

Board of Zoning Adjustment Staff Report

March 20, 2017



Case No:	16CUP1059
Project Name:	None (Short Term Rental)
Location:	1500 Edgewood Place
Owners:	Johanna and Peter Byck
Applicant:	Johanna and Peter Byck
Representative(s):	Johanna Byck
Project Area/Size:	4,600 square feet
Existing Zoning District:	R-5A, Residential Multi Family
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Jon Crumbie, Planning & Design Coordinator

REQUEST

- Conditional Use Permit to allow short term rental in an R-5A zoning district that is not the primary residence of the host.

CASE SUMMARY

One of the applicants, Peter Byck grew up in Louisville, KY. The family moved back to Louisville in 2008 after the birth of a child. In 2013 the applicants moved to Phoenix, AZ. The family comes back to Louisville during school breaks and holidays to enjoy the residence, neighborhood, family and the city. When the family is not in Louisville, they rent the entire house out on a short term basis.

SITE CONTEXT

The site is rectangular in shape and located on the northeast side of Edgewood Place and Alta Avenue. The property is surrounded by residential units to the north, east, south, and west.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Multi Family	R-5A	TN
Proposed	Short Term Rental	R-5A	TN
Surrounding Properties			
North	Residential	R-5A	TN
South	Residential	R-7	TN
East	Residential	R-5A	TN
West	Residential	R-5A	TN

PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous cases on the site.

INTERESTED PARTY COMMENTS

The applicant had a neighborhood meeting on January 29th, 2017. Attachment no. 4 is a copy of the neighborhood meeting minutes.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code
Louisville Metro Code of Ordinances, Chapter 115, Sections 115.515 through 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 is consistent with the applicable policies of the Comprehensive.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. No additional development is proposed. As such, the proposal is compatible with the surrounding land uses with respect to height, bulk, scale, intensity, traffic, noise, odor, drainage, lighting and appearance.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: The underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. No additional development is proposed. MSD and Transportation Planning have approved the proposal.

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

4.2.63 Short Term Rental Term Rental of a dwelling unit that is not the primary residence of the host in 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.
- 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 dwelling unit has 3 bedrooms which will allow a maximum of 10 occupants.**
- 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 property has parking on the street and in an attached garage.**
- 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.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

