

Board of Zoning Adjustment
Staff Report
April 1, 2019



Case No:	18CUP1188
Project Name:	Short Term Rental
Location:	1700 Payne Street
Owner:	Fowl Water LLC
Applicant:	Matt Fowler
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 duplex that is not the primary residence of the host in an R-5 Zoning District and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.141 acre site is located on the southern side of Payne Street between South Charlton Street and Stoll Avenue in the Clifton neighborhood. Residential uses are east and northeast of the subject site. Interstate 64 right of way is west and south, while an office is located across Payne Street in an OR-1 zoning district. The submitted floor plan of the duplex shows Unit 1 being on the first floor, in the front with 528 square feet. Unit 2 has an entrance on the east side of the structure with living/kitchen space on the first floor and bedrooms and bath on the second floor for a total of 1,128 square feet. The applicant submitted photographs of the units, but it was impossible for staff to determine whether the bedrooms complied with the code based on the photographs alone. The applicant will need to address whether the bedrooms comply with Property Maintenance Code.

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 January 23, 2019, two people were in attendance. Concerns were listed as exterior repairs, parking by the existing front unit tenant and a sound barrier. An email was also received from the property owner at 1706 Payne Street expressing concerns about the permitted tree removal for the billboard and the resulting appearance and noise level, the parking problems and the transient nature of short term rentals.

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 regulations allow for 6 guests in Unit 1 and 8 guests in Unit 2.

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

The applicant has been informed of this restriction.

- 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.
Approximately three spaces exist on the driveway and 2 parking spaces are located in front of the house along Payne Street. Gravel has also been put down from the rear of the driveway into the rear yard which is not allowed as far as parking.

- 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.

