

Board of Zoning Adjustment
Staff Report
April 24, 2023



Case No:	23-CUP-0012
Project Name:	Parkland Court Short Term Rental
Location:	12004 Parkland Court
Owner:	Greg & Stephanie Virgin
Representative:	Michael Marks, Wetterer & Clare
Jurisdiction:	City of Middletown
Council District:	19 – Anthony Piagentini
Case Manager:	Heather Pollock, Planner 1

REQUEST(S)

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in the R-4 single family zoning district and Neighborhood form district, in the City of Middletown.

CASE SUMMARY/BACKGROUND

The applicant requests approval to conduct short term rentals at the subject property. The subject property is developed one single-family residence. The applicant has shown that there are 4 bedrooms, Middletown LDC allows two times the number of bedrooms plus four individuals. This will allow a maximum number of 12 guests. The applicant has stated there are 4 off-street parking spaces available.

STAFF FINDING / RECOMMENDATION

Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the City of Middletown LDC for a Conditional Use Permit.

RELATED CASES

There are no related cases.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on November 30, 2022; there were 3 people in attendance. an interested party comment was received by staff and is attached to this agenda item.

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: When appropriately managed, the proposed use is compatible with surrounding development and land uses.

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. The proposal will not create substantial additional requirements for the site.

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

4.2.63 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 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.***
- 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 states that the residence has 4 bedrooms that will allow a maximum number of 12 guests.***
- D. The dwelling unit shall be a single-family residence or a duplex. ***PVA lists the structure as a single family dwelling. The applicant has been informed of this requirement and has stated that this 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. The dwelling unit shall have an appropriate amount of off-street parking available for guests. ***The applicant has stated there are 4 off-street parking space available.***

