

**Board of Zoning Adjustment**  
**Staff Report**  
December 16, 2019



<b>Case No:</b>	19-CUP-0200
<b>Project Name:</b>	Short Term Rental
<b>Location:</b>	320 Belvar Avenue
<b>Owner/Applicant:</b>	Mary E. Flanagan
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	# 9 – Bill Hollander
<b>Case Manager:</b>	Steve Hendrix, Planning & Design Coordinator

**REQUEST**

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner in a R-5 Zoning District and Neighborhood Form District.

**CASE SUMMARY/BACKGROUND**

The 0.15 acre site is located on the west side of Belvar Avenue between Madelle Avenue and Brownsboro Road within the Brownsboro/Zorn Neighborhood. The single family dwelling has approximately 1,588 square feet and the applicant has submitted pictures of three bedrooms which will allow for eight guests. The driveway has ample space to accommodate four to five vehicles. No other Short Term Rentals with a Conditional Use Permit are within 600 feet of the subject site. There is no Open Enforcement Case.

**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 September 23, 2019, but no invitees were present.

## 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 or the Short Term Rental of a condominium unit that is 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.

***The applicant has been informed of this requirement.***

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

***The applicant has been informed of this requirement.***

- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals.

***The applicant has submitted pictures of three bedrooms, which would allow for eight guests.***

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host.  
***As of the date of this report, there was no other property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property.***
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.  
***The structure is a single family dwelling.***
- F. Food and alcoholic beverages shall not be served by the host to any guest.  
***The applicant has been informed of this requirement.***
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.  
***The applicant has been informed of this requirement.***
- H. There shall be a sufficient amount of parking available for 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.  
***The driveway appears to provide ample parking, (four to five vehicles).***
- I. 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 requirement.***
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.  
***The applicant has been informed of this requirement.***

K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

***The applicant has been informed of this requirement.***

L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code.

