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Request:

Project Name: Gheens Avenue Short Term Rental

Location:

Applicant:

Representative:

Jurisdiction:

Council District:

Case Manager:

Board of Zoning Adjustment

Staff Report

April 21, 2025



Case No:	25-CUP-0071
Project Name:	Gheens Avenue Short Term Rental
Location:	227 Gheens Avenue
Applicant:	ES Property Group, LLC
Representative:	ES Property Group, LLC
Jurisdiction:	Louisville Metro
Council District:	21 – Betsy Ruhe
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Conditional Use Permit** to allow short term rental of a dwelling unit that is not the primary residence of the owner (Land Development Code 4.2.63)

CASE SUMMARY

The applicant has requested a conditional use permit (CUP) for a short term rental that is not the primary residence of the property owner in a R-5 Residential Single Family zoning district and Traditional Neighborhood form district. The property is located on the north side of Gheens Avenue between S. 3rd Street and Southside Drive. The site is developed with a single-family residential structure on approximately 0.13 acres with three (3) bedrooms allowing a maximum of eight (8) guests. There is off-street parking for up to six (6) vehicles.

STAFF FINDING

The proposal is adequately justified for approval based on staff's analysis contained in the standard of review and meets all standards of the conditional use permit for short term rentals.

TECHNICAL REVIEW

- Land Development Code (4.2.63)
 - 4.2.63 states that a short term rental in the R-5 zoning district that is not owner occupied requires a conditional use permit
 - There are no short term rentals approved via conditional use permit within 600' of the subject site at the time of this report

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: The proposal is 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 since no changes to the exterior of the property are being proposed which reduce compatibility with the area.

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: 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 are available.

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

A short term rental of dwelling unit that is not the primary residence of the owner or the short term rental of a condominium unit that is the primary residence of the owner 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; Short Term Rental of a dwelling unit that is not the primary residence of the owner or a condominium unit that is the primary residence of the owner that is in a OR, OR-1, or OR-2 district and a TN form district; and Short Term Rental of any dwelling unit in a TNZD district. 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 for 30 consecutive days, or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- 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 registered property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. If the aforementioned occupancy allows for more than 12 individuals, that shall be a maximum of 12 persons over the age of 16. The Board may further restrict the number of individuals. Relief to this provision may be provided by the Board on a case-by-case basis if the applicant can demonstrate that a greater occupancy will be in compliance with life safety and occupancy standards and the short term rental is of a sufficient distance to not adversely impact a neighboring property.
- 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 (i) on which another approved short term rental that required a conditional use permit is situated or (ii) located in an OR, OR-1, or OR-2 district and a TN form district which has an active registration and has maintained an active registration prior to the effective date of this provision and it has not been conclusively proven to the Board that the holder of the registration is the owner of the property, and the property is the owner's primary residence. Relief to this provision may be provided by the Board on a case-by-case basis for the following reasons; however relief may be denied upon consideration of the other factors and the burden is on the applicant to demonstrate that the subject short term rental would not contribute to an

overconcentration of short term rentals in the immediate area and/or adversely affect the affordable housing stock in the immediate area.

(1) Reasons for Potential Relief:

(a) The Property is adjacent to nonresidential zoning districts that allow short term rentals by right

(b) There is a significant environmental feature or primary collector or higher classification road that separates the proposed short term rental from other short term rentals within the buffer area

(c) A short term rental property within the buffer area is located on the perimeter of the buffer area, with part of the property being located outside of the buffer area

(d) A neighborhood plan encourages and supports short term rentals in the subject area

In applications where the entire area encapsulated by the 600 foot buffer is residentially zoned (including TNZD areas mapped Neighborhood General), under no circumstance shall the Board provide relief to this provision in cases in which two or more short term rentals with conditional use permits are already in existence within 600 feet.

(2) The following exceptions to this separation requirement apply:

(a) The separation requirement shall not apply to a property on which the conditional use permit is conditioned that the owner acts as host and maintains their primary residency within another dwelling unit in the same building or on the same parcel of land.

(b) The separation requirement shall not apply between two or more short term rentals on a single property being reviewed under the same conditional use permit application. However, if the property is subdivided after the conditional use permit is granted, a new conditional use permit shall be required in order for any new lot(s) to have a short term rental, with the separation requirements applying to that subsequent application.

(c) The separation requirement shall not apply to a property in the TNZD district on which the conditional use permit is conditioned that the host shall maintain their primary residency within the dwelling unit.

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 in a multi-family building, the condominium unit must be the primary residence of the owner. 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.

- F. Food and alcoholic beverages shall not be served by the host to any guest.
- G Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
- 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.
- I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- 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 registration pursuant to section 4.3.23. When the Planning Director revokes an approved registration, staff shall schedule a public hearing for the Board to consider revoking the associated conditional use permit. The Board may also revoke the conditional use permit for other reasons pursuant to section 11.5A.6.
- 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. In order to commence short term rentals, a new conditional use permit must be granted if required by this Land Development Code.
- 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 thirty (30) days, or in the event of a change of ownership and/or host, a new registration is not issued within thirty (30) days 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, and such conditional permit must satisfy the applicable requirements for a conditional use permit in effect at the time the new application for a conditional use permit is filed.

