

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



<b>Case No:</b>	19-CUP-0181
<b>Project Name:</b>	Short Term Rental
<b>Location:</b>	4554 South Second Street
<b>Owner/Applicant:</b>	Matthew Iles
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	# 21 – Nicole George
<b>Case Manager:</b>	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 owner in a R-5 Zoning District and Traditional Neighborhood Form District.

**CASE SUMMARY/BACKGROUND**

The 0.223 acre site is located on the west side of South Second Street between Wampum Avenue and Wellington Avenue in the Beechmont Neighborhood. The 900 square foot short term rental unit will occupy the second floor of a carriage house that the applicant is proposing. The apartment will have two bedrooms. Since the short term rental unit occupies an accessory apartment, only two adult guests will be allowed. The garage will have two parking spaces, a carport is proposed for another space, parking will be available in the driveway and there is a parking credit on Second Street.

There is no Open Enforcement Case.

There are two Short Term Rentals within 600 feet of the subject site.

The applicant will be requesting relief from the listed requirement D.

**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 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.

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 accessory apartment has two bedrooms, but by definition, the Land Development Code only allows two adults in an accessory apartment.***

- 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 were two other properties 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 will be requesting 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 an accessory apartment..**
  
- 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 will have a two car garage and a carport, it already has driveway parking and a parking credit on Second Street.**
  
