

**Board of Zoning Adjustment**  
**Staff Report**  
December 2, 2019



<b>Case No:</b>	19-CUP-0179
<b>Project Name:</b>	Short Term Rental
<b>Location:</b>	1641 Norris Place
<b>Owners:</b>	Oliver Real Estate Management LLC, by Jennifer & Carroll Mackin
<b>Applicant:</b>	Greg Lickteig
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	# 8 – Brandon Coan

**REQUEST**

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner in a R-6 Zoning District and Traditional Neighborhood Form District.

**CASE SUMMARY/BACKGROUND**

The 0.125 acre site is located on the north corner of the Speed Avenue/Norris Place intersection within the Deer Park Neighborhood. The single family dwelling is approximately 1,727 square feet and the applicant has submitted pictures of five bedrooms which will allow for twelve guests. The property has approximately 187 feet of street frontage along Speed Avenue and a three car garage. The south corner contains Highland Middle School, the east corner a coffee shop and the west corner an auto repair shop. Staff did receive an email stating that there are three other short term rentals within 600 feet, but the Planning & Design map only indicates one that is pending.

Therefore, no other Short Term Rentals with a Conditional Use Permit are within 600 feet of the subject site.

There is no Open Enforcement Case.

**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 outstanding technical review items.

**INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on September 19, 2019, but no invitees were present.

## 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 applicant has submitted pictures of five bedrooms, which would allow for twelve guests.***

- D. The property on which the short term rental(s) 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.  
***As of the date of this report, there was no other property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property.***
- 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 187 feet of street frontage along Speed Avenue and a three car garage.***
- 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.***