Staff: The applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Conditional Use Permit** to allow short term rental of a dwelling unit that is not the primary residence of the owner (Land Development Code 4.2.63)

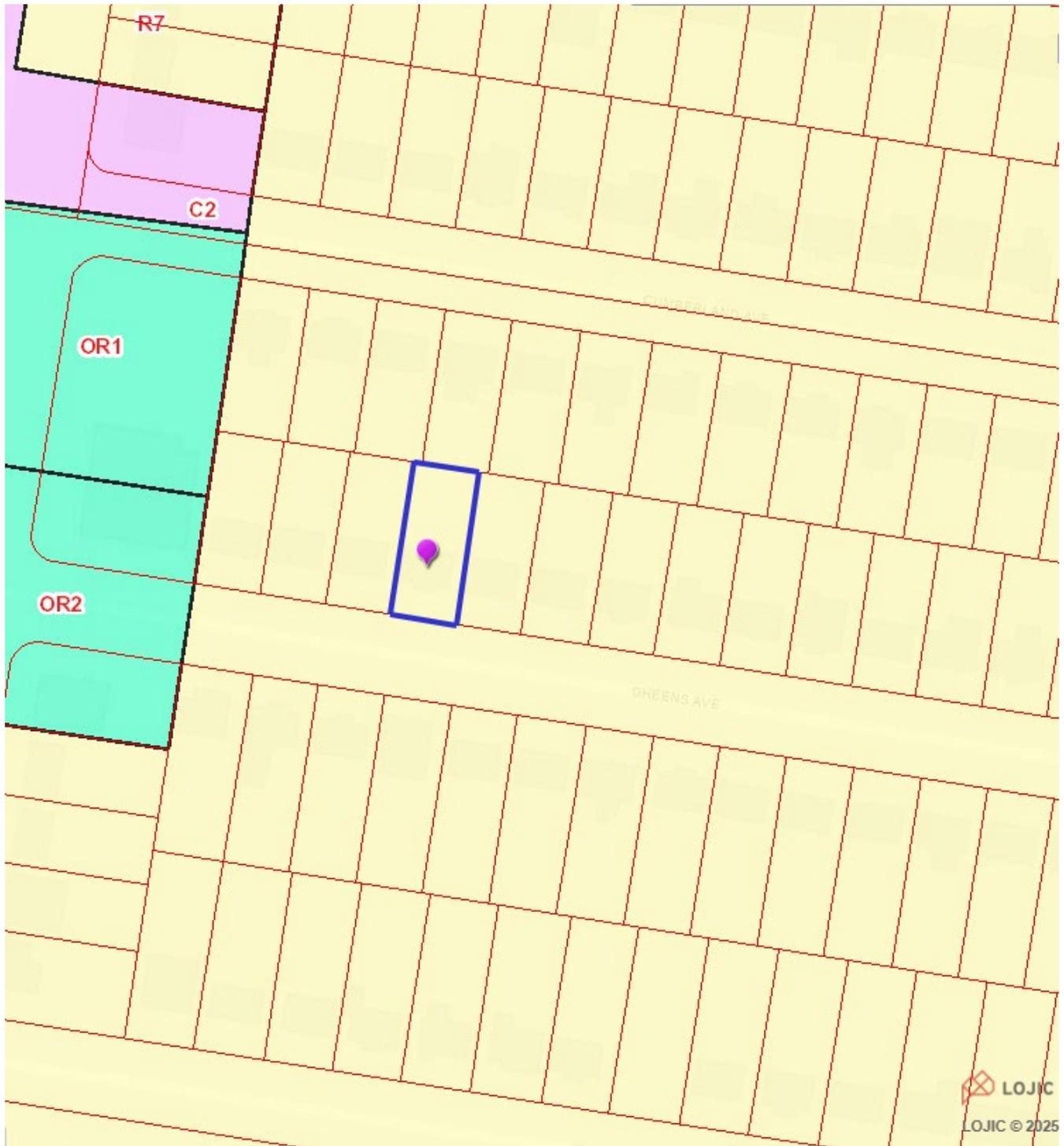
NOTIFICATION

Date	Purpose of Notice	Recipients
4/2/2025	Hearing before BOZA	1 st and 2 nd tier adjoining property owners and residents
4/1/2025		Registered Neighborhood Groups in Council District 21
4/7/2025	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Proposed Conditions of Approval

1. The conditional use permit for this short term rental approval shall allow up to three (3) bedrooms with a maximum of eight (8) guests at any one time. Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms/guests.

2. Prior to the commencement of any short term rental on the subject property, the owner 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.