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.***

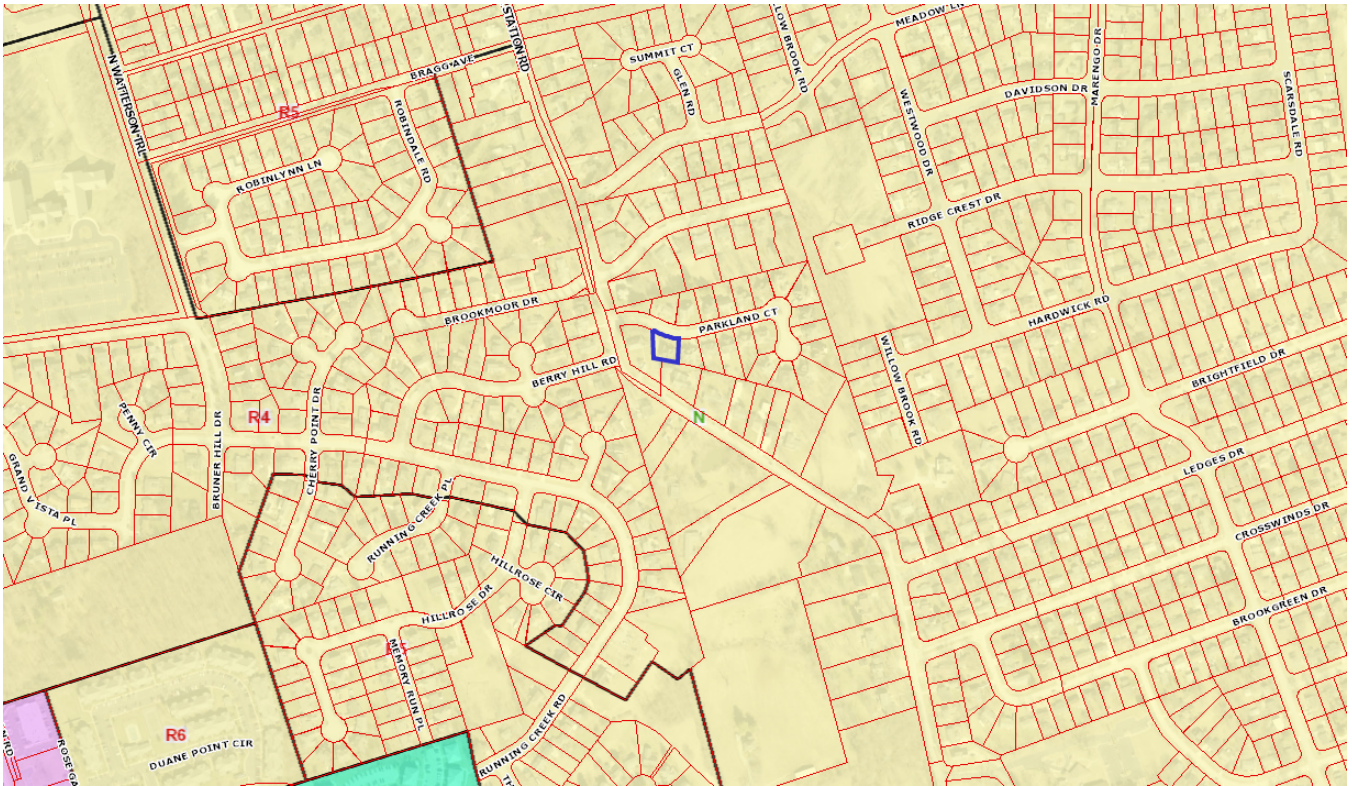
NOTIFICATION

Date	Purpose of Notice	Recipients
04/10/2023	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 19
04/11/2023	Hearing before BOZA	Sign Posting

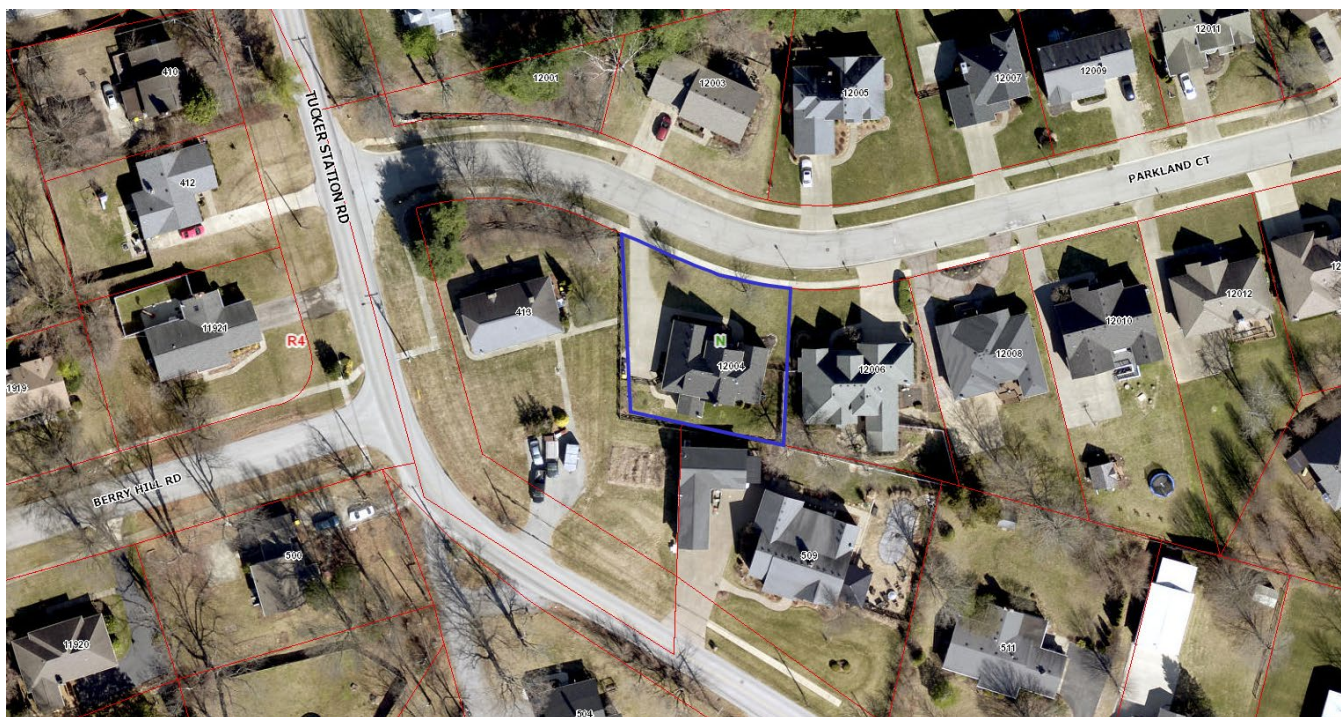
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Condition of Approval
4. Site Photos

1. **Zoning Map**



2. Aerial Photograph



4. Condition of Approval

- 1) The conditional use permit for this short term rental approval shall allow up to 4 bedrooms (with a maximum of 12 guests at any one time). Prior to use, bedrooms must meet all occupancy requirements set forth in Louisville Metro Code of Ordinances. A modification of the conditional use permit shall be required to allow additional bedrooms.
- 2) 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 30 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.
- 3) No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void.

5. Site Photos



Front of subject property.



Off-street parking.



Property to the left.



Property to the right.



Across street.