

**Board of Zoning Adjustment**  
**Staff Report**  
December 3, 2018



<b>Case No:</b>	18CUP1109
<b>Project Name:</b>	Brainard Short Term Rental
<b>Location:</b>	321 South Peterson Avenue
<b>Owner(s):</b>	Benjamin & Amanda Brainard
<b>Applicant:</b>	Benjamin & Amanda Brainard
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	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 owner in R-5A 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 a two structures on site. The structure along South Peterson Avenue is the main residence and the structure along the rear alley is a carriage house. The carriage house will be used as the short term rental and has two bedrooms that will allow a maximum number of eight guests. The applicant intends to rent the carriage house for less than 30 days.

**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**  
**17VARIANCE1047**

A request to allow a variance from the Land Development Code section 5.4.1.D.2 to allow a private yard area in the Traditional Neighborhood form district to be less than the required 30% of the area of the lot. This request was approved by the Louisville Metro board of Zoning Adjustment on August 21, 2017.

**TECHNICAL REVIEW**

There are no outstanding technical review items.

**INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on September 27, 2018 and one person attended.

**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 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 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 applicant states that the carriage house has two bedrooms that will allow a maximum number of eight guests.**
- 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 site has credit for one on-street parking space and a four car garage at the rear.**
- 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.

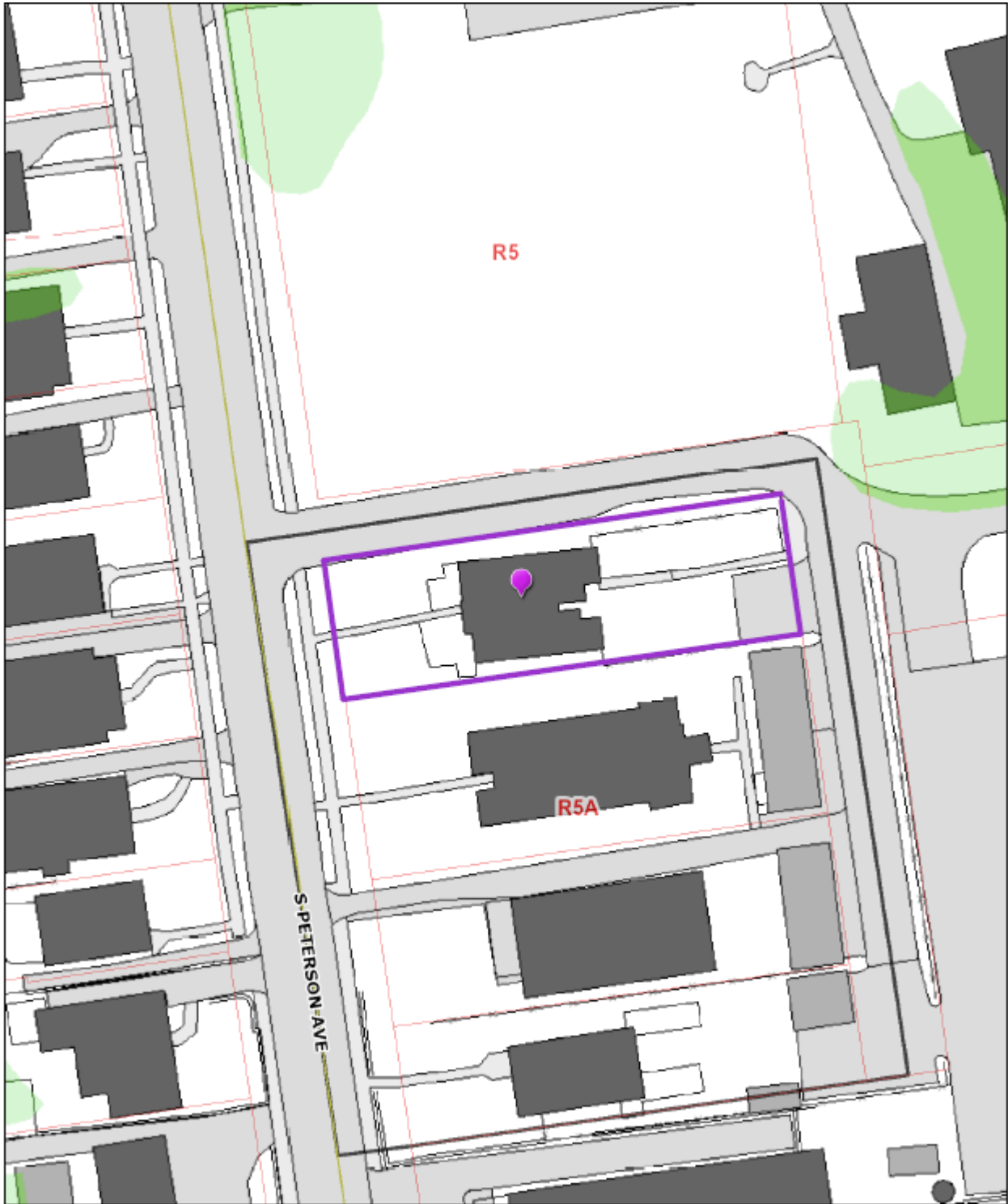
**NOTIFICATION**

Date	Purpose of Notice	Recipients
11/16/2018	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 9
11/16/2018	Hearing before BOZA	Sign Posting

**ATTACHMENTS**

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



**3. Conditions 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 with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 60 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.
2. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.
3. A Certificate of Occupancy must be obtained before the carriage house can be used as a short term rental.