***The applicant has been informed of this requirement.***

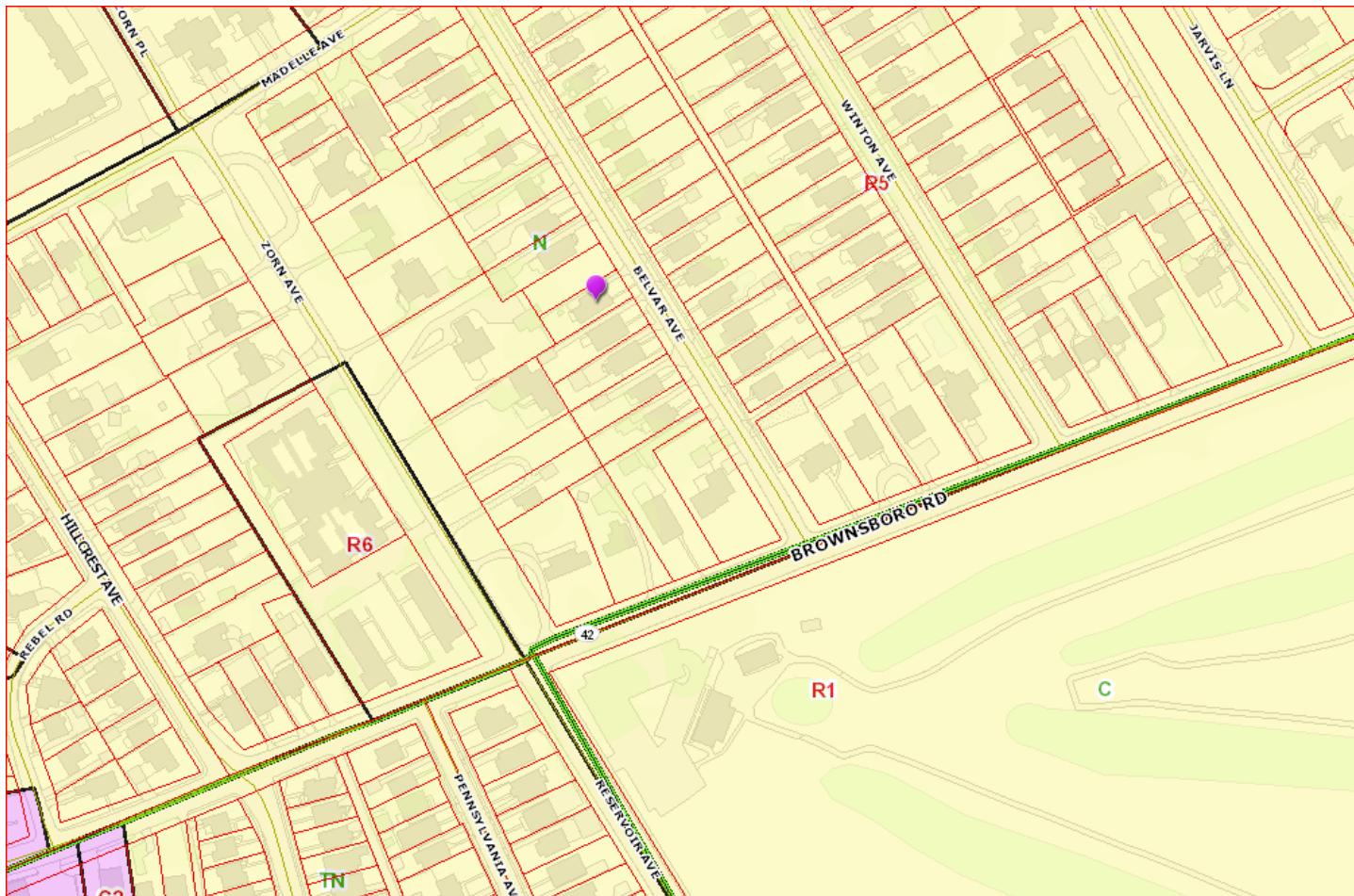
**NOTIFICATION**

Date	Purpose of Notice	Recipients
11/27/2019 11/25/2019	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District #9
12/05 /2019	Hearing before BOZA	Sign Posting

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. 600 Foot Map
4. Explanation Letter
5. Neighborhood Meeting/Minutes
6. Bedroom Pictures

