

# Board of Zoning Adjustment Staff Report

November 18, 2019



<b>Case No:</b>	19-CUP-0134
<b>Project Name:</b>	Horsell Short Term Rental
<b>Location:</b>	12206 St. Clair Drive
<b>Owner(s):</b>	Grahame Horsell
<b>Applicant(s):</b>	Grahame Horsell
<b>Jurisdiction:</b>	Middletown
<b>Council District:</b>	19 – Anthony Piagentini
<b>Case Manager:</b>	Jon Crumbie, Planning & Design Coordinator

## **REQUEST(S)**

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-4 zoning district and Neighborhood Form District.

## **CASE SUMMARY/BACKGROUND**

The applicant requests approval to conduct short term rentals at the subject property. The subject property is developed with one structure that is a single- family residence. The applicant states that the residence has four bedrooms that will allow a maximum number of ten guests. The site has credit for on-street parking and the applicant states that the driveway can fit up to eight automobiles.

## **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.

## RELATED CASES

None

## TECHNICAL REVIEW

There are no outstanding technical review items.

## INTERESTED PARTY COMMENTS

A neighborhood meeting was held on August 12, 2019 and one person attended not including the applicant.

## 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?

### **Short Term Rentals**

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, a short term rental of a dwelling unit that is the primary residence of the host is permitted by the Planning Director with special standards set forth in this section. In a C-N, C-R, C-1, C-2, C-3, C-M, W-1, W-2, PVD, PTD, PRD or TNZD district, any short term rental is permitted by the Planning Director with special standards set forth in this section.

- 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. ***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 four individuals. ***The applicant has been informed of this requirement.***
- D. The dwelling unit shall be a single-family residence or duplex. ***The applicant has been informed of this requirement.***
- 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 requirement.***
- F. Outdoor signage which identifies the short term rental is prohibited. ***The applicant has been informed of this requirement.***
- G. The dwelling unit shall have an appropriate amount of off-street parking available for guests. ***The applicant has been informed of this requirement.***
- 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 requirement.***
- I. In order to maintain a registry of short term rentals, the host of the short term rental shall submit a notice of intent to commence a short term rental to the Office of Planning & Design Services in a form prescribed by the Planning Director. This form may be an online form that does not require the host to visit the office. ***The applicant has been informed of this requirement.***

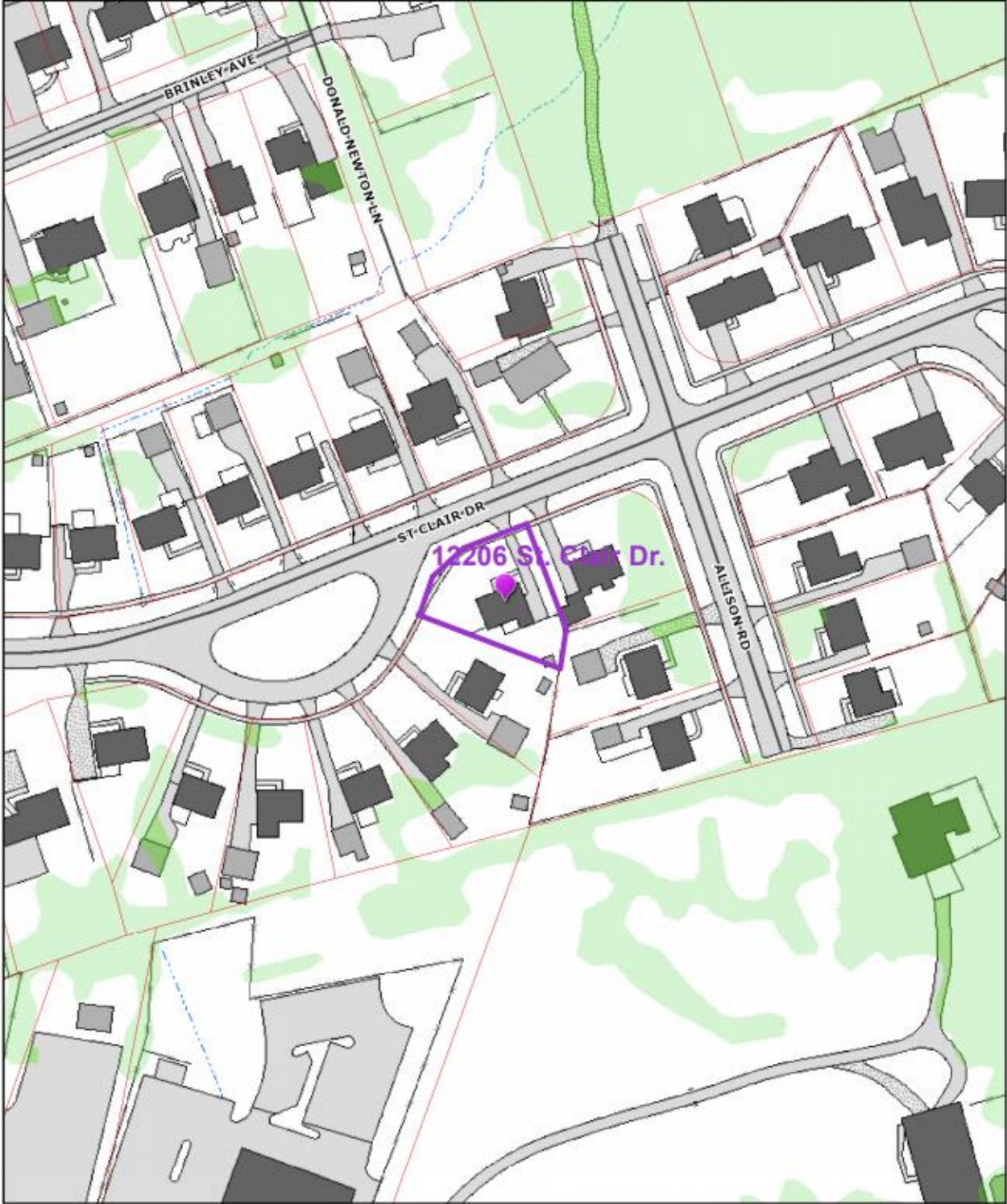
**NOTIFICATION**

Date	Purpose of Notice	Recipients
10/31/2019	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 19
11/1/2019	Hearing before BOZA	Sign Posting

**ATTACHMENTS**

- 1. Zoning Map
- 2. Aerial Photograph

- 1. **Zoning Map**



2. Aerial Photograph



