

# Board of Zoning Adjustment

## Staff Report

October 5, 2020



<b>Case No:</b>	20-CUP-0105
<b>Project Name:</b>	3921 Altawood Court Bed & Breakfast
<b>Location:</b>	3921 Altawood Court
<b>Owner(s):</b>	Matthew and Kimberly Pryor
<b>Applicant:</b>	Matthew and Kimberly Pryor
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Markus Winkler
<b>Case Manager:</b>	Jon Crumbie, Planning & Design Coordinator

### **REQUEST(S)**

Conditional Use Permit to allow a Bed & Breakfast

### **CASE SUMMARY/BACKGROUND**

The applicant is proposing to use the existing residence as a bed & breakfast. The residence is a small, brick bungalow, likely built in the 1950s. The applicants have secured architectural plans for the property and are making renovations while keeping the footprint of the house the same. Also, a landscape architect has been hired to address some updates to surrounding plantings. The applicants have been in contact with the Kentucky Cabinet of Health Services and will be satisfying all requirements needed to operate the property as a Bed & Breakfast.

### **STAFF FINDING / RECOMMENDATION**

There are eight listed standards, and all will be met. Items A., B., and C. can be implemented by the Board of Zoning Adjustment. 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**

**9-3-07** Area wide rezone the properties involved from R-4 to PDD. This request was approved by the Planning Commission on October 4, 2007. The rezoning allowed the bed and breakfast use but did not provide any specific standards of review.

## **TECHNICAL REVIEW**

None

## **INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on August 10, 2020 and at least two people attended not including the applicants.

## **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 meets all applicable policies of the Comprehensive Plan.

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. Transportation Planning and MSD have reviewed the proposal.

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

All Conditional Uses shall meet the following standards in addition to requirements listed for each section:

A. Additional Requirements - Where the Board finds that the conditions or circumstances relating to a particular application warrant more requirements in addition to those listed in connection with the particular use applied for, the Board may attach additional conditions; refer to 11.5.A.

B. Relief From Listed Requirements - The Board may decrease or waive listed requirements, either permanently or on a temporary basis; refer to 11.5.A.

C. Compliance With Listed Requirements and Attached Conditions - The Board shall have the power to revoke Conditional Use Permits for noncompliance with listed requirements or attached conditions.

Furthermore, the Board shall have a right of action to compel the removal of offending structures or uses at the cost of the violator and may have judgment in personam for such cost.

D. Drives and Parking Areas - All drives and parking areas (except landscaping areas) shall be surfaced with a hard and durable material and properly drained. Gravel drives and parking areas, as well as drives and parking areas constructed with semi- pervious materials approved by the Board, may be permitted. ***The drive and parking areas will be surfaced with a hard and durable material and properly drained.***

E. Compatibility - Conditional Uses shall comply with all applicable standards of the Land Development Code, including the form district regulations, form district transition standards, and landscaping. Additional standards may be included in the listed requirements for a particular use. ***The proposal will be located in an existing structure that will be improved. Updated landscaping will be provided.***

F. Off-Street Parking Requirements - Off-street parking spaces shall be provided in accordance with Chapter 9, Parking Regulations unless otherwise listed. The Board may establish additional parking requirements. ***Chapter 9 parking requirements will be met.***

G. Lighting Requirements – Outdoor lighting shall conform to the design, light glare, and light trespass standards as stated in Chapter 4 Part 1, Outdoor Lighting Regulations. ***Lighting will be Land Development Code compliant.***

H. Setbacks and Required Yards - All buildings, structures and facilities, whether permanent or temporary shall observe setbacks and yards in accordance with the appropriate Form District standards. Additional standards may be included in the listed requirements for that use. ***The proposal will be located in an existing structure that will be improved.***

