

**Board of Zoning Adjustment**  
**Staff Report**  
August 3, 2020



<b>Case No:</b>	20-CUP-0046
<b>Project Name:</b>	Short Term Rental
<b>Location:</b>	626 Floral Terrace
<b>Owner/Applicant:</b>	Michael & Katie Meador
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	# 6 – David James
<b>Case Manager:</b>	Steve Hendrix, Planning & Design Coordinator

**REQUEST**

Conditional Use Permit to allow short term rental of a dwelling unit that is the primary residence of the host in a Traditional Neighborhood Zoning District and Traditional Neighborhood Form District.

**CASE SUMMARY/BACKGROUND**

The 0.077 acre site is located on the south side of Floral Terrace between South Sixth and South Seventh streets in the Old Louisville Neighborhood. Floral Terrace is not a street, but actually a sidewalk, similar to Ouerbacker Court. The 2,682 square foot, single family, owner-occupied dwelling has a total of four bedrooms which will allow for ten guests.

The property has a one car garage and there is also available parking on Seventh Street which is approximately 150 feet to the west.

The intent is to only rent the property for the Kentucky Derby, perhaps the PGA and Breeder’s Cup when they are held in Louisville.

There is no Open Enforcement Case.

The applicants have agreed to the condition of maintaining primary residency at 626 Floral Terrace.

The applicants are also imposing that the total number of nights rented to guests will not exceed fourteen (14) in any calendar year.

**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.

**TECHNICAL REVIEW**

There are no outstanding technical review items.

## **INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on February 21, 2020, with thirteen people in attendance. Mr. Meador gave a brief explanation stating that the goal was to rent the property only for the Kentucky Derby, PGA tournaments and the Breeder's Cup when they are held in Louisville. Mr. Meador also mentioned that they will be owner occupants and that rentals will be limited to 14 days a calendar year. No concerns were raised.

## **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. No exterior construction or alterations to the building or the site will be required.

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 additional requirements for the site.

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

- 4.2.63** Short Term Rental of a dwelling unit that is not the primary residence of the host or the Short Term Rental of a condominium unit that is 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 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.

***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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals.  
***The dwelling has four bedrooms which will allow for ten guests.***
- 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 on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host  
***The proposal is within the TNZD, is owner occupied and the host has agreed to the condition of maintaining primary residency at 626 Floral Terrace and guest night rentals are not to exceed fourteen (14) in any calendar year.***
- 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, the condominium unit must be the primary residence of the host. 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.  
***The structure is a single family dwelling.***
- F. Food and alcoholic beverages shall not be served by the host to any guest.  
***The applicant has been informed of this requirement.***
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.  
***The applicant has been informed of this requirement.***
- 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.  
***The property has a one car garage and plenty of spaces along Seventh Street where visiting family members normally park.***
- I. 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.***

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 approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

***The applicant has been informed of this requirement.***

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.**

***The applicant has been informed of this requirement.***

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 six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months 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.

***The applicant has been informed of this requirement.***

### **Additional Conditions of Approval**

1. The hosts of record for the short term rental shall maintain their primary residence in the dwelling unit on the subject property. In the event a primary residence is established on another property, short term rentals on the subject property must cease.
2. The short term rental shall be used for the Kentucky Derby, the PGA and the Breeders' Cup, but not to exceed 14 days in any calendar year.
3. The Conditional Use Permit for this short term rental approval shall allow up to 4 bedrooms. A modification of the Conditional Use Permit shall be required to allow additional bedrooms.

