

Board of Zoning Adjustment Staff Report

November 15, 2016



Case No:	16CUP1037
Project Name:	Short Term Rental
Location:	2407 Emil Avenue
Owners:	Luke Skeen
Applicant:	Luke Skeen
Representative(s):	Luke Skeen
Project Area/Size:	0.11 acres
Existing Zoning District:	Residential Multi-Family Zoning District (R6)
Existing Form District:	Traditional Neighborhood (TN)
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Joseph Haberman, AICP, Planning Manager

REQUEST:

Conditional Use Permit to allow the short term rental of a dwelling unit in the R6 Zoning District that is not the primary residence of the host

CASE SUMMARY:

The applicant requests approval to conduct short term rentals at the subject property. The subject property is developed with one building, a single family dwelling. The applicant owns the property, but does not reside in the dwelling unit. The applicant intends to rent the dwelling unit to parties for tenancies of less than 30 days.

A Conditional Use Permit is required prior to commencement of a short term rental of a dwelling unit in the R6 Zoning District that is not the primary residence of the host.

SITE CONTEXT:

The subject property is situated at 2407 Emil Avenue, south of the Emil Avenue/Eastern Parkway intersection and north of the Emil Avenue/Maylawn Avenue intersection. It is rectangular in shape, approximately 37.5 feet in width (Emil Avenue frontage), 125 feet in length and 4,687 square feet (0.11 acres) in area.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Single Family Residential	R6	TN
Proposed	Single Family Residential w/ Short Term Rentals	R6	TN
<i>Surrounding Properties</i>			
North	Single Family Residential	R6	TN
Northeast (on Concord Ave)	Single Family Residential	R6	TN
East (on Concord Ave)	Single Family Residential	R6	TN
Southeast (on Concord Ave)	Single Family Residential	R6	TN
South	Single Family Residential	R6	TN
Southwest (across Emil Ave)	Single Family Residential	R6	TN
West (across Emil Ave)	Single Family Residential	R6	TN
Northwest (across Emil Ave)	Single Family Residential	R6	TN

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. A neighborhood meeting was held on October 4, 2016. See attached comments from the meeting.

APPLICABLE PLANS AND POLICIES:

Cornerstone 2020
 Louisville Metro 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 underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. 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 underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. No additional development is proposed. There were not any agency comments indicating that the property's existing public facilities are inadequate to serve short term rentals.

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

STAFF: The proposal meets the applicable standards provided within Section 4.2.63 of the Land Development Code.

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:

The property is within a zoning district that permits short term rentals – R6.

- 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. It may be noted that 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 unit includes 3 bedrooms. As such, the maximum occupancy of the dwelling unit as a short term rental is 10 persons.

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

The building is a single family residence.

- 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 minimum parking requirement for a single family dwelling on a lot of less than 6,000 square feet in the TN form district is one space. Driveways, carports and garages may be used to fulfill this requirement. While there is not a carport or garage on the property, there is a driveway that can accommodate up to three vehicles. The existing amount of parking is conforming. In addition, on-street parking spaces may be used to satisfy the minimum parking space requirements in the TN form district. Any on-street parking space used in this manner must be located on a public street directly abutting and on the same side of the street as the site. The property abuts Emil Avenue, which has legal and unrestricted on-street parking; however on-street parking is only permitted on the opposite, western side of the street. In any event, existing on-street parking in the immediate vicinity is sufficient to accommodate existing demand as well as the anticipated additional demand resulting from one guest party associated with the short term rentals.

- 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. The short term rental must be registered annually in accordance with Chapter 115 of 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.

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.

