

Board of Zoning Adjustment
Staff Report
May 6, 2019



Case No:	18CUP1211
Project Name:	Short Term Rental
Location:	1019 Lydia Street
Owner:	Uncle Karl Dyson LLC, by James Thomas
Applicant:	David Orange
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
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-5 Zoning District and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.098 acre site is located on the north side of Lydia Street between Hoertz Avenue and Hickory Street in the Schnitzelburg neighborhood. The submitted floor plan shows three bedrooms which would allow for ten guests, although the applicant has indicated they will not have that many. There is one parking credit in front of the house and two parking spaces 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 three people were in attendance. Concerns were contacting the host, yard maintenance and party prevention. According to the applicant the neighbors left with a positive attitude about the proposal.

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 three bedrooms which would allow for ten 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 Lydia Street in front of the house. A parking pad in the rear will accommodate two vehicles.

- 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.

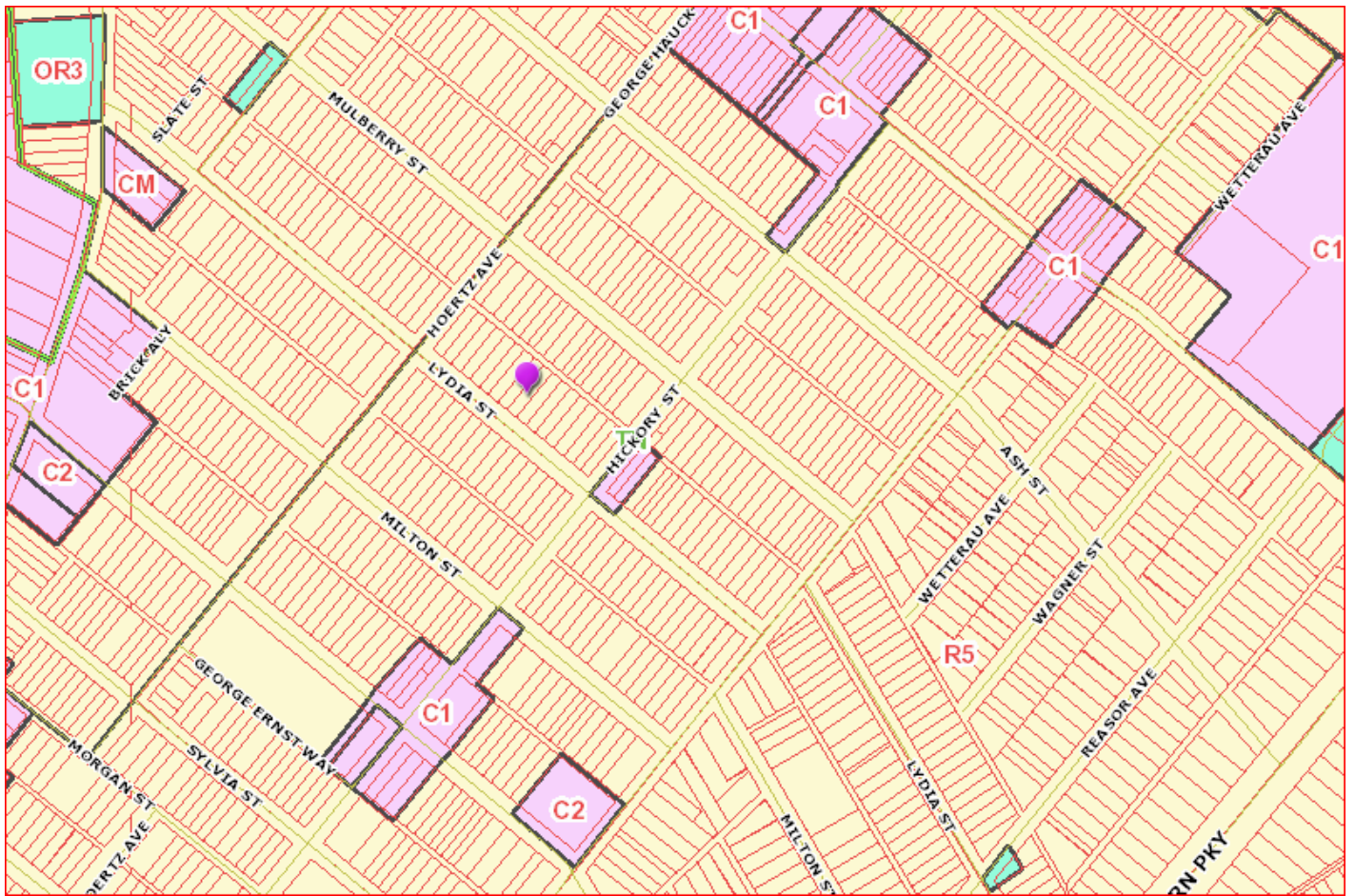
NOTIFICATION

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

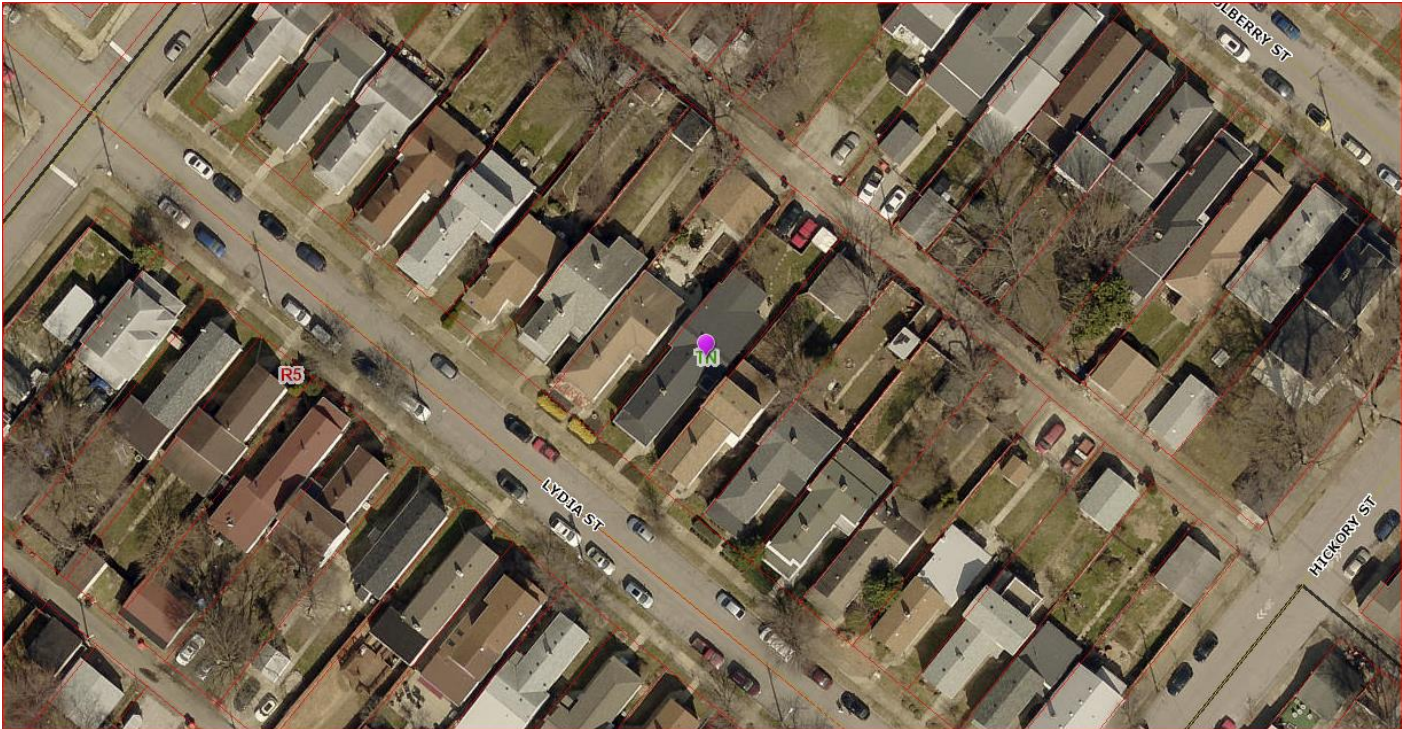
ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Front of house
- 4. Neighborhood Meeting/Minutes
- 5. Floor Plan
- 6. Bedroom Pictures
- 7. 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 1019 Lydia 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, 2019 at 5:00pm in the Highland Shelby Park Library, located at 1250 Bardstown rd.

In attendance was myself as the applying host, Dan and Debbie Petak of 1018 Lydia St, and Randy Craven from 1022 Mulberry st. I began the meeting simply by describing the nature of the property and its proposed use and completely opened the floor for a discussion regarding any concerns.

