

Board of Zoning Adjustment
Staff Report
January 22, 2019



Case No:	18CUP1161
Project Name:	Short Term Rental
Location:	312 Chenoweth Lane
Owner:	Louisville Home Buyers, LLC
Host:	Key Source Properties, Jonathan Klunk
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 dwelling unit that is not the primary residence of the host in an R-5 Zoning District and Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.184 acre site is located on the west side of Chenoweth Lane, between Druid Hill Road and Napanee Road in the City of Brownsboro Village. The house dates back to 1949.

Adjacent land use is all single family residential.

The applicant has stated that the total amount of guests will be limited to eight (8), regulations allow ten, (10).

Parties will not be allowed.

Transportation has noted that parking is provided on 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 December 12, 2018.

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 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.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. The applicant states that the residence has three bedrooms, that will allow a maximum number of ten guests, however, the applicant is limiting the number of guests to eight, (8).
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.

- 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.
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- 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.

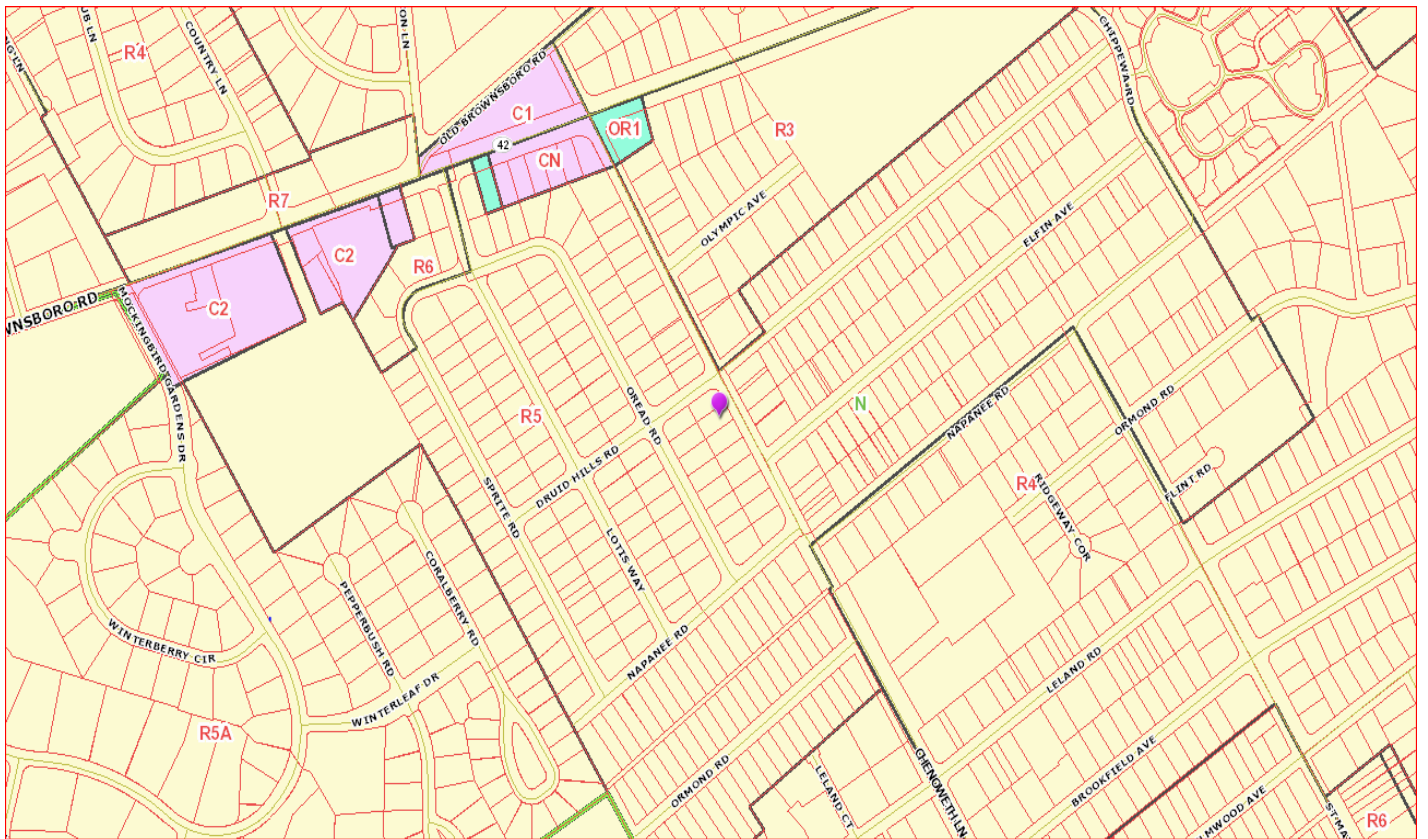
NOTIFICATION

Date	Purpose of Notice	Recipients
1/1/2019 1/9/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups/Subscribers in Council District 9
1/3/2019	Hearing before BOZA	Sign Posting

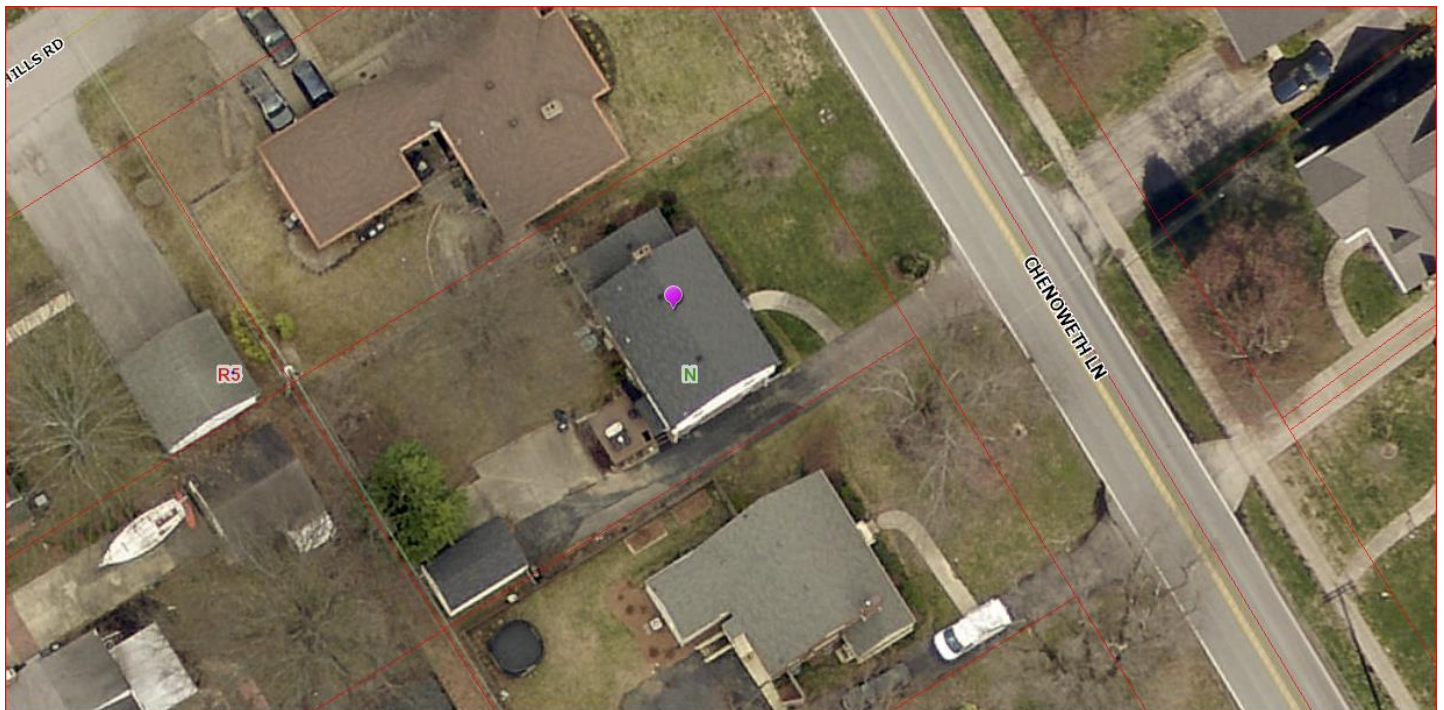
ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Front of house
- 4. Neighborhood Meeting
- 5. Floor Plan
- 6. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Front of the house photo



4. **Neighborhood Meeting**

Holt, Nia

From: Jonathan Klunk <jonathan@keysourceproperties.com>
Sent: Thursday, December 13, 2018 5:02 PM
To: Holt, Nia
Cc: Hendrix, Steve; Linda Stephens
Subject: Re: Neighborhood Meeting

Linda presented the attendance sheet at your meeting today.