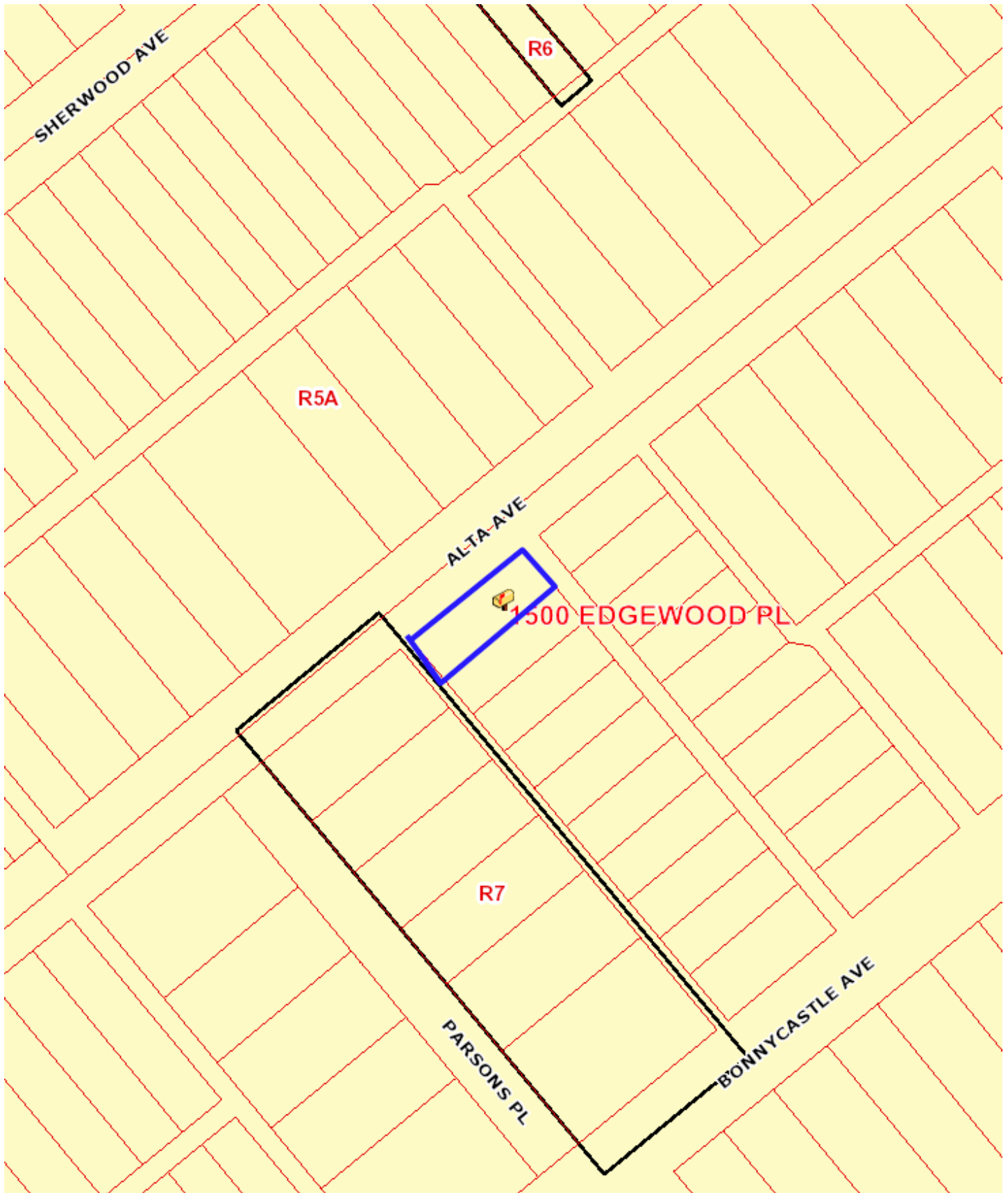
NOTIFICATION

Date	Purpose of Notice	Recipients
3/2/17	APO Notice	First and second tier property owners
3/3/17	Sign Posting	Subject property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval
4. Neighborhood meeting minutes

1. **Zoning Map**



2. Aerial Photograph



3. Conditions of Approval

1. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinance,

4. Neighborhood meeting minutes

RECEIVED

JAN 30 2017

Neighborhood Meeting Notes for CUP application:

1500 Edgewood Pl. Louisville KY 40205

Meeting took place: January 29th @ 5:30 pm at 1500 Edgewood Place PLANNING & DESIGN SERVICES

Points made by the sole neighbor who attended the meeting (see sign in sheet)

- Make sure guests' pets do not mess on neighbors' yards.
- Precautionary measures to ensure guests are well behaved and not loud after 9pm.

Addressing the above points:

- Our House Rules state: "Pets are **not** allowed without permission." Our preference is to not allow pets at all, since pets can also cause damage to furniture and carpets, which we would like to avoid.
- Guests agree to our house rules, which include the following statement:

The home is situated in a residential neighborhood – **please respect our neighbors:**

- Keep **quiet** outside **after 9pm**
- Keep the **front porch tidy** during your stay – do not leave empty bottles, glasses, cans, etc. on the wall outside. It is an eyesore and not in keeping with the character of the neighborhood.
- Do not enter or access neighbors' yards.
- No illegal activities

Thank you for your help in keeping our neighbors happy!

Failure to abide by these rules will result in negative guest reviews and/or security deposit deductions. Thank you for your help!

- I provided my phone number and email address and assurance I can be contacted at any time to deal with any issues that might arise.

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