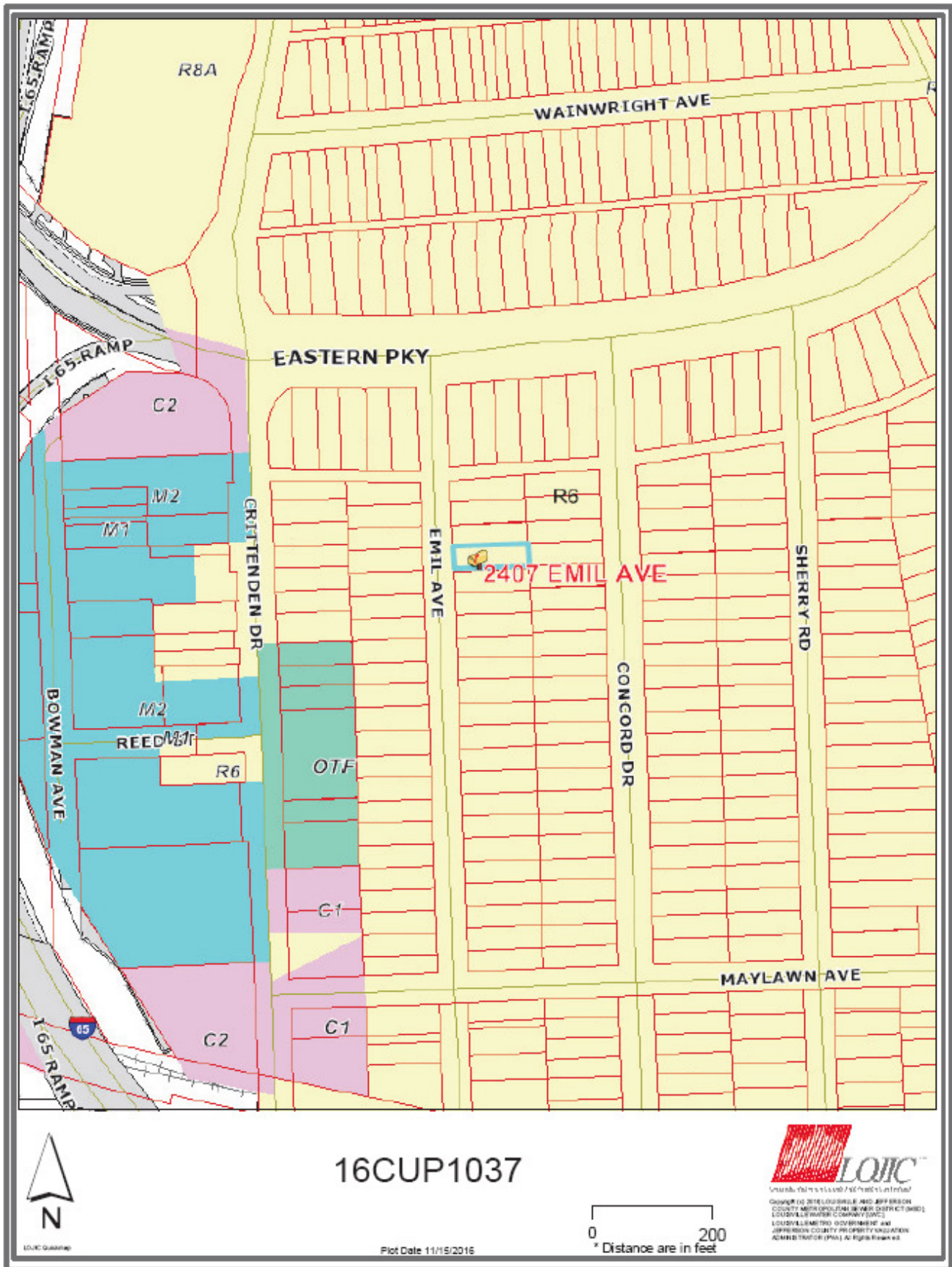
NOTIFICATION:

Date	Purpose of Notice	Recipients
9/16/16	10/4/16 Neighborhood Meeting Notice	First and second tier adjoining property owners Neighborhood notification recipients
11/4/16	Adjoining Property Owner Notice	First and second tier adjoining property owners Neighborhood notification recipients
11/4/16	Sign Posting	Subject Property

ATTACHMENTS:

1. Zoning Map
2. Aerial Photograph
3. Neighborhood Meeting
4. Interagency Comments
5. Conditions of Approval

1. Zoning Map:



2. Aerial Photograph:



3. Neighborhood Meeting:

September 16, 2016

Hi! I'm Luke Skeen. My wife Katie and I bought the house at 2407 Emil Ave in April. It's a beautiful, quaint home and we love the neighborhood! Although we've only gotten to meet a few of you, we're thankful for the generations of people that have made this area a great place to live.

During our time in Louisville, we've gotten involved in a hospitality and short term rental platform called Airbnb. When guests come to Louisville, instead of staying in a hotel, they choose to stay in a house, to experience more of a local feel and often at a more affordable price. Through this journey, we've been able to help showcase our great city and feel like we've been able to bless many families and guests. These stories include families coming so that their children can compete in a robotics competition, horse show, and national biking competition. We've also hosted guests for weddings, business trips, and weekend get-a-ways. So far, it's been a fun way to meet people, introduce them to our great city, and make some extra money for our family.

