

Board of Zoning Adjustment
Staff Report
May 6, 2019



Case No:	18CUP1208
Project Name:	Short Term Rental
Location:	912 Vine Street
Owner:	Creative Resolutions, LLC. by Santosh Bhatt
Applicant:	David Orange
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST

Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in an R-6 Zoning District and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.095 acre site is located on the west side of Vine Street between East Breckinridge Street and Highland Avenue within the Germantown neighborhood. The house contains two bedrooms which will allow eight guests. The loft is not considered a bedroom. One parking credit exists along Vine Street in front of the house and at least two parking spaces are at the rear of the property.

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 February 21, 2019 and no one attended, except the applicant. 914 Vine Street property owner opposition email, (attached).

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 house has two bedrooms which would allow for eight guests.

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

The dwelling unit is a single family residence.

- 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.
One parking credit exists along Vine Street in front of the house. A parking pad in the rear will accommodate three vehicles, according to the applicant.

- 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.

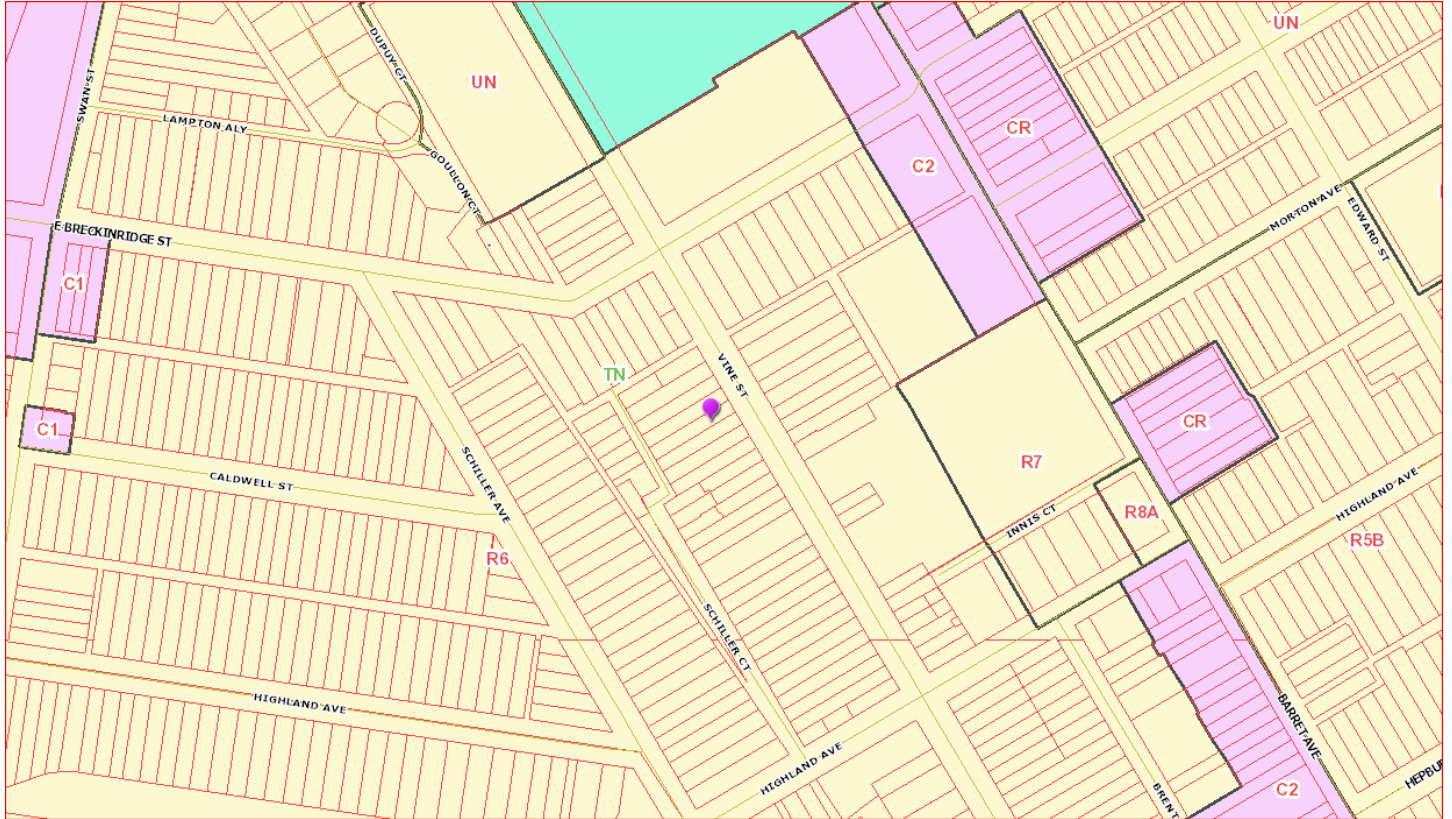
NOTIFICATION

Date	Purpose of Notice	Recipients
4/19/2019 4/22/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
4/25/2019	Hearing before BOZA	Sign Posting

