

BOARD OF ZONING ADJUSTMENT MINUTES
April 1, 2019

PUBLIC HEARING

CASE NUMBER 18CUP1188

Request:	Conditional Use Permit for a short term rental unit that is not the primary residence of the host
Project Name:	Short Term Rental
Location:	1700 Payne Street
Owner:	Fowl Water LLC
Applicant:	Matthew Fowler
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Steve Hendrix, Planning and Design Coordinator

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

01:57:01 Steve Hendrix presented the case and showed a Powerpoint presentation. Mr. Hendrix provided photographs to the Board Members. Mr. Hendrix responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Matt Fowler, 1709 Payne Street, Louisville, KY 40206

Summary of testimony of those in favor:

02:04:08 Matt Fowler spoke in favor of the request and showed a Powerpoint presentation. Mr. Fowler responded to questions from the Board Members (see recording for detailed presentation).

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The following spoke in opposition of the request:
Joe Rivera, 1706 Payne Street, Louisville, KY 40206

Summary of testimony of those in opposition:

02:13:39 Joe Rivera spoke in opposition of the request (see recording for detailed presentation).

REBUTTAL:

02:18:59 Mr. Fowler stated he thinks most of the concerns were addressed at the beginning (see recording for detailed presentation).

02:19:10 Board Members' deliberation

02:20:30 On a motion by Member Jagoe, seconded by Member Buttorff, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal does not conflict with Comprehensive Plan policies, and

WHEREAS, the Board further finds that 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, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal will not create additional requirements for the site, and

WHEREAS, the Board further finds that:

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 Use Permit. In addition to any conditions

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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.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **The regulations allow for 6 guests in Unit 1 and 8 guests in Unit 2.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- 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. **Approximately three spaces exist on the driveway and 2 parking spaces are located in front of the house along Payne Street. Gravel has also been put down from the rear of the driveway into the rear yard which is not allowed as far as parking.**
- H. The short term rental and host shall meet all additional requirements set forth in 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; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1188 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a duplex that is not the primary residence of the host in an R-5 Zoning

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District and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

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 with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 60 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.
2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
3. The maximum number of guests permitted in Unit #1 of the short term rental shall be the lesser of four (4), or that permitted by the Louisville Metro Code of Ordinances, and the maximum number of guests permitted in Unit #2 of the short term rental shall be the lesser of six (6), or that permitted by the Louisville Metro Code of Ordinances.

The vote was as follows:

Yes: Members Buttorff, Jagoe, Turner, Vice Chair Fishman, and Chair Young

Absent: Members Leanhart, and Howard