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Letter of Explanation: 227 Gheens Ave

To whom it may concern,

Thank you for taking the time to review our application and considering us for the conditional use permit. The property is owned by ES Property Group LLC (Vyacheslav and Edinogu). It is a single-family residential property with 4 bedrooms and 2 full bathrooms. The entire space will be used as an Airbnb. Our property has a detached 1 car garage and a single-car driveway that can fit a total of about 3 to 4 cars. You can also fit about 2 cars

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with parking on the street. If you drive through our street and look at our street from Google Streetview, multiple properties have cars parked on the street. We feel that our property will be sufficient enough to operate as a 4-bedroom property.

Our goal with this Airbnb property is to provide our clients with a short-term rental that will provide an experience just by being in the home. Our state is embedded with a rich culture of bourbon and horse racing. Along with bourbon and horse racing, this city has found multiple ways to invite more guests to stay in our city. This city has done a fantastic job in hosting nationwide and worldwide conventions that

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are so close to the Southside/Iroquois area that there are almost not enough properties to host the number of guests that are visiting.

Southside/Iroquois is the perfect area to capture both the culture and the proximity. We have held up our promise to our neighbors in our Beechmont and NuLu property and surely, we will do the same with this one. Our typical guests in our 3 STR's have been families and we suspect with the size of this home that families will be the common occupants on the property as well.

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The property will have the latest high-tech two-way video monitoring system, floodlight cameras on the outside, video doorbell, noise monitoring, and a safety alarm system. We are going to follow all the rules of airbnb/vrbo and we have our own set of rules for guests to follow to ensure safety, peace, and security for the neighbors. Repeated violation of our rules will breach their stay and result in an automatic termination of their stay and removal of all guests.

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NOTICE OF DEVELOPMENT APPLICATION FILED WITH
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NEIGHBORHOOD MEETING NOTIFICATION

02/10/2025

To the Adjoining Property Owners, Neighborhood Group Representatives expressing interest in this area and Metro Councilperson for the 21st District

A Conditional Use Permit application to provide a non-owner-occupied short term rental at the address below was filed with the department of Louisville Metro Office of Planning on 12/26/2024

ADDRESS: 227 Gheens Avenue
CASE NO: 24-CUPPA-0293
CASE MANAGER: Jude Mattingly
CASE MANAGER EMAIL: jude.mattingly@louisvilleky.gov
COUNCIL DISTRICT: 21
APPLICANT: Slava Furs

In accordance with the procedures of Louisville Metro Office of Planning, we have been directed to invite you to discuss this proposal before a formal application can be filed. This will be an informal meeting to give you the opportunity to review the proposed plan and discuss the proposal with the applicant or its representative. We encourage you to attend this meeting and to share your thoughts. This meeting will be held in addition to the established public meeting procedures of the Planning Commission and/or the Board of Zoning Adjustment.

The meeting to discuss this application will be held on:

DATE: Wednesday, February 26th 2025 @ 06:00 PM

LOCATION: 227 Gheens Avenue, Louisville, KY 40214

Slava Furs is the primary point of contact for any questions or comments. Any questions or comments received will be incorporated into the meeting record. The contact information is below:

Name: Slava Furs
Email: Slavafursrealtor@gmail.com
Phone: 502-294-3811

If you have questions about this application, or would like to view the case file, please visit <http://louisvilleky.gov/government/planning-design> or contact Louisville Metro Planning & Design

Services at:

Metro Development Center
444 S 5th St, 3rd Floor
Louisville, KY 40202
(502) 574-6230

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Summary of neighborhood meeting for 227 Gheens Ave

As you can see in the packet, we had sent out the neighborhood meeting notice to everyone on the 1st and 2nd tier list.

2 people came. Victory Smith, our neighbor at 225 Gheens Ave, was the first one who attended the meeting. He didn't have too many concerns but mainly questions about what we were doing and the process around it. He gave me some more details about the property and the previous owner. We informed Victor about what rules we would implement. Quiet time is enacted at 10PM on weekdays and 11PM on weekends. We conduct mandatory walk-throughs on the property if we get any noise

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violations from our neighbors and after the 3rd violation we can force an immediate evacuation of the guests from our property since there is no lease in place and we have written confirmation of them confirming receipt of the binder and reading the rules. We told Victor that we would also have cameras on the property to ensure the safety and confirmation of the appropriate amount of guests that were verified on the booking. Victor also left the meeting with the phone numbers of Eddie (my partner), Anne, Mandi, Justin, and me. Anne, Mandi and Justin are our property managers for the property. Having each of our numbers will ensure that his concerns (if any) won't go unnoticed.

Ann Ramser also attended our meeting and took a look around the property and voiced her concerns regarding

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short term rentals and her belief around how they are affecting affordable housing.

Overall, we wish more neighbors could have visited the property and toured the home to see the many updates we put into the home. We appreciate Victor and the conversation that she held with us during her time on the property.

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