

Board of Zoning Adjustment Staff Report

October 11, 2016



Case No:	16CUP1039
Project Name:	Short Term Rental
Location:	547 West Saint Catherine Street
Owners:	Brian & Dana McMahan
Applicant:	Brian & Dana McMahan
Representative(s):	Brian & Dana McMahan
Project Area/Size:	0.096 acres
Existing Zoning District:	Traditional Neighborhood Zoning District (TNZD)
Existing Form District:	Traditional Neighborhood (TN)
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Joseph Haberman, AICP, Planning Manager

REQUEST:

Conditional Use Permit to allow short term rentals in the TNZD

CASE SUMMARY:

The applicants request approval to conduct short term rentals at the subject property. The subject property is developed with two buildings: a two-family dwelling (duplex) and a carriage house (garage/accessory apartment). The duplex consists of a main dwelling unit on the first and second floors and a second dwelling unit on the third floor.

The applicants own the property and reside in the main dwelling unit. The second dwelling unit and accessory apartment currently do not have tenants. The applicants intend to share their residence within the main dwelling unit with guests (and by extension its accessory apartment). In the future, the applicant may utilize the second dwelling unit as an additional short term rental.

A Conditional Use Permit is required prior to commencement of a short term rental in the TNZD.

SITE CONTEXT:

The subject property is a corner lot, situated on the northeast corner of the W. Saint Catherine St. and S. 6th St. intersection. It is rectangular in shape, approximately 33.33 feet in width (W. Saint Catherine St. frontage), 125 feet in length (S. 6th St. frontage) and 4,166 square feet (0.096 acres) in area. The property is within a single family/two family mapped area of the TNZD and a TN form district. In addition, it is located within the boundaries of the Limerick Preservation District.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Two-Family Dwelling	TNZZ (Single/Two Family Residential)	TN
Proposed	Two-Family Dwelling w/ Short Term Rentals	TNZZ (Single/Two Family Residential)	TN
<i>Surrounding Properties</i>			
North/Northeast (across alley)	Automobile repair garage	TNZZ (Single/Two Family Residential)	TN
Northwest (across S. 6th)	Duplex	TNZZ (Single/Two Family Residential)	TN
West (across S. 6th)	Duplex	TNZZ (Single/Two Family Residential)	TN
Southwest (across S. 6th and W. Saint Catherine)	Religious building	TNZZ (Institutional)	TN
South (across W. Saint Catherine)	Single-family residential	TNZZ (Single/Two Family Residential)	TN
Southeast (across W. Saint Catherine)	Single-family residential	TNZZ (Single/Two Family Residential)	TN
East (across S. 6th)	Multi-family residential	TNZZ (Single/Two Family Residential)	TN

PREVIOUS AND ASSOCIATED CASES ON SITE:

There are no previous cases on the site.

INTERESTED PARTY COMMENTS:

Staff has not received any interested party comments. A neighborhood meeting was held on September 15, 2016. See attached comments from the meeting.

APPLICABLE PLANS AND POLICIES:

Cornerstone 2020
Louisville Metro Land Development Code
Louisville Metro Code of Ordinances, Chapter 115, Sections 115.515 through 115.521

**STANDARD OF REVIEW AND STAFF ANALYSIS
FOR CONDITIONAL USE PERMIT:**

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The underlying use of the property shall remain the same (two family dwelling). The proposal only involves allowing short term rentals within the existing duplex and accessory apartment. No additional development is proposed. As such, the proposal is compatible with the surrounding land uses with respect to height, bulk, scale, intensity, traffic, noise, odor, drainage, lighting and appearance.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: The underlying use of the property shall remain the same (two family dwelling). The proposal only involves allowing short term rentals within the existing duplex and accessory apartment. No additional development is proposed. There were not any agency comments indicating that the property's existing public facilities are inadequate to serve short term rentals.

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

STAFF: The proposal meets the applicable standards provided within Section 4.2.63 of the Land Development Code.

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 Rental of any dwelling unit in a TNZD district

A short term rental of 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 a 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:

The property is within a zoning district that permits short term rentals - TNZD.

