

**Board of Zoning Adjustment**  
**Staff Report**  
March 5, 2018



|                          |                               |
|--------------------------|-------------------------------|
| <b>Case No:</b>          | 17CUP1091                     |
| <b>Project Name:</b>     | Short Term Rental             |
| <b>Location:</b>         | 552 Eastern Parkway           |
| <b>Owner(s):</b>         | Robert & Patricia King        |
| <b>Applicant:</b>        | Robert King                   |
| <b>Jurisdiction:</b>     | Louisville Metro              |
| <b>Council District:</b> | 15 – Marianne Butler          |
| <b>Case Manager:</b>     | Dante St. Germain – Planner I |

**REQUEST**

- **Conditional Use Permit** to allow short term rental of a dwelling unit that is not the primary residence of the host

**CASE SUMMARY/BACKGROUND**

The applicant requests approval to conduct short term rentals at the subject property. The subject property is rectangular in shape, and developed as a duplex with two bedrooms per dwelling unit. There is a parking pad at the rear of the property with space for 3 vehicles. The applicant intends to rent the dwelling units for tenancies of less than 30 days.

**STAFF FINDING**

The applicant has provided the required documentation, has held a neighborhood meeting and has been informed of the standards and regulations specific to use of the dwelling units for short term rentals.

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 Land Development Code for a Conditional Use Permit.

**RELATED CASES**

The property is under an open enforcement case, 14PM8584, with enforcement beginning in 2017 related to the operation of the property as a short term rental without all necessary approvals.

**TECHNICAL REVIEW**

The plan has received preliminary approval from all applicable agencies.

## **INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on December 16, 2017 and no one attended.

## **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 any 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 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.

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, each dwelling unit has 2 bedrooms; allowing up to 8 guests per unit.

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

STAFF: The property contains a duplex.

- 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: The site has 3 off-street parking spaces. While not available on Eastern Parkway, on-street parking is available on nearby roads.

- 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 requirement.