Dan and Debbie Petak simply had questions regarding whether or not they would be able to contact me in the event of any issue. I told them they absolutely could and that it would be welcomed. They already had my phone number saved from their neighborhood notification letter. Additionally they wanted to ensure we had a yard maintenance plan in place that would keep the property looking good like the others in the neighborhood. We told them that we intended to landscape every 10-14 days and they were certainly satisfied with that.

Randy Craven had similar concerns and wanted to ensure that we had a means in place to prevent the home from becoming a party house. We explained we had exterior surveillance in place and that we intend to use it as needed, that it was certainly our goal to ensure there was not misuse of the property.

All told, it is my opinion that everyone who attended the meeting left feeling positive about it, and they had said they felt much better knowing there was someone that they could contact if any issues arose.

The meeting room was reserved for one full hour and I stayed 30 minutes beyond until 6:30 pm in order to address any and all comers that may come in late. No one else arrived and I concluded the meeting.

I hope this satisfies criteria of official minutes for the 1019 Lydia St Neighborhood meeting. I attest that all information above is accurate.

David Orange
(502) 440-0418

RECEIVED
FEB 26 2019
DESIGN SERVICES

18CUP1211

RECEIVED
 FEB 26 2019
 PLANNING &
 DESIGN SERVICES

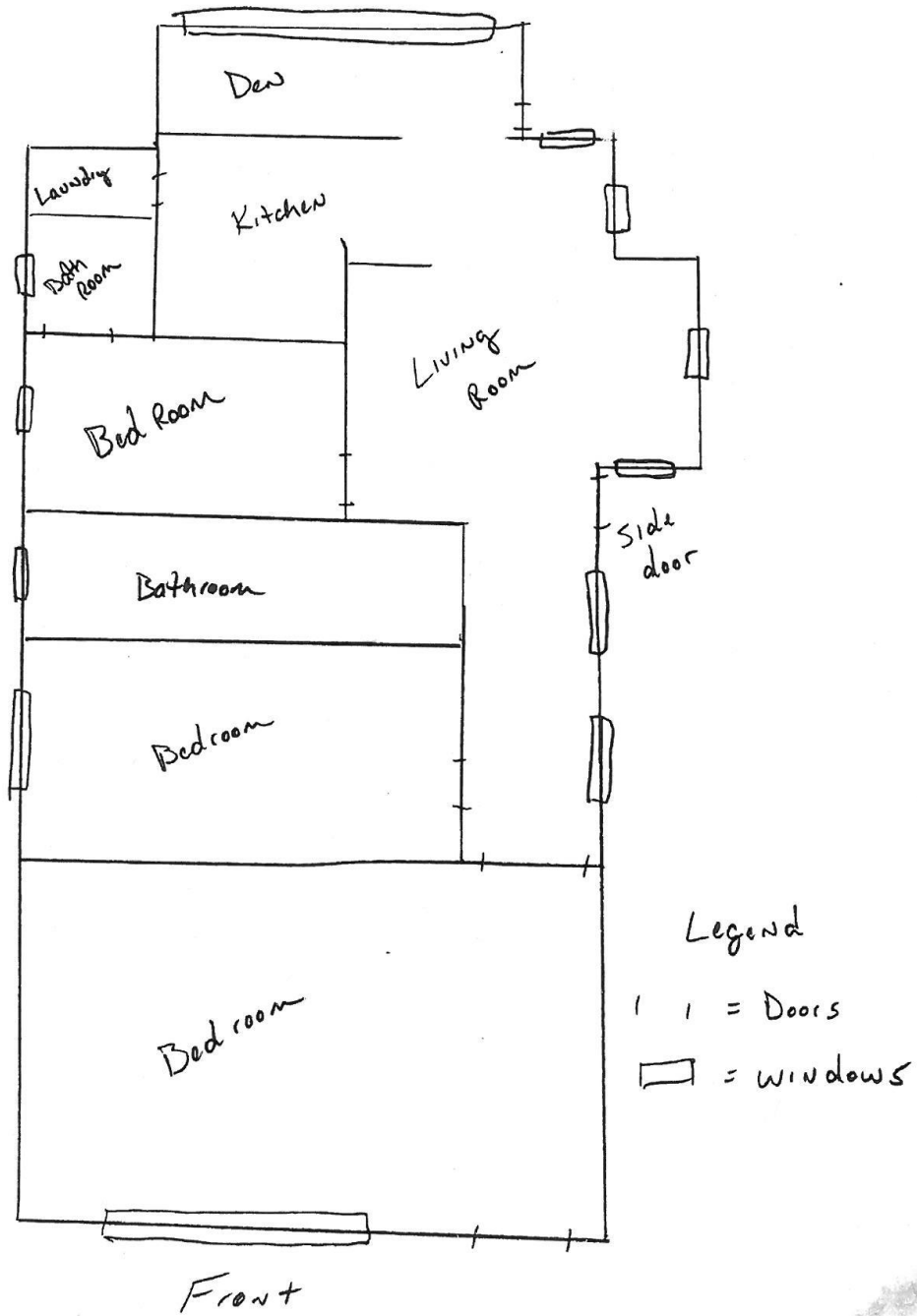
1019 Lydia St Neighborhood Meeting Sign-In Sheet
 February 21, 2019



