

Board of Zoning Adjustment
Staff Report
October 21, 2019



Case No:	19-CUP-0107
Project Name:	Short Term Rental
Location:	1010 East St. Catherine Street
Owner/Applicant:	Christina Clinton
Jurisdiction:	Louisville Metro
Council District:	# 4---Barbara Sexton Smith
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST

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

CASE SUMMARY/BACKGROUND

The 0.086 acre site is located on the south side of East St. Catherine Street between Swan Street and Schiller Avenue in the Germantown Neighborhood. The 1,452 square foot, single family dwelling was built in 1890 and has four bedrooms which will allow for ten guests. The site has approximately 25 feet of street frontage for one parking credit. The applicant states that the garage will not be used for guest parking, but there is ample street parking.

There is no Open Enforcement Case.

There is one other Short Term Rentals within 600 feet of the subject site and the applicant has submitted a justification letter.

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 August 5, 2019, with no invitees 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: 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 four bedrooms which would allow for ten 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 is one 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. The applicant has requested relief to the provision in accordance with LDC Section 4.2.2.B.

If the Board does not grant relief, the applicant does not meet all of the listed requirements and the conditional use permit cannot be approved.

- 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 applicant states there is ample street parking.

- 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.

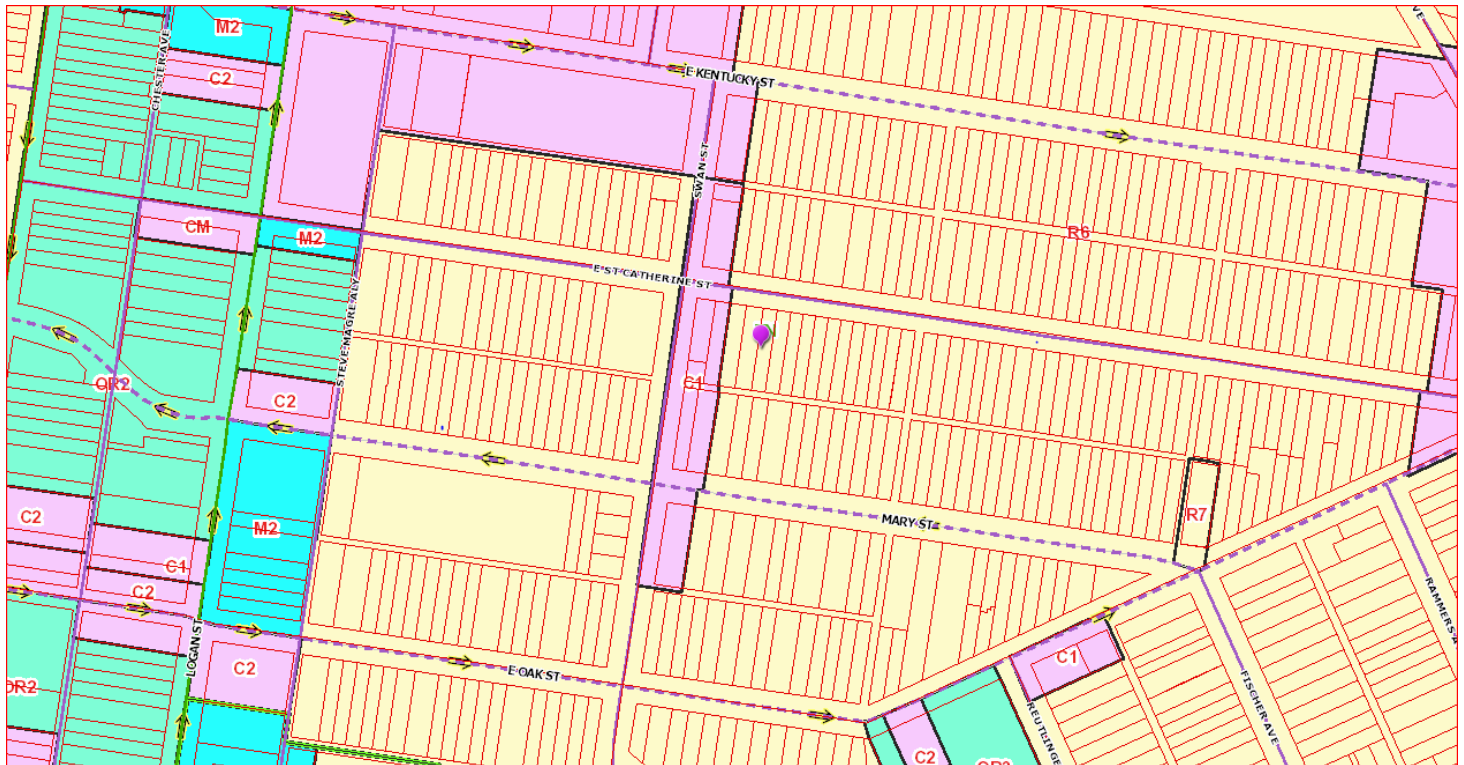
NOTIFICATION

Date	Purpose of Notice	Recipients
10/04/2019 10/02/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
10/10/2019	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. 600 Foot Map
4. Neighborhood Meeting/Minutes
5. Floor Plan
6. Bedroom Pictures
7. Justification Letter

