

# Board of Zoning Adjustment

## Staff Report

April 15, 2019



<b>Case No:</b>	18CUP1148
<b>Project Name:</b>	Short Term Rental
<b>Location:</b>	227 East Oak Street
<b>Owner/Applicant:</b>	Ana Arredondo
<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 that is not the primary residence of the host in a Traditional Neighborhood Zoning District, (TNZD) and Traditional Neighborhood Form District.

### **CASE SUMMARY/BACKGROUND**

The 0.124 acre site is located on the north side of East Oak Street between South Brook and South Floyd streets near Interstate 65 in the Old Louisville neighborhood. The property is adjacent to residential uses and has alleys along its northern and eastern boundaries. The house has three bedrooms and parking in the front and at the rear of the lot.

**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 January 10, 2019, one person was in attendance whose concern was parking.

An email from a concerned neighbor is within the staff report with the applicant's response.

## **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 regulations allow for 10 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.  
**Two parking credits are along East Oak Street and three parking spaces are located at the rear of the property , one being inside the fence.**
- 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.**

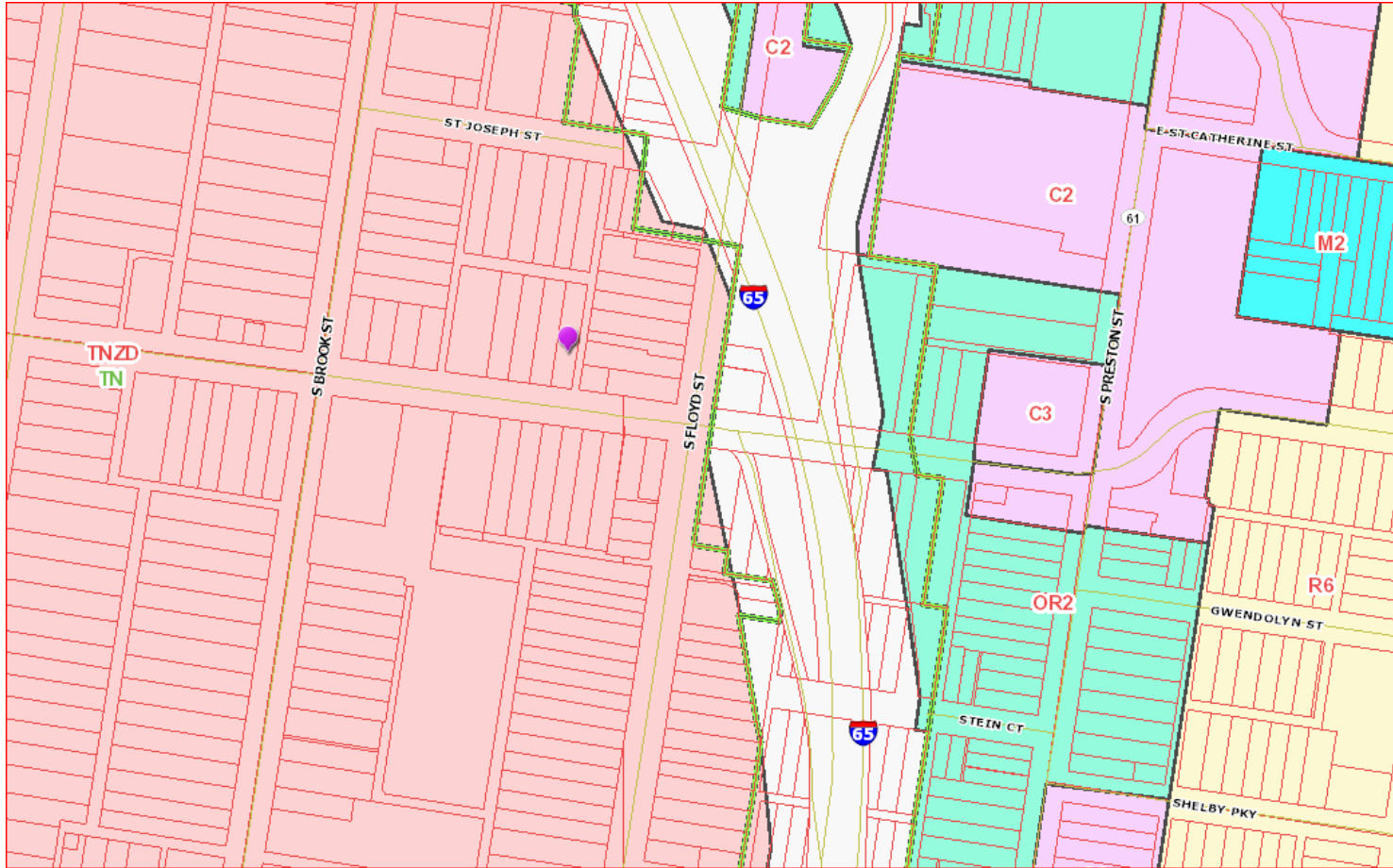
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
3/29/2019 3/28/2019	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 8
4/04/2019	Hearing before BOZA	Sign Posting

