

Board of Zoning Adjustment
Staff Report
October 21, 2019



Case No:	19-CUP-0108
Project Name:	Short Term Rental
Location:	716 Clark Station Road
Owners/Applicants:	Blue Heaven Inc. by Sonya Gugliotta, Vice President/Director
Jurisdiction:	Louisville Metro
Council District:	# 19---Stuart Benson
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-4 Zoning District and Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 91.0 acre site is located in far eastern Jefferson County between Shelbyville Road and I-64. The 1,406 square foot, single family dwelling was built in 1930 and has four bedrooms which will allow fourteen guests (in excess of two acres, the occupancy limit shall be two times the number of bedrooms plus six individuals).

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 6, 2019, with five invitees attending. Once the proposal was presented, there was no opposition.

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 four bedrooms which would allow fourteen 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 are no other properties 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 applicant states there is ample street parking.
- 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
10/05/2019 10/02/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
10/10/2019	Hearing before BOZA	Sign Posting

ATTACHMENTS

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

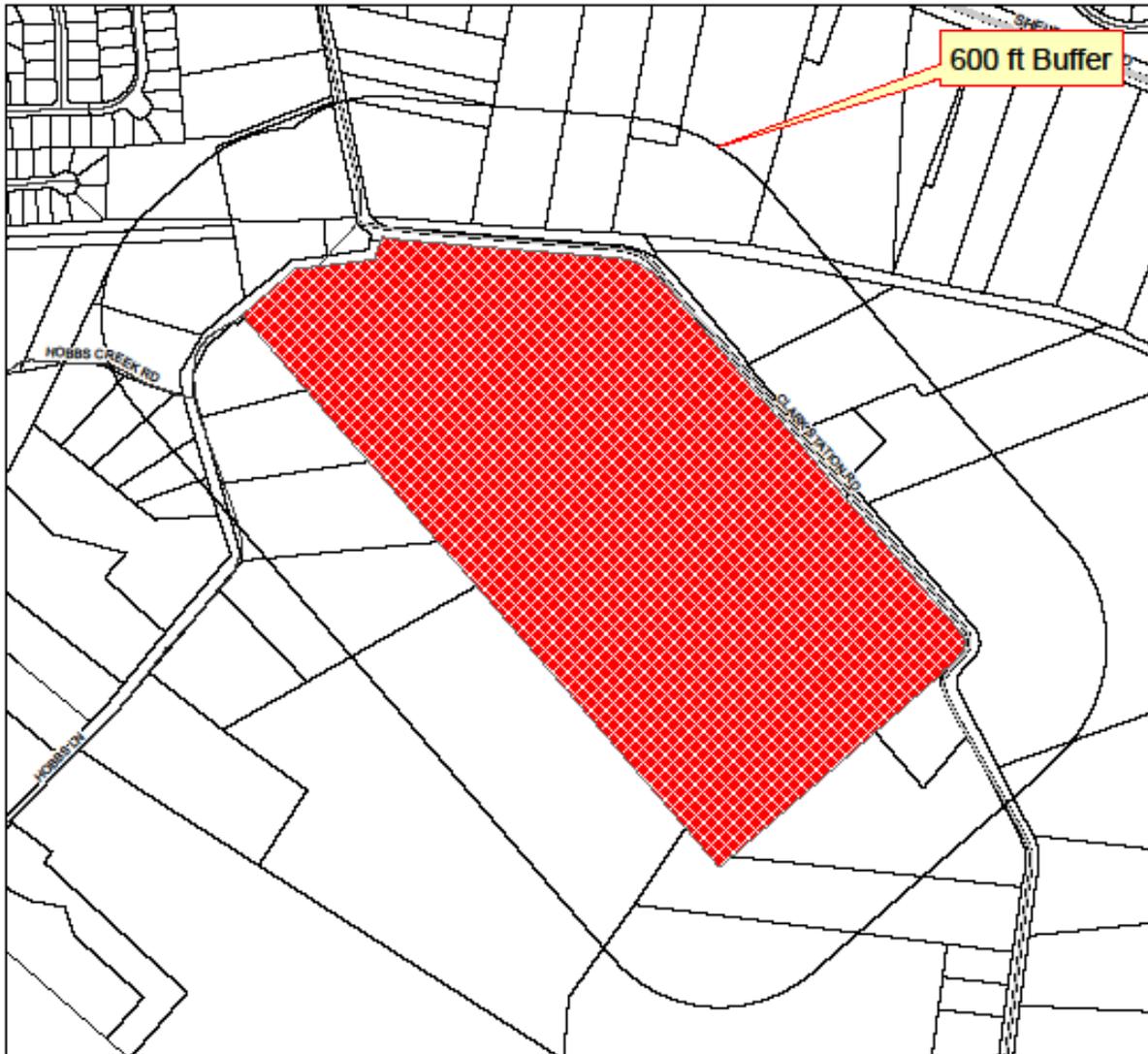
Zoning Map



Aerial Photograph



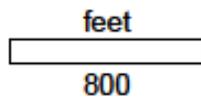
Map Created: 10/14/2019



Legend

-  Buffer
-  Subject Site

**Proximity Map
#19-CUP-0108**



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



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Letter of Explanation

716 Clark Station Rd. Fisherville Ky, also know as Blue Heaven Farm. The house has been rented to long term tenants since it was purchased by the Rogers Family on July 17, 1967. The house was recently vacated by the last tenant and the family has decided to apply for a Conditional Use Permit (CUP) to use this house for a short term rental.

The house is a single family 2900 sq ft home and was built in 1930. It sits on a 92 acre farm on the edge of the Jefferson County Shelby County Line. The home has four (4) bedrooms and two (2) bathrooms. Maximum occupancy will be 14 people. This is two (2) times the number of bedrooms plus six (6) as the house does sit on more than two (2) acres.

If the CUP is approved, the house will be repaired and furnished to the standard of what guest of short term rentals expect.

The family may use the current host of their other home but would rather work with someone who lives closer to the property. No matter who the local host is, the short term rental will also be ran with the same House Rules as the other Short Term Rental owned by a member of the family. They are as follows:

No locals may book unless further discussed. Thank you.

The number of guests is not to exceed the number on the reservation.

Quiet time outside this home after 12 pm. is strictly enforced!

We have a zero tolerance policy for guests who are disruptive to surrounding neighbors. If we get a call that you're being loud, we reserve the right to ask you to leave.

- No illegal drug use
- No illegal activity of any kind
- Please be respectful of our very nice neighbors &
- Please be kind to the property

There are outdoor security cameras to monitor activity around the house.

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Start 5:55 Over 6:19 Sheet

	Name	Street Address	Zip Code	E-Mail	Interest	
					Neighbor	Family Other-Please Explain
1	JOHN OVERTON	829 Hobbs Ln	40023			
2	Brunellaora Catlett	911 Hobbs Ln	40023			
3	SIMON FIELDS	1026 CLARK STATION	40023	Sfields@923@gmail.com		
4	Malcom Diakhate	615 Hobbs Ln	40023			
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Blue Heaven Farm
Neighborhood Meeting Minutes
August 6, 2019
6:00 PM

The meeting was held at the house located on this 97 acre farm. There were five (5) neighbors in attendance and five (5) members. The first guest that arrived wanted to know if the developer was going to be present. We explained to them that there was no developer involved. We are only applying for a conditional use permit for a short term rental. There was an immediate sigh of relief. They said if that is all this meeting is about they could leave. They thought we might be proposing a new housing development. As the other three (3) arrived, they told them the meeting only for a short term rental. The others attending were also relieved. The following questions and answers were discussed.

Questions	Answers
The neighbors had questions about how many tillable acres there are:	47 acres
What is being done with this acreage:	It is leased to a farmer
How long the last long term tenant lived there:	8 years
If the house would be fixed up:	It will be remolded to a higher standard if the CUP is approved.
What do they, as neighbors, need to do, if anything moving forward.	The CUP process was explained. They were told they would be notified of the meeting date with the Board of Zoning. They can attend if they like.
What is the long term goal for this property.	To hopefully start getting a larger income by operating a short term.

There was discussion of other neighbors land being for sale and the price and logistics of a housing development on that property.

There was no opposition to the conditional use permit for a short term rental.

Meeting Adjourned at 6:20 pm

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Bedrooms in current state:





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