18cup111

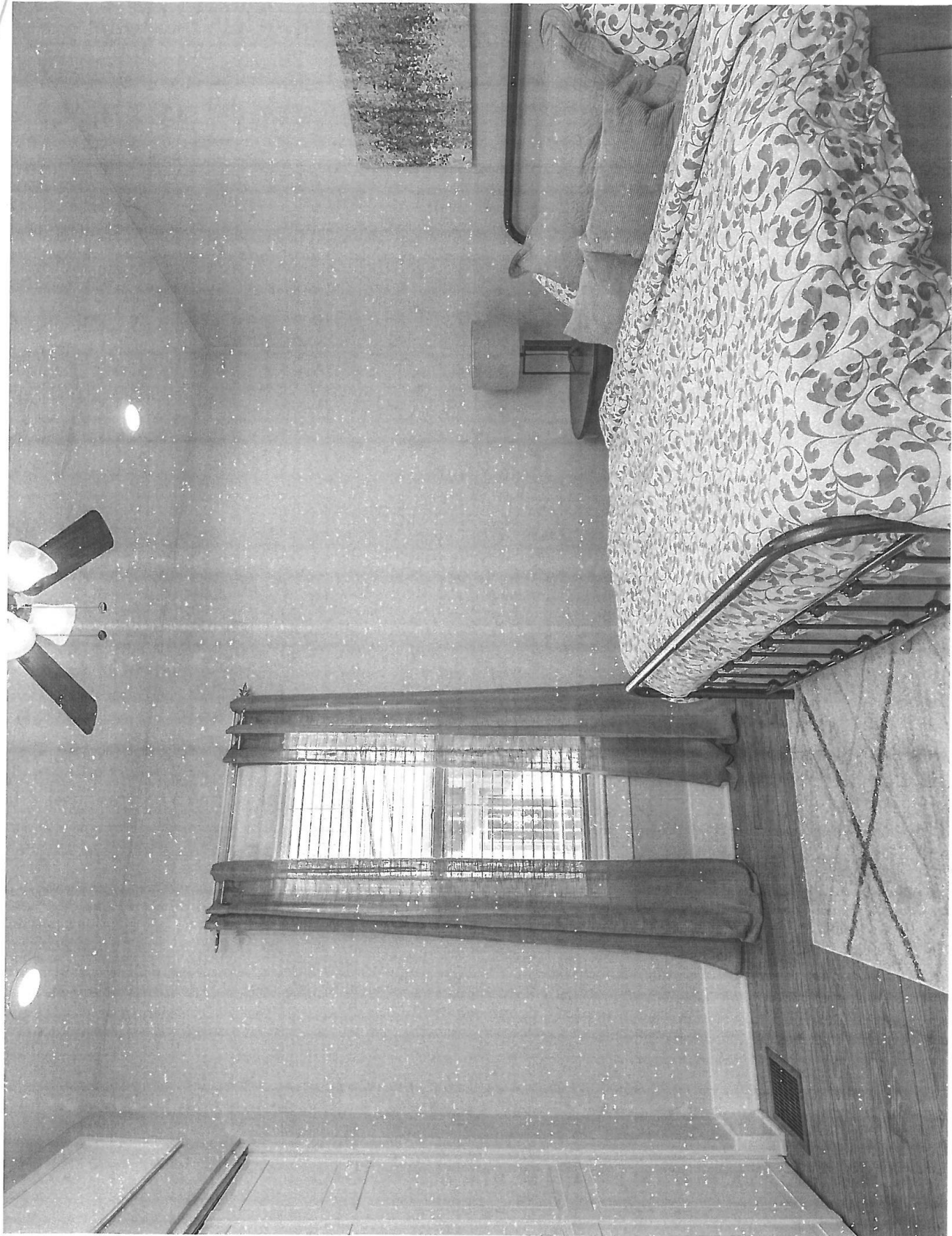
Name	Address	Email	Phone Number	Did you receive a notification letter for this meeting?
Debbie Petak & Dan Randy Craven	1018 Lydia St. 1027 Mulberry St.	dpetak59@aatt.net twelftkraving@comcast.net	(502)235-8152	Yes yes