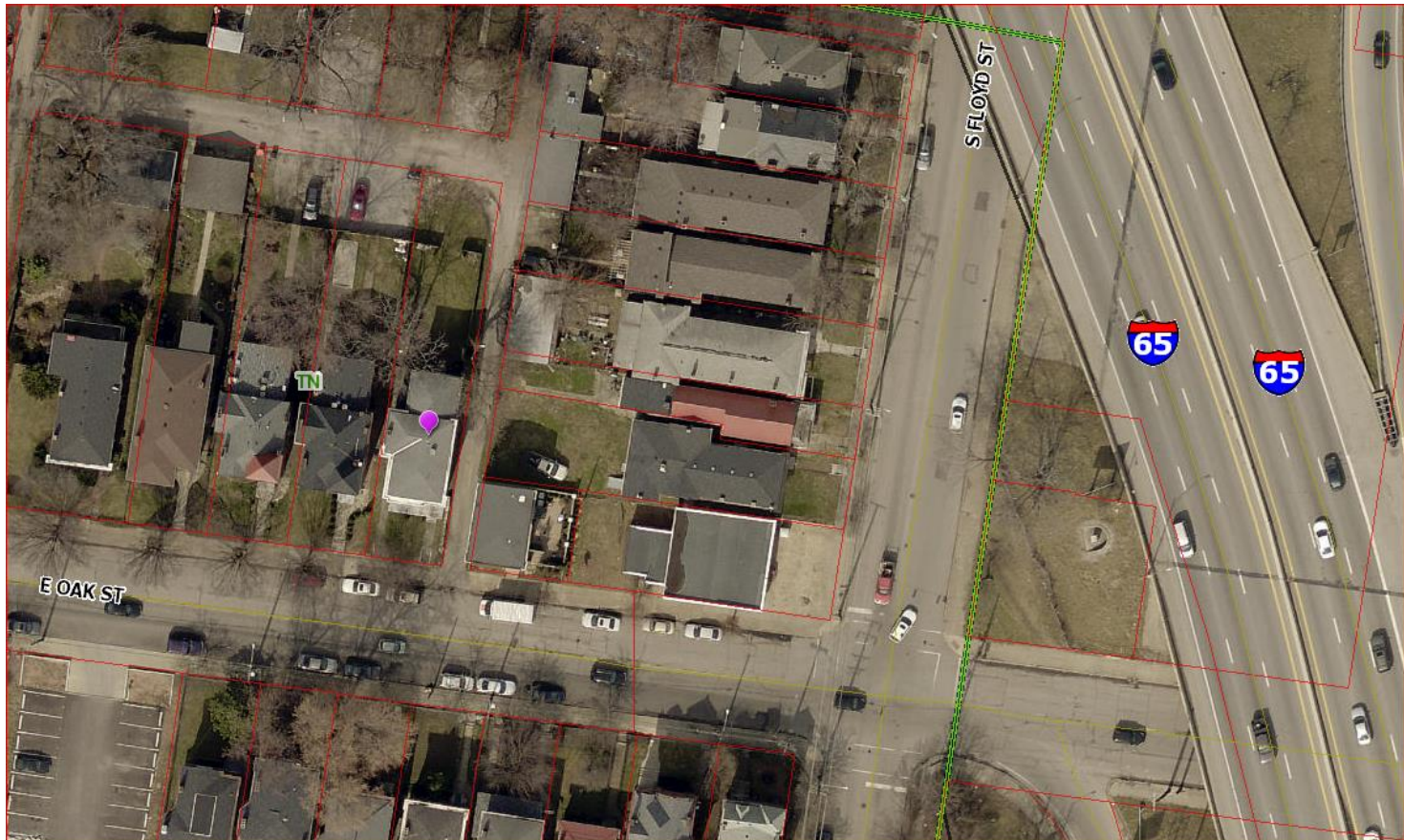
#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Front of House
4. Neighborhood Meeting/Minutes
5. Neighbor's Concern Email/Response
6. Floor Plan
7. Bedroom Pictures
8. Conditions of Approval

## Zoning Map



## Aerial Photograph





**Front of House**



Meeting Minutes  
For  
227 E Oak St  
Louisville KY 40203

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Thursday January 10<sup>th</sup>, 2019

Proposal: Short Term Rental

A neighborhood CUP meeting was held at 227 E Oak St at 6 PM on Thursday, January 10, 2019. We had one neighbor attend whose name is Jackson, Britt with address 226 E Oak St Louisville, KY 40203. He was curious to know more about our short-term rental CUP.