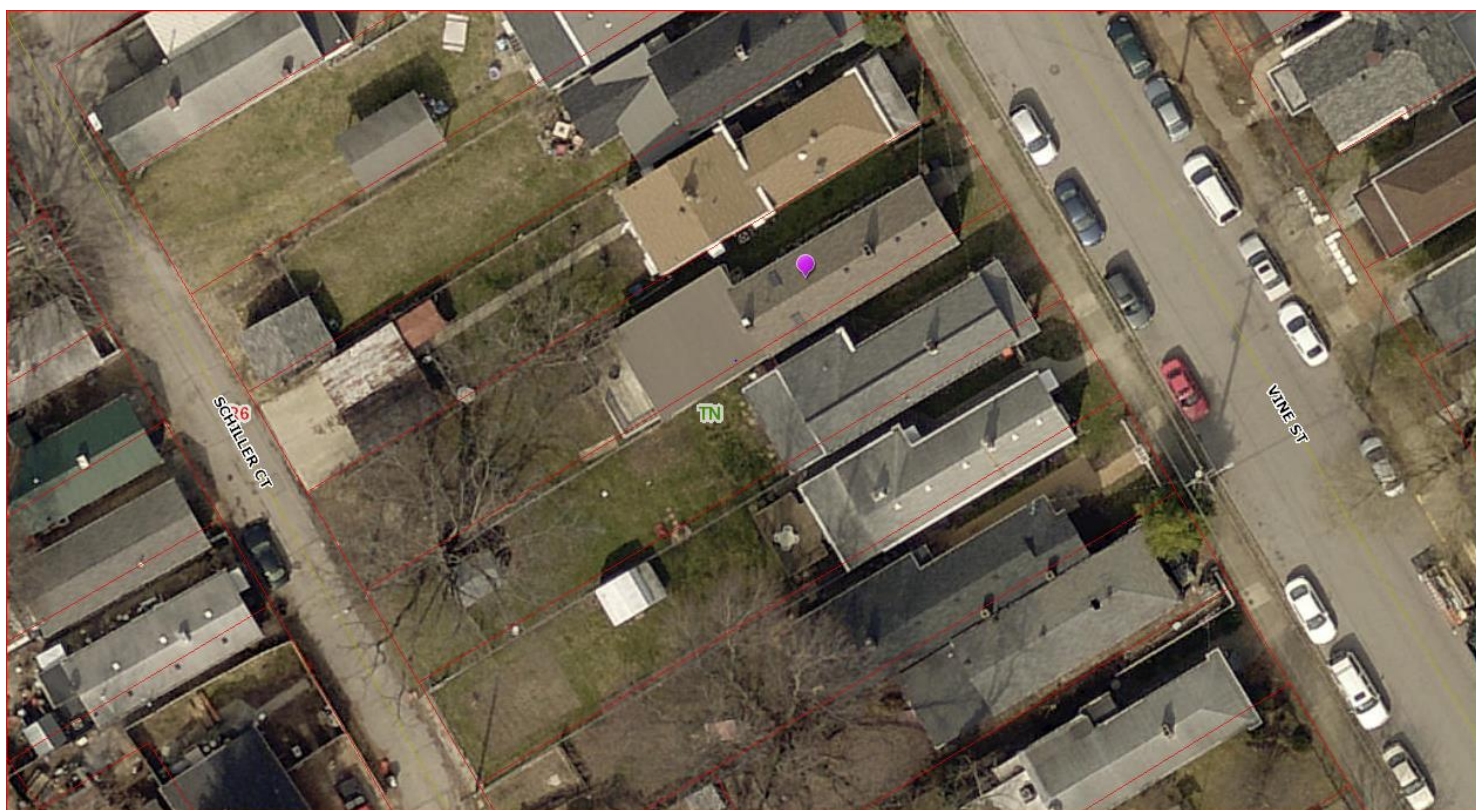
ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Front of house
- 4. Neighborhood Meeting/Minutes
- 5. Floor Plan
- 6. Bedroom Pictures
- 7. Owner of 914 Vine Street Email
- 8. Conditions of Approval

Zoning Map



Aerial Photograph



Front of house



February 21, 2019

I, David Orange plan to request a Conditional Use Permit (CUP) to operate a short term rental at 912 Vine St. I have conducted the preapplication process by notifying first and second tier adjoining property owners at least 14 days prior to a neighborhood meeting and held the meeting February 21st at 6:30pm at the Highlands Shelby Park Library, which is located at 1250 Bardstown Rd, Louisville, KY 40204.