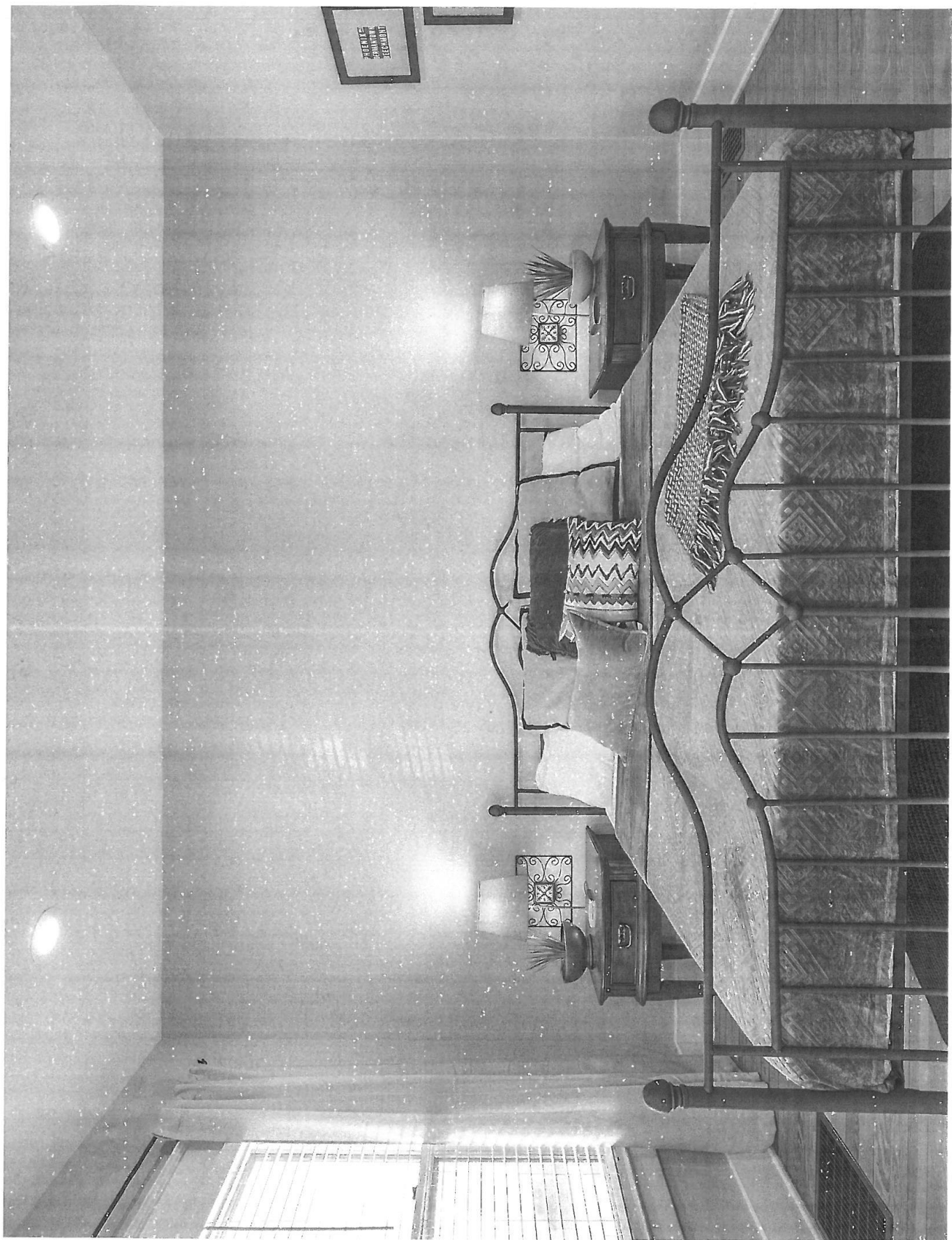
1019 Lydia st



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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.