- 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.***

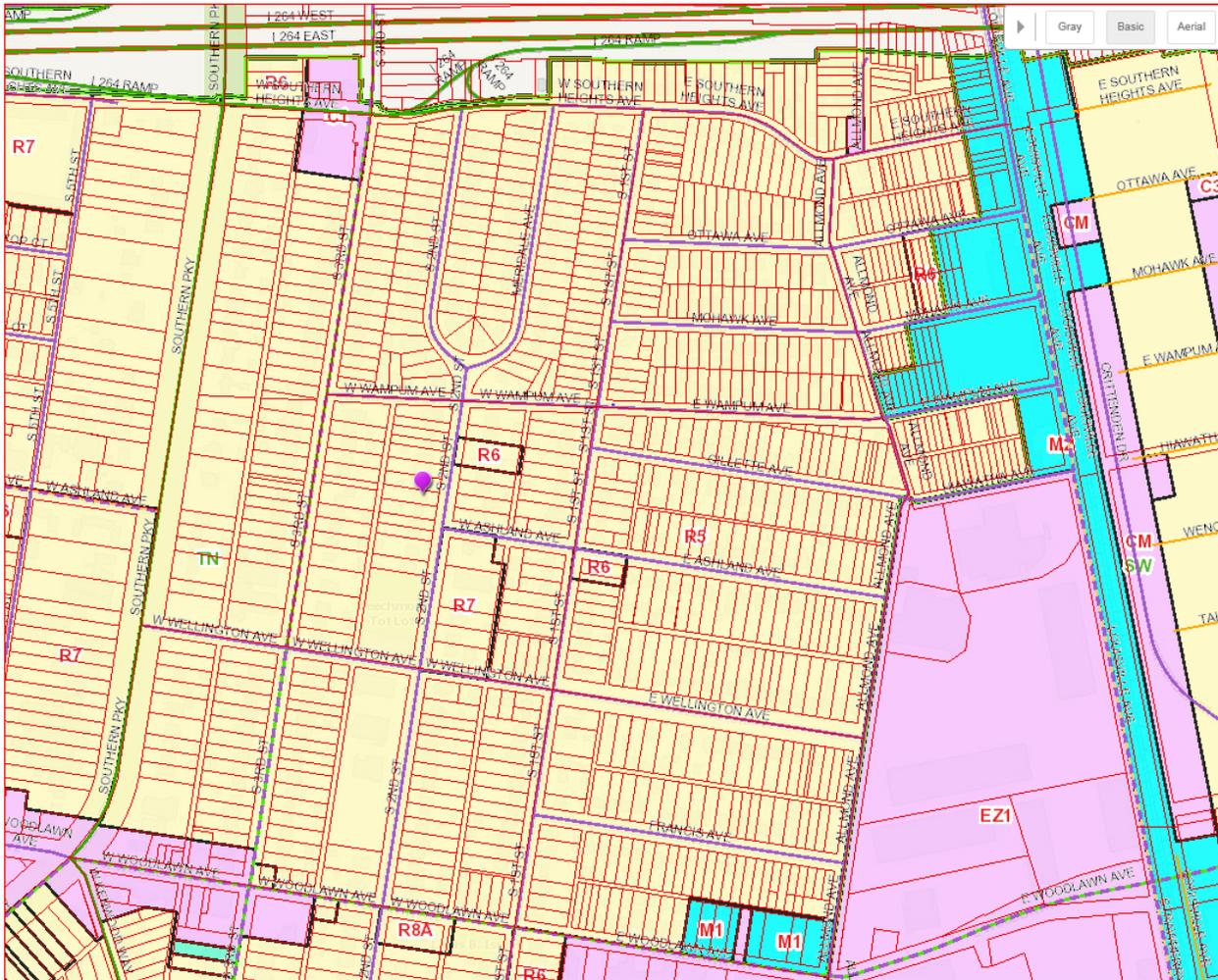
**NOTIFICATION**

Date	Purpose of Notice	Recipients
11/15/2019 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 #21
11/ 22 /2019	Hearing before BOZA	Sign Posting