His major concern was where our short-term guests planned to park. He was very pleased to find out that we had three off street private parking spots located on the property in the rear of the home. He also expressed how happy he was to see lights on at the property again, as it had become abandoned and neglected prior to our rehab. He expressed that in the past he had to call the police to have squatters removed from the property and was very pleased to see it brought back to life.

He told us how happy he was to see the home renovated and in working condition again. We explained to him our plans to use the home as a short-term rental. We also explained our house rules and that we wanted to make sure to be respectful of all our neighbors. Our guest posed no objections to our project, and was looking forward to having a nice, up kept home across the street again.

18 CUP 1148

[illegible]

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JAN 14 2013

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Hendrix, Steve

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**From:** prosper properties <prosperpp@hotmail.com>  
**Sent:** Monday, April 01, 2019 2:06 PM  
**To:** Hendrix, Steve  
**Subject:** Fwd: RE: FW: Fwd:  
**Attachments:** 11147 50.pdf; ATT00001.htm; 11049 406.pdf; ATT00002.htm; 10941 446.pdf; ATT00003.htm; Re: dumping; ATT00004.htm

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Dear Mr Hendrix

It was great to talk to you today! Per our conversation I kindly asked Savannah to help me putting together a little history of facts of the property before we bought it ... until 2017 it was an abandoned property which was focus of crime and drugs plus has a lot of Violations , then when a group of investors bought it and then when we bought it ... please ready the email below, so you can include it in our file for our case

Please confirm and let me know your thoughts

Thanks in advance for your support!!!

Ana Arredondo  
Prosper Properties LLC  
312-446-5658

Sent from my iPhone

Begin forwarded message:

**From:** "Darr, Savannah" <[Savannah.Darr@louisvilleky.gov](mailto:Savannah.Darr@louisvilleky.gov)>  
**Date:** April 1, 2019 at 12:36:45 PM CDT  
**To:** prosper properties <[prosperpp@hotmail.com](mailto:prosperpp@hotmail.com)>  
**Subject:** RE: FW: Fwd:

Ana,

In 2017, the Jefferson Circuit Court ordered this property to be sold because of all of the code violations the owner, Seth Kozak, incurred. Federal Home Loan Mortgage Co bought it. They then sold it to A&A Homebuyers, LLC in December 2017. They then sold it to you in May 2018 (all deeds are attached for reference). You all received open violations from A&A Homebuyers, LLC for repair of the retaining wall and missing address on the house. That means that owner didn't correct those violations and they transferred with the property to you. In June 2018, you all got a violation for high grass and then one in July 2018 for painting the building without a COA.

You all didn't know there were previous COAs on file from Andrew Schlag with A&A Homebuyers, LLC. You didn't know the paint had been previously denied or that you were in a Preservation District.

You got the following COAs:

18COA1157—after-the-fact to paint the building—went before the Old Louisville Architectural Review Committee (ARC) twice—tried to remove the paint and then repainted with an appropriate color

18COA1158—privacy fence, concrete pad, front door, east metal porch railing

18COA1184—storm windows for front façade

I don't have records of how many times you all called about trash dumping, but I know it was more than once. I have an email chain with Veronica about it dated 8/17/2018 (attached).

Thanks,  
Savannah

**From:** prosper properties <[prosperpp@hotmail.com](mailto:prosperpp@hotmail.com)>

**Sent:** Monday, April 1, 2019 9:26 AM

**To:** Darr, Savannah <[Savannah.Darr@louisvilleky.gov](mailto:Savannah.Darr@louisvilleky.gov)>

**Subject:** Fwd: FW: Fwd:

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Good morning Savannah,

I hope all is well! I just wanted to send you the below email... could you help me to get information about the status of complains that were sent to this house before we bought it? Also all the process of how we worked with the city to make sure we always do the right thing plus the hearings and decisions that the city has made to pick the right paint for the brick and the fixes that we have made to make sure we cover all the historic policies that the city requests ? Also in terms of the trash ... do you have the record of how many times we called you complaining that some neighbors just put their trash and furniture in our backyard and Paid dumpster? I am just trying to build a very strong case so We can get our short term rental approved

Thanks in advance for all your support!!!

