

Board of Zoning Adjustment Staff Report

December 5, 2016



Case No:	16CUP1052
Project Name:	None (Short Term Rental)
Location:	922 Cherokee Road
Owner:	Deirdre Seim
Host:	Deirdre Seim
Representative(s):	Deirdre Seim
Project Area/Size:	6,200 square feet
Existing Zoning District:	R-5B, Residential Two-Family
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	8 – Tom Owen
Case Manager:	Brian Mabry, AICP, Planning & Design Supervisor

REQUESTS

- Conditional Use Permit to allow short term rental as the primary use in an R-5B zoning district

CASE SUMMARY

The applicant proposes to continue to conduct a short-term rental at the subject property. The short-term rental would be the sole use of the property, as the owner/applicant lives in a house across the street and to the southeast. The owner/applicant originally purchased the property as a four-unit apartment and converted it to a single-family dwelling. The dwelling has six bedrooms and has 2,562 square feet of finished floor area.

SITE CONTEXT

The subject property is rectangular in shape and 33 feet in width. It is located on the southbound side of Cherokee Road, generally near the intersection with Baxter Avenue. The property has an alley to the rear. Off the alley, the site has off-street parking with room for a maximum of three vehicles. The front of the property has width sufficient for one on-street parallel space.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Single-family Short Term Rental	R-5B	TN
Proposed	Single-family Short Term Rental	R-5B	TN
<i>Surrounding Properties</i>			
Northwest	Multi-family residential	R-5B	TN
Southeast	Multi-family residential	R-5B	TN
Northeast (across Cherokee Rd)	Multi-family residential	R-5B	TN
Southwest (across alley)	Miscellaneous retail	C-2	TMC

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 as of the date of publication of this Staff Report.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020

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 proposal is compatible with its surroundings because the request only involves allowing a short term rental within the existing single-family dwelling. 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 subject property is in a developed area where public facilities are readily available. There were not any agency comments indicating that the property's existing public facilities are inadequate to serve a short term rental.

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

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.

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. Long term rental contracts are permitted on the property so long as the use remains single-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.

- 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. The dwelling has six bedrooms and so the maximum number of individuals permitted in the short term rental is 16. The applicant has no plans to add bedrooms to the structure.

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

The applicant has been informed of this requirement.

- 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 applicant has been informed of this requirement.

- 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.

- 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 requirement.

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.

