

# Board of Zoning Adjustment Staff Report

July 10, 2017



<b>Case No:</b>	16CUP1080
<b>Project Name:</b>	Short Term Rental
<b>Location:</b>	2216 Glenmary Ave.
<b>Owner:</b>	Yong Cha
<b>Host:</b>	Yong Cha
<b>Representative(s):</b>	Yong Cha
<b>Zoning District:</b>	R-5B, Residential Two-Family
<b>Form District:</b>	TN, Traditional Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	Brian Mabry, AICP, Planning & Design Supervisor

### REQUEST

- Conditional Use Permit to allow a short term rental that is not the primary residence of the owner in an R-5B zoning district

### CASE SUMMARY

The applicant operates an existing short-term rental at the subject property. A Conditional Use Permit is required due to the applicant living off-site, immediately next door. If the CUP is approved, the short-term rental will remain the sole use of the property. The PVA classifies the property as single-family residential. According to the applicant, the residence has four bedrooms, which means that a maximum of 12 guests are allowed at any one time.

The subject property is rectangular in shape, approximately 75 feet in width and approximately 6,900 square feet in area. It is located on Glenmary Avenue between Everett Avenue and Willow Avenue. The subject property is wide enough to have credit for 3 on-street parking spaces and has one off-street parking space next to a detached garage in addition to one parking space within the garage. The applicant owns and resides at the adjacent property to the northeast.

### STAFF FINDING

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Short-Term Rental	R-5B	TN
<b>Proposed</b>	Short Term Rental	R-5B	TN
<b><i>Surrounding Properties</i></b>			
<b>Northeast</b>	Single-family residential	R-5B	TN
<b>Southwest (across alley)</b>	Single-family residential	R-5B	TN
<b>Southeast (across alley)</b>	Single-family residential	R-5B	TN
<b>Northwest</b>	Multifamily & Single-family residential	R-5B	TN

## PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous cases on the site.

## INTERESTED PARTY COMMENTS

Staff has not received any interested party comments. The applicant held a neighborhood meeting with two persons attending. One neighbor expressed concern about two instances of noise and about a car once blocking the alley. The applicant provided his cell phone number to the concerned neighbor.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code  
Louisville Metro Code of Ordinances, Chapter 115, Sections 115.515 through 115.521

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

### 1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan.

### 2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal is compatible with its surroundings because the request only involves allowing a short term rental within the existing single-family dwelling. No additional development is proposed. As such, the proposal is compatible with the surrounding land uses with respect to height, bulk, scale, intensity, traffic, noise, odor, drainage, lighting and appearance.

### 3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: The subject property is in a developed area where public facilities are readily available. There were not any agency comments indicating that the property's existing public facilities are inadequate to serve a short term rental.

### 4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

#### **4.2.63 Short Term Rental 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**

A short term rental of 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 a 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. If a contract exceeds 29 consecutive days, it is not subject to the short term rental regulations. Long term rental contracts are permitted on the property so long as the use remains single-family residential.*

- 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 four individuals.  
*The applicant has been informed of this requirement. According to the applicant, the dwelling has four bedrooms and so the maximum number of individuals permitted in the short term rental is 12. The applicant has no plans to add bedrooms to the structure.*
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.  
*The dwelling unit is a single-family residence.*
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.  
*The applicant has been informed of this requirement.*
- F. Outdoor signage which identifies the short term rental is prohibited.  
*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.  
*A single-family residence requires a minimum of one parking space. The subject property is wide enough to have credit for 3 on-street parking spaces and has one off-street parking space next to a detached garage in addition to one parking space within the garage. The applicants, who live immediately to the northeast of the subject property, have an 85-foot long driveway that could be used for parking for the short term rental if the need arose.*
- H. 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.*
- 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.  
*The applicant has been informed of this provision.*

**TECHNICAL REVIEW**

There are no outstanding technical review items.