Ana

Sent from my iPhone

Begin forwarded message:

**From:** "Hendrix, Steve" <[Steve.Hendrix@louisvilleky.gov](mailto:Steve.Hendrix@louisvilleky.gov)>

**Date:** April 1, 2019 at 7:34:21 AM CDT

**To:** prosper properties <[prosperpp@hotmail.com](mailto:prosperpp@hotmail.com)>

**Subject:** FW: Fwd:

FYI

**From:** Doug Jones [mailto:dtj1956@gmail.com]  
**Sent:** Friday, March 29, 2019 5:20 PM  
**To:** Hendrix, Steve  
**Subject:** Fwd:

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See forwarded message. Sorry, I had a typo in your email address.

Doug Jones

----- Forwarded message -----

**From:** Doug Jones <dtj1956@gmail.com>  
**Date:** Fri, Mar 29, 2019 at 4:49 PM  
**Subject:**  
**To:** <Seve.Hendrix@louisvilleky.gov>

Mr. Hendrix - I am writing to express my concern with this application for a CUP for a non-owner occupied rental at 227 E. Oak St, I own and have lived at 223 E Oak St since 2014.

Given the poor performance of the current neighbors, I strongly oppose this application. Issues we have seen include

- Low quality contractors last spring and summer "renovating" the house. The contractors constantly dumped their trash in the alley, which the neighbors had to collect and throw away.
- Clearly, the work was not a true restoration, but a cover up of issues. One example was that they painted three sides of the house on brick that was unpainted. In addition to violating the historic overlay policies, this covered up a lot of brick that needs to be tuckpointed.
- They constructed a hideous "carport" type structure which covers 3/4 of the backyard, looks like a third world country and (according to a conversation with David James's office), was built without a permit.

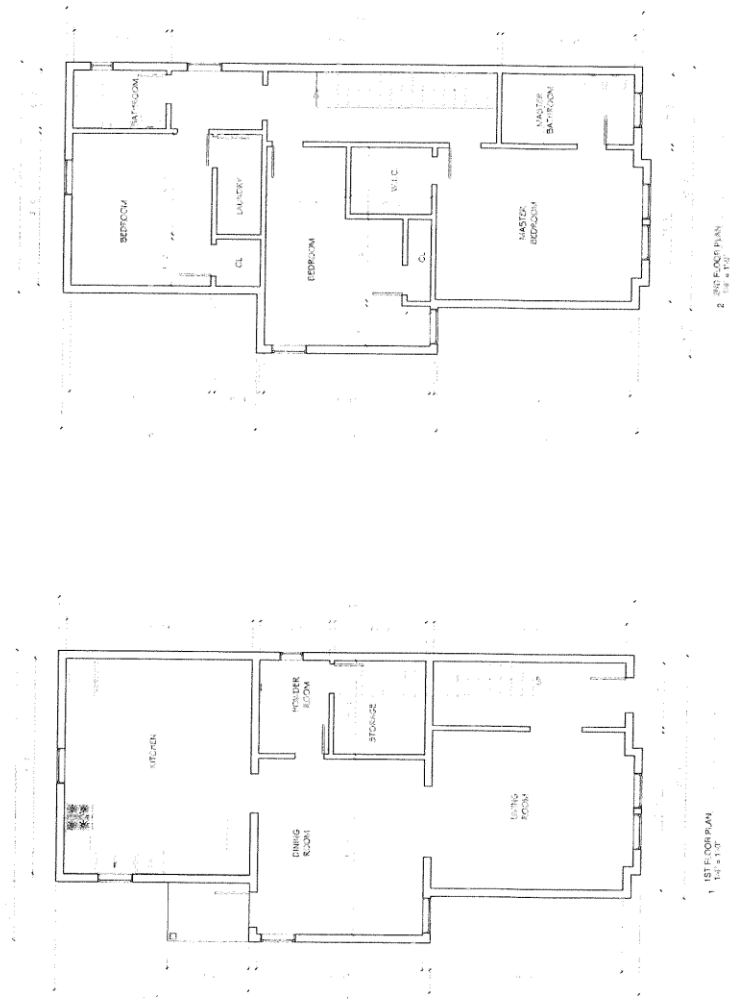
My concern is that an owner who has shown so little respect for the historic property, the neighbors, and the planning, historic district processes is unlikely to be an effective rental property owner. I do not see how they can be expected to manage renters and potential complaints in a responsible way. They have demonstrated very little responsibility to date, they should not be given the ability to significantly degrade the quality of the neighborhood as an absentee landlord.

I highly recommend that this application be denied.

Thanks for your attention.

227 E OAK STREET  
LOUISVILLE, KY

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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.