

Board of Zoning Adjustment
Staff Report
October 3, 2022



Case No:	22-CUP-0210
Project Name:	Richmond Drive ADU
Location:	1967 Richmond Drive
Owner:	Shane and Christina Newman
Applicant:	Shane and Christina Newman
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers Armstrong
Case Manager:	Chris French, Planning & Design Supervisor

REQUEST(S)

Conditional Use Permit for an accessory dwelling unit.

CASE SUMMARY/BACKGROUND

The applicant requests approval of an accessory dwelling unit (ADU). This ADU requires approval from the Board because the applicants propose to use this ADU as a short term rental. This request is associated with 22-CUP-0211, which is a request for a short term rental CUP for a dwelling unit that is not the primary residence of the host. According to the applicants the ADU would be a maximum of 600 square feet and would contain 1 bedroom.

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.

RELATED CASES

22-CUP-0211 – a request for a CUP for a short term rental of a dwelling unit that is not the primary residence of the host that is scheduled for the same public hearing date. This request will be heard prior to the ADU request.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on July 26, 2022. Five people attended the meeting. A summary of the meeting is attached to this agenda item.

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?

4.2.3 Accessory Dwelling Unit (ADU)

Accessory dwelling units that do not meet the provisions of Section 4.3.27 may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements.

- A. All special standards outlined within Section 4.3.27 are met unless relief is granted by the Board. Applications requesting relief from special standards in Section 4.3.27 shall provide written justification demonstrating the reasons why relief should be granted and how such relief would retain the accessory nature of the dwelling unit.

Staff Analysis: All standards in Section 4.3.27 have been met except for item F, which states, “ADUs approved under this provision shall not be used as a short term rental”. The applicant is requesting to use the ADU for both long term and short term rental. Long term rentals are permitted in any ADU without a CUP approval. Short term rentals require CUP approval on a case by case basis. If the application is approved, it is unknown how often the unit would be occupied by long term tenants versus short term guests and the Board should consider the fact the unit could be used exclusively as a short term rental if this request is approved. The Board cannot approve this CUP request without granting relief to this item. Staff supports the ADU and its use as a long term rental, but only supports the use as a short term rental if all short term rental requirements are met under an independent review and a CUP is granted by the Board. It should be noted that the short term rental prohibition in the ADU regulation at the administrative level was added based on public comment regarding concerns that the use of an ADU as a short term rental would restrict its use as additional housing stock and potentially as additional affordable housing for the community. The applicant’s justification is attached to this agenda item.

