

Board of Zoning Adjustment
Staff Report
October 21, 2019



Case No:	19-CUP-0052
Project Name:	Higgins Short Term Rental
Location:	1036 Lampton Street
Owner(s):	Shannon Higgins, LLC
Applicant:	Shannon Higgins, LLC
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Jon Crumbie, Planning & Design Coordinator

REQUEST(S)

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owners/host in the R-6 zoning district and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The applicant requests approval to conduct short term rentals at the subject property. The subject property is developed with one structure that serves as single family residence. The applicant states that the residence has three bedrooms that will allow a maximum number of eight guests. The site has credit for one on-street parking space and the applicant will be purchasing a monthly parking permit from the parking lot located on Vine Street.

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 LDC for a Conditional Use Permit.

RELATED CASES

None

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on July 8, 2019 and at least 20 people attended.

Attached to the agenda item are public comments related to this case and a petition in support of this application.

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 Short Term Rental of a dwelling unit that is not the primary residence of the host or the Short Term Rental of a condominium unit that is 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 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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. ***The subject property is less than two acres. The applicant states that the residence has three bedrooms which will allow a maximum number of eight guests.***
- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host. ***As of the date of this report, within 600' of the subject property, there are three properties with an approved conditional use permit allowing short term rentals that is not the primary residence of the host. The applicant is requesting relief to the provision in accordance with LDC Section 4.2.2.B. The applicant's justification for this relief is attached to this report. If the Board does not grant relief, the application does not meet all of the listed requirements and the conditional use permit cannot be approved.***
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted. ***The applicant has been informed of this requirement.***
- F. Food and alcoholic beverages shall not be served by the host to any guest. ***The applicant has been informed of this requirement.***
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts. ***The applicant has been informed of this requirement.***
- H. There shall be a sufficient amount of parking available for 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. ***The site has credit for one on-street parking space and the applicant will be purchasing a monthly parking permit from the parking lot located on Vine Street.***
- I. 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.***
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning

Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief. ***The applicant has been informed of this requirement.***

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void. ***The applicant has been informed of this requirement.***

- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. 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. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code. ***The applicant has been informed of this requirement.***

