

Board of Zoning Adjustment
Staff Report
October 15, 2018



Case No:	18CUP176
Project Name:	Short Term Rental
Location:	1419 Morton Avenue
Owner:	Daniel Gilmer Roberge
Applicant:	Key Source Properties LLC
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Steve Hendrix, 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 host in an UN Zoning District and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.10 acre site is located on the north side of Morton Avenue across from Jefferson County Traditional Middle School within two blocks of Baxter Avenue in the Highlands. The applicant has stated that the total amount of guests will be limited to six, (6). Two parking spaces are along Morton Avenue. There are “No Parking from 7:00 am to 4:00 pm School Days Only” signs along this section of Morton Avenue on the school side. The minutes from the neighborhood meeting reflect that instructions for additional parking will be provided to ensure neighbors always have a place to park. Transportation has noted that additional parking will need to be off the alley. The applicant has suggested that the use of the backyard be limited to 10 pm nightly. The neighborhood meeting was held on August 30, 2018 with eight, (8) people attending. Concerns were related to noise, security, parking and transferability of the Conditional Use Permit.

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

18CUP1084, Sort Term Rental at 1405 Morton Avenue, approved by the Board on October 1, 2018 with a maximum of four guests.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on August 30, 2018 with 8 people in attendance.

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: The proposal is compatible with surrounding development. No exterior alterations to the existing structure or site are proposed.

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 residence has two bedrooms that will allow a maximum number of eight guests.

The applicant states that the unit will be marketed with a six occupant maximum.

- 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 appears to have two on-street parking spaces.
- 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.

