

Board of Zoning Adjustment
Staff Report
November 18, 2019



Case No:	19-CUP-0146
Project Name:	Short Term Rental
Location:	431 East Ormsby Avenue
Owner/Applicant:	Dreamworth Homes, Joe Worth
Jurisdiction:	Louisville Metro
Council District:	# 4 – Barbara Sexton Smith
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-6 Zoning District and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.076 acre site is located on the north side of East Ormsby Avenue between South Preston Street and South Jackson Street in the Shelby Park Neighborhood. The 1,280 square foot, single family dwelling has three bedrooms which will allow for eight guests. The property has 25 feet of street frontage and credit for one parking space. Additional on street parking spaces appear to be available. There is no Open Enforcement Case.

There are no other Short Term Rentals within 600 feet of the subject site.

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 22, 2019, with two invitees and a member from the Shelby Park Neighborhood Association. After the explanation, all expressed support.

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 dwelling has 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.

The property has 25 feet of street frontage, one parking credit. Additional on street parking appears available.

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.

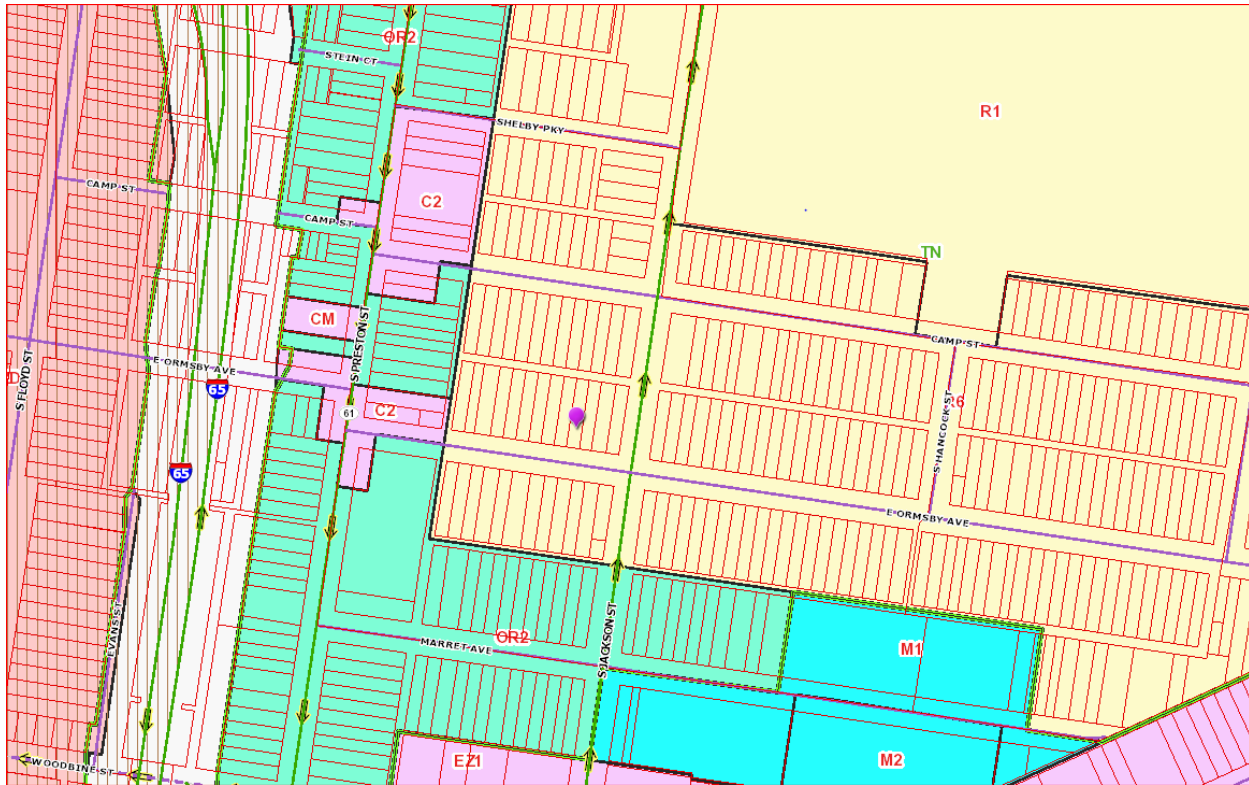
NOTIFICATION

Date	Purpose of Notice	Recipients
11/01/2019 10//30/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District #4
11/ 01 /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. Floor Plan
7. Bedroom Pictures

Zoning Map



Aerial Photograph



map Created: 11/06/2019



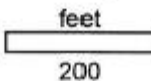
600 ft Buffer

Legend

-  Subject Site
-  Buffer



**19-CUP-0146
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

The property located at 431 E Ormsby Avenue is located in the up and coming Shelby Park neighborhood. It is a 3 bedroom, 1 bathroom single family home that will be rented out as one unit. The owner of the property is DreamWorth Homes, LLC which is managed by Joe Worth. DreamWorth Homes specializes in fixing up distressed/vacant/abandoned properties to improve communities and provide exceptional housing for homebuyers. 431 E Ormsby Avenue will be a great location for a short-term rental as the neighborhood has a lot to offer for visitors to the area including restaurants, bakeries, bars, UofL, the park and close access to the interstate. Not only will this property be beneficial for the city of Louisville as a result of the tourism and tax dollars, but also the neighborhood will receive visitors to experience the beauty of Shelby Park. Neighbors have expressed to me many times about how they want people to realize the beauty and history of the neighborhood. As owner and host of the property, I will ensure that all visitors abide by strict rules and guidelines to ensure their visit is safe and courteous to neighbors and the community.