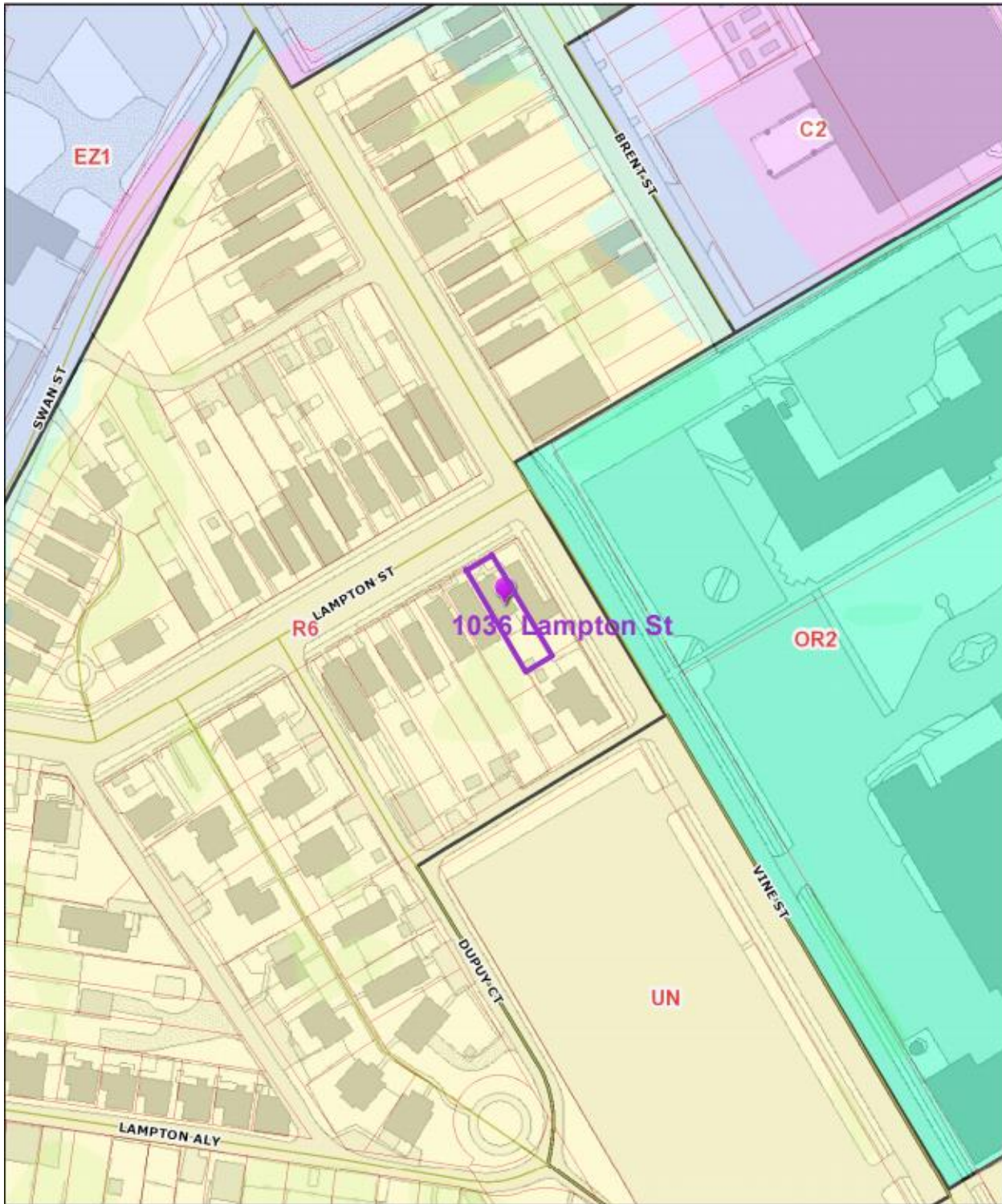
NOTIFICATION

Date	Purpose of Notice	Recipients
9/4/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
