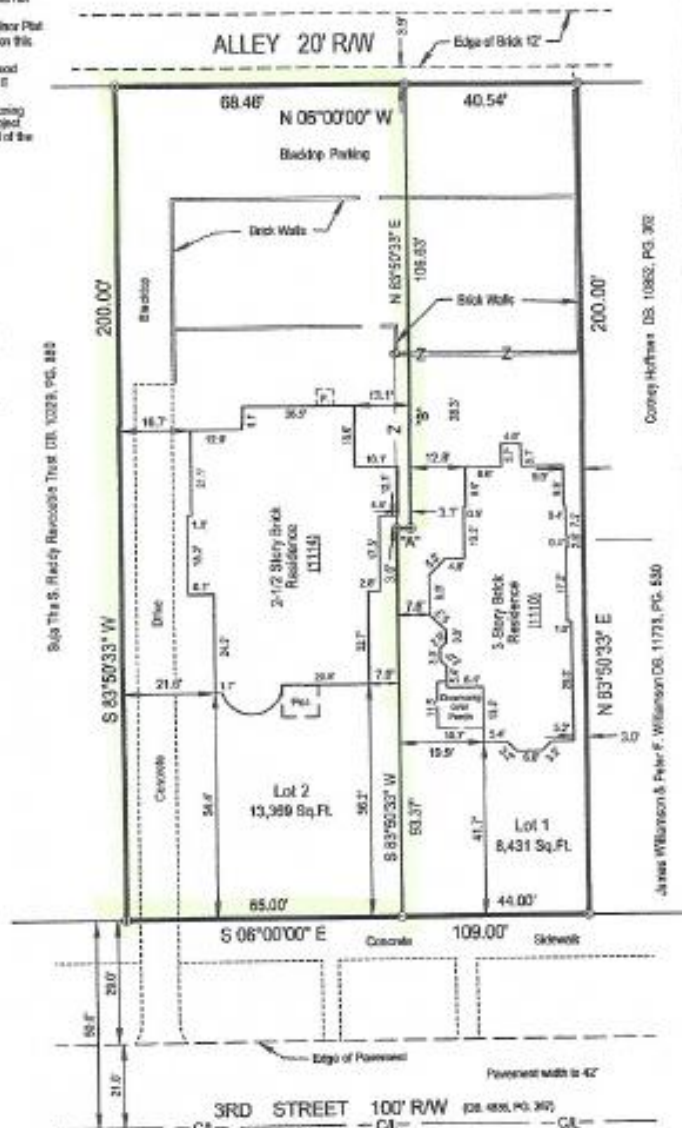
Approved this _____ day of _____, 20____

Issued if not recorded by this date: _____

By: _____
Louisville and Jefferson County Planning Commission
Approval Subject to attached ordinances.

Special Requirements: _____

DOCKET NO. _____



MINOR SUBDIVISION PLAT

To Shift the Property Line

PROPERTY INFORMATION & OWNER INFORMATION

Owner: Margaret M. Chapman
Owners Address: PO Box 1870, Bandera TX, 78003
Property Address: 1110 S 3rd Street, Louisville, Ky, 40203
Deed Book: 10752, Page: 24, Tax Block: 029K-0120-0000
Property Address: 1114 S 3rd Street, Louisville, Ky, 40203
Deed Book: 11552, Page: 118, Tax Block: 029K-0103-0000

Zoning District: TNZD, Form District: Traditional Neighborhood

Date: 08/06/21 Scale: 1" = 30' Job No. 28074-20

WILLETT & ASSOCS.
LAND SURVEYING INC.

7329 SAINT ANDREWS CHURCH ROAD, LOUISVILLE, KY 40214
LOUISVILLE PHONE: 502-348-6272
LOUISVILLE FAX: 502-348-6272
WILLETT@SURVEYINGMAGAZINE.COM
FAX: 502-805-0427

Sheet 1 of 2

4. Site Photos

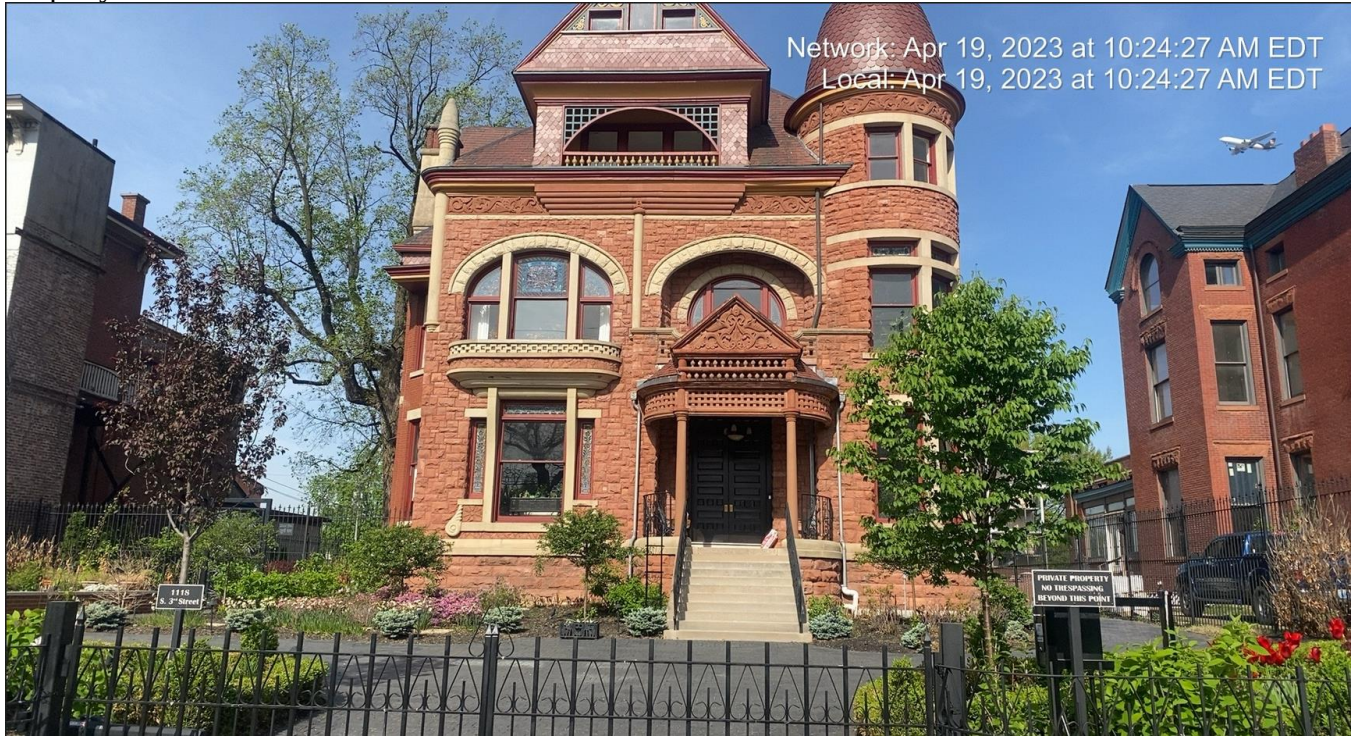
Front of subject site:



Property to the Right



Property to the Left



Across the street



5. 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 apartment without further review and approval by the Board.