

Board of Zoning Adjustment

Staff Report

February 17, 2020



Case No:	19-CUP-0277
Project Name:	Short Term Rental
Location:	432 M Street
Owner/Applicant:	Puro Domum LLC, by Larry Bolton
Host:	Chill House LLC., Alexandria Bolton
Jurisdiction:	Louisville Metro
Council District:	# 15 – Kevin Triplett
Case Manager:	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 host in an R-6 Zoning District and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.07 acre site is located on the southeast corner of the M Street/ South Fifth Street intersection in the South Louisville Neighborhood. The single family dwelling has 1,180 square foot of living space. The other corners contain The Lord's Kitchen, a vacant church and a residence. The applicant has submitted pictures of three bedrooms which will allow for eight guests. The property has approximately 30 feet of street frontage along M Street and 100 feet along South Fifth Street. There are no other Short Term Rentals with a Conditional Use Permit 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 10, 2019, no invitees were in attendance.

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 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.

M Street has approximately 30 feet of street frontage and South Fifth Street has approximately 100 feet of street frontage along this site.

- 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.

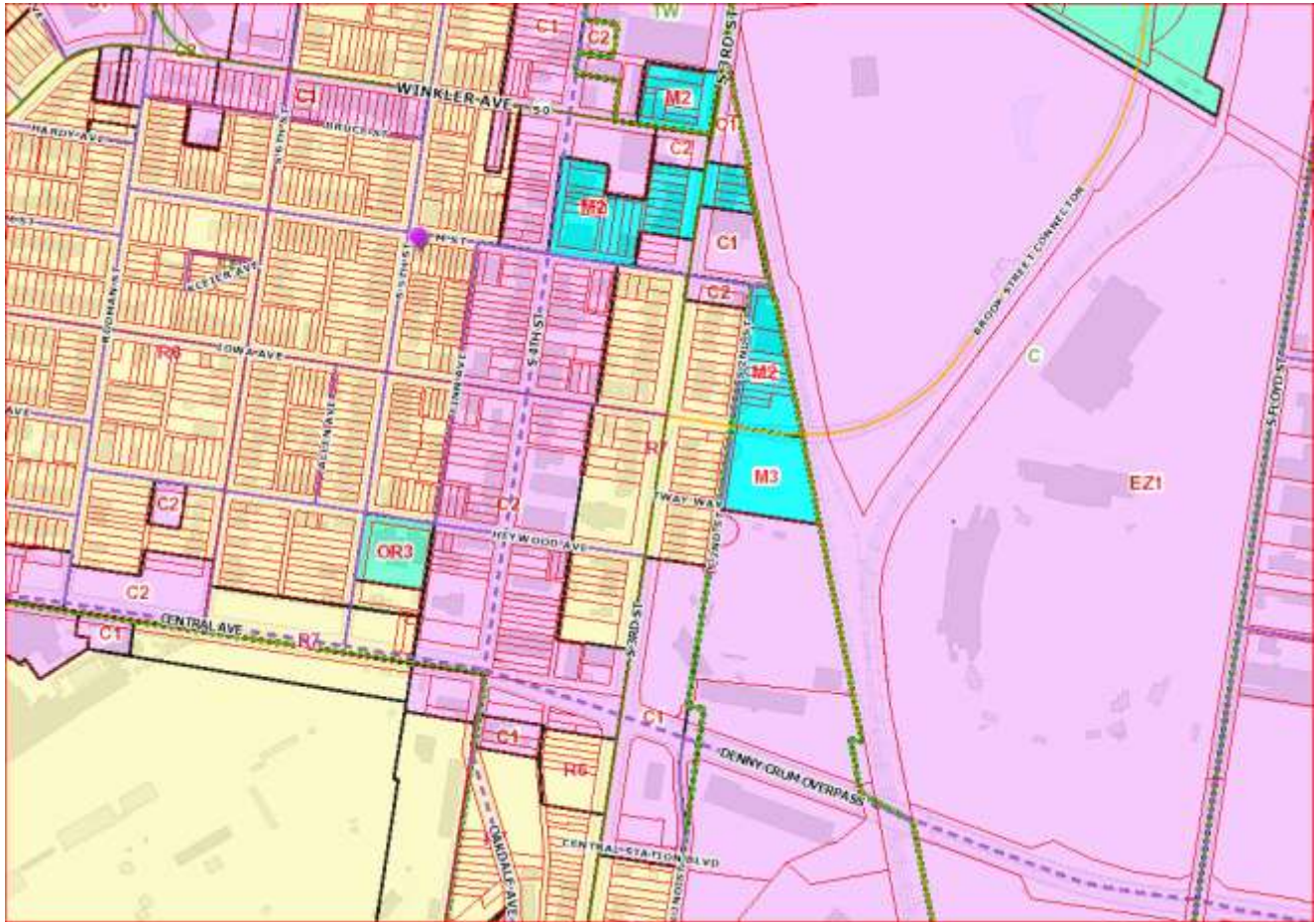
NOTIFICATION

Date	Purpose of Notice	Recipients
02/04/2020	Hearing before BOZA	1 st and 2 nd tier adjoining property owners
01/29/2020		Registered Neighborhood Groups in Council District # 15
02/07/2020	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



600 Foot Map

Map Created: 01/29/2020

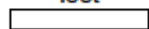


Legend

-  Buffer
-  Subject Site

Proximity Map Case # 19-CUP-0277

feet



180



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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.



TO: Louisville Metro Planning & Design
455 S 5th St, Suite 200
Louisville, KY 40203

FROM: Larry Bolton
Puro Domum LLC
112 Cascade Bend Dr
Ruskin, FL 33570

RE: Letter Of Explanation
Request for CONDITIONAL USE PERMIT (CUP)
432 M Street

To Whom It May Concern:

My name is Larry Bolton, I am a computer software developer working for Kizan Technologies, Inc., based in Louisville. I am writing to request a Conditional Use Permit for the referenced property address. It is my intention to get this property permitted as a short term rental thereafter, assuming allowance is granted for the Conditional Use Permit. 432 M Street in a single dwelling unit. All of the single dwelling would be rented.

My reason for requesting this is because I find that the short term method of renting is the best use of my property. It has previously been, and is now, considered to be a long-term rental. I will have Chill House LLC professional manage this short term rental. I hope to be of NO nuisance to my neighbors.

I appreciate your consideration of my request and look forward to an opportunity to present my reasoning further, if desired.

Sincerely,



Larry Bolton
Member of Puro Domum LLC
(850) 218-5782

RECEIVED
DEC 09 2019
PLANNING &
DESIGN SERVICES

19-1 CUP 19-0277

MEETING ATTENDANCE INFO

NEIGHBORHOOD MEETING NOTIFICATION

This is to confirm that there were ZERO, or none, attendees to the meeting dated
9/10/2019 @ 6:00PM, regarding the Conditional Use Permit pre-application for

property address:

432 N STREET
LOUISVILLE, KY 40208

Please call if you have any questions, comments or concerns.

Sincerely,


Alexandria Bolton
Chill House LLC

(502) 974-8419

RECEIVED
DEC 09 2019
PLANNING &
DESIGN SERVICES

432 M STREET - BEDROOM #1