- 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. If a contract exceeds 29 consecutive days, it is not subject to the short term rental regulations. It may be noted that long term rental contracts are permitted on the property so long as the use remains two-family residential.

- 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. As there are two dwelling units on the property, unless otherwise restricted, the applicant may have concurrent contracts for the two dwelling units; however each dwelling unit shall be limited to a single contract/guest party.

- 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. This provision shall not be waived or adjusted.

The main building is a duplex. The second building is an accessory apartment that is associated with the duplex.

- 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. 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.

The minimum parking requirement for a duplex in the TN form district is one space for each dwelling unit. There is a garage on the property that can accommodate one vehicle. Although there are two dwelling units on the property, the existing amount of parking is conforming as on-street parking spaces may be used to satisfy the minimum parking space requirements in the TN form district. Any on-street parking space used in this manner must be located on a public street directly abutting and on the same side of the street as the site. The property abuts W. Saint Catherine and S. 6th St., which have legal and unrestricted on-street parking adjacent to the site (33 feet and 125 feet of frontage respectively). In any event, existing on-street parking in the immediate vicinity is sufficient to accommodate existing demand as well as the anticipated additional demand resulting from one or two guest parties associated with the short term rentals.

- 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. Each short term rental shall be registered annually in accordance with Chapter 115 of the Louisville Metro Code of Ordinances.

- 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 provision.

TECHNICAL REVIEW:

There are no outstanding technical review items.

STAFF CONCLUSIONS:

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

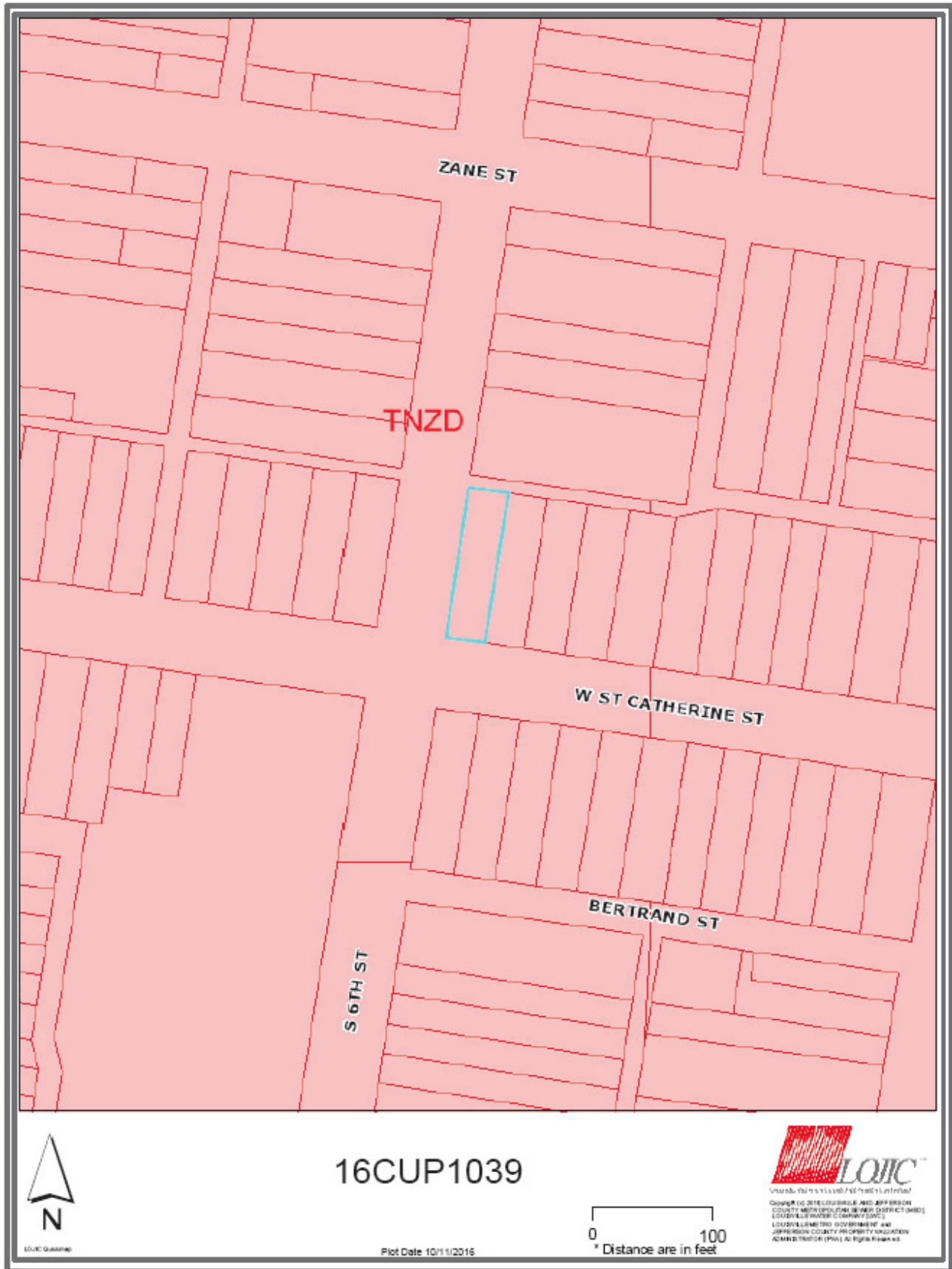
NOTIFICATION:

Date	Purpose of Notice	Recipients
10/3/16	APO Notice	First and second tier adjoining property owners Neighborhood notification recipients
10/1/16	Sign Posting	Subject Property

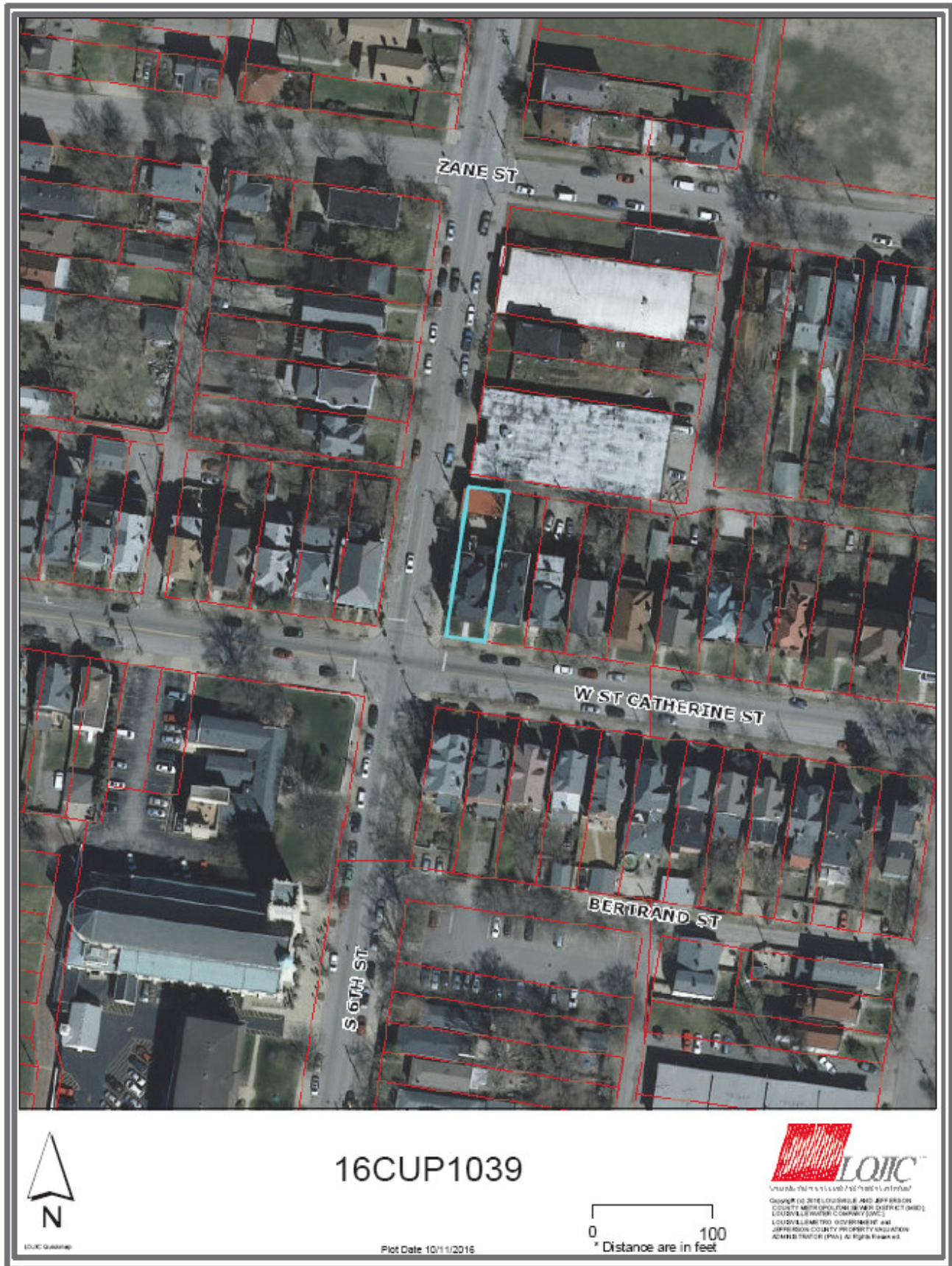
ATTACHMENTS:

1. Zoning Map
2. Aerial Photograph
3. Neighborhood Meeting
4. Interagency Comments
5. Conditions of Approval

1. Zoning Map:



2. Aerial Photograph:



3. Neighborhood Meeting:

Dear neighbor,

26 August, 2016

Hi! I'm Dana McMahan. My husband Brian and I bought the house at 547 West Saint Catherine in late January. We live here with our dogs Cassius and Truffle, and occasionally welcome travelers to our home through Airbnb (a short term rental platform*). We've done this for years at our previous homes, earning superhost status – we're pretty proud of that designation, as it means we offer great hospitality. It's a fun way to meet people, introduce them to our community, and earn some money to help with making home improvements.

Louisville has recently introduced an ordinance to regulate and collect taxes on short term rentals like these. For most of the city that means filling out a form and paying a \$25 fee. In Old Louisville, however, we're required to go through a process they call a Conditional Use Permit (which will cost \$1100+). There are many steps, including a requirement that we hold a neighborhood meeting. This is a chance for us to share what the city calls our "proposal" and for you to ask questions. We look forward to meeting those of you we haven't already, and are excited to tell you about the great experiences we've had hosting travelers and sharing our favorite local places with them. Later there will be a public hearing where everyone has a chance to weigh in, and the city will vote whether or not they'll allow us to continue hosting travelers in our home.

Please join us at our house (547 W. Saint Catherine) on Thursday, September 15, at 7 p.m. If you have questions in the meantime, I invite you to visit our listing at <https://www.airbnb.com/rooms/11208926> or email me at sheeads.shewrites@gmail.com. We encourage you to also learn about the requirements the city has imposed only on Old Louisville residents in this series of stories I'm writing for the Courier: <http://cjkj.it/2bkXFhm>.

We look forward to seeing you soon! We're not permitted to offer food to our Airbnb guests, but I believe we're free to serve snacks at this meeting, so please let us know if there are any dietary requirements we should be aware of.

Best,



Dana and Brian McMahan

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*If you're unfamiliar with Airbnb, it's an online listing service that allows travelers to stay in a local's home in over two million homes in 190+ countries. Hosts (like us) get to accept or reject a booking request based on that guest's past reviews (we're pretty choosy about only accepting responsible, well-reviewed guests!). Guests (and hosts) are verified by Airbnb, and the site provides hosts with a million dollar guarantee. People (like us) who want to have a truly local experience while traveling often prefer Airbnb over chain hotels.