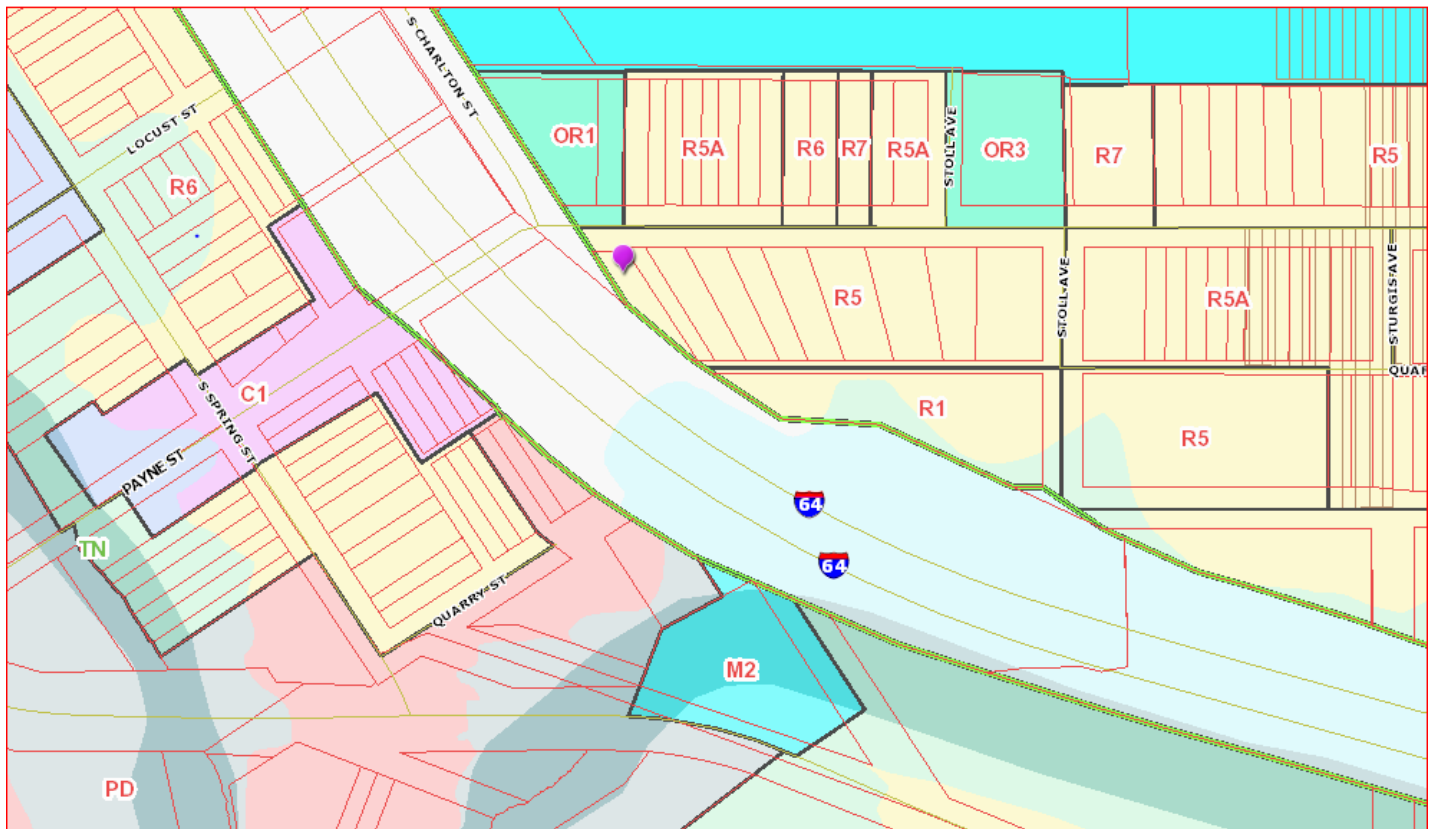
NOTIFICATION

Date	Purpose of Notice	Recipients
3/18/2019 3/08/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
3/26/2019	Hearing before BOZA	Sign Posting