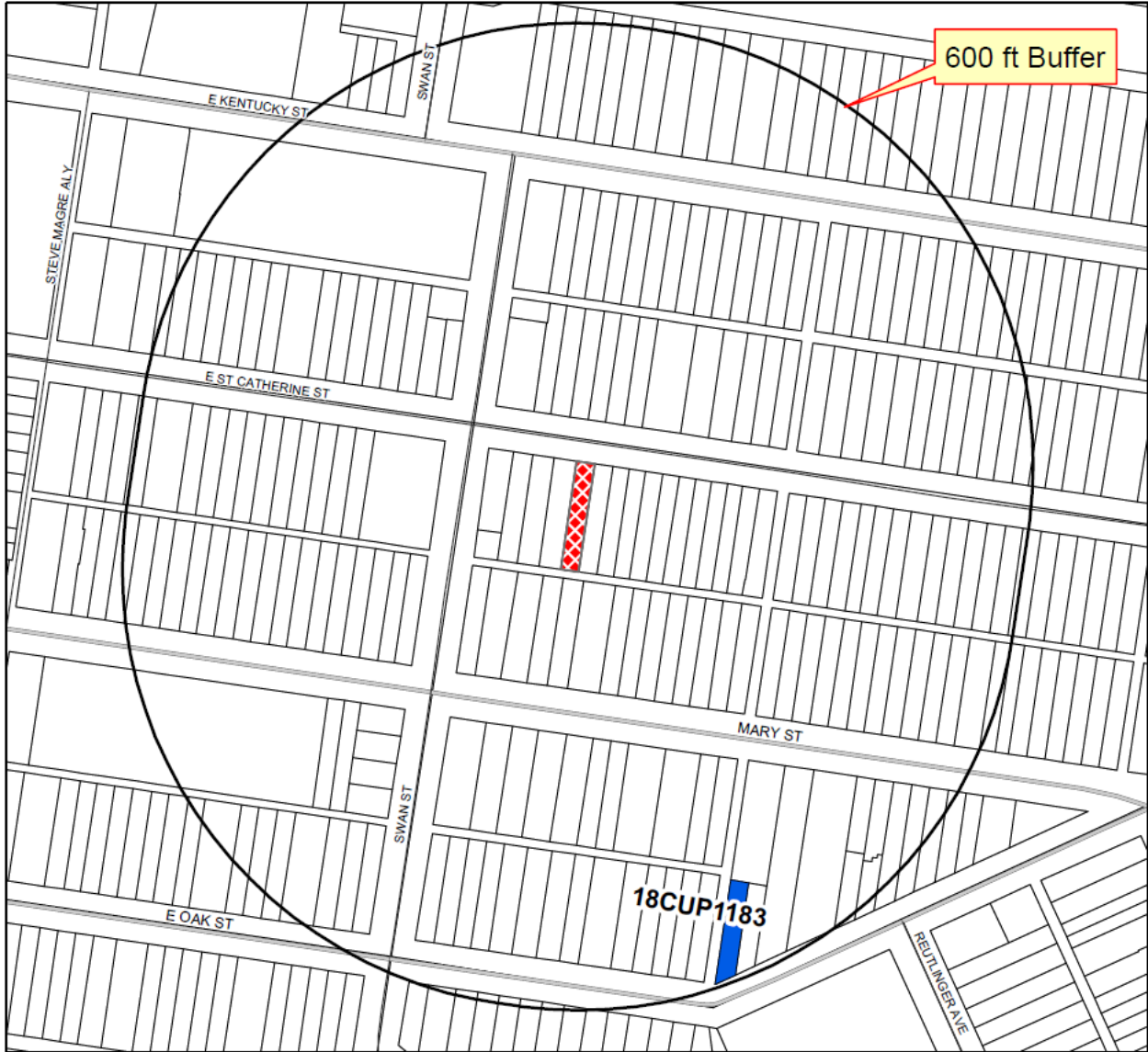
Zoning Map






Aerial Photograph



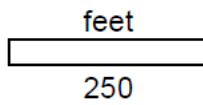
Map Created: 10/14/2019



Legend

-  Buffer
-  Subject Site
-  Approved

**Proximity Map
#19-CUP-0107**



Letter of Explanation for the Proposal

I, Christina Clinton, owner of 1010 E Saint Catherine St, moved to Berea with my fiancé. Rather than sell my property, which I previously used as a primary residence, it is my interest to turn it into a stream of income as a Short Term Rental property, using platforms such as Airbnb. My occupation is a professional coach (self-employed) and adjunct professor at Eastern Kentucky University; my fiancé is a physician. Since we live in Berea, we will be working with a short term rental property manager who is located in Louisville to manage the day to day cleaning and be responsible for addressing any maintenance issues, safety concerns, or nuisance complaints

The dwelling is a single-family home with a detached garage; the garage will not be accessed by guests. Guests will rent out the entire dwelling.

RECEIVED

AUG 08 2019

DESIGN SERVICES

19 CUP 0107

Bedrooms

