

# Board of Zoning Adjustment Staff Report

March 20, 2017



<b>Case No:</b>	16CUP1064
<b>Project Name:</b>	None (Short Term Rental)
<b>Location:</b>	2110 Edgeland Avenue
<b>Owners:</b>	Deirdre Seim
<b>Applicant:</b>	Deirdre Seim
<b>Representative(s):</b>	Deirdre Seim
<b>Project Area/Size:</b>	2,500 square feet (house)
<b>Existing Zoning District:</b>	R-5B, Residential Two-Family
<b>Existing Form District:</b>	TN, Traditional Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	Jon Crumbie, Planning & Design Coordinator

## REQUEST

- Conditional Use Permit to allow short term rental in an R-5B zoning district that is not the primary residence of the host.

## CASE SUMMARY

The site is a single family home that was used as rental and to house in-laws several months each year. The home is fully remodeled (new roof, all new electrical wiring, insulation, new bathrooms, interior and exterior paint, and refinished floors). The first short term rental occurred in May, 2012. Due to declining health the in-laws have not stayed in the house since 2014. Since then, the home has been a fully furnished rental with rental periods ranging from a few days to over nine months.

The home is 2,500 square feet with four bedrooms, four full bathrooms, a small den, a large living room, a dining room and an eat in kitchen. Most of the renters are professionals with short term work assignments in Louisville, but the applicant has vacationers, relocating families, local families who have had storm damage or major remodeling projects that made their own homes temporarily uninhabitable. It is rented as a single unit, one renter at a time.

## SITE CONTEXT

The site is rectangular in shape and located on the south side of Goss Avenue. The property is surrounded by residential uses to the north, south, east, and west.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b><i>Subject Property</i></b>			
<b>Existing</b>	Residential Multi Family	R-5B	TN
<b>Proposed</b>	Short Term Rental	R-5B	TN
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Residential	R-5B	TN
<b>South</b>	Residential	R-5B	TN
<b>East</b>	Residential	R-5B	TN
<b>West</b>	Residential	R-5B	TN

**PREVIOUS AND ASSOCIATED CASES ON SITE**

There are no previous cases on the site.

**INTERESTED PARTY COMMENTS**

The applicant had a neighborhood meeting on December 16<sup>th</sup>, 2016. Attachment no. 4 is a copy of the neighborhood meeting minutes.

**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.

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. MSD and Transportation Planning have approved the proposal.

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 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.
- 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 dwelling unit has 4 bedrooms which will allow a maximum of 12 occupants.**
- 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. **The property has parking on the street and in a detached garage.**
- 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.

### 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 Land Development and Transportation Committee must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

