

**Board of Zoning Adjustment**  
**Staff Report**  
December 2, 2019



<b>Case No:</b>	19-CUP-0162
<b>Project Name:</b>	Short Term Rental
<b>Location:</b>	513 Belgravia Court
<b>Owners/Applicants:</b>	Richard J. Serpa / Michael Mondia
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	# 6 – David James
<b>Case Manager:</b>	Steve Hendrix, Planning & Design Coordinator

**REQUEST**

Conditional Use Permit to allow short term rental of a dwelling unit that is the primary residence of the owner in a Traditional Neighborhood Zoning District and Traditional Neighborhood Form District.

**CASE SUMMARY/BACKGROUND**

The 0.09 acre site is located on the north side of Belgravia Court between South Sixth Street and St. James Court in the Old Louisville Neighborhood. The 3,047 square foot, single family, owner-occupied dwelling has four bedrooms which will allow for ten guests. However, the applicants are limiting the number of guests to eight individuals. There are three parking spaces on site. The applicants intend to limit rentals to such times as the Derby and Breeders Cup.

There is no Open Enforcement Case.

The applicant has agreed to the condition of maintaining primary residency at 513 Belgravia Court.

**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 July 23, 2019, with two invitees in attendance, both, were in support of 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 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 dwelling has four bedrooms which would allow for ten guests. However, the applicants are limiting the number of guests to eight people.***

- 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 is one 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 and one approved owner occupied.**

**The proposal is owner occupied and they have agreed to the condition of maintaining primary residency at 513 Belgravia Court.**

- 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 property has three on-site parking spaces.**
- 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.***

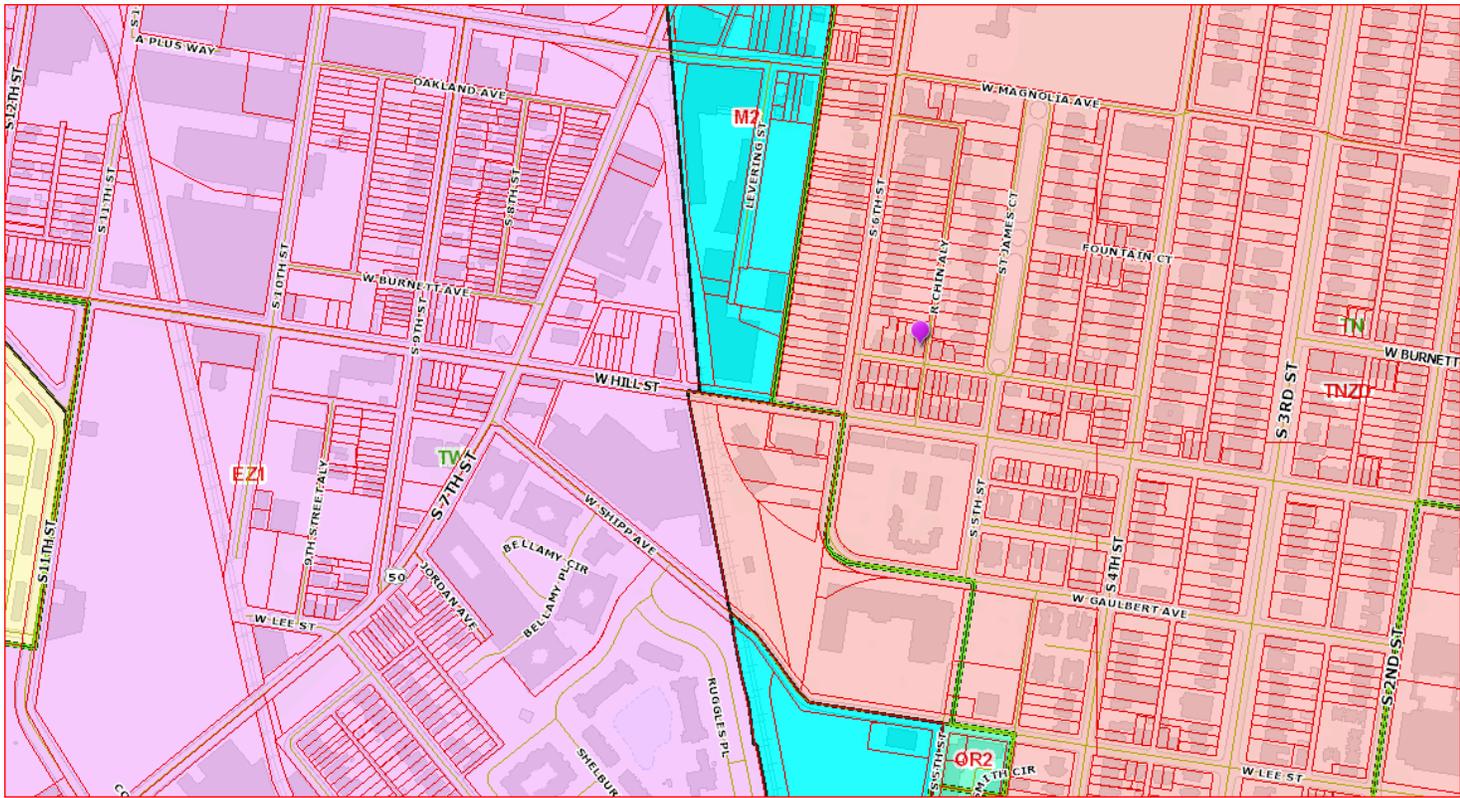
**NOTIFICATION**

Date	Purpose of Notice	Recipients
11/18/2019 11/13/2019	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District # 6
11/ 22 /2019	Hearing before BOZA	Sign Posting

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. 600 Foot Map
4. Explanation Letter
5. Neighborhood Meeting/Minute
6. Bedroom Pictures
7. Additional Condition of Approvals

# Zoning Map



Aerial Photograph



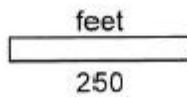
Map Created: 11/20/2019



**Legend**

-  Buffer
-  Subject Site
-  Approved
-  Pending

**Proximity Map  
19-CUP-0162**



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



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Proposal for 513 Belgravia Ct Short Term Rental CUP 19CUP1072

Owners Richard Serpa (retired) and Michael Mondia (student) are requesting a short term rental permit. 513 Belgravia Ct is a 4 bedroom single family residence with 3 deeded on-site parking spaces. This home is owner occupied, and we are not after large rental parties. Therefore, we will not request the maximum occupants of 10, but limit rentals to a total of 8 people. The entire house will be rented while we are not present and our intent is to limit rentals primarily to event times such as Derby and Breeders Cup.

We are asking for a Condition of Approval as we are owner occupied.

**Neighborhood Mtg Minutes for STR at 513 Belgravia Ct -19CUP1072**

Meeting was held at the Central Park visitor center on 7/23/19 at 6:00pm

Two Neighbors attended. Mr. Serpa discussed the proposal to request that the single family residence at 513 Belgravia Ct be granted a STR permit. Mr. Serpa explained that this is his primary full time residence owned by himself and co-owner Michael Mondia. The intent is to rent the entire home primarily during major events such as Derby and Breeders Cup.

Both attendees were in full support of this proposal. No other negative or positive feedback was received via email or personal communication.

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Added Condition of Approval:

The owners of record for the short term rental shall maintain their primary residence in the dwelling unit on the subject property. In the event they establish primary residence on another property, they must immediately cease conducting short term rentals on the subject property. A new conditional use permit shall be required to allow for short term rentals on the property that is not the primary residence of the owners.

The number of guests shall be limited to eight.