

Board of Zoning Adjustment Staff Report

November 21, 2022



Case No:	22-MCUP-0008
Project Name:	Roosevelt Avenue Short Term Rental
Location:	4126 Roosevelt Avenue
Owner(s):	DHI IV LLC
Applicant:	Daniel Guillory
Jurisdiction:	Louisville Metro
Council District:	21– Nicole George
Case Manager:	Amy Brooks, Planner I

REQUEST(S)

- **Modified Conditional Use Permit** to allow for a short term rental that is not the primary resident of the host. (LDC 4.2.63)

CASE SUMMARY

The applicant has requested a modification to a conditional use permit (CUP) for a short term rental that is not the primary residence of the host in R-5 single family zoning and neighborhood form district. The applicant failed to adhere to the original conditions of approval which stated that *“prior to commencement of any short term rental on the subject property, the host shall register 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.”* The applicant failed to register the subject property within the allotted 60 days and will need to modify this condition of approval before the city can issue a short term rental registration.

Since this case was approved prior to the most recent amendments to the short term rental CUP regulations it is not subject to the 600 foot rule as well as the requirement to register the property within 30 days. If the Board approves this modification staff has recommended a third condition be added that requires that the short term rental registration be maintained and that if the registration lapses for more than 6 months that the CUP be considered null and void. Such a condition would bring this CUP closer to the current requirements that apply to short term rentals.

ASSOCIATED CASES

- 18CUP1185: CUP approved for short term rental.

STAFF FINDING

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.

TECHNICAL REVIEW

There are no outstanding technical review items.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR MODIFIED 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: No improvements are being made that reduce compatibility with surrounding 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: When appropriately managed, the proposed use is compatible with surrounding development and land uses.

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

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:

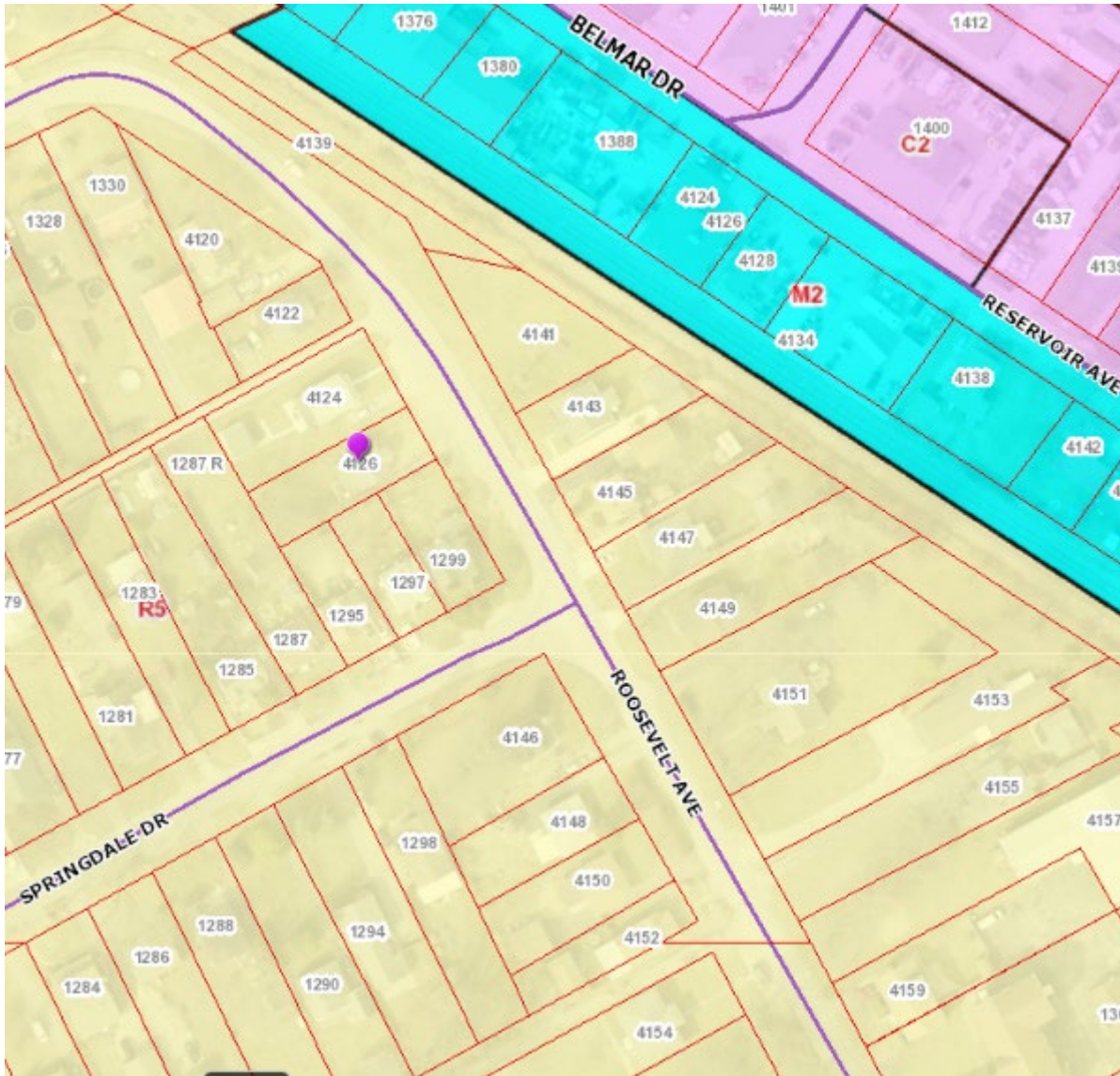
- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental.
The applicant has been informed of this requirement.
- B. The dwelling unit shall be limited to a single short term rental contract 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.
According to the applicant, the residence has two bedrooms; LDC regulations permit eight guests.
- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted.
PVA lists the existing structure as 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. 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.
LDC standards credit the site with one on-street parking space. A 75 ft driveway can accommodate up to three additional vehicles on site.
- 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.
- 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.
The applicant has been informed of this provision

REQUIRED ACTIONS:

- **APPROVE or DENY the Modified Conditional Use Permit** for allow for a short term rental that is not the primary resident of the host. (LDC 4.2.63)
- **ATTACHMENTS**
 1. Zoning Map
 2. Aerial Map
 3. Conditions of Approval

1. **Zoning Map**



2. Aerial Map



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. 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.