

Board of Zoning Adjustment

Staff Report

May 15, 2023



Case No:	23-CUP-0066
Project Name:	3 rd Street Bed and Breakfast Inn
Location:	1355 S 3 rd Street
Owner(s):	William Gilbert & Dale Strange
Applicant:	William Gilbert & Dale Strange
Jurisdiction:	Louisville Metro
Council District:	6 – Phillip Baker
Case Manager:	Molly Clark, Planner II

REQUEST(S)

Conditional Use Permit to allow a Bed and Breakfast Inn in the TNZD zoning district (LDC 4.2.9)

CASE SUMMARY/BACKGROUND

The applicant proposes to operate a Bed and Breakfast Inn within an existing residential structure. There are no exterior changes being proposed. The applicant plans to use the primary house with an attached apartment. The total number of guest bedrooms will be 8. The primary house has 6 bedrooms and the attached apartment in the rear has 2 bedrooms with the resident innkeeper staying at the carriage house on site. The proposal will require 6 spaces. The applicant is providing 4 off street parking spaces and 4 on street parking spaces. There also appears to be plenty of on-street parking in the surrounding area.

STAFF FINDING / RECOMMENDATION

The applicant is meeting all the standards for a Bed and Breakfast Inn set forth in section 4.2.9 of the Land Development Code.

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.

RELATED CASES

There are no related cases.

TECHNICAL REVIEW

MSD and Transportation Planning have preliminarily approved the plan.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held with on February 15, 2023 with 7 people in attendance.

Staff has not received any interested party comments.

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.

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 substantial additional requirements for the site.

4. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

Bed and Breakfast Inns may be allowed in the R-R, R-1, R-2, R-3, R-4, R-5, U-N, TNZD (in effect within Louisville Metro only), R-5A, R-5B, R-6, M-1, PRO, PTD, PRD, W-1, W-2, and W-3 (Note: Revision proposed by Louisville Bed and Breakfast Association) Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. No more than nine (9) guest rooms shall be permitted, and a maximum of two adults shall be allowed per guest room. However, the Board of Zoning Adjustment may impose a lower limit on the number of guest rooms after considering the size of the building, the size of the property, the economics of the proposal, and the effect on surrounding properties.

STAFF: The applicant is proposing 8 guestrooms.

- B. Guests are limited to a length of stay no more than 14 consecutive days. The resident innkeeper or owner shall keep a current guest register including names, permanent addresses, dates of occupancy, and motor vehicle license number of all guests.

STAFF: Applicant has been informed of this requirement.

- C. Bed and Breakfasts may provide food service or space for indoor meetings provided all applicable food service and capacity regulations are complied with. No food preparation is allowed in any guest bedroom.

STAFF: Applicant has been informed of this requirement.

- D. Bed and Breakfast Inns in residential zoning districts shall be required to comply with the requirements of Section 4.3.7 and obtain a temporary activities permit for any outdoor activities and/or events that are attended by anyone that is not a current registered overnight guest of the Bed and Breakfast Inn. This provision shall not be altered or waived by the Board.

STAFF: Applicant has been informed of this requirement.

- E. Any signage which identifies the use shall be in accordance with the underlying zoning and form district standards.

STAFF: There is no proposed signage.

- F. The location of parking shall comply with the same parking standards as a single family detached dwelling unit, except any additional parking beyond what can be accommodated in a driveway no wider than to sufficiently park two (2) cars must be out of the required setback and yards as specified in the underlying Form District requirements. Parking for guests shall not be served by a separate driveway from that serving the principal residential structure.

STAFF: Applicant is meeting this requirement.

- G. Conditional use permits for Bed and Breakfast Inns in residential zoning districts issued prior to the effective date of this ordinance (March 9, 2011) may continue to operate as authorized under the approved conditional use permit. Upon request by an applicant, such conditional use permits may be modified in any manner the Board determines, in its discretion to be appropriate.

STAFF: Applicant has been informed of this requirement.

REQUIRED ACTIONS

APPROVE or **DENY** the **CONDITIONAL USE PERMIT** to allow a Bed and Breakfast Inn in the TNZD zoning district.