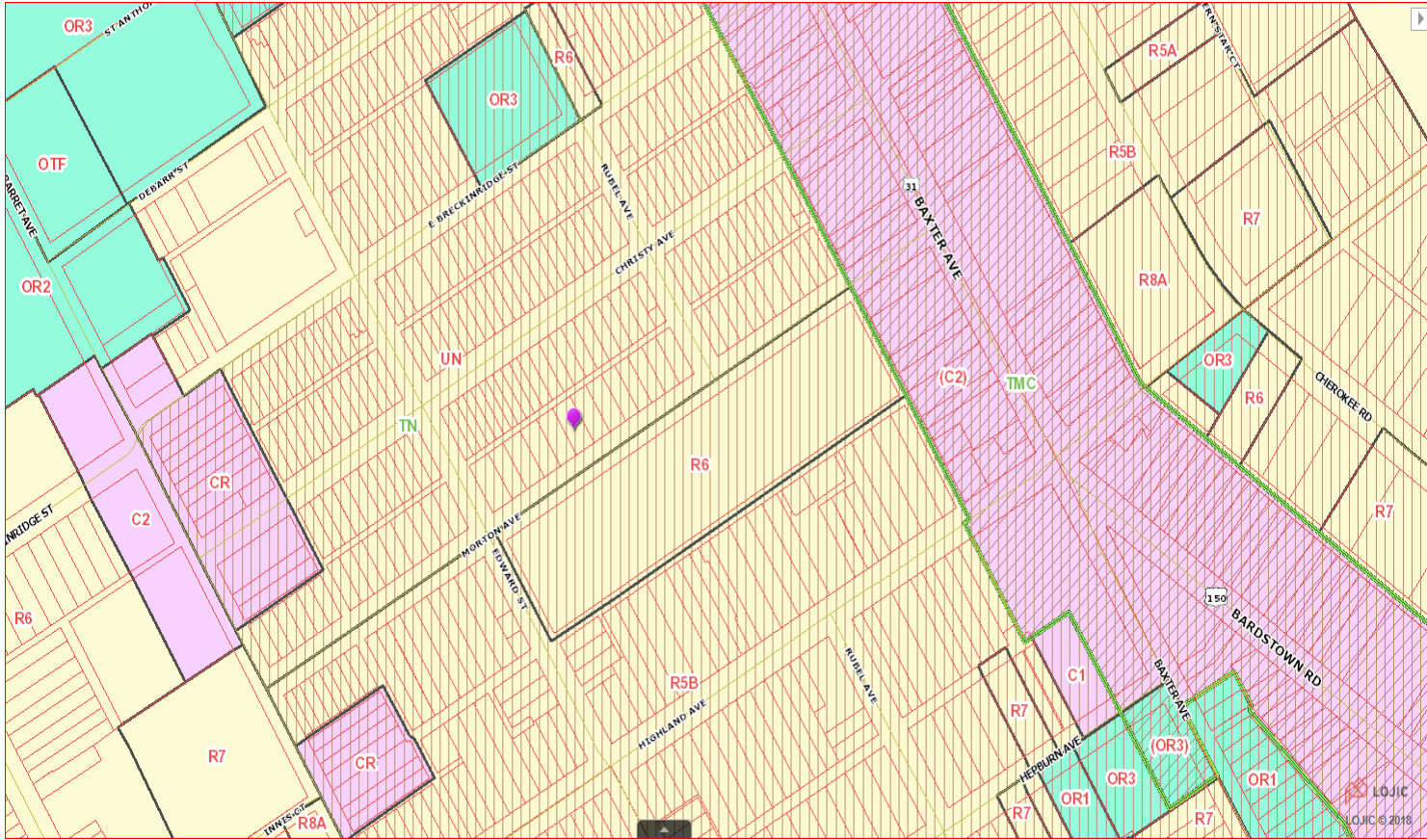
NOTIFICATION

Date	Purpose of Notice	Recipients
9/28/2018	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
9/28/2018	Hearing before BOZA	Sign Posting

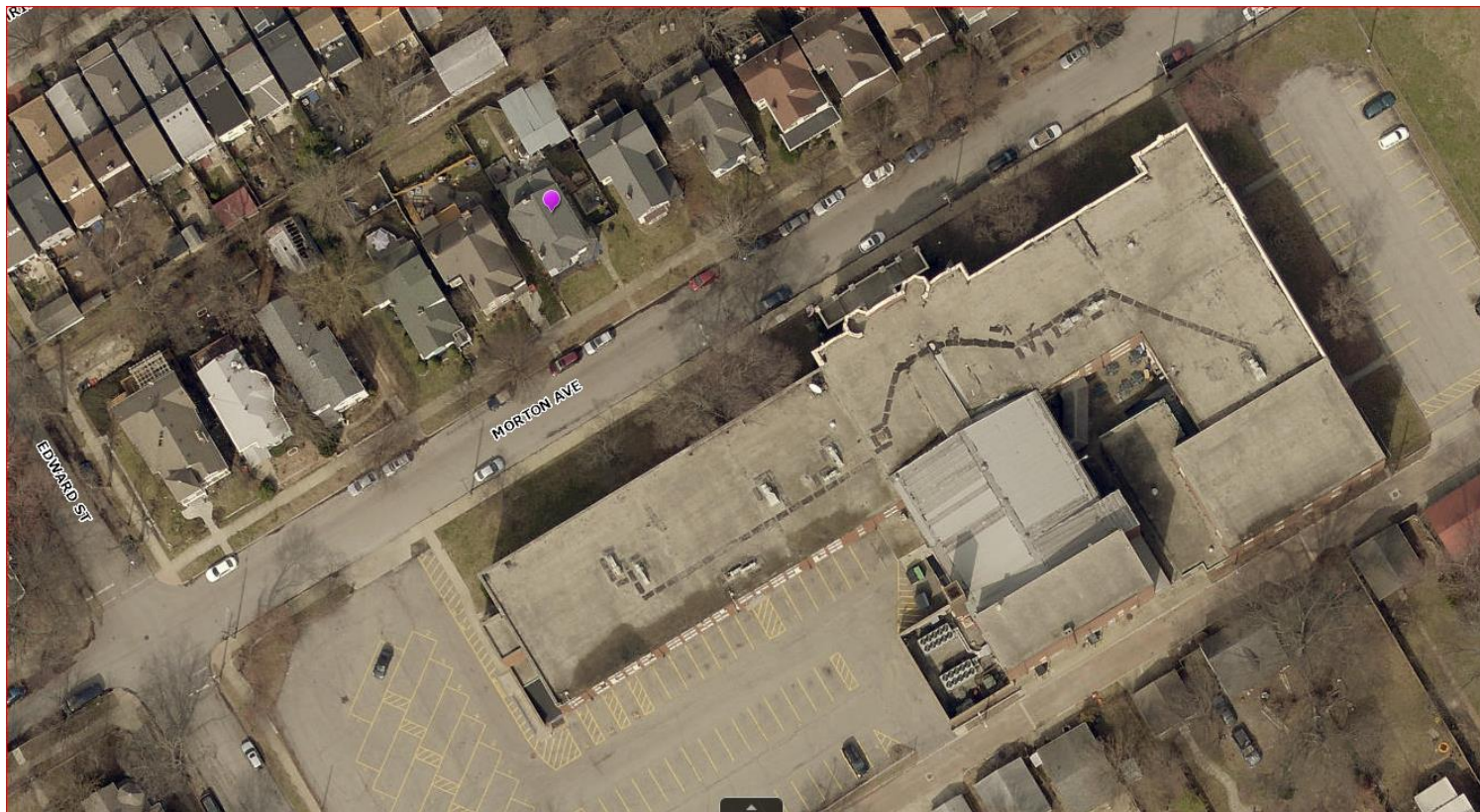
ATTACHMENTS

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

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. Outdoor use hours are restricted to 10:00 pm nightly.
4. The maximum number of guests is six, (6).

1419 Morton Avenue, (middle house)

