

Board of Zoning Adjustment
Staff Report
December 7, 2020



Case No:	20-CUP-0131
Project Name:	Short Term Rental
Location:	1413 South Second Street
Owners:	Lisa Brown & Benjamin Williamson
Applicant:	Lisa Brown
Jurisdiction:	Louisville Metro
Council District:	# 6 – David James
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST

Conditional Use Permit to allow short term rental of a dwelling unit in the TNZD that is the primary residence of the host.

CASE SUMMARY/BACKGROUND

The 0.18 acre site is located on the east side of South Second Street between West Magnolia Avenue and West Burnett Avenue in the Old Louisville neighborhood. The major type of land uses that surround the subject site are apartments, with Magnolia Park, adjacent to the north. The property is zoned TNZD and is within a Traditional Neighborhood Form District.

The approximately 3,007 square foot home has six bedrooms allowing for 14 guests. The applicant has stated that they intend to rent the home 3-4 times a year by offering a portion of the house or possibly the entire structure. Three parking spaces are available off the alley and the property has 40 feet of street frontage.

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.

TECHNICAL REVIEW

There are no technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on July 7, 2020 with one attendee.

After an explanation and a tour of the house, the attendee did not appear to have any concerns with the proposal

Staff did receive a letter of support from the property owner of 1415 South Second Street.

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: 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 will not create 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 or the Short Term Rental of a condominium unit that is 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.
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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals.
The dwelling has six bedrooms which will allow for 14 guests. The applicant has stated that they intend to rent 3-4 times a year a portion or possibly the whole house.

D. The property on which the short term rental is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host.

The property is within the TNZD, therefore the 600 foot rule does not apply.

In addition, the applicant accepts the Condition of Approval that states this location will be their primary residence and if a primary residence is established at another location, the short term rentals must cease at 1413 South Second Street.

E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.

The structure is a single family dwelling.

F. Food and alcoholic beverages shall not be served by the host to any guest.

The applicant has been informed of this requirement.

G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.

The applicant has been informed of this requirement.

H. There shall be a sufficient amount of parking available for 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.

The property has three parking spaces off the alley and has 40 feet of street frontage.

I. 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.

J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical,

plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

The applicant has been informed of this requirement.

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.**

The applicant has been informed of this requirement.

- L. 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.

The applicant has been informed of this requirement.

Additional Conditions of Approval

- 1. The Conditional Use Permit for this short term rental approval shall allow up to six bedrooms. A modification of the Conditional Use Permit shall be required to allow additional bedrooms.
- 2. The host of record for the short term rental shall maintain their primary residence in the dwelling unit on the subject property. In the event a primary residence is established on another property, short term rentals on the subject property must cease.