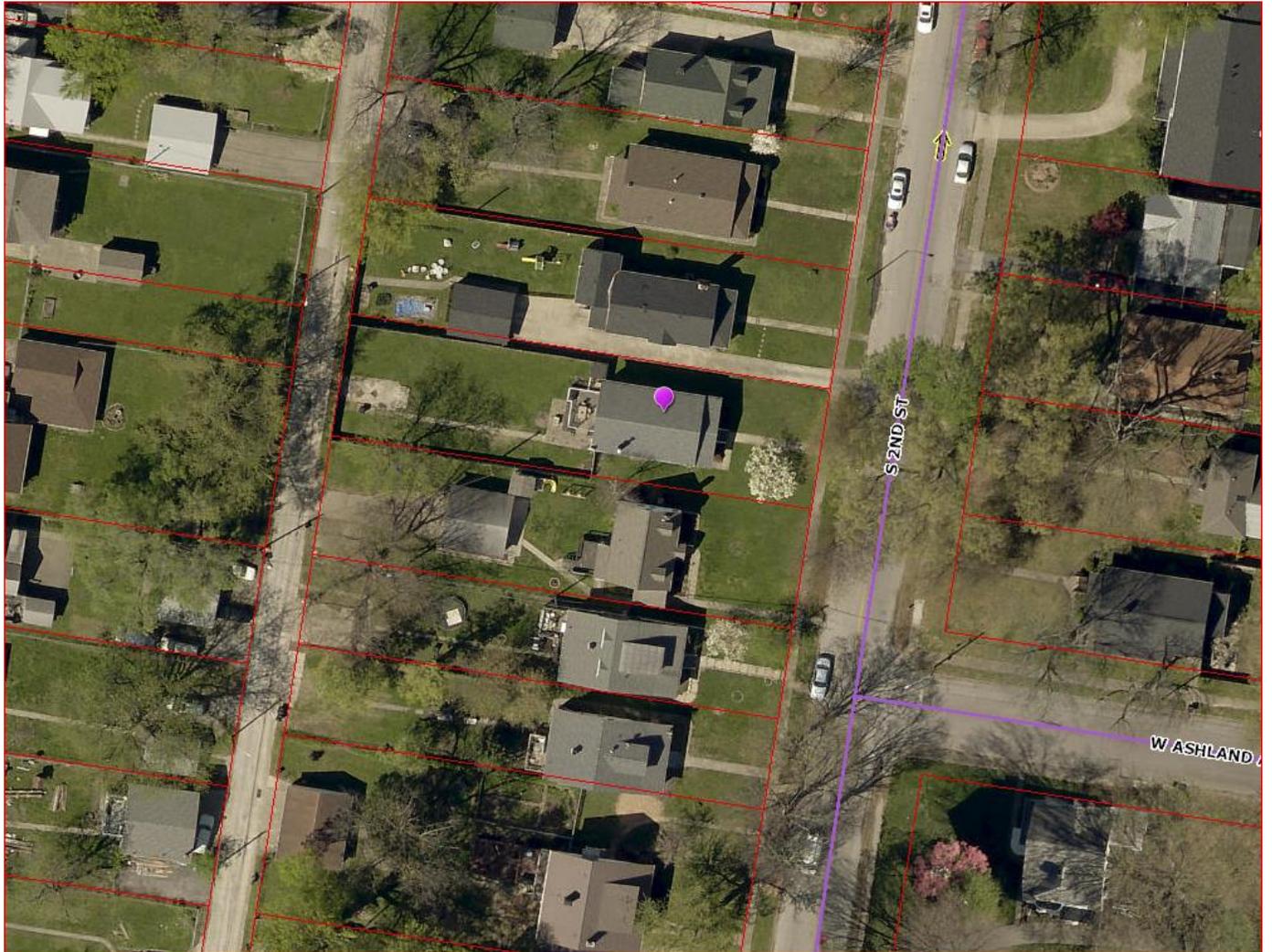
**ATTACHMENTS**

- 1. Zoning Map
- 2. Aerial Photograph
- 3. 600 Foot Map
- 4. Explanation Letter
- 5. Site Plan
- 6. Floor Plan
- 7. Elevations
- 8. Neighborhood Meeting

