

Board of Zoning Adjustment Staff Report

June 5, 2017



Case No.	17CUP1023
Project Name	Short Term Rental
Location	1157 S. 1st St., Unit 3
Owner	John Shake
Host	John Shake
Zoning District	TNzd
Form District	Traditional Neighborhood
Jurisdiction	Louisville Metro
Council District	6 – David James
Case Manager	Beth Jones, AICP, Planner II

REQUEST

- Conditional Use Permit to allow short term rental of a dwelling unit in the Traditional Neighborhood Zoning District.

CASE SUMMARY

The applicant proposes to conduct short-term rental of a dwelling unit at the subject property. The short term rental of any dwelling unit in the Traditional Neighborhood Zoning District (TNzd) requires a Conditional Use Permit.

SITE CONTEXT

The site is located on the east side of S. 1st Street between E. Oak and E. St. Catherine Streets. Its frontage of 61 ft on S. 1st Street will accommodate three vehicles. One additional off-street parking space assigned to the unit is also available at the rear of the structure with access via the rear alley, for a total of seven on- and off-street parking spaces for the building. No exterior alteration of the site or its structures is planned or required.

The PVA lists the site as a residential condominium development consisting of a single structure containing four dwelling units on two floors. The subject dwelling unit contains two bedrooms. The applicant has submitted a letter signed by the President of Magnolia Place Condominiums confirming that the unit may be used for short term rental purposes.

The property is located within the Old Louisville Preservation District.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
Subject Property			
Existing	Condominiums	align="center">TNZD	align="center">Traditional Neighborhood
Proposed	Condominiums, short-term rental		
Surrounding Properties			
North	Single-Family Residential	align="center">TNZD	align="center">Traditional Neighborhood
South	Single-family Residential		
East	Surface Parking		
West	Single-Family Residential		

PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous or associated cases on the site.

INTERESTED PARTY COMMENTS

Staff has received no comments on the proposal. A Neighborhood Meeting was held on May 9, 2017.

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 existing structure is compatible with surrounding development. No exterior alterations or other development are required or proposed as part of this application.

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 adequate to serve the proposed short term rental.

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

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.

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 two bedrooms. As such, the dwelling unit can accommodate up to eight individuals.

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

STAFF: The subject dwelling unit is part of a multifamily condominium. The owner of the unit has submitted a document signed by the President of the Magnolia Place Condominium Association confirming permission for short term rental of the unit.

- 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 minimum parking requirement for a multi-family structure is 1.5 spaces for each dwelling unit. An off-street parking area at the rear of the building consisting of four spaces includes one space assigned to the dwelling unit. In addition, frontage of the subject property, approximately 61 feet, can accommodate up to three vehicles.

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 LDC 11.5A.6.

STAFF: The applicant has been informed of this provision.

TECHNICAL REVIEW

There are no outstanding technical issues to be resolved.

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.

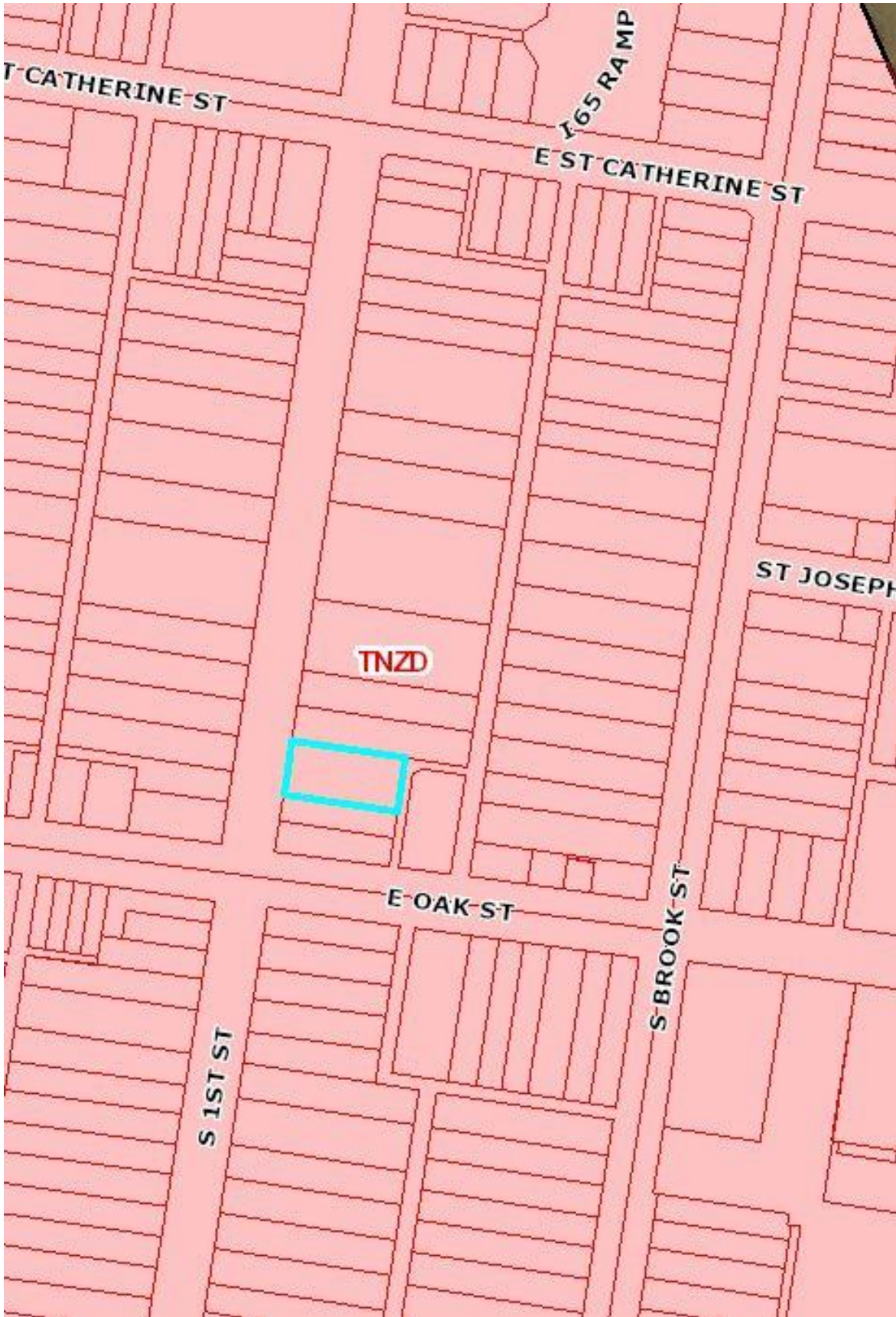
NOTIFICATION

Date	Purpose of Notice	Recipients
5/9/2017	Notice of Application	First and second tier adjoining property owners Notification recipients for Council District 6
5/9/2017	Neighborhood Meeting	First and second tier adjoining property owners Notification recipients for Council District 6
5/22/2017	Notice of BOZA Meeting	First and second tier adjoining property owners Notification recipients for Council District 6
5/22/2017	Notice of BOZA Meeting	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Condition of Approval

1. Zoning Map



2. Aerial Photograph



3. Proposed Condition 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.