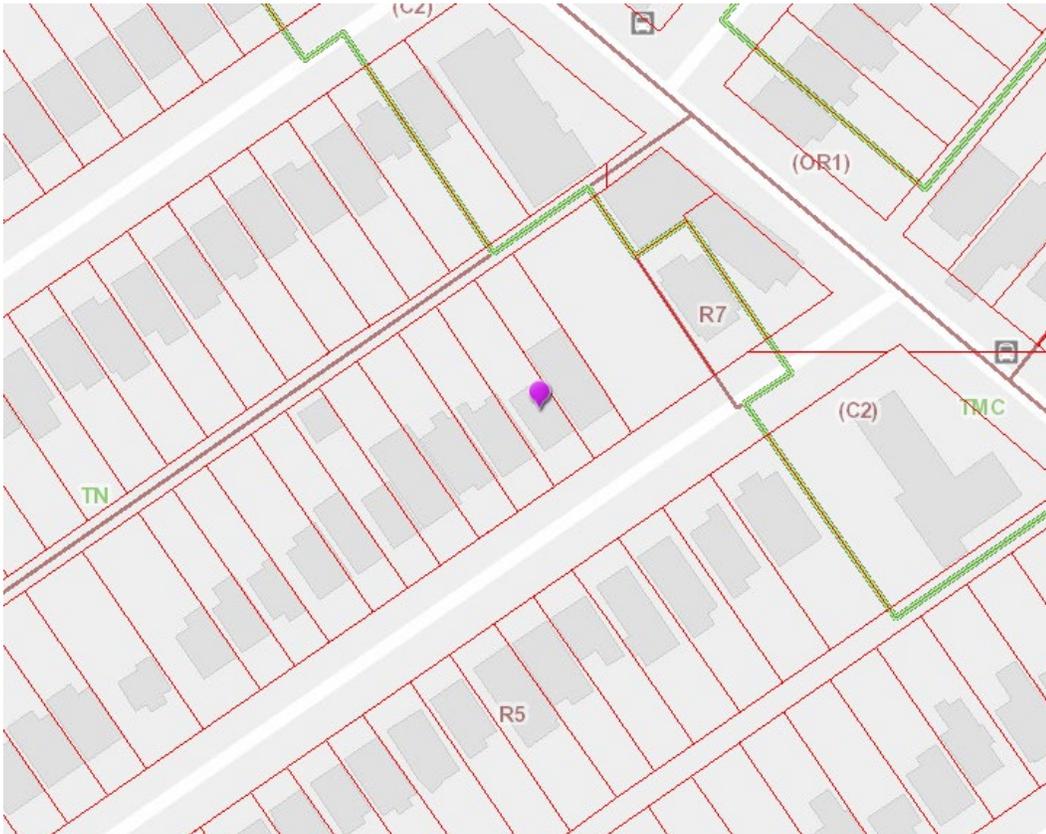
NOTIFICATION

Date	Purpose of Notice	Recipients
09/19/2022	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 15
09/19/2022	Hearing before BOZA	Sign Posting

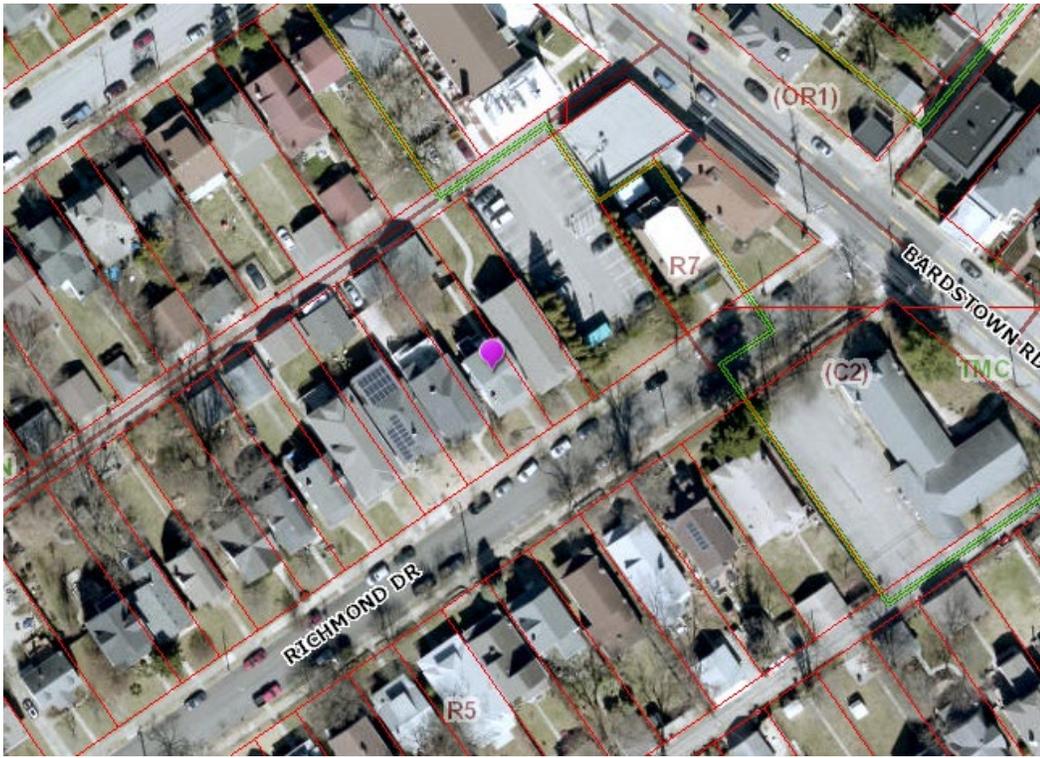
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Site Photos