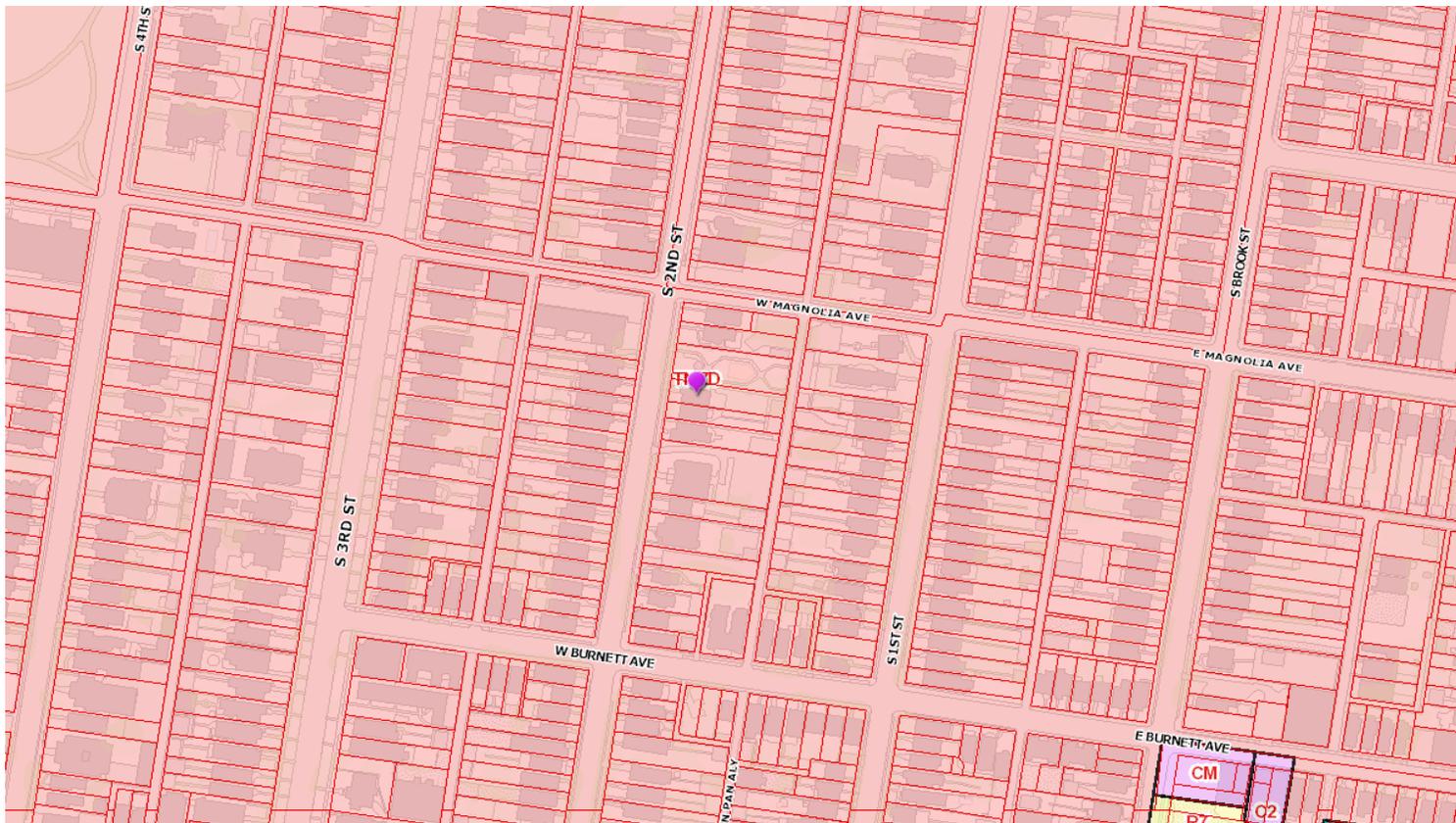
NOTIFICATION

Date	Purpose of Notice	Recipients
11/19/2020 11/17/2020	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District # 6
11/20/2020	Hearing before BOZA	Sign Posting

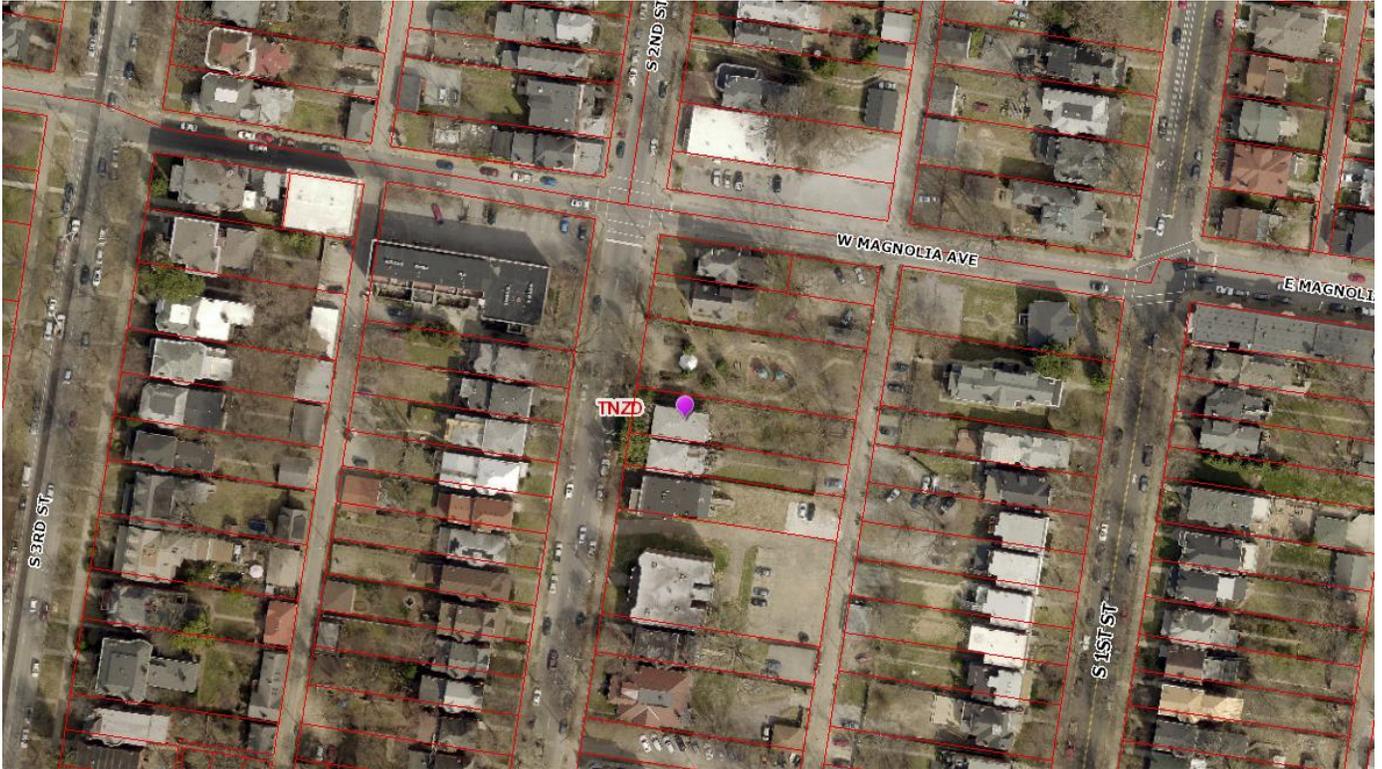
ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photographs
- 3. 600 Foot Map
- 4. Neighborhood Meeting Minutes