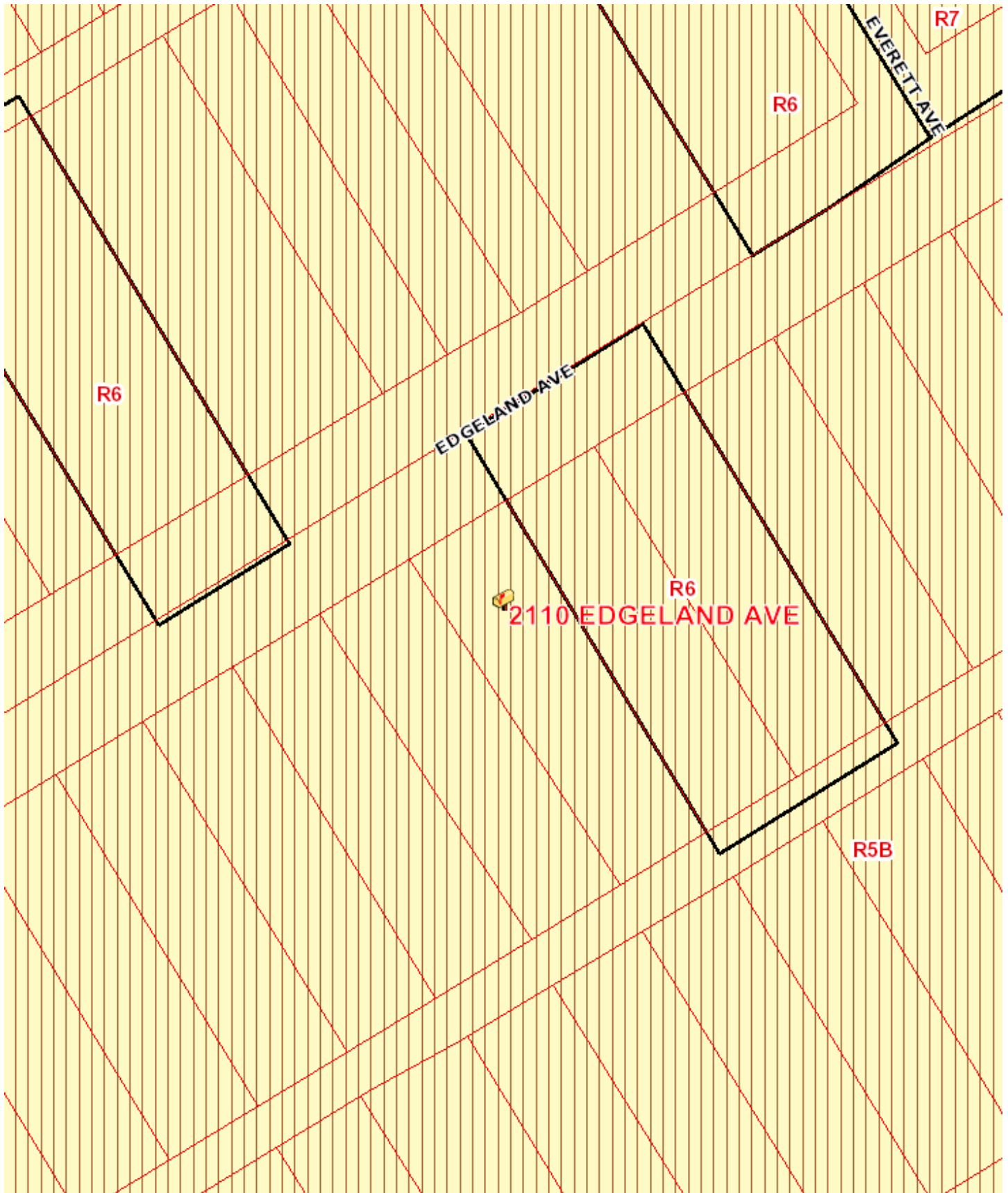
## NOTIFICATION

Date	Purpose of Notice	Recipients
3/2/17	APO Notice	First and second tier property owners
3/3/17	Sign Posting	Subject property

