

Board of Zoning Adjustment Staff Report

June 5, 2017



Case No.	17CUP1025
Project Name	Short Term Rental
Location	1348 S. 3rd Street
Owner	Elliot Bright
Host	Elliot Bright
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 a Traditional Neighborhood Zoning District (TNzd)

CASE SUMMARY

The applicant proposes to conduct short-term rental of a dwelling unit at the subject property. Since it is located within the Old Louisville TNzd, a Conditional Use Permit is required.

SITE CONTEXT

The 0.27 acre site is located on the west side of South 3rd Street between Park Avenue and W. Magnolia Avenue. It is served by an alley at the rear of the property. It is developed with a three-story residence and a carriage house.

The parcel width of 62 ft will accommodate two on-street parking spaces. A parking pad at the rear of the property off the alley can hold two additional vehicles. The applicant also owns a narrow parcel directly adjoining the site to the south that can accommodate multiple vehicles.

The 1.27 acre site includes a three-story single-family primary structure and an accessory structure. The proposed short term rental unit is the primary structure, which has six total bedrooms. The wife of the property owner, who is a Property Manager for NTS Development Company, will manage the use of the property.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
Subject Property			
Existing	Multi-family residential	TNZD	Traditional Neighborhood
Proposed	Multi-family residential, Short term rental		
Surrounding Properties			
North	Single-family residential	TNZD	Traditional Neighborhood
South	Undeveloped		
East	Multi-family residential		
West	Single family residential, Multi-family residential		

PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous or associated cases on site.

INTERESTED PARTY COMMENTS

No comments have been received from interested parties. A neighborhood meeting was held on April 6, 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 the 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 site is compatible with surrounding uses. The proposal does not include any new construction or modification of either existing structure.

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 site is currently served by all public utilities.

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

4.2.63 Short 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: The applicant has been informed of this requirement. The six-bedroom dwelling unit may host up to 16 persons.

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

STAFF: The dwelling unit is a single-family residence.

- 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: Adequate parking, both on-street and off-street, is available.

- 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 section 11.5A.6.

STAFF: The applicant has been informed of this provision.

TECHNICAL REVIEW

No technical issues remain outstanding.

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
3/28/2017	Notice of Application	First and second tier adjoining property owners Notification recipients for Council District 6
4/12/2017	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 register 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.