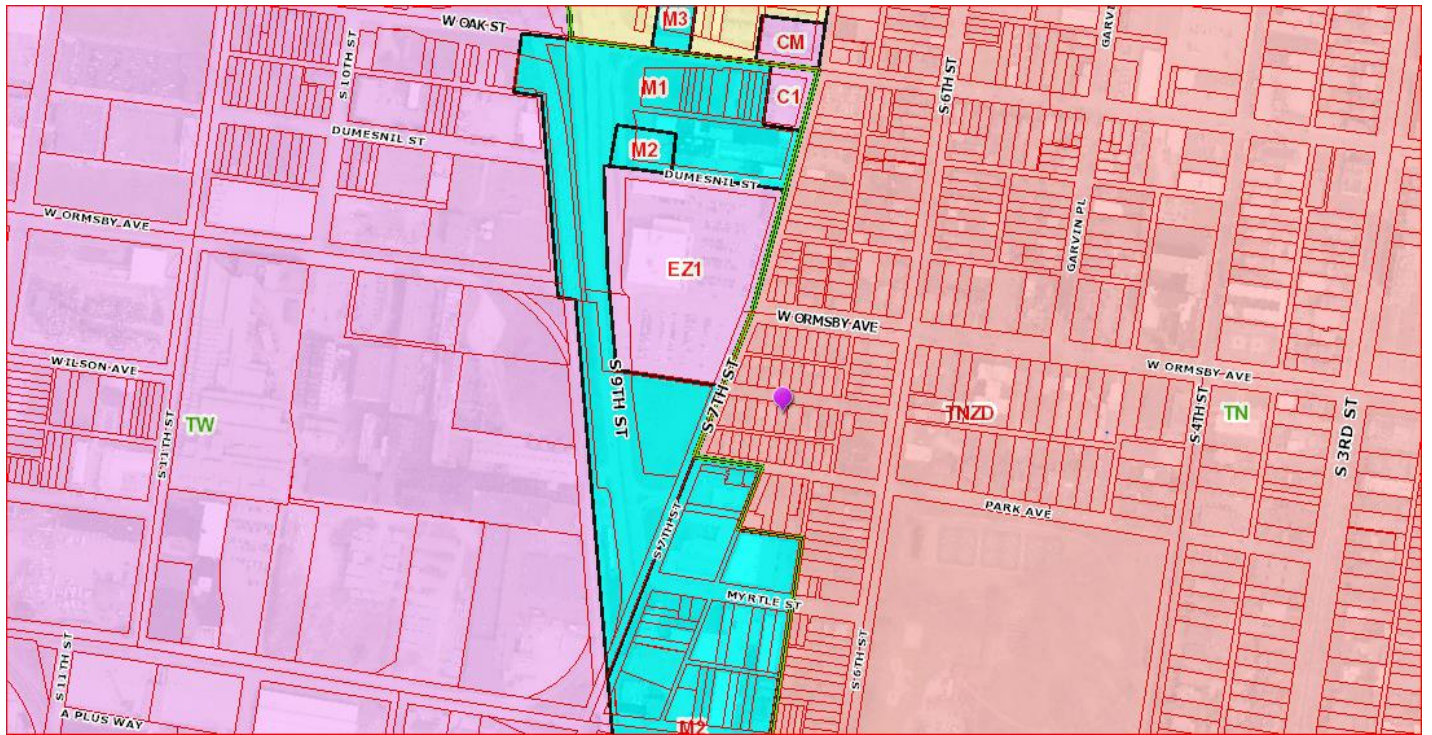
**NOTIFICATION**

Date	Purpose of Notice	Recipients
07/21/2020 07/22/2020	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District # 6
07/21/2020	Hearing before BOZA	Sign Posting

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. 600 Foot Map
4. Neighborhood Meeting Minutes
5. Bedroom Pictures