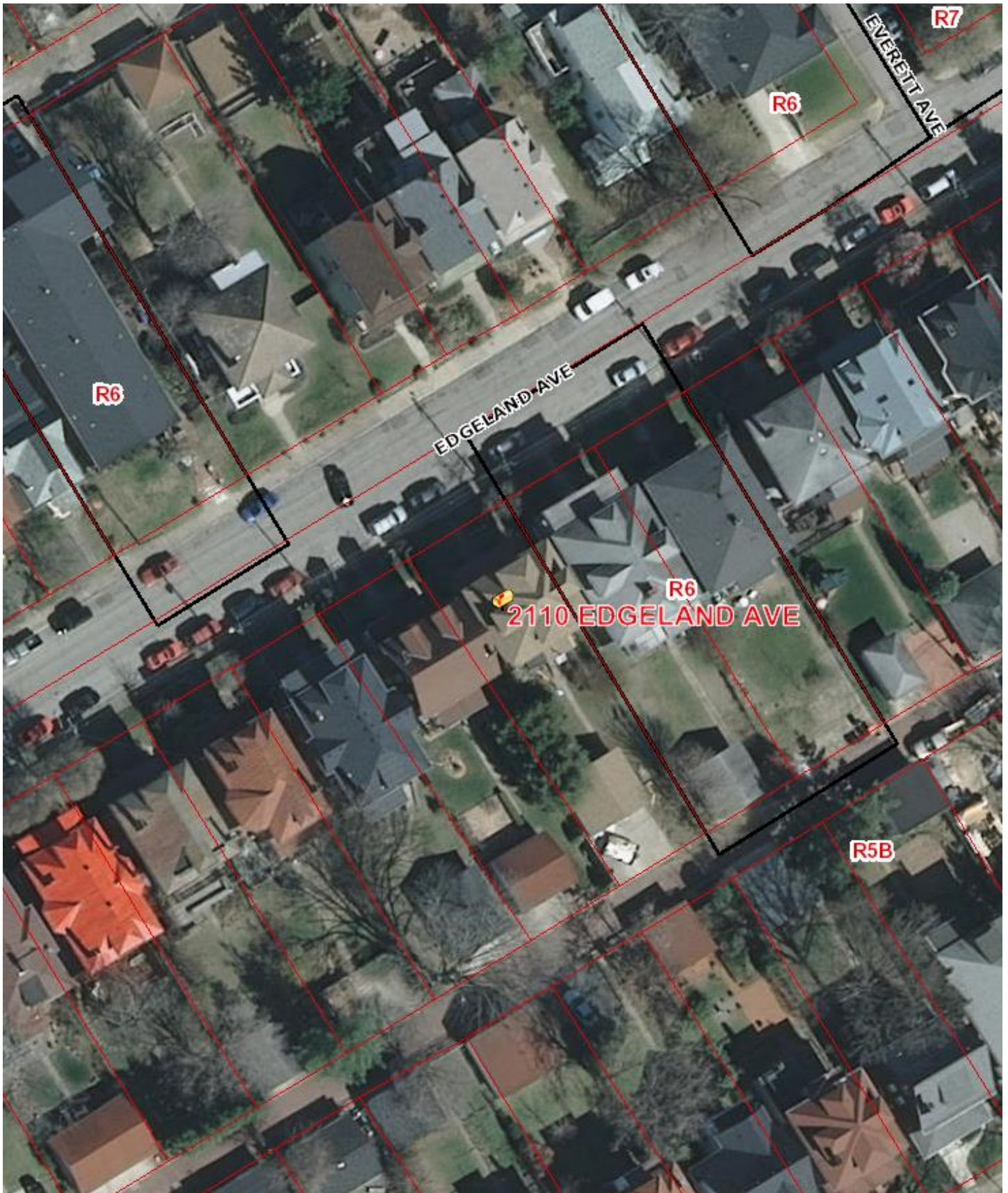
## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval
4. Neighborhood meeting minutes

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 Ordinance,

4. Neighborhood meeting minutes

RECEIVED  
JAN 19 2017  
PLANNING &  
DESIGN SERVICES

### Summary of Neighborhood Meeting

The neighborhood meeting was held on December 16, 2016 at 6pm. In addition to myself and my husband, it was attended by Greg and Nancy Pike (2114 Edgeland Avenue) and Carolyn Cornell (2017 Baringer Ave). No other neighbors attended, but Ms. Cornell did relay, at their request, the concerns of Glen and Susana Richards (2021 Baringer Avenue) who were out of town.

We toured the home. I explained how our rentals work.

**Mr. and Mrs. Pike** had no concerns at present and had not experienced any issues with any renters in the home. They asked if there had ever been a noise complaint, I explained that in 2014 I had asked for a public record search to confirm that no noise or disturbance complaint had been made during my ownership of the home (I have since submitted another public record request the time period of June 2014- present, it also showed no police complaints of any kind, see attached). They agreed to reach out to me if anything came up.

**Ms Cornell** reported that she had been bothered by noise the previous Kentucky Derby weekend. I told her that my renters for that time had also complained to me about a loud party coming from the home next door (see attached email). Mr. and Mrs Pike, although not present during the derby party they had noise complaints on other occasions about 2112 Edgeland. She also mentioned that on several occasions she had noticed the trash can was overfull.

Ms. Cornell conveyed concerns from **Dr. and Mrs. Richards**. She explained that Dr. Richards had come to rely on backing in/out his garage by backing his car onto the parking pad behind the garage of 2110 Edgeland and was not able to do that when a car was parked there. Ms. Cornell said they were also concerned about keeping the neighborhood residential. For these reasons, they were opposed to the CUP being granted. I have reached out to Dr. and Mrs. Richards to see if there is way I can accommodate their desire to have regular access to part of my parking pad.

The meeting concluded at 7:30pm

16 CUP 1064