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Neighborhood Meeting Summary

431 E Ormsby Ave. Louisville, KY 40203

Two members of the Shelby Park community officially attended the neighborhood meeting we held on August 22nd, 2019 to inform them of our intentions of registering 431 E Ormsby Ave as a short-term rental. Initially, both neighbors were under the impression that I wanted to turn the property into a halfway house. I explained to them that we wanted to rent the property to people visiting the city of Louisville and to show people how great the Shelby Park community is. Each of the two residents have been living in Shelby Park for 30+ years and showed tremendous support to having folks visit Shelby Park and see how remarkable the neighborhood is. I also explained to them what I do as a business owner in fixing up distressed/vacant and abandoned properties and they were thankful for our investment in the neighborhood. Their only concern was that having a property that might not always be occupied would be subject to break ins and theft. I ensured them that we would have ample lighting around the property, a security system with cameras and smart locks on each door. We plan to fence in the back yard so that people will not be able to walk up to the property from the alley behind the house. During our meeting, a member of the Shelby Park Neighborhood Association informally approached the meeting and I explained to her the purpose of our meeting. She gave full support for turning this property into a short-term rental as well because she saw the benefits for the community. She also invited me to attend the Shelby Park Neighborhood Association meetings and consider becoming a member, which I plan to take her up on that invitation. In conclusion, the meeting was very positive and I received full support for registering 431 E Ormsby Ave as a short-term rental.

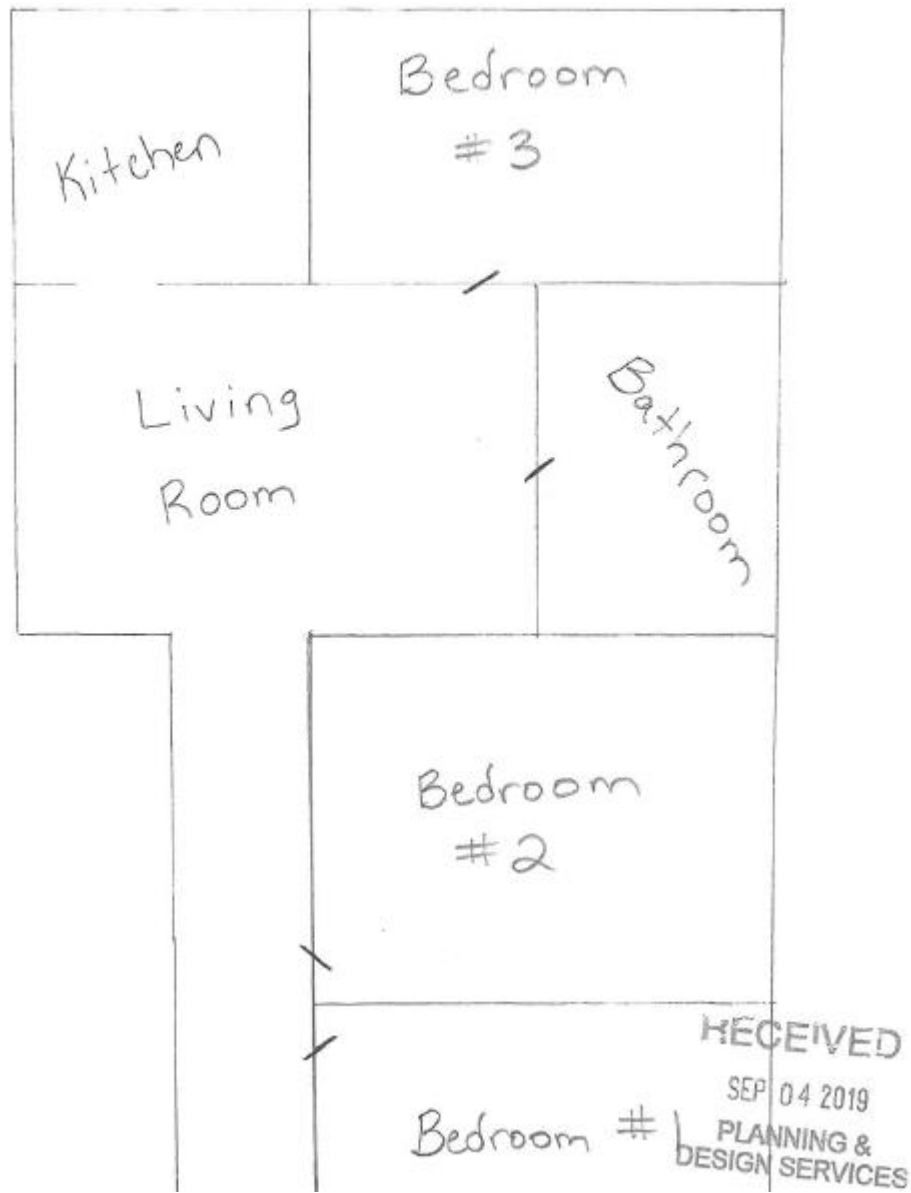
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Neighborhood Meeting Attendance Sheet

First Name	Last Name	Signature
Mona	Smith	Mona G. Smith
Ann	Ames	Ann Ames

431 E Ormsby Floor Plan







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