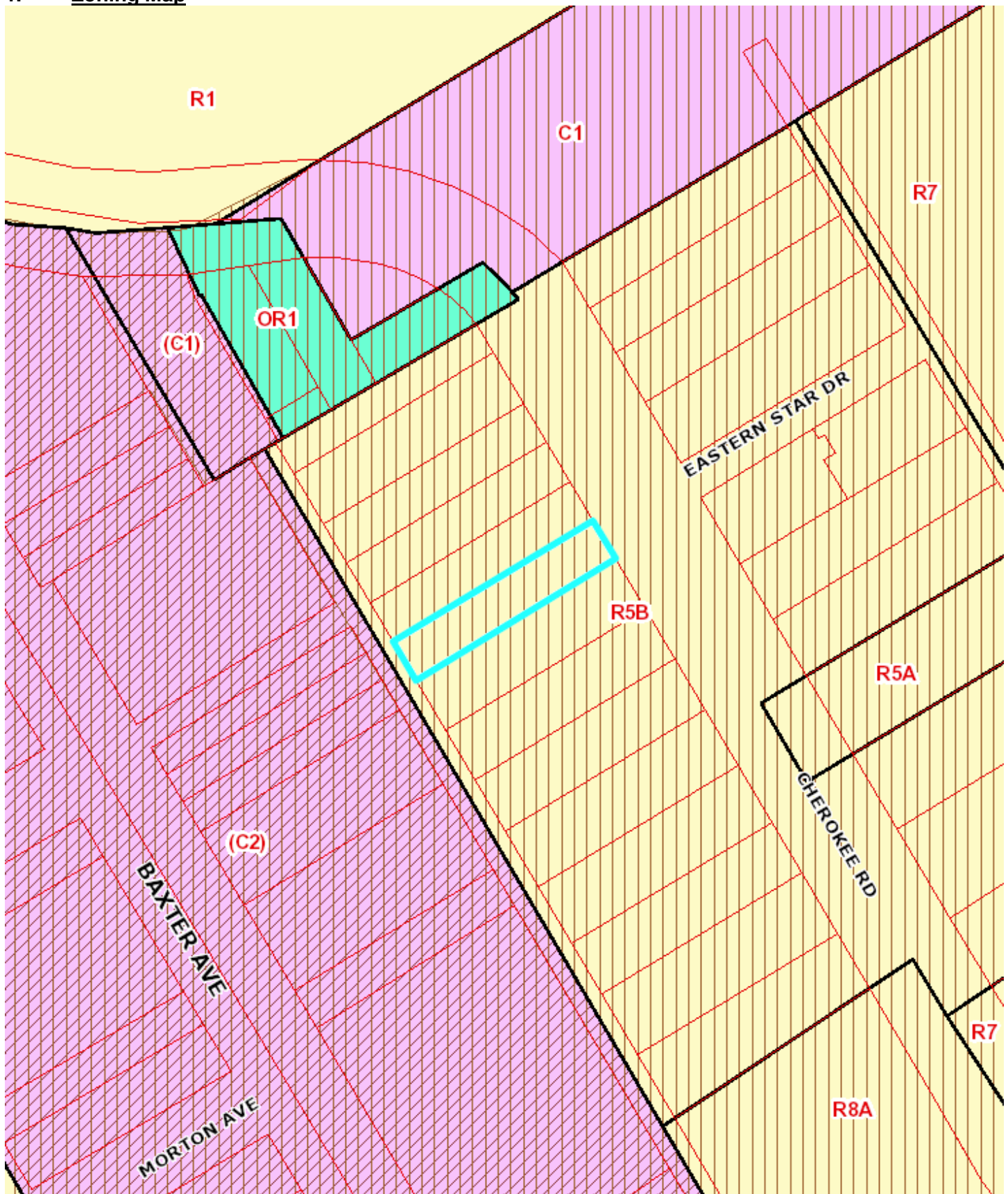
NOTIFICATION

Date	Purpose of Notice	Recipients
11/18/16	APO Notice	First tier and second adjoining property owners
11/14/16	APO Notice	Neighborhood notification recipients
11/18/16	Sign Posting	Subject Property

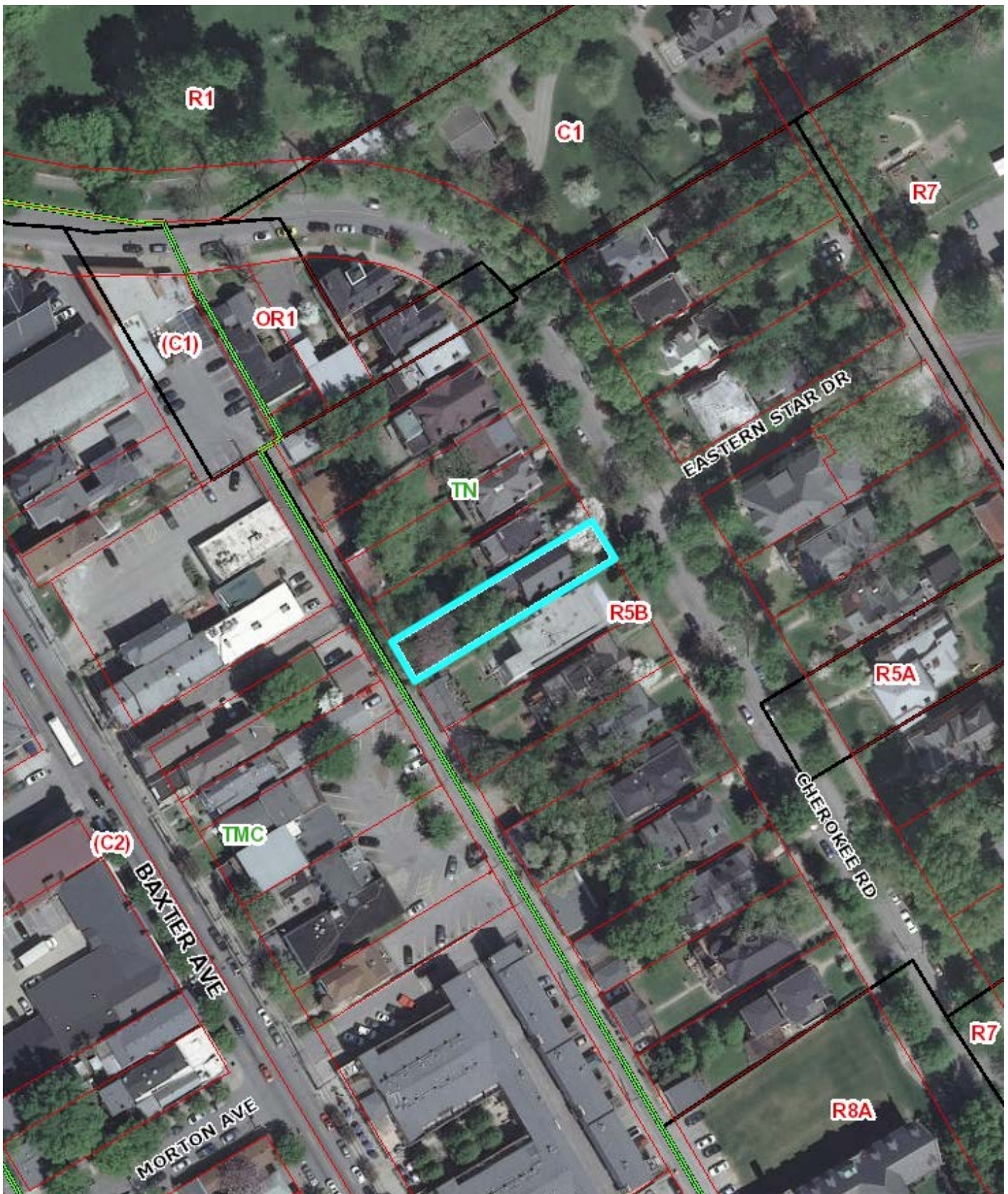
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. **Conditions of Approval**

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