In attendance was myself as the applying host. No other guests came to the meeting.

The meeting was reserved for one full hour and I stayed 15 minutes beyond until 7:45 in order to address any and all comers that may come in late. No one arrived and I concluded the meeting.

I hope this satisfies criteria of official minutes for the 912 Vine st Neighborhood meeting. I attest that all information above is accurate.

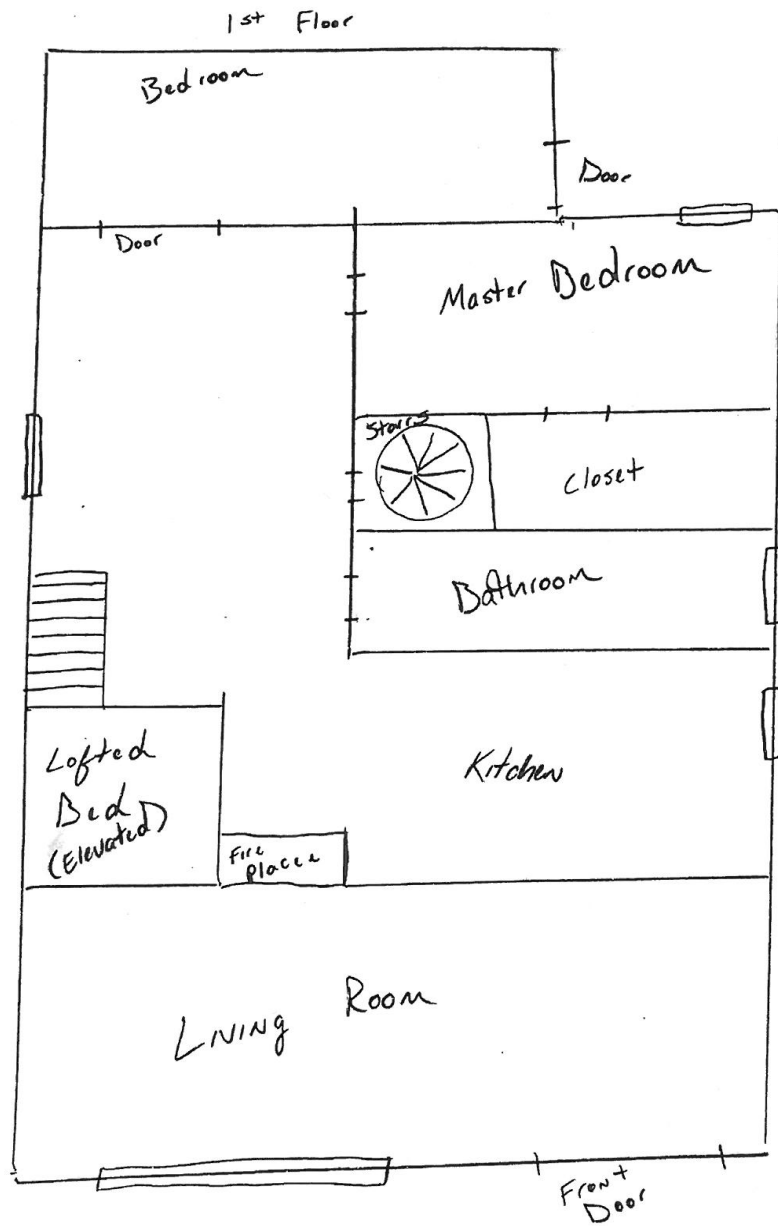
David Orange

(502) 440-0418

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FEB 26 2019
PLANNING &
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18CUP1208