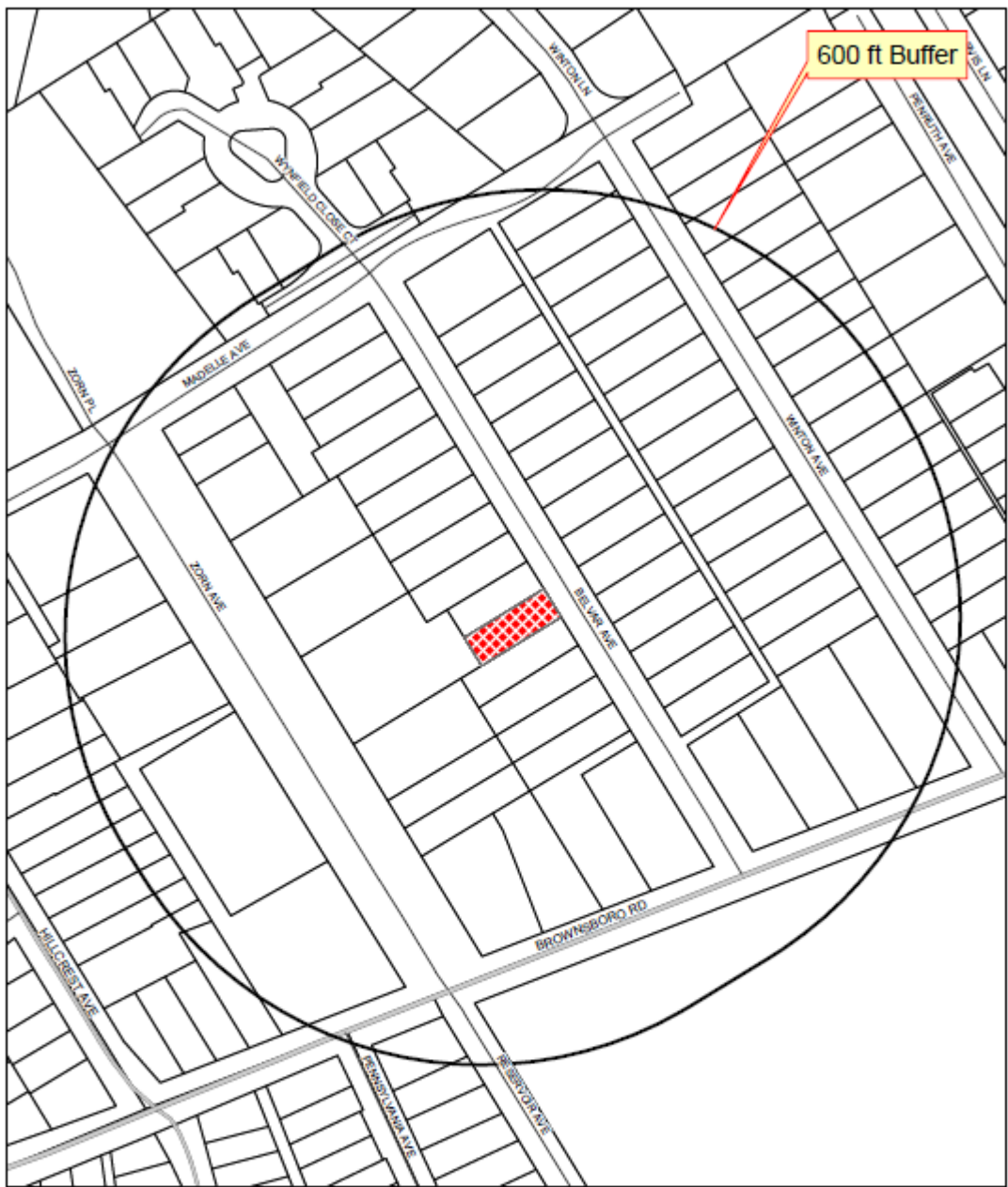
# Zoning Map





**Aerial Photograph**



Map Created: 12/04/2019

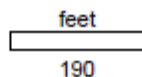


**Legend**

-  Subject Site
-  Buffer



**19-CUP-0200  
Proximity Map**



Copyright (c) 2018, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

This map is subject to change upon the Board of Zoning Adjustment granting approvals to other Short Term Rental Conditional Use Permits.

October 7, 2019

Planning and Design Services  
City of Louisville

RE: 320 Belvar Ave.

SUBJECT: Letter of Explanation for Short Term Rental

To Whom It May Concern:

This letter is to fulfil the City's requirement for my final application for Short Term Rental of 320 Belvar Ave.

Owner: Mary E Flanagan

I am retired so my only occupation other than "retired" is running my short term rental property. This is my 2<sup>nd</sup> property. My other property is also my residence and is already registered as a short term rental with the city.

320 Belvar is a single family home. Short term rental guests will rent the entire property and it is only one unit.

If you have any questions or need additional information, I would be glad to provide whatever you need.

Sincerely,

  
Mary E Flanagan  
Owner

RECEIVED  
OCT 09 2019  
PLANNING &  
DESIGN SERVICES

19 - P - CUP - 0200



**Sign in Sheet Page 1**

**320 Belvar Ave**

**Short Term Rental Neighborhood Meeting**

Name

Address

Name	Address
Mary Hanon	322 N Nite Ave Louisville, Ky 40206

RECEIVED  
OCT 09 2019  
PLANNING &  
DESIGN SERVICES

I was the only one in attendance

19-CUP-0200

what I was prepared to speak about

**Neighborhood Meeting Notes** no one attended

1. Define short term rental
2. Superhost with years of experience.
3. Featured in the family and business collections. My target guests are families, weddings, business travelers, many from the seminaries. Lots of repeat customers. My neighbor told me she loves seeing the families out back with the little ones.
4. Measures to monitor guest behavior, security cameras, automatic outdoor lighting
5. House rules, no parties, outdoor hours, parking
6. Additional tax revenue to city and state
7. Improvements will raise property values
8. Future improvements
9. Wrap up – good neighbor

#### House rules

- No parties
- No outdoor activity after 10 pm
- No loud activities, behave the way a family would
- No RV's
- No parking in front of the neighbors houses

RECEIVED







RECEIVED  
OCT 09 2019  
PLANNING &  
DESIGN SERVICES

0 0