

RE: Case#22-CUP-0142

To Members of the Board of Zoning Adjustments

It would appear that Item 2 of the Staff Findings (set forth below) was the subject of considerable discussion at the hearing on Aug. 15, 2022.

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.

We disagree with the staff's opinion that the proposed use does not conflict with the Comprehensive Plan and is compatible with surrounding development and land uses for many reasons including, but not limited to:

- **Density, Scale and Intensity.** With 6 bedrooms, 8 off street parking places (with additional street parking) and expensive rental charges, this Airbnb is specifically designed for large groups. 14 visitors per night is grossly incompatible with normal family living and visitation in the neighborhood. According to the neighborhood directory, the average number of occupants per home on Briar Hill is 2.7.
- **Traffic Incompatibility.** Statements made at the hearing indicating some 500 vehicles per day on Briar Hill were misleading. There is increased traffic during early morning and mid-afternoon hours of the school year as parents and students make their way to and from nearby schools. Traffic is light at other times and is much less when school is not in session. 14 temporary nightly visitors and their vehicles would significantly increase traffic in the neighborhood and add risks not compatible with the neighborhood. See **Safety** and **Intoxicated Driving** below.
- **Safety.** Briar Hill has significant pedestrian activities (e.g., school children walking home, dog walkers, high school cross country teams practicing on the street). Out of town drivers, unaware of this

and unfamiliar with a blind hill leading to the proposed Airbnb make it more dangerous for these pedestrians.

- **Intoxicated Driving.** Travel distance to and from bars and restaurants from this proposed Airbnb is too far for most pedestrians and would generally require vehicles. This greatly increases the probability of intoxicated driving and will have an adverse effect on the neighborhood, including the nearby schools and Seneca Park.

- **Noise and Nuisances.** The stream running next to the Airbnb property will encourage trespassing into neighbors' yards and could pose a safety issue. The outdoor hot tub will encourage noisy late night gatherings. These activities by 14 temporary visitors per night will have an adverse effect on the neighborhood's quiet and clean character.

- **Surrounding Development.** Whitehall and Seneca Park were utilized as examples of land uses and surrounding developments comparable to the proposed Airbnb. Neither development is comparable and they do not have the same adverse effect on the Briar Hill neighborhood as the proposed Airbnb for the reasons described below.
 - **Whitehall.** Whitehall has direct vehicular access to Lexington Road, without adding traffic to a quiet single-family neighborhood. It is fenced in on the neighborhood sides, has a curfew, no overnight guests, and has caretakers living on the property (compared to the Airbnb's proposed 14 temporary overnight visitors with no homeowners on the property).

 - **Seneca Park.** Seneca Park loop is a **pedestrian** activity center surrounded by single-family neighborhoods. There are no scheduled late or overnight activities. Vehicle access to the loop is generally via Cannons Lane or Pee Wee Reese Road. **By specific design, direct access to the Park is not available by vehicle from Briar Hill Road.** Unlike other surrounding neighborhoods, people **do not park** on Briar Hill Rd. for Park activities. A 14-person Airbnb is more compatible with the nearby Bardstown Road, Frankfort Avenue, and Shelbyville Road entertainment activity centers than the Seneca Park pedestrian area.

In conclusion, we do not believe the staff analysis fully takes into account the significant impact such a large short term rental property would have on Briar Hill Road and the immediately surrounding area. With all due respect, the staff analysis appears to superficially regard other developments in the area as justification for the proposed Airbnb. As noted above, a closer look at the unique aspects of both Briar Hill Rd. and these developments should enable the Board to easily reject the CUP for this property.

Sincerely,

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