

Board of Zoning Adjustment
Staff Report
March 18, 2019



Case No:	18CUP1115
Project Name:	Short Term Rental
Location:	1608 Eastern Parkway
Owner:	Brad Hendren
Applicant:	Sonya Gugliotta
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
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 Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.144 acre site is located in the Deer Park neighborhood on the south side of Eastern Parkway near its intersection with Baxter Avenue. The house dates back to 1911. Residential uses are south, east and west of the site. Across Eastern Parkway to the north is Yoga on Baxter, Cherokee Animal Clinic is at the corner of Eastern Parkway and Baxter Avenue.

The submitted pictures show six bedrooms.

The applicant has stated that the total amount of guests will be limited to ten, (the top 2 floors).

The applicant states that parties will not be allowed.

On-site parking consists of a one car garage and two spaces in a carport.

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 Monday, January 14, 2019, with three people in attendance. The applicant states that 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 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 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 restriction.

- B. The dwelling unit shall be limited to a single short term rental contract at a time.

The applicant has been informed of this restriction.

- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals.

The submitted pictures show that the residence has six bedrooms, allowing a maximum number of sixteen guests. However, the applicant is limiting the number of guests to ten, using only the top 2 floors.

- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.

The applicant has been informed of this restriction.

- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.

The applicant has been informed of this restriction.

- F. Outdoor signage which identifies the short term rental is prohibited.
The applicant has been informed of this restriction.

- 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.
Three parking spaces are provided on site .

- H. 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 restriction.

- 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.
The applicant has been informed of this restriction.

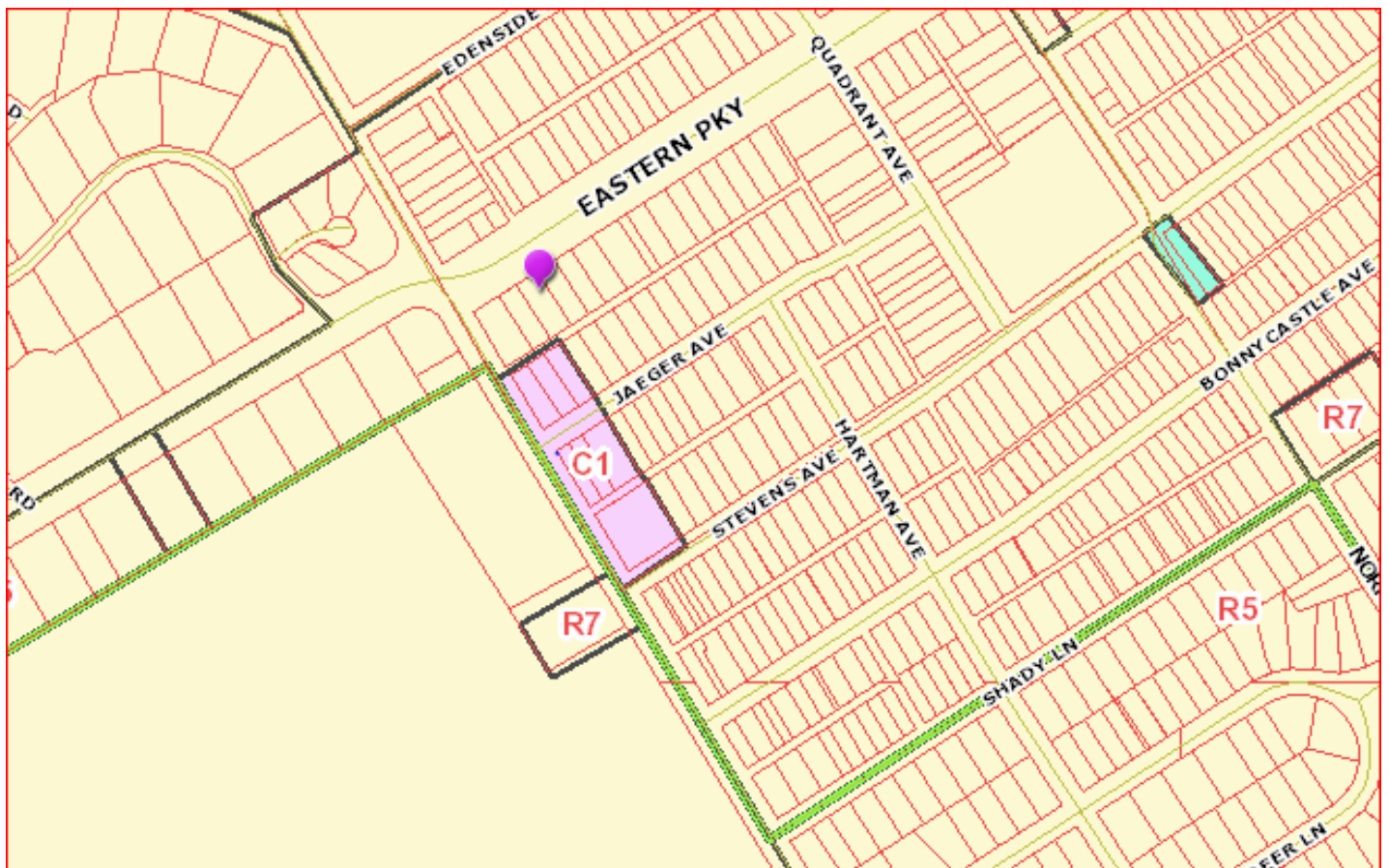
NOTIFICATION

Date	Purpose of Notice	Recipients
3/1/2019 2/28/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
3/1/2019	Hearing before BOZA	Sign Posting

ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Bedroom Pictures
- 4. Neighborhood Meeting Letter/Minutes
- 5. Conditions of Approval
- 6. Front of House Picture

Zoning Map



Aerial Photograph





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**Neighborhood Meeting Minutes
1608 Eastern Parkway**

January 14, 2019

Host James Wallace invited 1st and 2nd tier adjoining property owners, Neighborhood Group/Representatives expressing interest in this area and Metro Councilperson for 4th district to review plans for a short term rental conditional use permit for 1608 Eastern Parkway, Louisville, Ky. 40204.

The meeting was held on Monday January 14, 2019, 7:30 pm at the home. Notices were mailed out to 25 neighbors. Three (3) neighbors attended. James introduced himself and talked about short term rentals and how he operates the house, including vetting the guests. Neighbors had questions about parking, garbage, noise and occupancy. James told them there are three (3) off street parking spots, additional trash cans have been ordered. House occupancy is 10 but there are usually not more than 8-10 people. The neighbors were pleasant and seemed to have their concerns addressed. There was no opposition to the proposed permit.

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ing Attendance Sheet 1608 Eastern Pkwy

Name	Street Address	Zip	Phone	Email
Frank Gugliotta	515 W 8 th St Bicknell	47572	502-780-5877 0370	frankg3@gmail.com
Dan Hourigan	1616 EASTERN PKY	40204	502-445-5737	danhourigan@yahoo.com
Toni Scott	1618 Eastern Hwy	40204	502-458-4119	moryscott@twc.com
Per Gugliotta	1241 Cherokee Rd	40204	631 300 0860	Margaret.Gugliotta@gmail.com
Breety Vooce	1604 Eastern Pkwy	40204	502 655 1313	keetey.vooce@gmail.com
Wayne Colvin	1724 Everett Av	40204	502-664-1630	WColvin@yahoo.com

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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 maximum number of guests permitted in the short term rental shall be the lesser of ten (10) per unit, or that permitted by the Louisville Metro Code of Ordinances.