ATTACHMENTS

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

Zoning Map

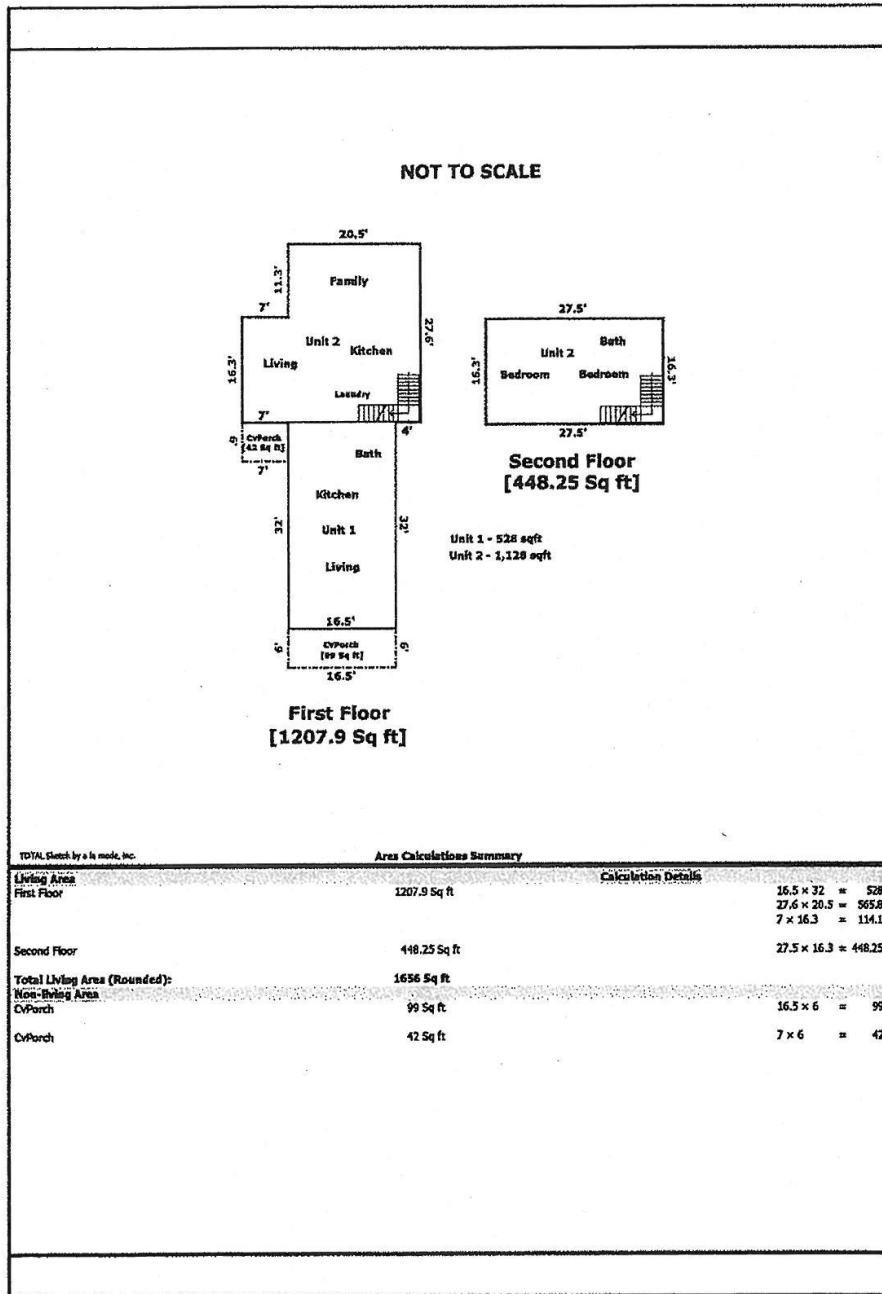


Aerial Photograph



Building Sketch

Borrower/Client	Fowl Water LLC				
Property Address	1700 Payne St				
City	Louisville	County	Jefferson	State	KY Zip Code 40206
Lender	Republic Bank & Trust Company				



1700 Payne St

1/23/19
3pm - 6pm

Attendance Sheet

Name	Street Address	Zip	Phone	Email
Philip Samuel	3 ANSORA CT	40206	587-2292	billy.godhill3@gmail.com
MIKE O'LEARY	1903 PAYNE ST.	40206	899-1364	MIKE.O'LEARY@STW.COM

RECEIVED

FEB 12 2019

PLANNING & DESIGN SERVICES

18CUP1188

Neighborhood Meeting for 1700 Payne St.

1/23/19

Attendance:

- 2 neighbors and owner of the property.

Agenda:

- Introduce myself to the neighbors
- Walk through the 2nd unit of the property
- Go over house rules and plan for the property
- Address concerns

Concerns:

Concern: All exterior repairs be done within historical guidelines

Solution: All exterior repairs have been approved by Planning and Zoning.

Concern: The front unit tenants car parked next to the house.

Solution: Tenants vehicle was moved to rear parking pad.

Concern: Tenants car and trailer parked on the sidewalk.

Solution: Tenant to park both car and trailer on rear parking pad, or park correctly on the street.

Concern: Neighbor asking owner to plant butterfly bushes as sound barrier between express way.

Solution: Owner is planning on putting in a privacy fence between the highway and the house within the next 1-2 years with Planning and Zoning approval. Owner will plant butterfly bushes if the rear of the property is landscaped.

RECEIVED
FEB 14 2019
PLANNING &
DESIGN SERVICES

18CUP1188

My name is Joe Louis R. Rivera the owner of the property at 1706 Payne Street Louisville, KY. 40206-1941(Where I reside).

We have had a very peaceful and quiet neighborhood until the past few months when the owners of the sign belonging to "Outfront" at a property at 1700 Payne Street got permission from the Commonwealth of Kentucky to cut down trees along 64 Expressway. Making an Eye-sore and greatly increasing the noise levels coming from the Highway traffic. I have a study in the back portion of my home and now have sounds of traffic echoing louder in my home. In addition to this, the new property owner has put down gravel and is parking his old vehicles in the back of the property (adding to the eye-sore). The renter who lives at the property works on his car on the Payne Street and parks on the sidewalk. Partially blocking pedestrian traffic. I would be against any more changes being made to this property to bring in transient renters.

In addition to this, it has a very strong potential to bring all our property values down. I would not have purchased my own property if all the trees were cut down as they are now.

Respectfully Joe Louis R. Rivera

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.

Subject Site



First Floor (Unit 1)



Second Floor (Unit 2)



Second Floor (Unit 2)