Zoning Map



Aerial Photographs



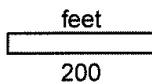


Legend

-  Subject Site
-  Approved
-  Approved/Host
-  Buffer



**20-CUP-0131
Proximity Map**



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This map is subject to change upon the Board of Zoning Adjustment granting approvals to other Short Term Rental Conditional Use Permits.

Hendrix, Steve

From: brown.lisalb@twc.com
Sent: Wednesday, July 22, 2020 7:28 PM
To: Hendrix, Steve
Subject: Neighborhood Meeting for 1413 S. 2nd Street

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

7-21-20 6:00 P.M.

Neighborhood Meeting for Proposal of Short Term Rental for: 1413 S. 2nd Street Louisville, Kentucky 40208:

Attendance: We only had one attendee: Her name is: Karen A. Mullen. She lives at 1422 S. 2nd Street Louisville, Ky 40208.

Minutes:

- 1.) We discussed the proposal of listing on Airbnb platform site for Short Term Rentals for Special Events and Occasions such as the Kentucky Derby and the annual St. James Art Show.
- 2.) We explained during the meeting that the Short Term Rental of our property located at: 1413 S. 2nd Street would primarily be on an occasional bases as we the "homeowners" would still be living there full time.
- 3.) The attendee: Karen Mullen had a few concerns that were clarified and resolved:
 - A.) Her first concern was the fact that she did not think that we had additional parking in the rear of our home for off street parking for our guests. We explained that there were 2 parking spaces behind our home that are reserved for our guests. There is also a rear gated entrance off of the parking lot that has a touch key pad for our guests convenience.
 - B.) Ms. Mullen asked if our home was set up as 2 separate entrances to accommodate our guest that would possibly be renting one or two floors. We showed her that our home has two separate entrances with each entrance having its own electronic key pad off of the grand entry foyer.
- 4.) We graciously gave Ms. Mullen a grand tour of the entire house.
- 5.) After the tour of the home and explaining the layout of each room, Ms. Mullen seemed very satisfied with our proposal.
- 6.) We closed in this meeting with explaining how our Short Term Rental would provide choices for tourist and business travel visitors to experience Old Louisville living at its finest! Many travelers like the alternative of staying in a private home away from the hustle and bustle of hotels. Living in the heart of Old Louisville's Mansion District, our home provides a beautiful setting lined with gorgeous homes and large shade trees. Our neighborhood show cases the largest display of Victorian homes in the United States and we want to be able to share this experience with others. We also explained that this Short Term Rental will bring revenue to our city as we are conveniently located within walking distance to coffee shops, restaurants, bars, and the beautiful Central Park. We are also only a few miles from Downtown Louisville, The Historic Churchill Downs, The most popular NuLu Neighborhood, and the Highlands.

7.) After the closing of the meeting Ms. Mullen expressed to me that I had answered all of her questions and that she did not have a problem with what we are proposing to do with the Short Term Rental of our home located at 1413 S. 2nd Street.

Owners: Lisa A. Brown /Benjamin Williams
502-416-7444

Ayman Ismail

3604 Wynbrooke circle

Louisville Ky 40241

502-8197089

08-20-2020

Support letter,

Louisville Metro of planning and design,

I am writing this letter in support of my neighbor's Lisa A. Brown and Ben Williamson application and plan to rent their house for short term at 1413 2nd st Louisville Ky .I own the house next door to them 1415 2nd st .They bought this property few years ago , always been good neighbors and took good care of it. I think that will be a good idea to bring people to old Louisville so they can benefit local businesses and enjoy the beautiful Victorian homes .It would be no issue for us since most houses on our block rentals any way.

Ayman Ismail



08-20-2020

RECEIVED

SEP 21 2020

PLANNING & DESIGN
SERVICES

20-CUP-0131