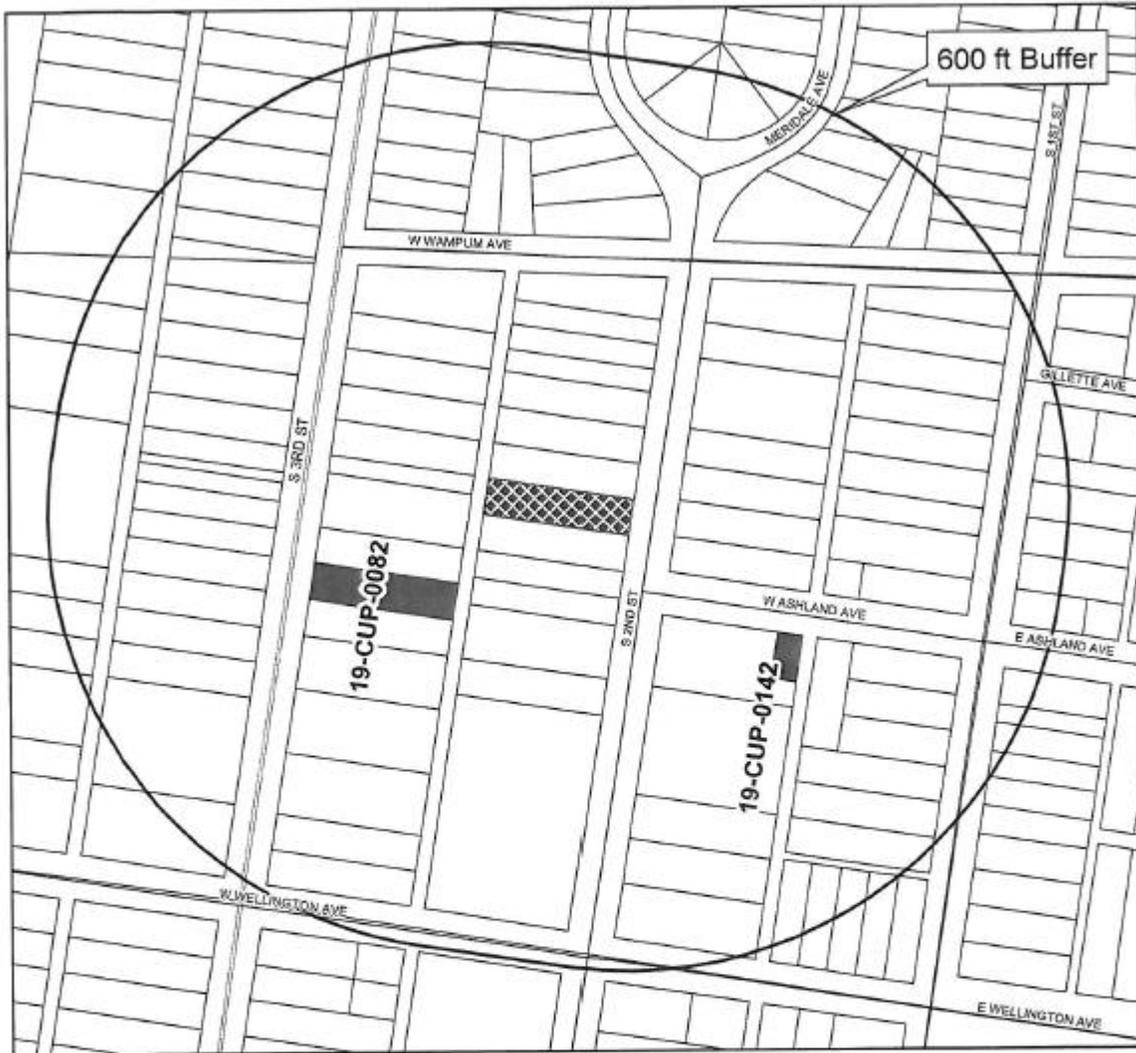
# Zoning Map



**Aerial Photograph**



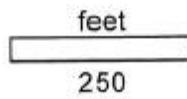
Map Created: 11/20/2019



**Legend**

-  Buffer
-  Subject Site
-  Approved

**Proximity Map  
19-CUP-0181**



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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4554 South 2nd Street  
Louisville, KY 40214

20 September 2019

Dear Board of Zoning:

My wife, and I moved to Louisville one year ago and closed on our first home together on August 6th, 2018. The story of landing in Louisville goes back a few years, and I feel it is pertinent to this conditional use request. Therefore if one would oblige, I will tell it here.

We were in our last year of training in Family Medicine residency, had gotten married only 6 months prior, and we were starting to dream and pray about where God might have us lay down our roots. There are many great cities from which to choose and even greater number of neighborhoods. Honestly, the task of choosing was a little overwhelming. But for us Louisville always made the most sense. It is located half-way between our parent's homes along I-65, where we had our wedding, a city with diversity in people and experiences, moderately sized, and has so much potential.

Though perhaps more important than finding a city is finding a neighborhood to call home. Underpinning that decision lies the reality and difficulty of disparity. We feel that disparity is reconciled in service to one's neighbors - as Jesus advises us to "love the LORD your God with all your heart and your neighbor as yourself." We also recognize that we are on one end of that disparity and many of our neighbors in Beechmont are on the other. And what's more, many of them have come from very far away places and have not had the choice of neighborhood or city - it was made for them. We were drawn to Beechmont for many of the same reasons others choose to live here: it is quiet, close to downtown, diverse and has a ton of character/history. We felt that this would be the best place to start planting our roots, grow as a family, and learn from our neighbors how great and vast is the diversity of this world. We have enjoyed getting to know our closest neighbors and look forward to getting to know those a bit further away as we settle in.

Once we settled on a neighborhood, we had to find a home. We chose our specific property because it is well maintained older home with charm and offered the potential for expansion/additions. The first phase of renovations is the addition of a carriage house to the back part of the property that has alley access. We intend to use this space for family, friends and/or someone within our sphere of influence (e.g. a student from one of the local universities or as a means of outreach to families in need of a safe space). It has been an eye-opening experience, to say the least, regarding the process to obtain a permit for such a construction project but ultimately we feel it is worth it as a way to serve our neighbors.

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**Matthew & Ashley Iles**  
4554 South 2nd Street  
Louisville, KY 40214

Regarding the CUP for Multi-family dwelling, we feel that this project will not change the character of the existing neighborhood as there are innumerable examples of these carriage houses up and down the alley's of Southern parkway and its neighboring streets including our own South 2nd Street. Regarding the CUP application for short-term rental (STR) status, we felt that with the new legislation passed in the last 9 months it would make more sense to secure STR allowance even if the intended use may not be made up of a majority of STR time. Gaining STR status would also allow what the law intends as natural barrier to over expansion of STR's in neighborhoods. And as home-owners and physical neighbors, we feel the burden of this quite acutely.

We have spoken with our immediate neighbors individually and held the neighborhood meeting as required for the "1st and 2nd tier neighbors" and have not heard anything except support and encouragement. We hope that you, the Board, will feel the same way. We look forward to the formal hearing and welcome any questions our concerns regarding this proposal.

The details of the property are as follows:

Owner's Occupations: Physicians

Dwelling unit (upper floor only - lower level is garage and will not be rented): 1-Bedroom 1-Bath apartment with kitchen.