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Brian + Dana McMahon Airbnb neighborhood meeting
 15 Sept 2016 Sign-in sheet

NAME + ADDRESS	COMMENTS
Jonathan Klunk 1372 S. 6th St.	Please Allow Air BnB w/ standardized rules matching the city
DEBORAH ZICKERFOSG 1236 S 6th St	THE AIRBNB WOULD BENEFIT THE NEIGHBORHOOD
Erin O'Neil 1215 Garin Pl	Airbnb is good for Old Louisville!
William McNeil 1236 S 6th St	Airbnb brings people to spend
Michael Tolfo 1119 S. 6th Louisville Ky 40203	Allow Air BnB!
Bryan Aviles 526 W. St Catherine St 40206	Fully support this listing
Jan Hoffman 539 W. St. Catherine 40203	Allow Air BnB!!
Bonnie & Brent Logsdon 619 W. St. Catherine St. 40203	We support Airbnb in Old Louisville!
JOSEPH WALKER & JEN NOEL 1213 5th St 1213 5th St 40203	ALEXANDER HOUSE B+B
Tonja Craig & Jeff Call 1520 S. 2nd St 40208	ALLOW AIRBNB
Jeff Melde & Alex White 542 W. St Catherine St.	We support it!
Scott & Rosemary Gilbertson 617 W. St Catherine	We support you!
Lucie + Jim Fallon 523 W. St. Catherine	- BE FAIR WITH NEIGHBORS
DAVID JAMES 310 W. LEE ST.	SUPPORT

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16 CUP 1039

Documentation of the Neighborhood Meeting

Summary of the meeting detailing specific items of concern and proposed resolutions

On Thursday, September 15, 2016 at 7 p.m., I, Dana McMahan, and my husband Brian McMahan hosted the mandatory neighborhood meeting for first and second tier property owners. We served cookies and iced tea.

21 persons, including councilman David James, attended. We asked attendees if they had questions or concerns. No attendees had concerns regarding our plans. The only questions pertained to why the city is requiring *only* Old Louisville residents to complete this permit application process.

Each person (or family group) who attended signed the attendance sheet and indicated support for our plans and for Airbnb in Old Louisville in general.

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4. Interagency Comments:



Louisville-Jefferson County Metro Government
Louisville Forward Develop Louisville
 Planning and Design Services
 444 S. 5th Street, Suite 300 - Louisville, KY 40202
 Phone: 502.574.6230 Web Site: louisvilleky.gov/pl/planningdesign/

A g e n c y R e v i e w C o m m e n t s

Project Number: 16CUP1039

Submittal Date: 08/25/2016

Address: 547 W ST CATHERINE ST

Contact Phone: (502)974-9174x

Contact Name: DANA MCMAHAN

Contact Email: travelingmcmahans@gmail.com

Project Name: Short Term Rental

Type of Work: CUP

Project Description: A conditional use permit for a short term rental in a primary residence in the Traditional Neighborhood Zoning District.

The following report represents a comprehensive set of agency comments for the above mentioned development proposal. Please review and address the comments provided in order to respond appropriately and move this case forward in this review process. Questions may be directed to your case manager:

Case Manager	Phone	EMAIL
Joseph Haberman	(502)574-5178	Joseph.Haberman@louisvilleky.gov

PDS (Pre-Application)				
Case Number	Status	Case Manager	Contact Info	Date/Time
249311	COMPLETED	JHABERMAN	Email: Joseph.Haberman@louisvilleky.gov	9/8/16 4:36 pm
	DPOTHER			1

Zoning: TNZD

Form: Traditional Neighborhood (TN)

Property Class (PVA): 401 Com Tri-Plex Apartment [note: one of the units is a carriage house; therefore use is duplex + accessory apartment]

Zoning TNZD Form Traditional Neighborhood TN Property Class PVA 401 Com Tri Plex Apartment note one units is carriage house therefore use duplex accessory apartment

5. Conditions of Approval:

1. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.