There were three women in attendance. All in support. They had various questions about the nature of the operation, such as cleaning and linens. One of the attendees operates her own short term rental. No one objected. No one dissented.

Thank you,
Jonathan Klunk

Jonathan Klunk
CEO, Key Source Properties
KeySourceProperties.com

RECEIVED
DEC 13 2018
PLANNING &
DESIGN SERVICES

Sent from my iPhone

On Dec 13, 2018, at 4:19 PM, Holt, Nia <Nia.Holt@louisvilleky.gov> wrote:

Hello Jonathan,

Please see the below email.

Thanks,

Nia Holt
Associate Planner
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
(502)574-6230
<https://louisvilleky.gov/government/planning-design>
<image001.jpg>
<image002.png><image003.png>

From: Hendrix, Steve <Steve.Hendrix@louisvilleky.gov>
Sent: Thursday, December 13, 2018 4:16 PM
To: Linda Stephens (linda@keysourceproperties.com) <linda@keysourceproperties.com>

18CUP11601

Conditional Use Permit (CUP) Neighborhood Meeting

Guest Sign In Sheet

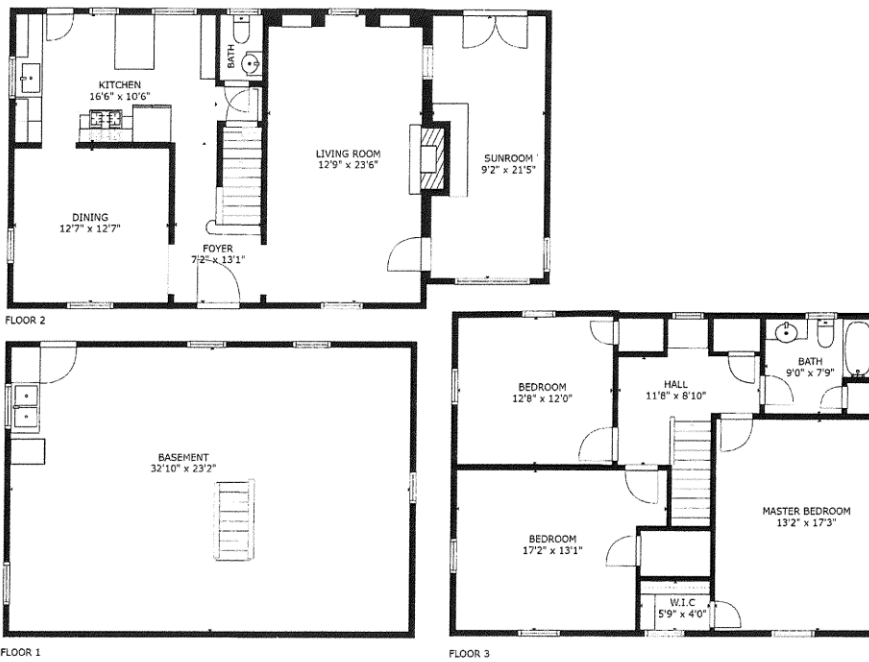
312 Chenoweth Ln. | December 12, 2018

Name	Address	E-mail
Mary Lee Ackerman	351 Chenoweth	502-895-9260
Cassidy Seiler	277 West Linnwood	cseiler@timisuniv.com
Jodie Sherman	315 Oread Rd	502-896-0618
Harriette Seiler	307 Oread Rd	(502) 899-3861 hm.seiler@gmail.com

RECEIVED
 DEC 13 2018
 PLANNING &
 DESIGN SERVICES

18CUP1161

5. Floor Plan



GROSS INTERNAL AREA
 FLOOR 1: 761 sq ft, FLOOR 2: 998 sq ft
 FLOOR 3: 874 sq ft
 TOTAL: 2633 sq ft
SIZES ARE DIMENSIONS AND APPROXIMATE, INCLUDES TWO W.H.C.

POWERED BY
matterport

18CUP1161

6. 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.
3. The number of guests shall be limited to eight, (8).