9/11/2019	Hearing before BOZA	Sign Posting

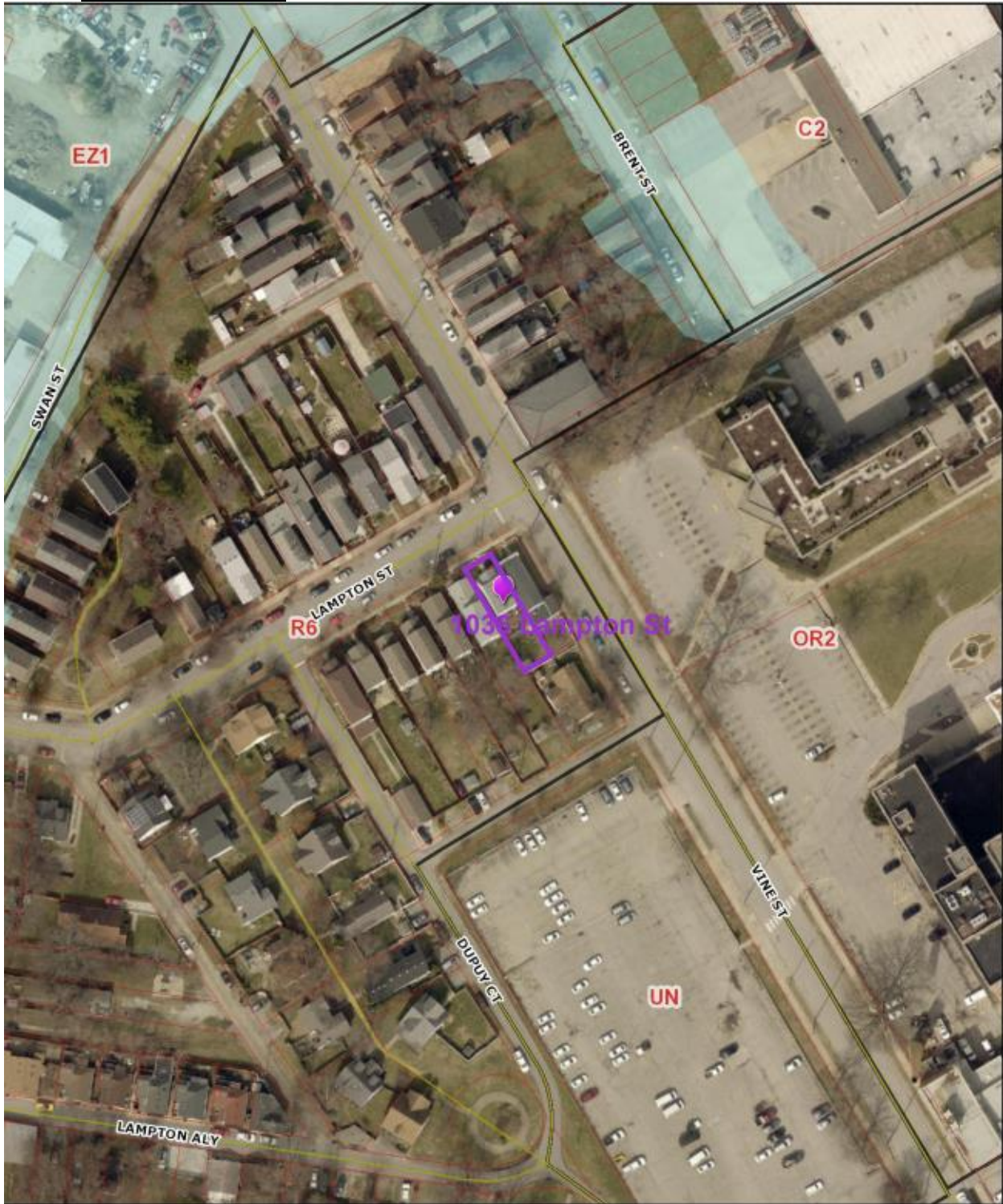
ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Proximity Map
- 4. Justification Statement