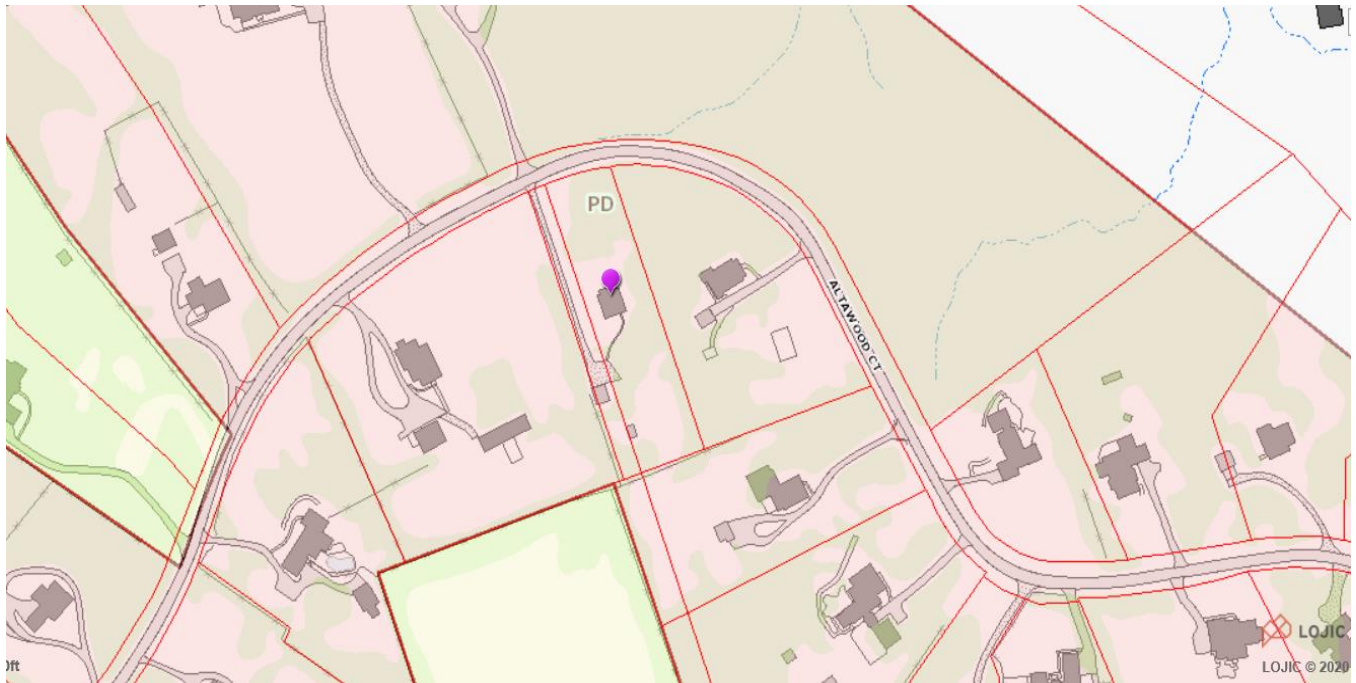
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
9/17/2020	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 17
9/21/2020	Hearing before BOZA	Sign Posting

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. 2040 Checklist
4. Conditions of Approval

## 1. Zoning Map



## 2. Aerial Photograph



### 3. 2040 Checklist

#### Conditional Use Permit Checklist

+ Meet policy

- Does not meet policy

+/- Meets/Does not meet some portion of policy

NA – Not applicable

NIS – Information needed

Policy#	Plan Element or Portion of The applicant is proposing to use the existing structure and repurpose it to solid waste management facility (indoor recycling) <b>Plan Element</b>	Staff Finding	Comments
Community Form – Goal 1			
4.	Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.	+	The applicant is proposing to use the existing structure.
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	The applicant is proposing to use the existing structure and the existing structure have been in place for several years.

Policy#	Plan Element or Portion of The applicant is proposing to use the existing structure and repurpose it to solid waste management facility (indoor recycling) Plan Element	Staff Finding	Comments
12.	Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes.	+	Transportation Planning has reviewed and approved the proposal.
14.	Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot, the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials).	+	No signage will be added.
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	+	Transportation Planning has reviewed and approved the proposal.

Policy#	Plan Element or Portion of The applicant is proposing to use the existing structure and repurpose it to solid waste management facility (indoor recycling) Plan Element	Staff Finding	Comments
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	+	The proposal will follow the noise ordinance requirements.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	+	Lighting will be Land Development Code compliant.
Goal 2 Community Facilities			
3.	Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	+	MSD has reviewed and approved the proposal.

#### 4. **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 & breakfast until further review and approval by the Board.