Sincerely,

Matthew & Ashley Iles

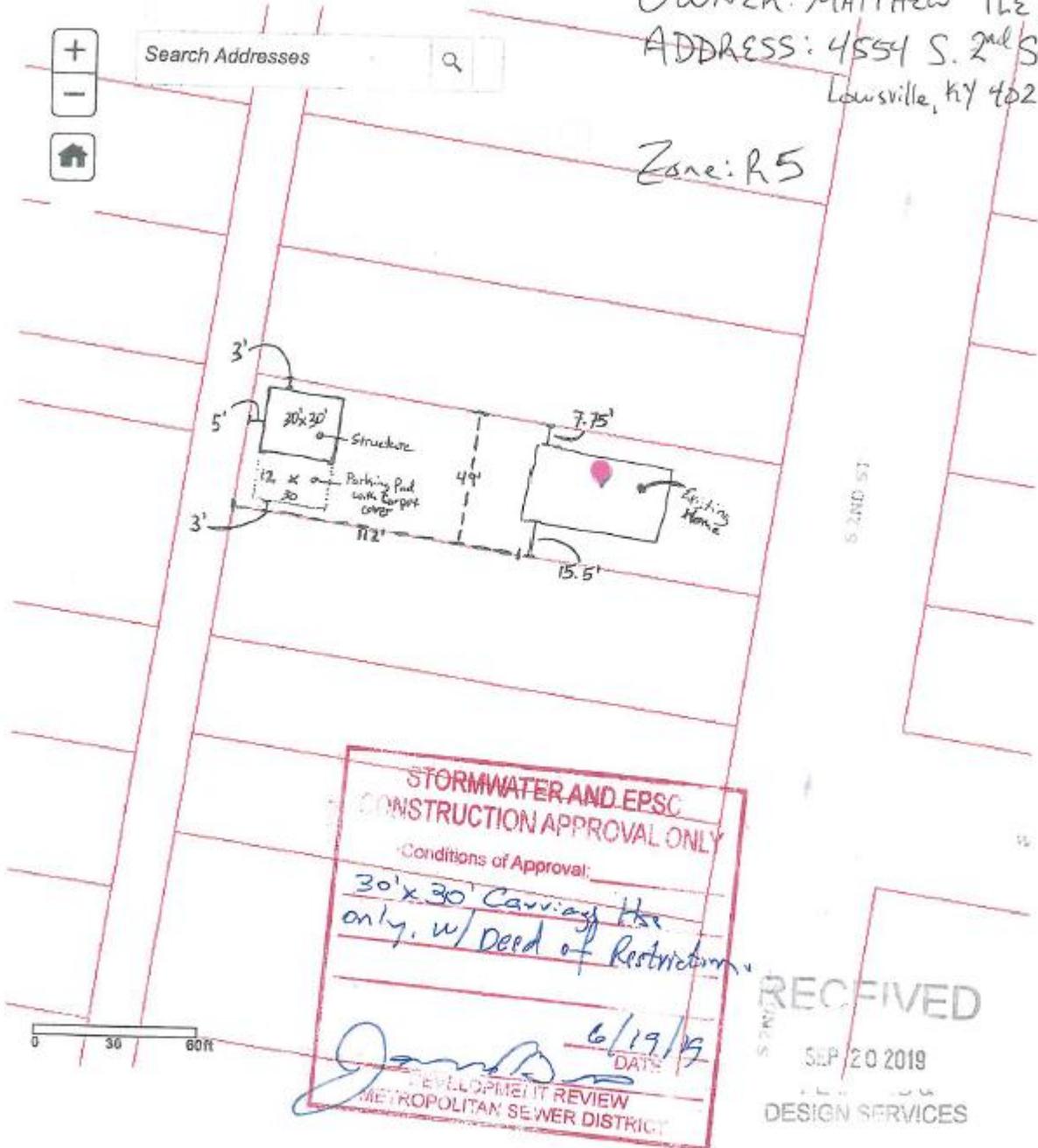
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Search Addresses

OWNER: MATTHEW ILES  
ADDRESS: 4554 S. 2nd Se.  
Louisville, KY 40214

Zone: R5



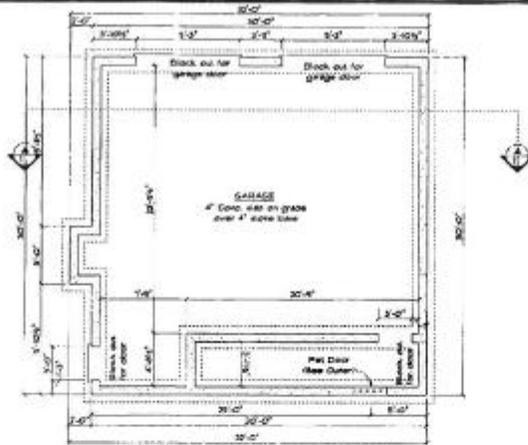
**STORMWATER AND EPSC  
CONSTRUCTION APPROVAL ONLY**  
Conditions of Approval:  
*30' x 30' Carriageway  
only, w/ Deed of Restriction*  
*6/19/19*  
DATE  
DEVELOPMENT REVIEW  
METROPOLITAN SEWER DISTRICT

