

Board of Zoning Adjustment
Staff Report
December 17, 2018



Case No.	18CUP1052
Project Name	Short Term Rental
Location	15 Eastover Court
Owner/Host	Jason Benham
Jurisdiction	Louisville Metro
Council District	9 – Bill Hollander
Case Manager	Beth Jones, AICP, Planner II

REQUEST

Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host (LDC 4.2.63)

CASE SUMMARY / BACKGROUND

The applicant proposes to conduct a short-term rental of a residential structure. As the dwelling unit is not the primary residence of the host, a Conditional Use Permit is required.

The site is located on the east side of Eastover Court south of Frankfort Avenue and zoned R-5 in a Traditional Neighborhood. It is adjoined by single-family residential uses to the north, south and west and single- and multi-family uses to the east.

PVA lists the existing structure as a single-family dwelling. The site is developed with a residence, an in-ground pool and an accessory structure at the rear of the site. According to the applicant, the residence has four bedrooms. LDC regulations permit up to 12 guests; the applicant is limiting the number of guests to 10.

LDC regulations credit the 40 ft property frontage with two on-street parking spaces. According to the applicant, there is one additional parking space off the alley at the rear of the site.

STAFF FINDINGS

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 remaining.

RELATED CASES

An enforcement case is currently open for the site (18PM24966).

PUBLIC COMMENT

The Case Manager has received several public comments which, along with a summary of the neighborhood meetings, have been forwarded to BOZA members for their review.

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 Comprehensive Plan policies.

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 and appearance?

STAFF: When appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site will be required.

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 does not create substantial additional requirements for the site.

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

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.

STAFF: 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.

STAFF: 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.

STAFF: According to the applicant, the residence has four bedrooms. LDC regulations permit up to 12 guests; the applicant is limiting the number of guests to 10.

- D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted.

STAFF: 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.

STAFF: The applicant has been informed of this requirement.

- F. Outdoor signage which identifies the short term rental is prohibited.

STAFF: 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.

STAFF: LDC regulations credit the 40 ft property frontage with two on-street parking spaces. According to the applicant, there is one additional parking space off the alley at the rear of the site.

- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

STAFF: 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.

STAFF: The applicant has been informed of this provision.

NOTIFICATIONS

Date	Purpose of Notice	Recipients
10/23/2018 11/8/2018	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 9
11/30/2018	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 9
12/7/2018		Sign Posting

ATTACHMENTS

- 1. Zoning Map

2. Aerial Photograph
3. Proposed Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Proposed 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.