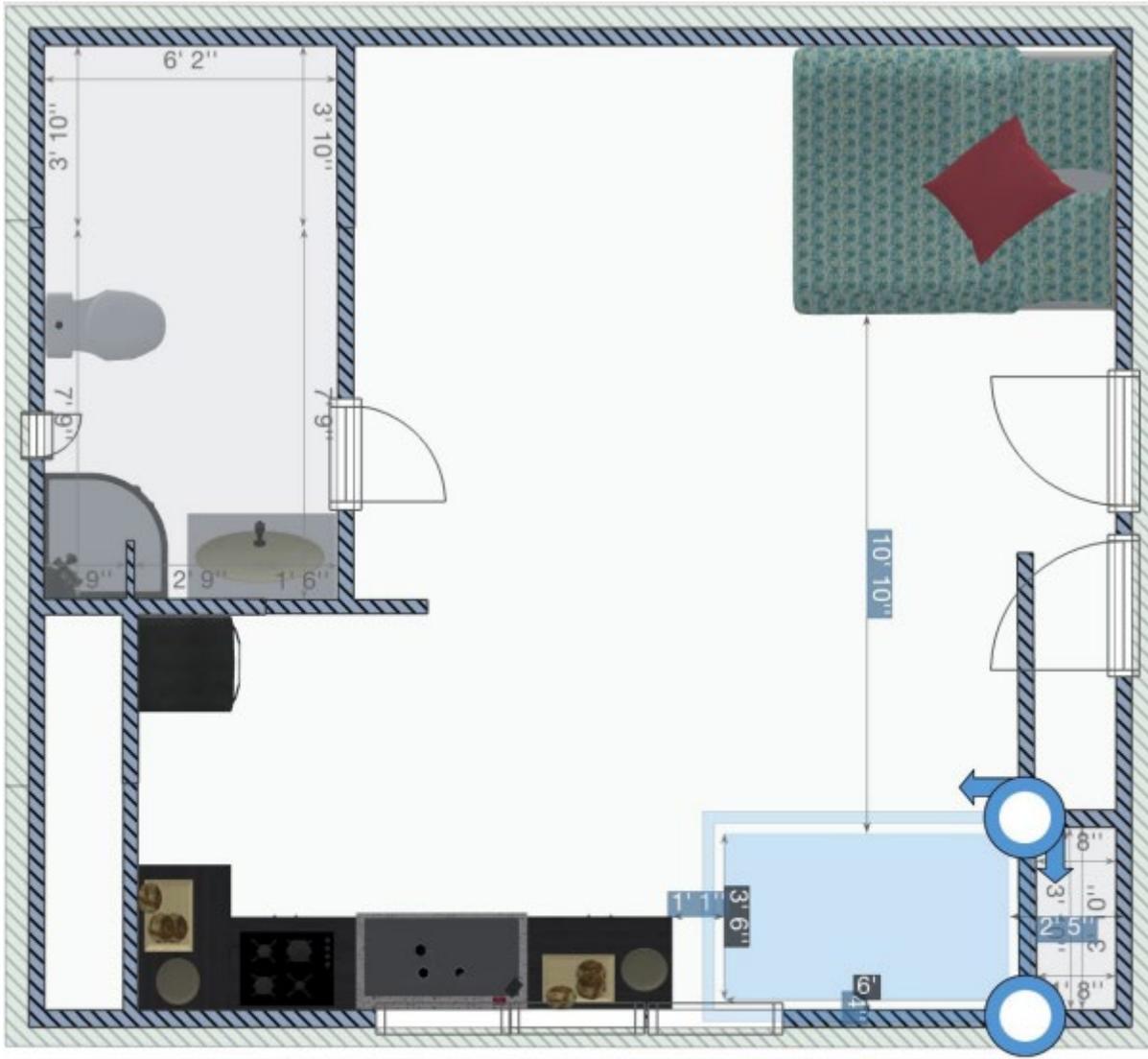


Existing garage from Kenilworth. Single family home on the property in the background



Front of existing home

4. ADU Plan



5. Condition 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 dwelling unit until further review and approval by the Board.