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<https://www.lajic.org/lajic-online>

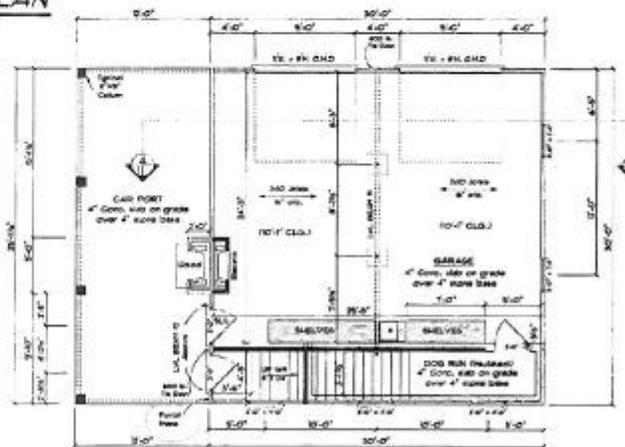
**NOTES**  
 1. FOUNDATION SHALL BE CONCRETE  
 2. ALL WALLS SHALL BE 8" CMU  
 3. ALL ROOFING SHALL BE ASPH/FLY  
 4. ALL FLOORING SHALL BE 3/4" OSB  
 5. ALL INTERIORS SHALL BE 5/8" GYP BOARD  
 6. ALL EXTERIORS SHALL BE 5/8" GYP BOARD  
 7. SEE SPECIFICATIONS FOR FINISHES



**FOUNDATION PLAN**



**2nd FLOOR PLAN**



**1st FLOOR PLAN**

Scale: 1/8" = 1'-0"

**CARRIAGE HOUSE DESIGN FOR MATT ILES**

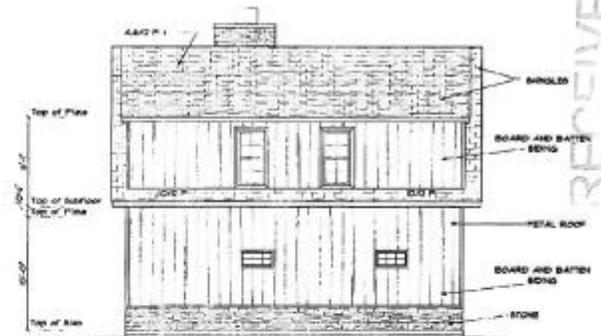
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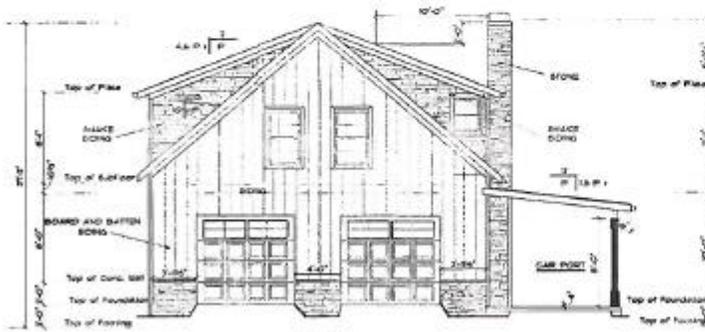
**NOTE:**  
 1. See elevation on spread.



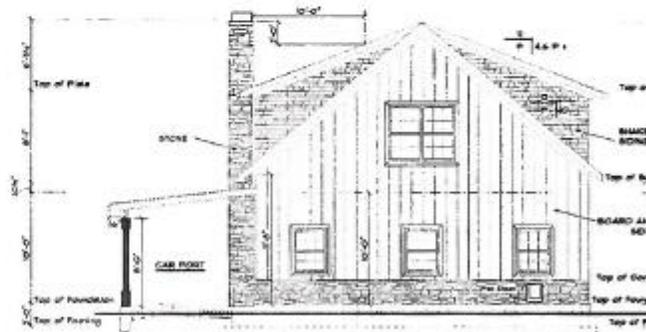
LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



FRONT ELEVATION

Neighborhood Meeting  
19-CUPPA-0102

5<sup>th</sup> September 2019

Attendee  
Matthew ILSS (owner)

Signature  


No one attended.

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