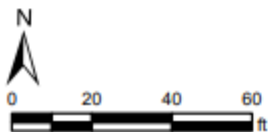
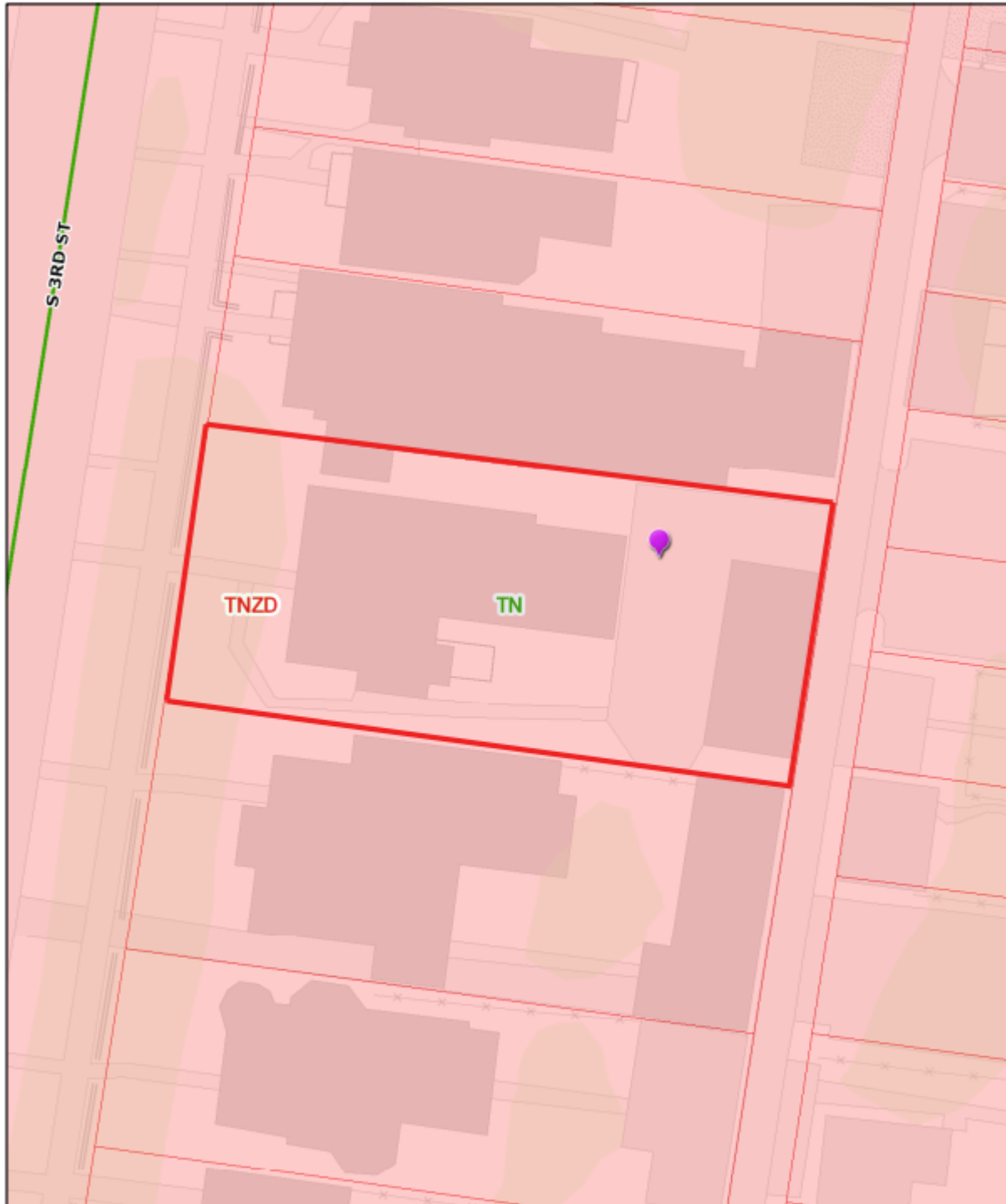
NOTIFICATION

Date	Purpose of Notice	Recipients
04/28/23	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 6
05/03/23	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Photos
4. Conditions of Approval