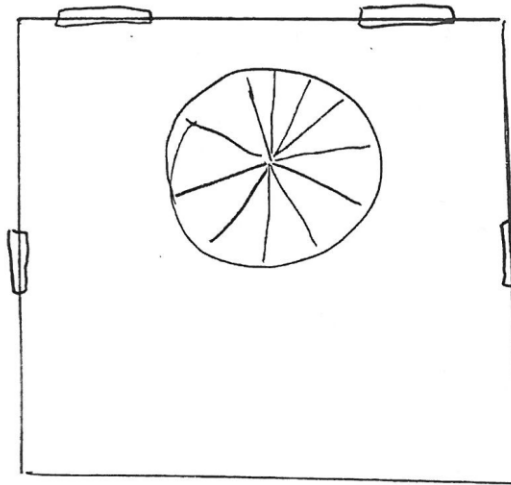
912 VINE ST



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912 Vine St

2nd floor Bedroom



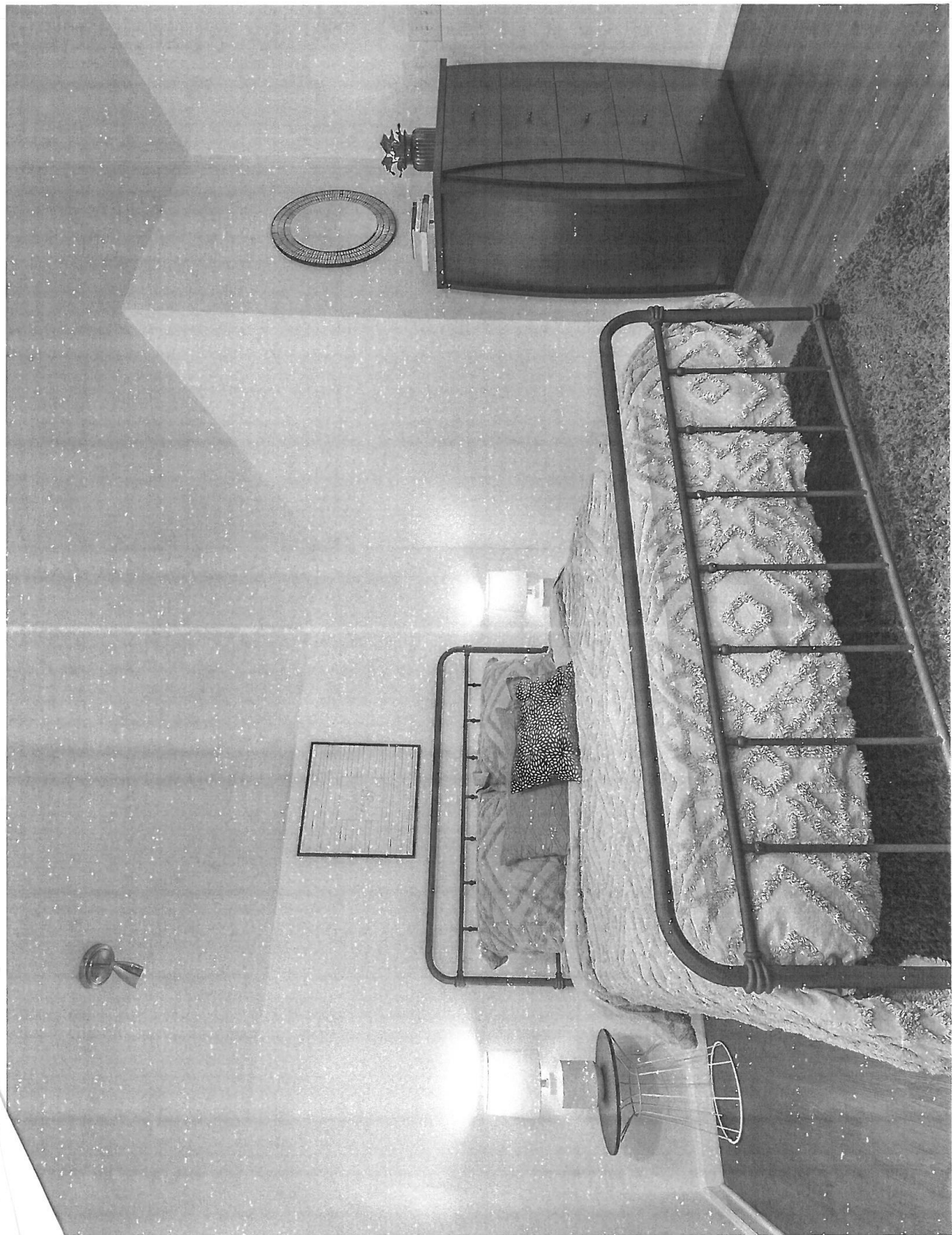
Legend

| | = Doors

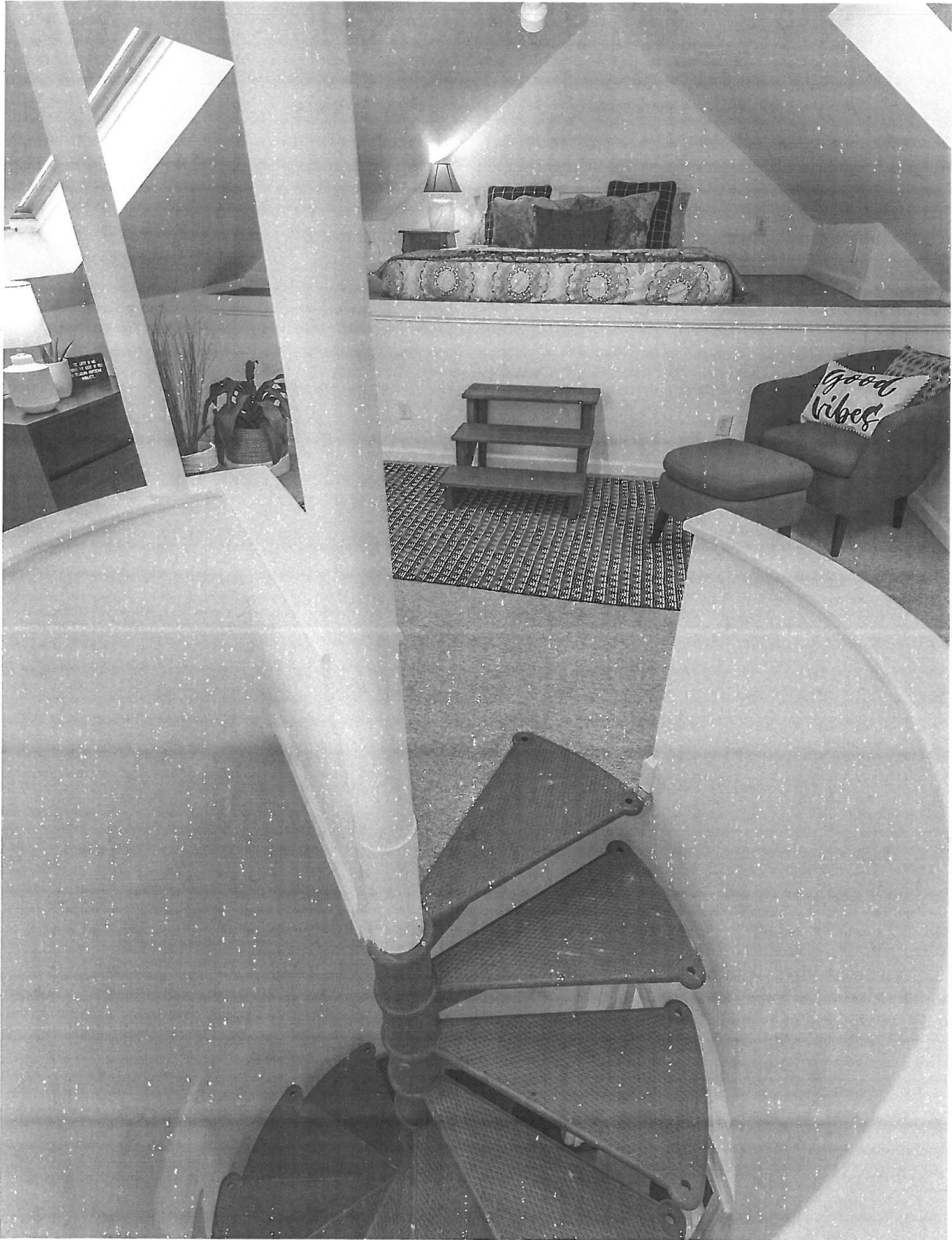
▭ = Windows

⊗ = Spiral Staircase

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Hendrix, Steve

From: Tom Luking <tomluking@att.net>
Sent: Friday, April 26, 2019 8:33 AM
To: Hendrix, Steve
Subject: 18CUP1208

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

I own the property at 914 vine street and am unable to attend the board of zoning adjustment meeting on May 6 relative to the property at 912 vine st.

I would like to express my concern about about granting a zoning change to allow yet another short term rental in what has been historically a residential neighborhood.

Over the past 2 years, 911 vine street (directly across the street from my property) was converted to a short term rental. In addition, the property owner at 916 vine was allowed to construct a garage with an upstairs apartment in back of the house without any coordination with neighboring properties. And now 912 vine is attempting to become a short term rental (note they are already operating as one without proper zoning)

If this change is allowed my residential property will be effectively surrounded by short term rentals. This does not fit with the historic character of this block and neighborhood and I believe will adversely impact the value of my property.

Tom Luking
Property owner 914 vine street

Sent from my iPhone

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.