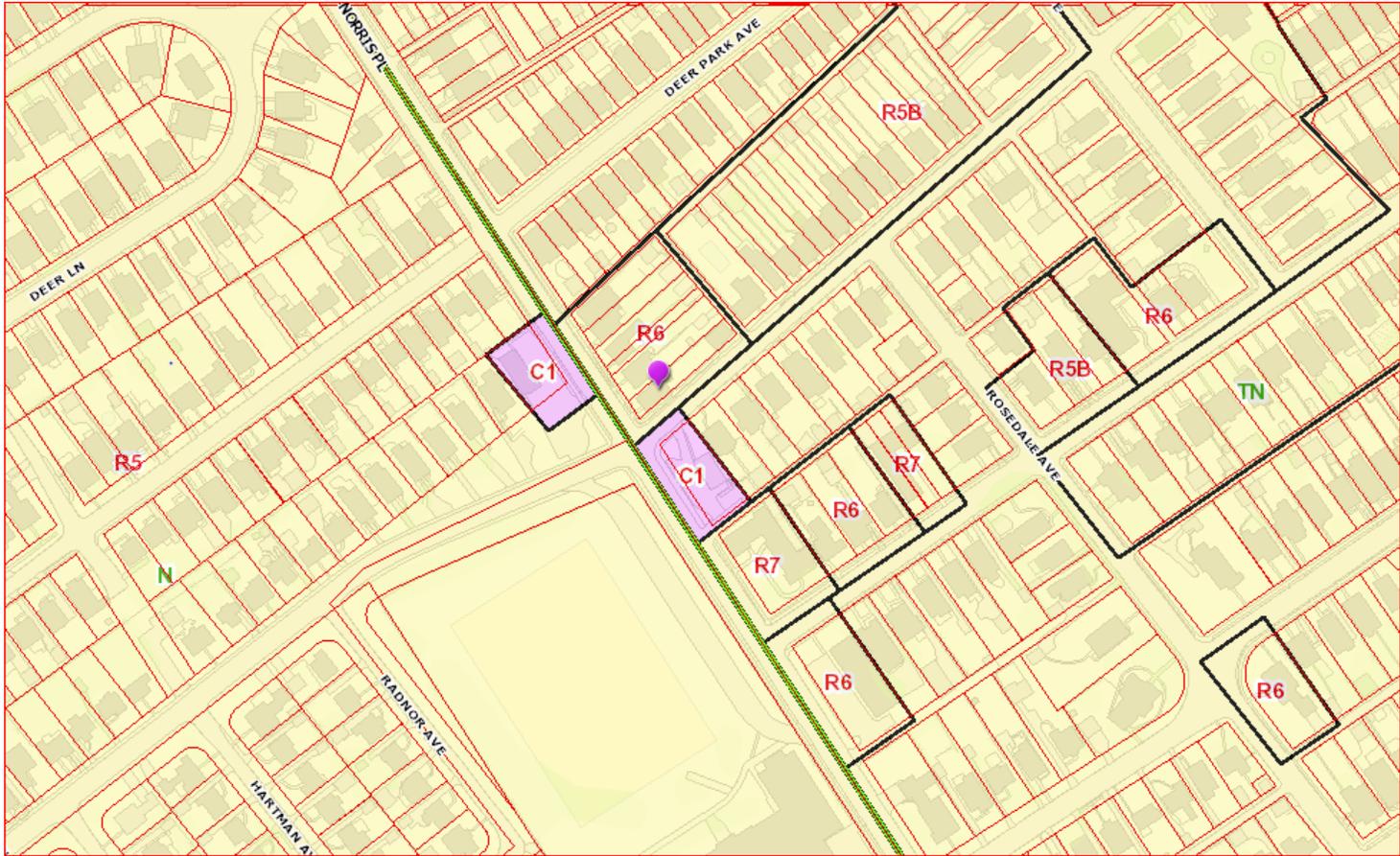
**NOTIFICATION**

Date	Purpose of Notice	Recipients
11/14/2019 11/13/2019	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District #8
11/ 22 /2019	Hearing before BOZA	Sign Posting