1. Zoning Map

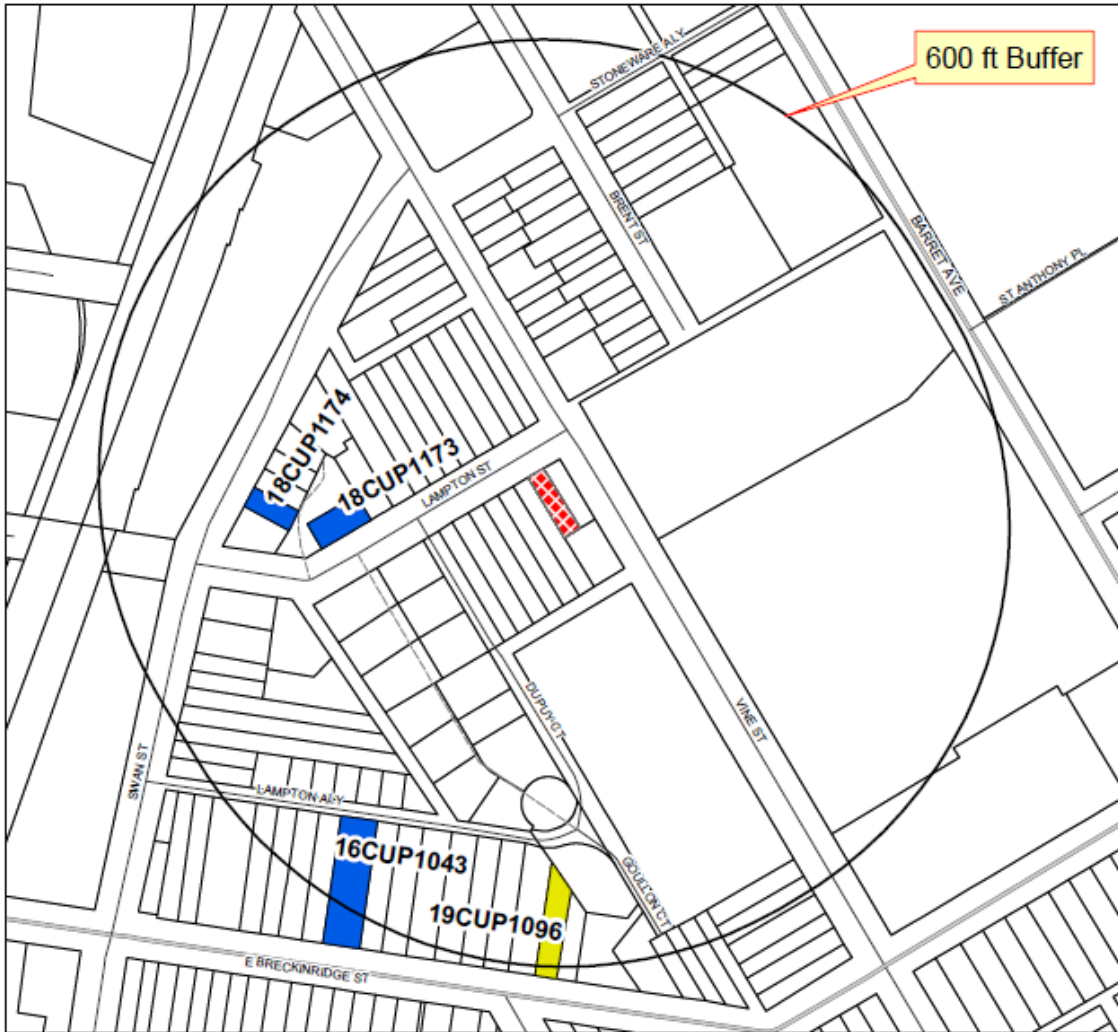


2. Aerial Photograph







3. Proximity Map

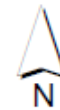
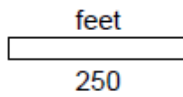
Map Created: 10/15/2019



Legend

-  Buffer
-  Subject Site
-  Approved
-  Pending

**Proximity Map
#19-CUP-0052**



This map is subject to change upon the Board of Zoning Adjustment granting approvals to other Short Term Rental Conditional Use Permits.



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4. Justification Statement

From: Shannon Higgins sphiggins69@me.com
Subject: 1036 Lampton Street 19CUP1110 Justification
Date: July 9, 2019 at 12:30 PM
To: Shannon Higgins sphiggins69@me.com



RECEIVED
JUL 09 2019
PLANNING &
DESIGN SERVICES

I am applying for my CUP at 1036 Lampton Street. This has been my property for 25 years. The Timeline for 1036 Lampton Street is as follows:
March 17, 1995 ~ August 22, 2003 Owner Occupied
Aug. 2003 ~ June 2005 Long term leased
June 3, 2005 ~ June 2009 ~ Owner Occupied
June 2009 ~ June 2011 ~ Long term leased
September 2011 ~ May 2017 Long term leased
June 2017 ~ July 2019 ~ For the last 2 years, I have been in the process of Launching Lampton into it's New business venture as a Short Term Rental Property

The parking for this house is on street. There is room for two cars In front of the house. Because of the home being situated second from the end of the intersection of Lampton & Vine Streets, there is on street parking also available on Vine Street. The South East portion of Vine Street is limited to only one house. That is why it offers ample parking, making for a convenient close in proximity option to the 1036 Lampton Street. My third option for parking is a city owned parking lot behind the property. I intend to include a monthly parking pass that will come with 1036 Lampton St. for any more than 2 cars.

Being granted a variance for 1036 Lampton allows my husband and I the option to use our home when our primary residence floods because it is located on the Ohio River. Since 2009 my husband and I have been displaced from our home for days, weeks and months at a time because of the Ohio River flooding. There have been 5 recent crests since 2010. The Ohio River has gone outside it's banks 20 + times based on historical data provided by waterdata.usgs.gov. We plan to utilize our home when such natural disasters forces us out.

Lampton Street is a 3 bedroom home with a bath and a half. The plan to convert Lampton Street to a short term rental has been in effect for 2 years with painstaking renovations, upgrades, and exquisite furnishings taking place this last year. The property boast 24 hour video surveillance which encompasses the entire premise. I have a trusted life long friend who lives directly across the street. She can and will respond immediately to any request or need at the house as will my husband and I. We are planning to use Keysource Properties as our management company which comes with 24 hour assistance to all guests needs and demands.

The Paristown Point area is in the heat of a "REBIRTH" and it is going to be a primary tourist attraction with an emphasis on the next generation. Our property is cutting edge and ready to embrace this exciting time in the Paristown Point history. 1036 Lampton will offer a beautiful option for guest to embrace the newest most exciting revitalization our city is experiencing. This is a perfect location for short-term rental to provide a valuable service to the city and its guests. There are no other registered S.T.R.'s on Lampton Street and only 3 within 600'. One that is blocks away on Breckenridge Street. While the other 2 are at the opposite end of the street and one of those has a driveway for guest. That is nowhere near a saturation which metro council was trying to avoid with the creation of the 600' rule. Our house is truly a compliment to the neighborhood. Lampton Street is ready to take on the

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most important job of being an ambassador to our city and showcasing the surrounding local businesses in the growing area.

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