

**Board of Zoning Adjustment
Staff Report**
June 5, 2016



Case No.	17CUP1022
Project Name	Short Term Rental
Location	1801 Tyler Parkway
Owner(s)	Angela Koressel
Host	Angela Koressel
Zoning District	R-5 Single-Family Residential
Form District	Traditional Neighborhood
Jurisdiction	Louisville Metro
Council District	8 – Brandon Coan
Case Manager	Beth Jones, AICP, Planner II

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-5 Single-Family Residential zone district.

CASE SUMMARY

The applicant proposes to conduct a short-term rental of a dwelling unit at the subject property. As the owner/applicant lives off site, the short-term rental would be the sole use of the property. A Conditional Use Permit is required.

SITE CONTEXT

The 0.09 acre site is located on the north side of Tyler Parkway between Bardstown Road and Tyler Park Road. PVA identifies the primary two-story structure as a residential duplex, which is not permitted within an R-5 zone. The structure appears to have been built in 1900 as a single-family residence; non-conforming rights for the duplex use have been established.

The first floor dwelling unit has one bedroom; the second floor unit has two bedrooms. The applicant proposes to use both units for short-term rentals. The host for the property will be living at another of the owner's properties on Highland Avenue.

The 31 foot property width permits parking for a single vehicle. Three off-street parking spaces at the rear of the site are accessible via an alley at the rear of the property.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential duplex	R-5	Traditional Neighborhood
Proposed	Long-term rental, short-term rental		
Surrounding Properties			
North	Single-family residential	R-5	Traditional Neighborhood
South			
East			
West	Residential duplex		

PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous or associated cases on site.

INTERESTED PARTY COMMENTS

As of this time, Staff has received no comments on the proposal. A neighborhood meeting was held on May 11, 2017.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code
Louisville Metro Code of Ordinances Sections 115.515 - 115.521

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: Existing primary and accessory structures are compatible with their surroundings. No exterior alterations or additions appear to be planned.

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 site is served by existing public utilities and facilities. The proposed use will not create an additional burden on these services.

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

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:

- 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.

STAFF: 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.

STAFF: 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.

STAFF: The applicant has been informed of this requirement. The one-bedroom unit on the first floor may accommodate up to six guests; the two-bedroom unit on the second floor may accommodate up to 12 guests.

- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.

STAFF: The dwelling is a duplex residence, with a single unit on each of its two floors. Non-conforming rights have been established.

- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.

STAFF: The applicant has been informed of this requirement.

- F. Outdoor signage which identifies the short term rental is prohibited.

STAFF: 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.

STAFF: The width of the site can accommodate one on-street parking space and three off-street parking spaces are accessible via the rear alley.

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

STAFF: The applicant has been informed of this requirement.

- 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.

STAFF: The applicant has been informed of this provision.

TECHNICAL REVIEW

All agency comments have been resolved.

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
4/15/2017	Notice of Application	First and second tier adjoining property owners Notification recipients for Council District 8
5/11/2017	Neighborhood Meeting	First and second tier adjoining property owners Notification recipients for Council District 8
5/22/2017	Notice of BOZA Meeting	First and second tier adjoining property owners Notification recipients for Council District 8
5/22/2017	Notice of BOZA Meeting	Sign Posting

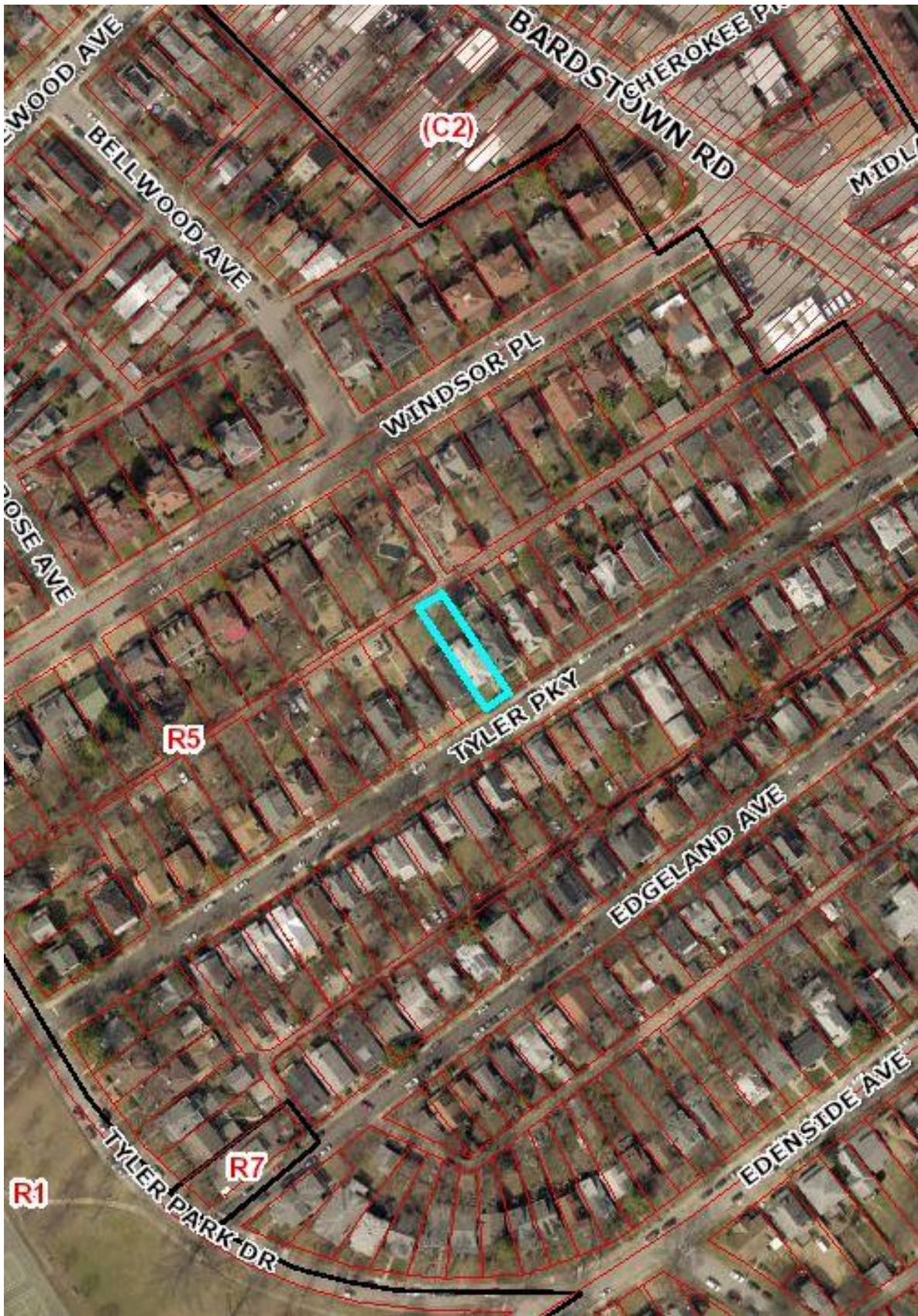
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Proposed Condition of Approval

1. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental with Develop Louisville and shall establish an account with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.