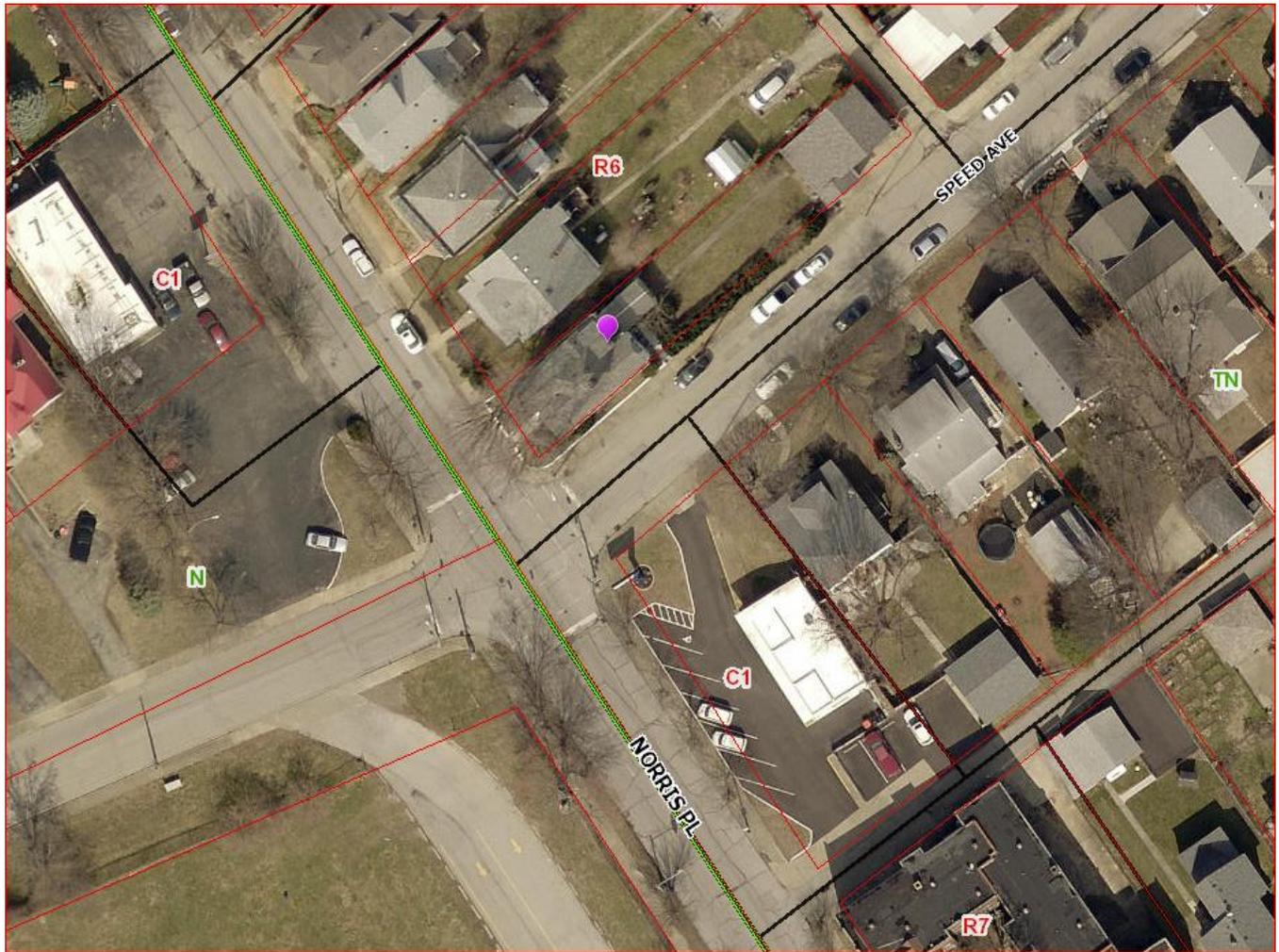
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. 600 Foot Map
4. Explanation Letter
5. Neighborhood Meeting/Minutes
6. Opposition Email
7. Bedroom Pictures

