

Board of Zoning Adjustment Staff Report

July 10, 2017



Case No.	17CUP1031
Project Name	Short Term Rental
Location	1273 Farmdale Avenue
Owner	Luke Skeen
Host	Luke Skeen
Zoning District	R-5 Single Family Residential
Form District	Neighborhood
Jurisdiction	Louisville Metro
Council District	10 – Pat Mulvihill
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 owner in an R-5 Single-Family Residential zoning 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 site is located on the north side of Farmdale Avenue between Roosevelt Avenue and Preston Highway. PVA lists it as a 1.5 story single-family residence with a detached garage built in 1956. According to the applicant, the dwelling unit has three bedrooms.

The 50 ft street frontage of the site can accommodate two vehicles. The 85 ft driveway on the site can accommodate up to four vehicles in addition to a single space within the garage.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
Subject Property			
Existing	Single –Family Residential	R-5	Neighborhood
Proposed	Short Term Rental		
Surrounding Properties			
North	Single –Family Residential	R-5	Neighborhood
South	Single –Family Residential		
East	Single –Family Residential		
West	Single –Family Residential		

PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous or associated cases on site.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on June 5, 2017. As Case Manager, I received email questions and comments from a neighbor who expressed concerns about multiple people at the home and questions about the CUP process.

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: The proposal is compatible with surrounding development. No exterior alterations to the existing structure or site are proposed.

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?

4.2.63 Short 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: According to the applicant, the dwelling unit has three-bedrooms. By regulation, it can accommodate up to ten guests.

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

STAFF: The dwelling unit is a single-family residence.

- 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 site can accommodate up to two vehicles via on-street parking. The driveway can accommodate up to four vehicles, with one more inside the garage.

- 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

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.

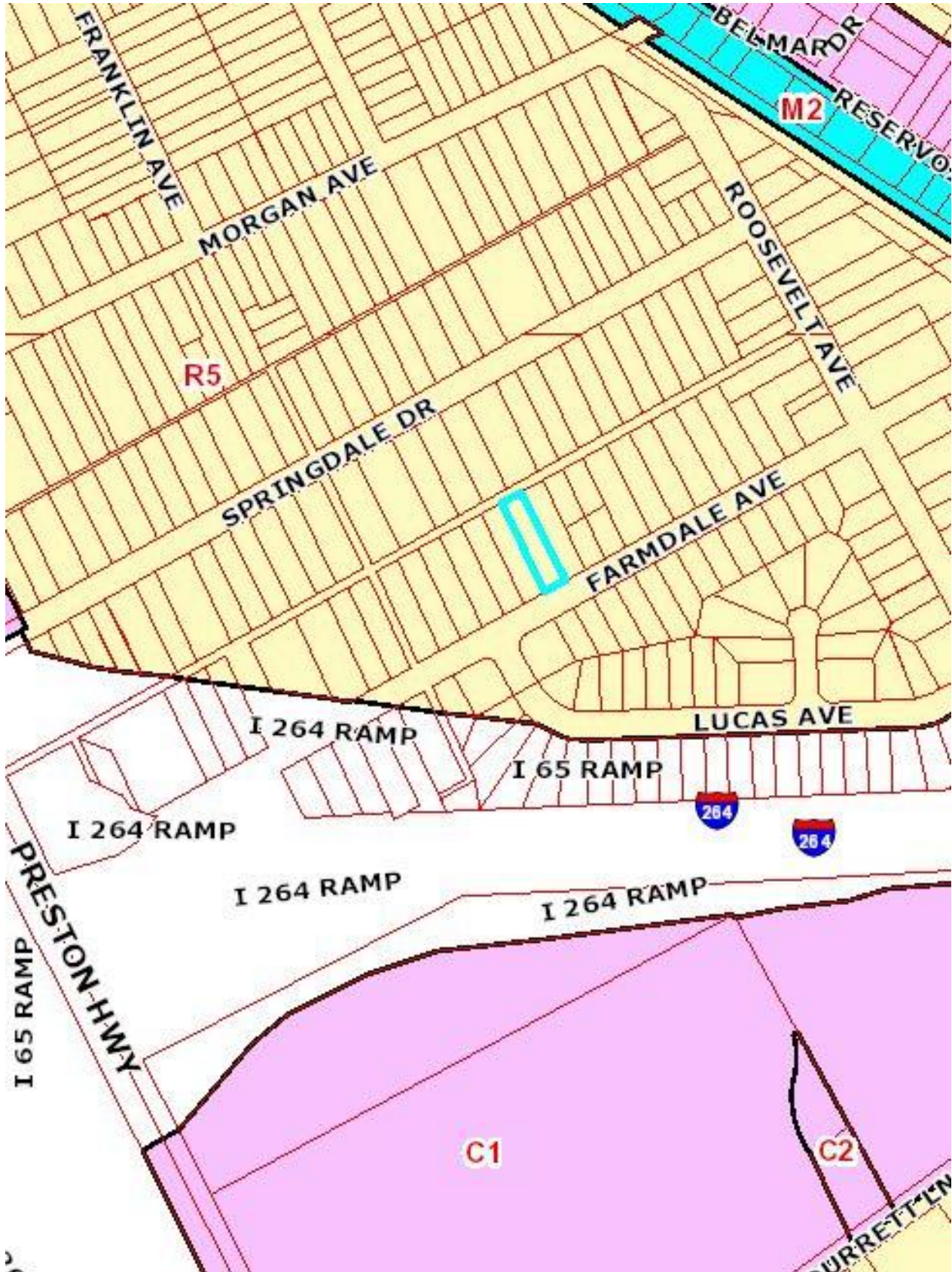
NOTIFICATION

Date	Purpose of Notice	Recipients
6/5/2017	Notice of Application	First and second tier adjoining property owners Notification recipients for Council District 6
6/5/2017	Neighborhood Meeting	First and second tier adjoining property owners Notification recipients for Council District 6
6/23/2017	Notice of BOZA Meeting	First and second tier adjoining property owners Notification recipients for Council District 6
6/23/2017	Notice of BOZA Meeting	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. 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.