# Zoning Map





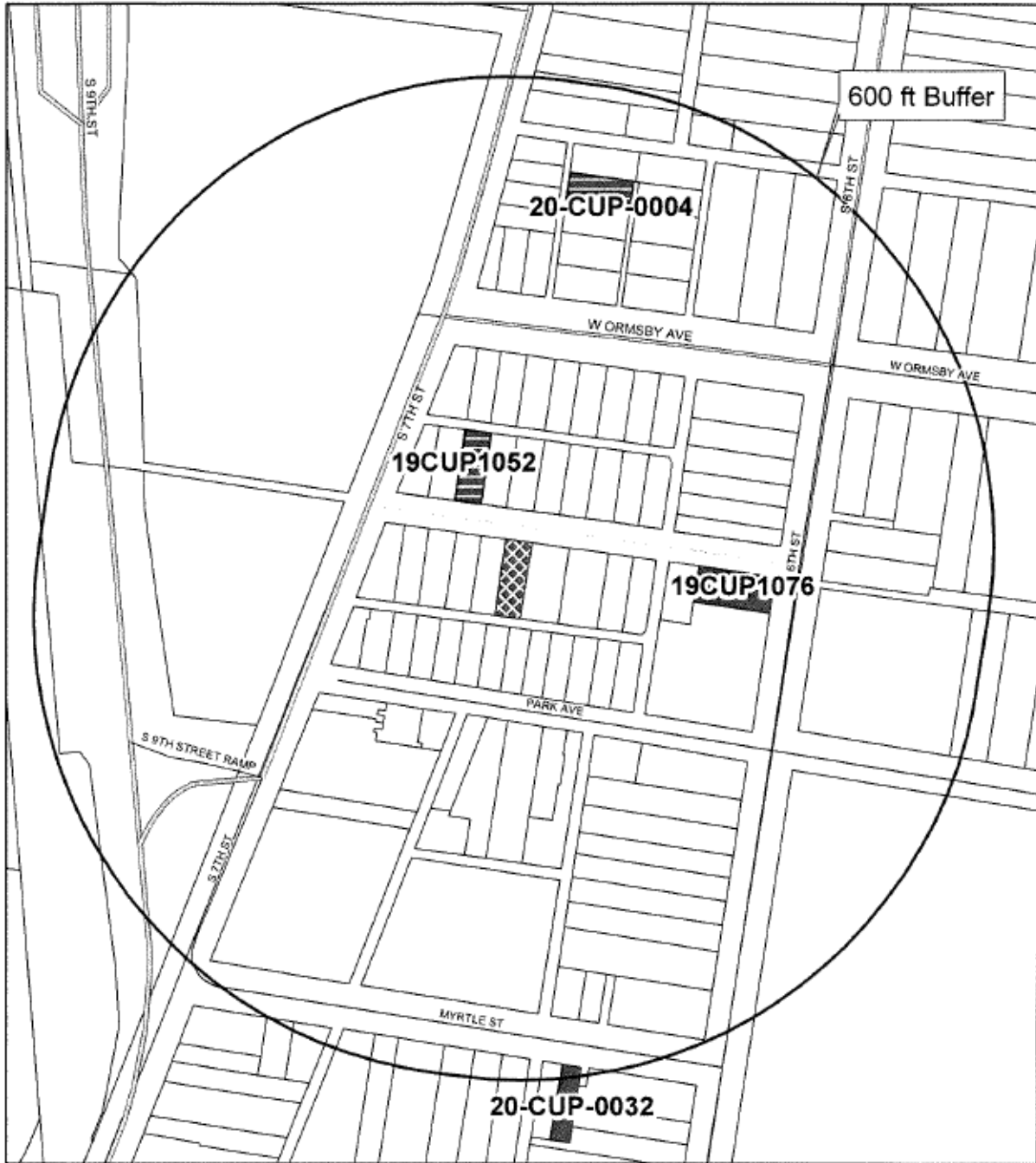
**Aerial Photograph**











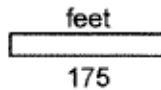
Map Created: 07/23/2020



**Legend**

-  Subject Site
-  Buffer
-  Approved
-  Approved/Host

**Proximity Map  
Case #20-CUP-0046**



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This map is subject to change upon the Board of Zoning Adjustment granting approvals to other Short Term Rental Conditional Use Permits.



**626 Floral Derby Rental – Neighborhood Meeting Attendance and Minutes**

Name	Address
Michael Meador	626 Floral Terrace
Kate Meador	626 Floral Terrace
Peggy Mueller	631 Floral Terrace
Penny Johnson	627 Floral Terrace
Jed Johnson	627 Floral Terrace
Chris Graney	620 W Ormsby Ave
Tina Graney	620 W Ormsby Ave
Penelope Brisson	621 Floral Terrace
Justin Elliott	1317 S 6 <sup>th</sup> St, #2
Angela Elliott	1317 S 6 <sup>th</sup> St, #2
Ann Adams	1317 S 6 <sup>th</sup> St, #1
Ralph Adams	1317 S 6 <sup>th</sup> St, #1
Billy Bradford	613 Floral Terrace

February 21, 2020

Meeting begun at 6:40pm

Mike gave a brief explanation of the intent of the use of the property as a short-term rental:

- Goal is to rent the property for the weekend of Derby each year (could extend beyond the weekend depending on desired length of stay) and to potentially rent the property during the PGA Tour and Breeder's Cup when held in Louisville.
- Intend to request CUP restrictions that Mike or Kate remain owner occupants and that the number of days to be rented be limited to 14 days in a calendar year
- Kate's parents who live nearby will be the primary emergency contact with neighbors being a backup as needed

No concerns were raised from anyone present though there were several statements of support. Questions were asked about the process, cost, decision to rent the property, and how to find people to rent. The conversation eventually turned to a couple different short-term rental properties by non-owner occupants in the area; there were several negative comments around those properties. None of the concerns were applicable to this short-term rental application.