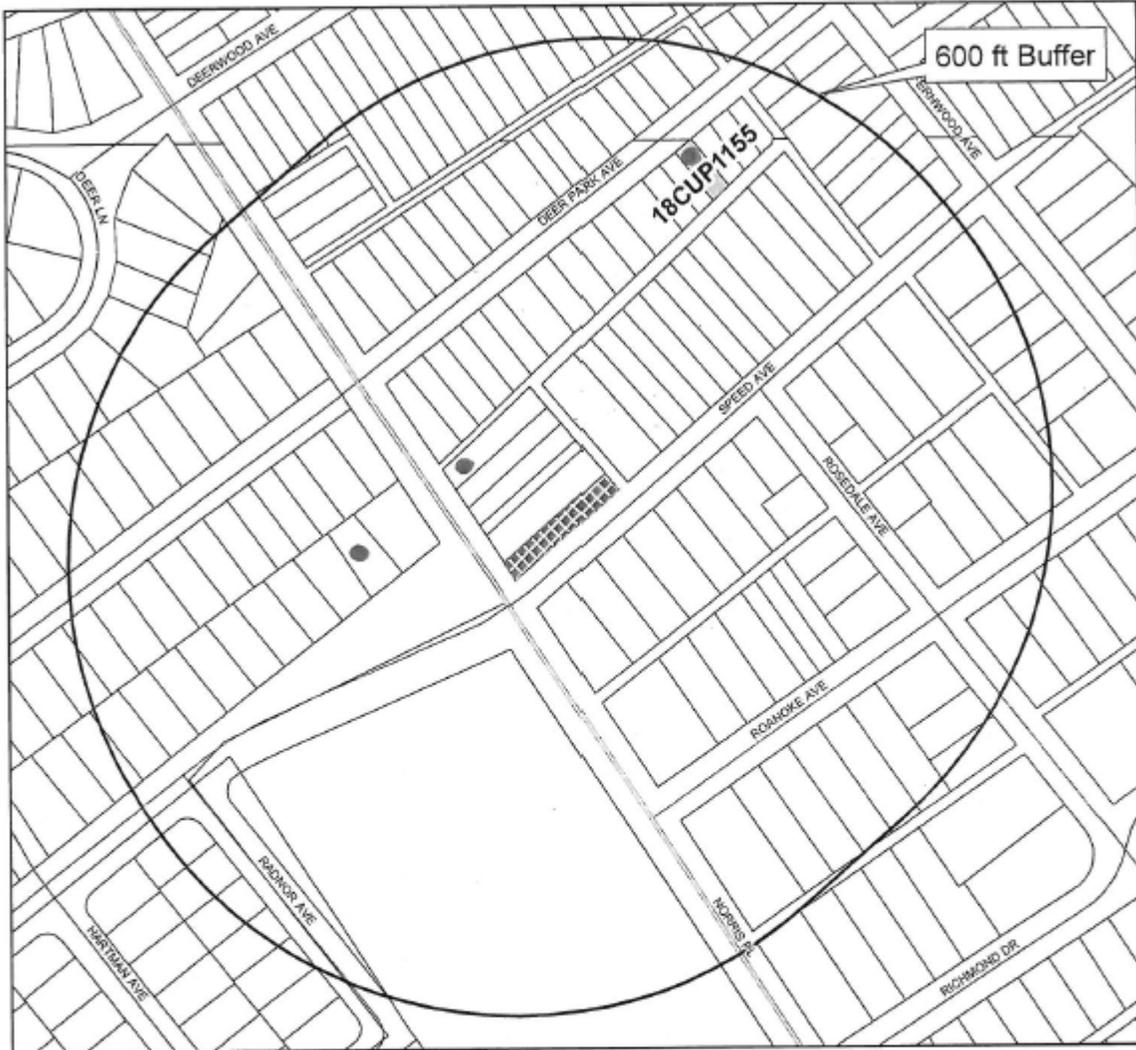
**Zoning Map**



**Aerial Photograph**



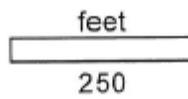
Map Created: 11/20/2019



**Legend**

-  Buffer
-  Subject Site
-  Pending

**Proximity Map  
19-CUP-0179**



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



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September 18, 2019

Re: - Letter of Explanation – Oliver Real Estate Management and 1641 Norris Place Application

To Whom it May Concern:

Oliver Real Estate Management LLC(OREM) is a small private real estate holding company owned and operated by Carroll and Jennifer Mackin, who reside in the highlands less than 1 mile from 1641 Norris Place. OREM owns one commercial and one residential property in Louisville.

We are excited for the opportunity to add this short-term rental to the neighborhood so that visitors can experience a wonderful section of our city. Owners of OREM own and operate several other businesses in the Louisville area and consider ourselves responsible stewards of our businesses and the community. 1641 Norris Place is situated perfectly for a short-term rental. It is an urban residential community but is situated on a very commercial corner. The adjacent properties on the same corner consist of a school field, a neighborhood coffee shop and an auto repair shop.

Thank you for your consideration and please let me know if I can be of any assistance in the future.

Sincerely,

H. Carroll Mackin Jr

[CarrollMackin@gmail.com](mailto:CarrollMackin@gmail.com)

502-593-5303

RECEIVED

SEP 20 2019

19<sup>th</sup>  
SEPT 18<sup>th</sup> 1800 HRS

1641 Norris Summary notes:

~~NO SNOWS~~

NO SNOWS

Hendrix, Steve

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**From:** Curtis Stauffer & Rachel Cutler <rachelandcurtis@mac.com>  
**Sent:** Wednesday, November 13, 2019 3:57 PM  
**To:** Hendrix, Steve  
**Cc:** Coan, Brandon; dpna@deerparklouisville.com  
**Subject:** Comment on 19-CUP-0179 (1641 Norris Place)  
**Attachments:** Distance 1641 Norris Pl to 1631 Norris Pl-120ft.pdf; Distance 1641 Norris Pl to 1743 Speed-142ft.pdf; Distance 1641 Norris Pl to 1836 Deer Park-407 ft.pdf

**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**

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Hello Mr. Hendrix-

I wish to submit comment for the record on the proposed Conditional Use Phoneermit for a short-term rental at 1641 Norris Place (19-CUP-0179). As demonstrated in the attached LOJIC maps, this property is within 600 ft of 3 existing short-term rental CUPs and, therefore, should be rejected outright for failure to comply with regulations governing short-term rentals. It is 120 ft from 1631 Norris Place, 142 ft from 1743 Speed Avenue, and 407 ft from 1836 Deer Park Avenue.

Thank you for your consideration of my comments and including them in the public record for the Board of Zoning Adjustment.

Sincerely,  
Curtis Stauffer  
1921 Maplewood Place  
307-690-0981

Sent from TypeApp

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NOV 14 2019





BEDROOM2