4 bedrooms will be used

Parking

Ample free street parking

Garage

The detached garage will not be used

House Rules

1. Please treat my home as if it were your own; enjoy your stay but please be respectful as well
2. No smoking inside; if you smoke outside please clean up after yourself
3. No pets
4. No parties or events
5. No illegal activity on the premises whatsoever
6. Neighborhood quiet hours between 9PM and 7AM
7. Please ensure all doors are locked and alarm is on when away from the house

Neighborhood Meeting Sign-in Sheet

Short Term Rental Application 19-CUPPA-0042

Monday, August 5, 6:00 PM, 1010 E Saint Catherine St

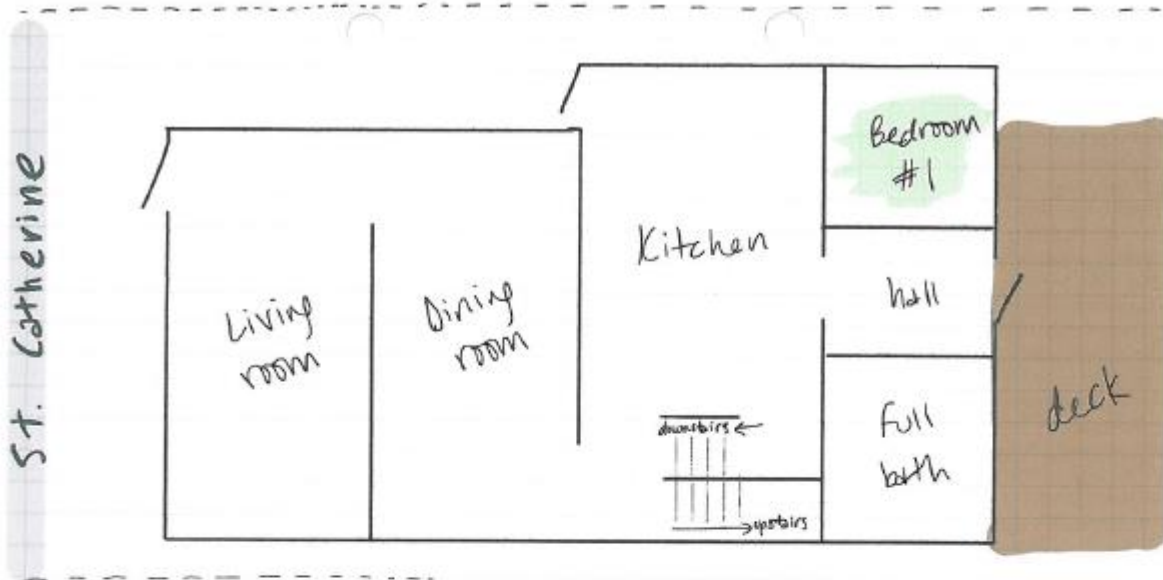
Christina (Tina) Clinton, Owner	
Clara Budd	
Robert and Sallie Howard	
Grace Property Group, LLC	
Mary Bernadine Worth	
Wayne West	
Chris Weick	
Paulette Oniel	
Jacolby Short	
Deborah Davenport	
Malesha Dames	
Bryce Biery Construction, LLC	
Anne Hill	
William Dubose, Jr	
Michael Fowler	
Patrick Donley, Jr	
Sagar Patagundi	
Joseph Bentley	
Don Kraps	
Logsdon Taylor Von	
Jerry Blessitt and Alexander Lucy	
Nevitt Properties, LLC	
Harry Stetser	
Steve Hendrix	
Barbara Sexton Smith	