I'm telling you all of this because the city of Louisville has recently introduced an ordinance to regulate Airbnb and collect taxes. They want to make hosts are using their homes in a responsible and safe manner. In order to continue to use our house with Airbnb, we've been asked to fill out a Conditional Use Permit through Louisville Metro (which can cost up to \$1100) and hold a neighborhood meeting. This meeting is a chance for us to share with you what we are doing and answer any questions you may have about us or our use of our house for Airbnb. We look forward to meeting those of you we haven't met already and are excited to tell you about the positive experiences we've had in being Airbnb hosts and showcasing our great city. Later, as part of the process, there will be a public hearing and the board of zoning adjustment will vote whether or not they will allow us to continue to host guests in our home.

Please join us at our house (2407 Emil Ave) on Tuesday, October 4th, at 7:30pm. If you have any questions in the mean time, I invite you to check out our Airbnb listing at <https://www.airbnb.com/rooms/11946843> or email me at luke.skeen@gmail.com. We look forward to seeing you soon and will provide some light snacks for our gathering.

Have a great week!



Luke & Katie Skeen

2407 Emil Ave Louisville, KY 40217
Neighborhood Meeting Summary
Luke Skeen

We held our neighborhood meeting on October 4, 2016 at 7:30pm. A letter giving notice of this meeting was sent two weeks prior. The meeting was held in our house at 2407 Emil Ave. Only one neighbor showed up. Her name was Clara Miles and she was an adjoining neighbor at 2409 Emil Ave. We had a pleasant conversation and she communicated that she had no concerns and that previous short term rentals that had been staying there were quiet and respectful, unlike some previous rental properties in the neighborhood. She also said that her main reason for coming to the meeting was just to meet some neighbors and our family. We talked about our families and then she went home to watch Jeopardy. I gave her a business card with my phone number and asked her to call me if she needed anything or had any concerns about our renters. The meeting ended.

A handwritten signature in black ink, appearing to read 'Luke Skeen', with a stylized flourish at the end.

Luke Skeen

4. Interagency Comments:



Louisville-Jefferson County Metro Government

Louisville Forward Develop Louisville

Planning and Design Services

444 S. 5th Street, Suite 300 - Louisville, KY 40202

Phone: 502.574.6230 Web Site: louisvilleky.gov/planningdesign/

A g e n c y R e v i e w C o m m e n t s

Project Number: 18CUP1037

Submittal Date: 08/22/2016

Address: 2407 EMIL AVE

Contact Phone:

Contact Name: LUKE J SKEEN KATHRYN C SKEEN

Contact Email:

Project Name: Short Term Rental

Type of Work: CUP

Project Description: A conditional use permit for a short term rental in a non-primary residence in the R-6 zoning district.

The following report represents a comprehensive set of agency comments for the above mentioned development proposal. Please review and address the comments provided in order to respond appropriately and move this case forward in this review process. Questions may be directed to your case manager:

Case Manager	Phone	EMAIL
Joseph Haberman	(502)674-5178	Joseph.Haberman@louisvilleky.gov
Air Pollution (Pre-Application)		
COMPLETED	BCOOMES	Email: bradley.coomes@louisvilleky.gov 9/7/16 9:55 am
1		

Health (Pre-Application)		
COMPLETED	DHANNON	Email: danetta.hannon@louisvilleky.gov 8/31/16 8:51 am
1		

Metro DPW (Pre-Application)		
COMPLETED	MDUTROW	Email: 8/30/16 4:18 pm
248805	TPOTHER	1

The site is required by code to have a minimum of one parking space per dwelling unit in a Traditional neighborhood. The site consists of one dwelling unit and is therefore required to have one parking space. The site meets the requirement for one parking space in the existing driveway.

site is required code to have minimum one parking space per dwelling unit in Traditional neighborhood consists therefore meets requirement existing driveway.

MSD Preliminary (Pre-Application)		
COMPLETED	00685	Email: kelly@louisvillemsd.org 8/25/16 1:26 pm
1		

PDS (Pre-Application)		
COMPLETED	JHABERMAN	Email: Joseph.Haberman@louisvilleky.gov 9/8/16 4:10 pm
249310	DPOTHER	1

Zoning: R-6

Form District: Traditional Neighborhood (TN)

Property Class (PVA): 510 Res 1 family dwelling [Single-family residence]

Zoning Form District Traditional Neighborhood TN Property Class PVA 510 Res family dwelling Single residence

UD Staff (Pre-Application)		
COMPLETED	BGORMAN	Email: becky.gorman@louisvilleky.gov 9/7/16 3:47 pm
1		

Comments Generated on: 09/15/2016

Page 1 of 2

5. Conditions of Approval:

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