

Board of Zoning Adjustment
Staff Report
July 22, 2019



Case No.	n/a
Project Name	Short Term Rental Residency Determination
Location	1024 Eigelbach Ave
Owner	Lisa Lacaria
Applicant	Lisa Lacaria
Jurisdiction	Louisville Metro
Council District	10 – Pat Mulvihill
Case Manager	Zach Schwager, Planner 1

REQUEST

In accordance with Louisville Metro Land Development Code (LDC) Section 4.3.23.J., the Planning Director is requesting that the Board of Zoning Adjustment review a short term rental registration application and make a determination related to the residency of the host.

CASE SUMMARY/BACKGROUND

The applicant/host is requesting approval of a short term rental registration for the subject property, 1024 Eigelbach Ave. The application was submitted and deemed complete on November 13, 2019. However, the application has not been processed or approved as the Planning Director is requesting that the Board review the application and make a determination related to the residency of the host in accordance with LDC Section 4.3.23.J.:

Section 4.3.23.J.: In a case in which a) the primary residency of the host is in question due to conflicting documentation or b) inadequate documentation concerning the primary residency of the host is provided by the host, the Planning Director may request that the Board of Zoning Adjustment review the registration and make a determination related to the residency of the host.

The property is zoned R-5. As the property owner has not been granted a conditional use permit in accordance with LDC Section 4.2.63, in order to approve the registration, the applicant must demonstrate that the dwelling is the primary residence of the host.

To support residency, the applicant submitted the following documentation for the proposed host:

- Copy of a utility bill from Louisville Water Company for Lisa Licaria, showing an address of 1024 Eigelbach Ave. dated 10/18/2019;
- Copy of a utility bill from Spectrum for Lisa Licaria, showing an address of 1024 Eigelbach Ave. dated 8/2/2019;
- Copy of a utility bill from LG&E for Lisa Licaria, showing an address of 1024 Eigelbach Ave. with a due date of 11 /14/2019;
- Copy of a letter from Lisa Licaria indicating that she purchased 1024 Eigelbach Ave on 7/31/2019 because her daughter was is accepted to Dupont Manual High School. The letter

states that they reside in the home Monday through Friday and return to their second home in Elizabethtown for the weekends only.

As insufficient documentation has been provided to the Office of Planning & Design Services and a valid question has been raised related to whether the host has established primary residency at the subject dwelling or spends most of her time at the dwelling, in accordance with Section 4.3.23.J., the Planning Director is requesting that the Board review the application and make a determination related to the residency of the host. The standards are provided in the definition of primary residence as follows:

LDC Section 1.2.2: Primary Residence (or Principal Residence) – A primary residence is the main home of an individual. An individual has only one primary residence at a time. If an individual owns and lives in just one dwelling unit, then that property is his or her primary residence. If an individual owns or lives in more than one dwelling unit, then he or she must apply a “facts and circumstances” test to determine which property is his or her primary residence. While the most important factor is where he or she spends the most time, other factors are relevant as well. The more of these factors that are true of a home, the more likely that it is a primary residence: Factors include, but are not limited to, the address listed on an individual’s U.S. Postal Service address, Voter Registration Card, federal and state tax returns, driver’s license, state identification card, and/or vehicle registration.

STANDARD OF REVIEW

Based upon the information provided by the applicant and the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the dwelling is the primary residence of the host. The Board should consider all of the factors provided in the definition of primary residence, with the “most important factor” being “where he or she spends the most time.”

NOTIFICATION

Date	Purpose of Notice	Recipients
12/26/2019	Notice of BOZA Hearing	Subscribers to District 8 Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial

2. Aerial Photograph