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Neighborhood Meeting Minutes

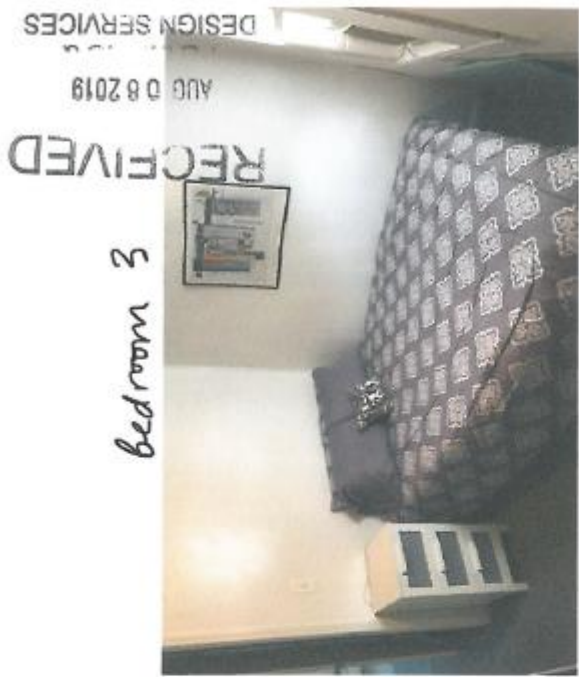
Monday, August 5, 6PM at 1010 E Saint Catherine St, concerning 19-CUPPA-0042

Nobody attended.



1010 E. St. Catherine
 Floor plan
 4 bedrooms





Bedroom 3



Bedroom 4



Bedroom 1



Bedroom 2

Bedrooms

To the Board:

With regards to the application to operate my property as a short term rental, I believe the 600 ft rule could be excused for the following reasons:

- There is only one other approved CUP within the 600 ft buffer and it is located at the very edge of the perimeter; the nearest distance between the two property lines is over 460 ft and the distance from front door to front door is over 600 ft, as the entrance to the E Saint Catherine property faces north and the entrance to the Oak St property faces south. Although they are in the same neighborhood, they are several blocks and two streets apart.
- My property is located on a side street that dead ends one block away (at the tracks at Steve Magre Alley), not a main thoroughfare.
- This is a dense urban neighborhood, where guests to Louisville would like to stay due to the convenient proximity to downtown, the convention center, the fairgrounds, the airport, and many restaurants and shopping. Houses are close together and residents are accustomed to being in a populated area; it is quite different from a spread out suburban neighborhood where rentals within 600 ft would be a larger percentage of the properties.
 - Zero attendance at the neighborhood meeting may indicate that neighbors are not concerned with the prospect of a short term rental being located here. Conversations with my immediate neighbor Clara Budd (1008 E Saint Catherine) show support; she will be in contact with me and/or my property manager if there are any disruptions.
- Besides house rules being in place, such as neighborhood quiet time hours and no parties, the property is monitored and my property manager and I will be active in maintaining the integrity of the guests, property and neighborhood.
- Despite the fact that it is no longer my primary residence, I do stay here frequently and the property will not be rented to guests 100% of the time, as my family will still be using it when we are in Louisville (several times a month).

Thank you for your consideration,

Tina Clinton

Property owner, 1010 E Saint Catherine St