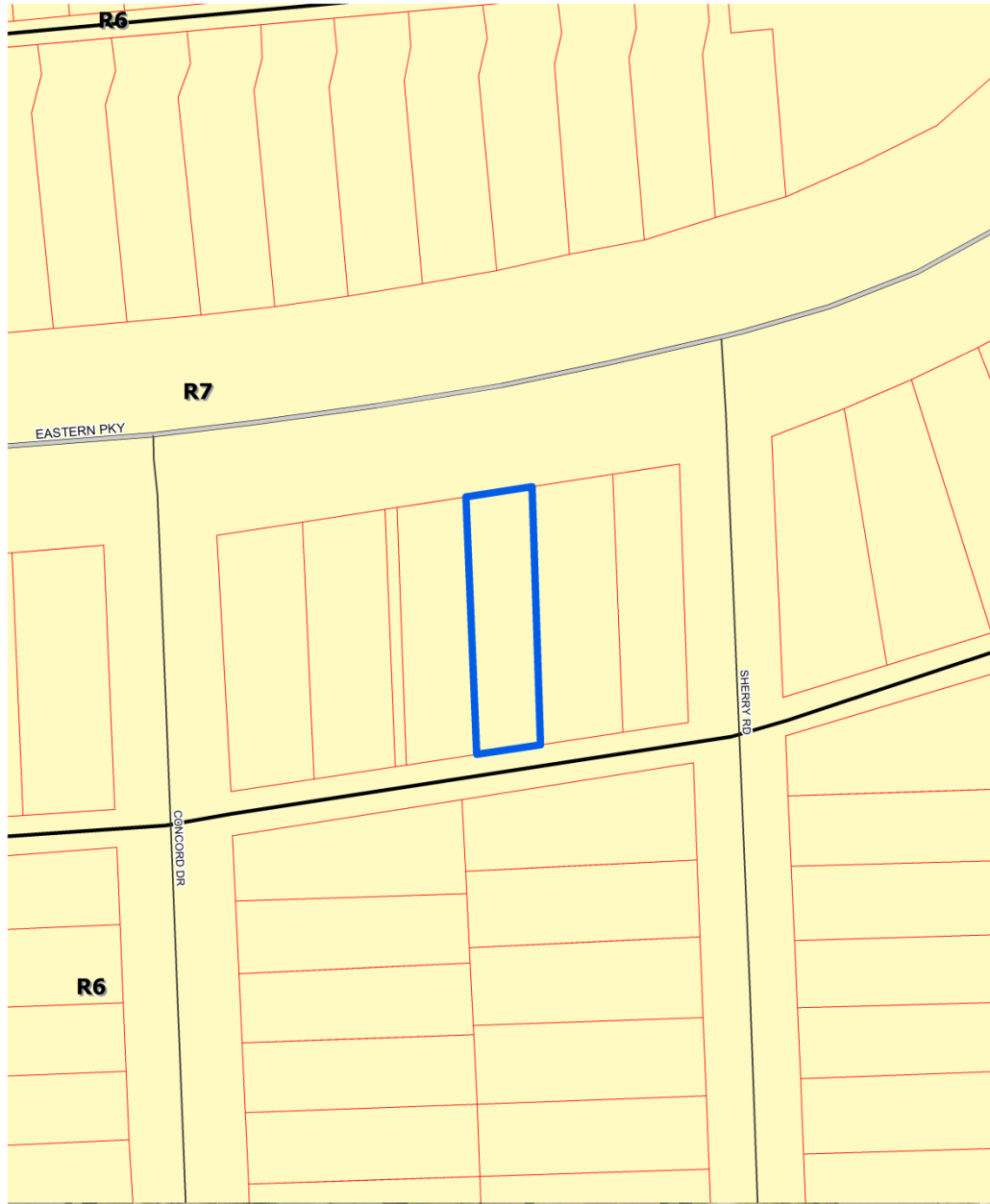
**NOTIFICATION**

| Date       | Purpose of Notice   | Recipients  |
|------------|---------------------|---|
| 02/16/2018 | Hearing before BOZA | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 15 |
| 02/16/2018 | Hearing before BOZA | Sign Posting  |

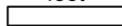
**ATTACHMENTS**

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

1. Zoning Map



552 Eastern Parkway  
feet



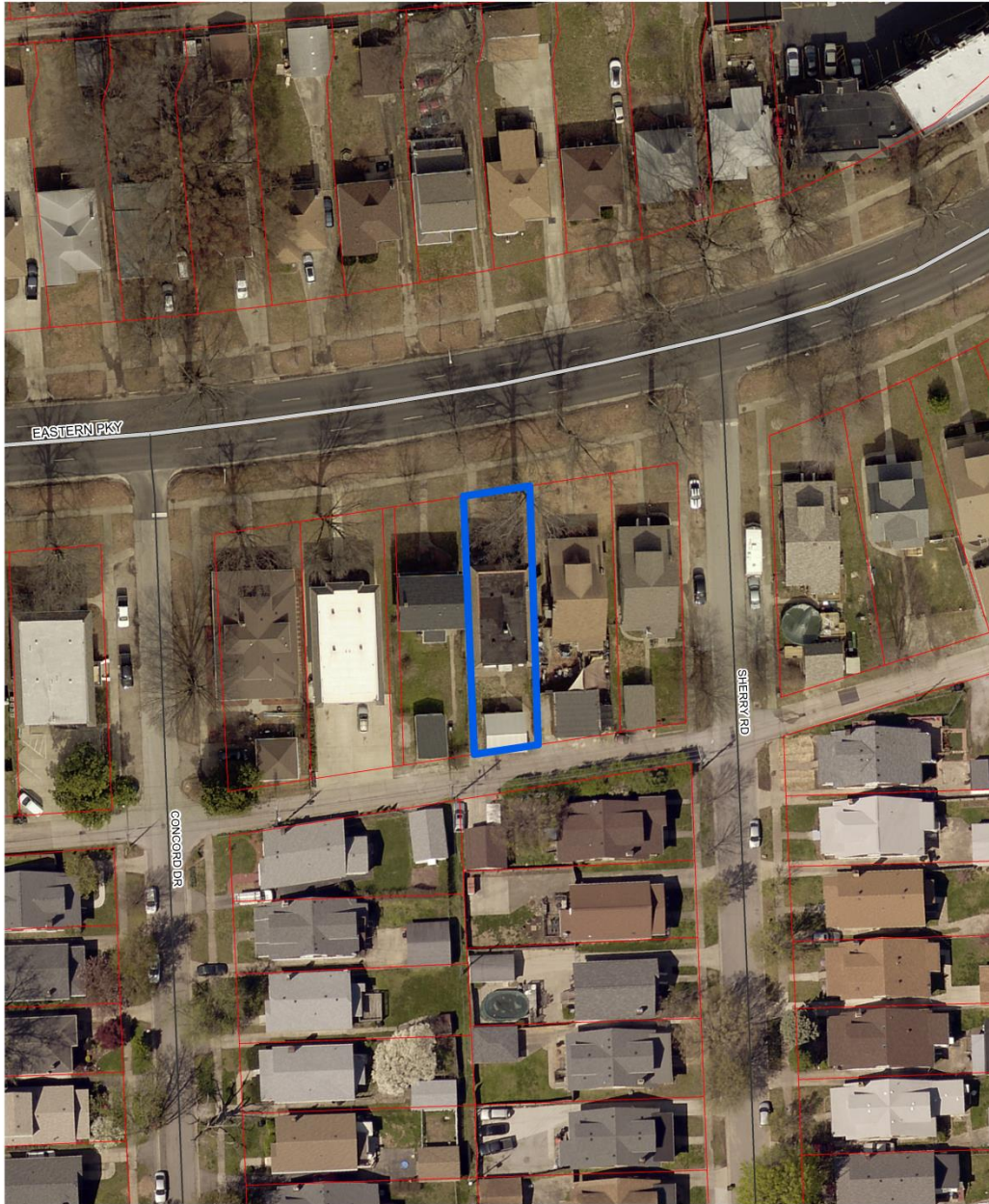
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Map Created: 10/17/2017



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2. Aerial Photograph



552 Eastern Parkway  
feet



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Map Created: 10/17/2017



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**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.