1. **Zoning Map**



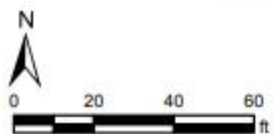
Tuesday, May 9, 2023 | 1:49:22 PM



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This map is not a legal document and should only be used for general reference and identification

2. Aerial Photograph



Tuesday, May 9, 2023 | 1:48:22 PM



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3. Site Photos

Front of subject site:



Rear of property:



View of the side of the property and the rear carriage house:



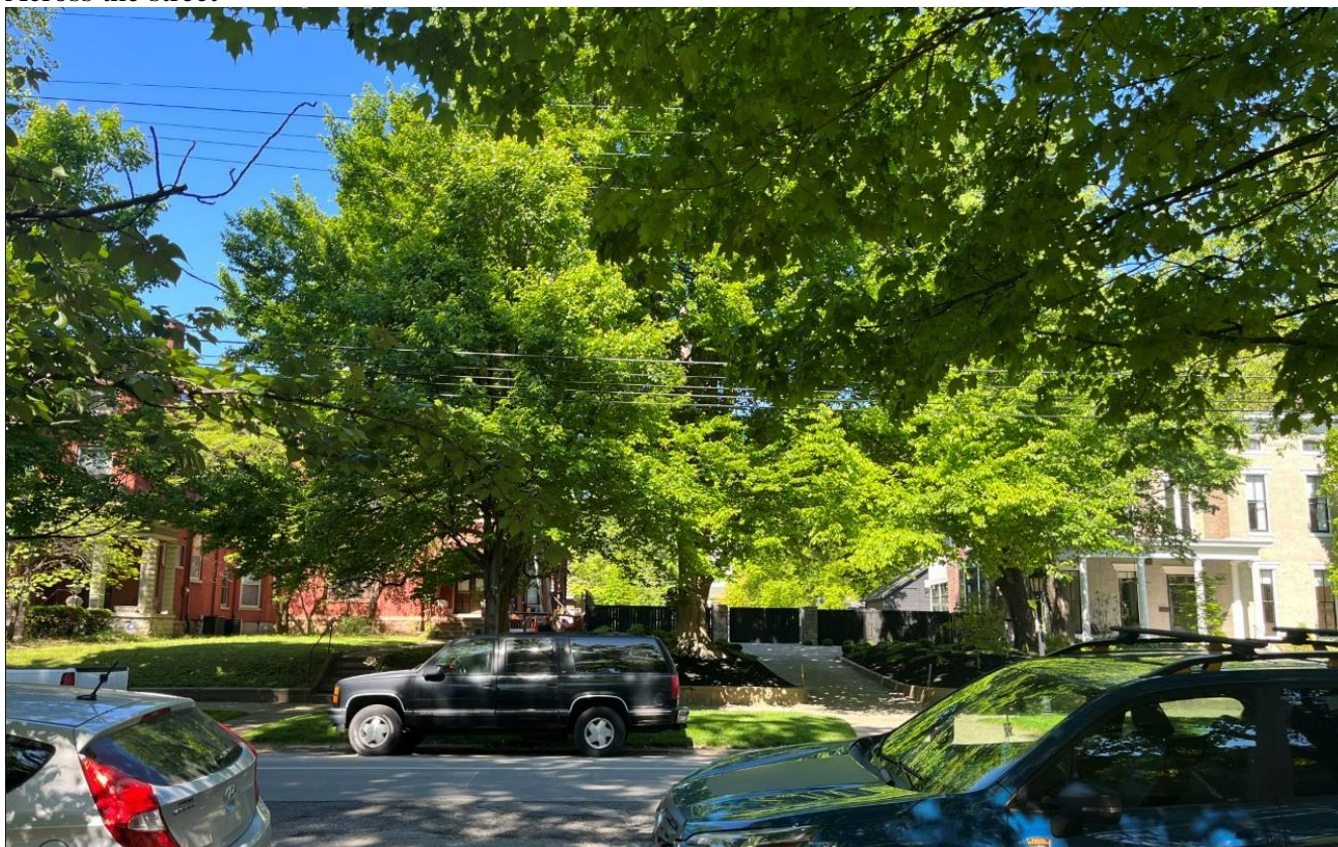
Property to the right:



Property to the Left



Across the street



5. Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a bed and breakfast inn without further review and approval by the Board.