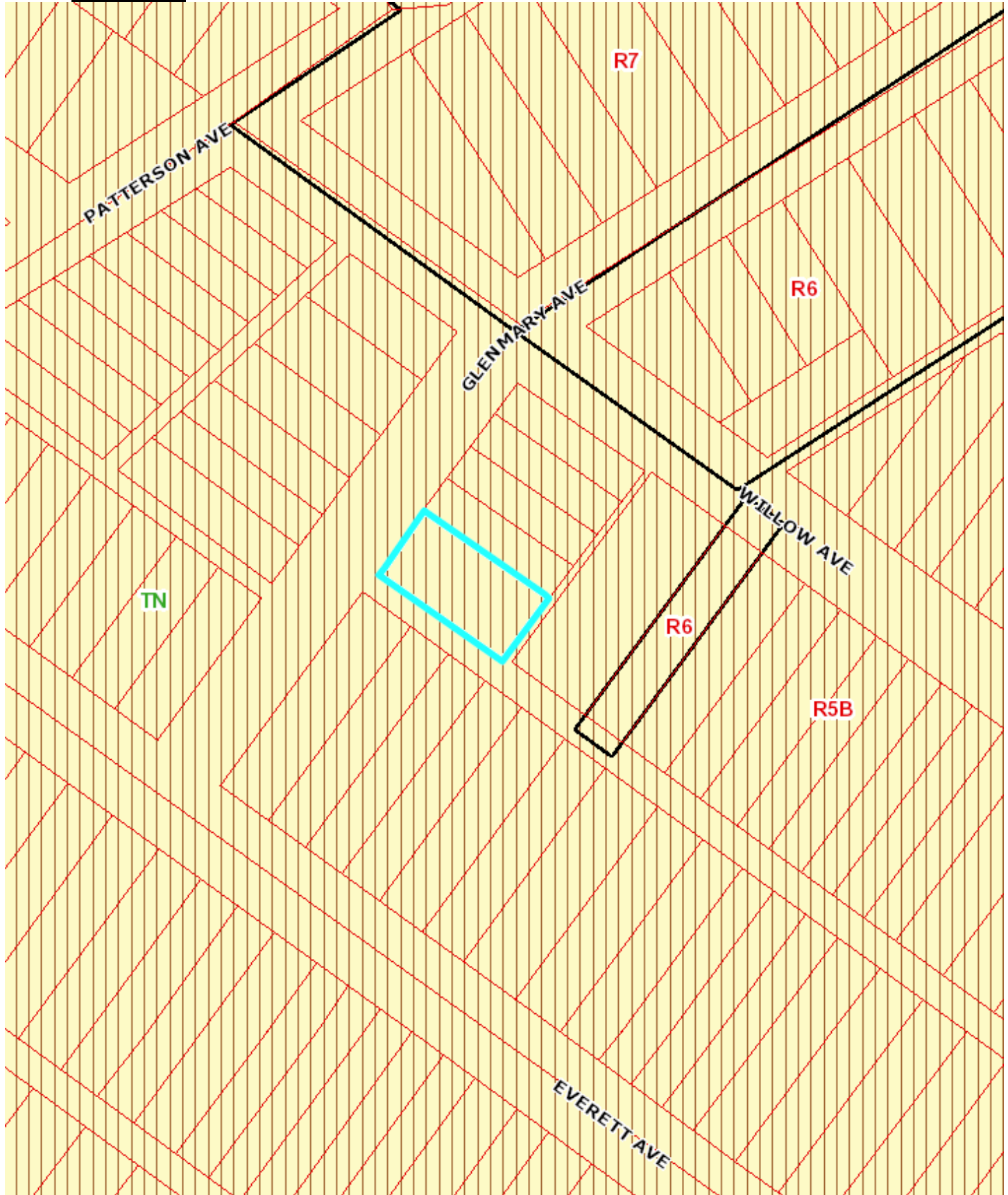
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
6/23/17	APO Notice	First tier and second adjoining property owners
6/23/17	APO Notice	Neighborhood notification recipients for District 8
6/23/17	Sign Posting	Subject Property

**ATTACHMENTS**

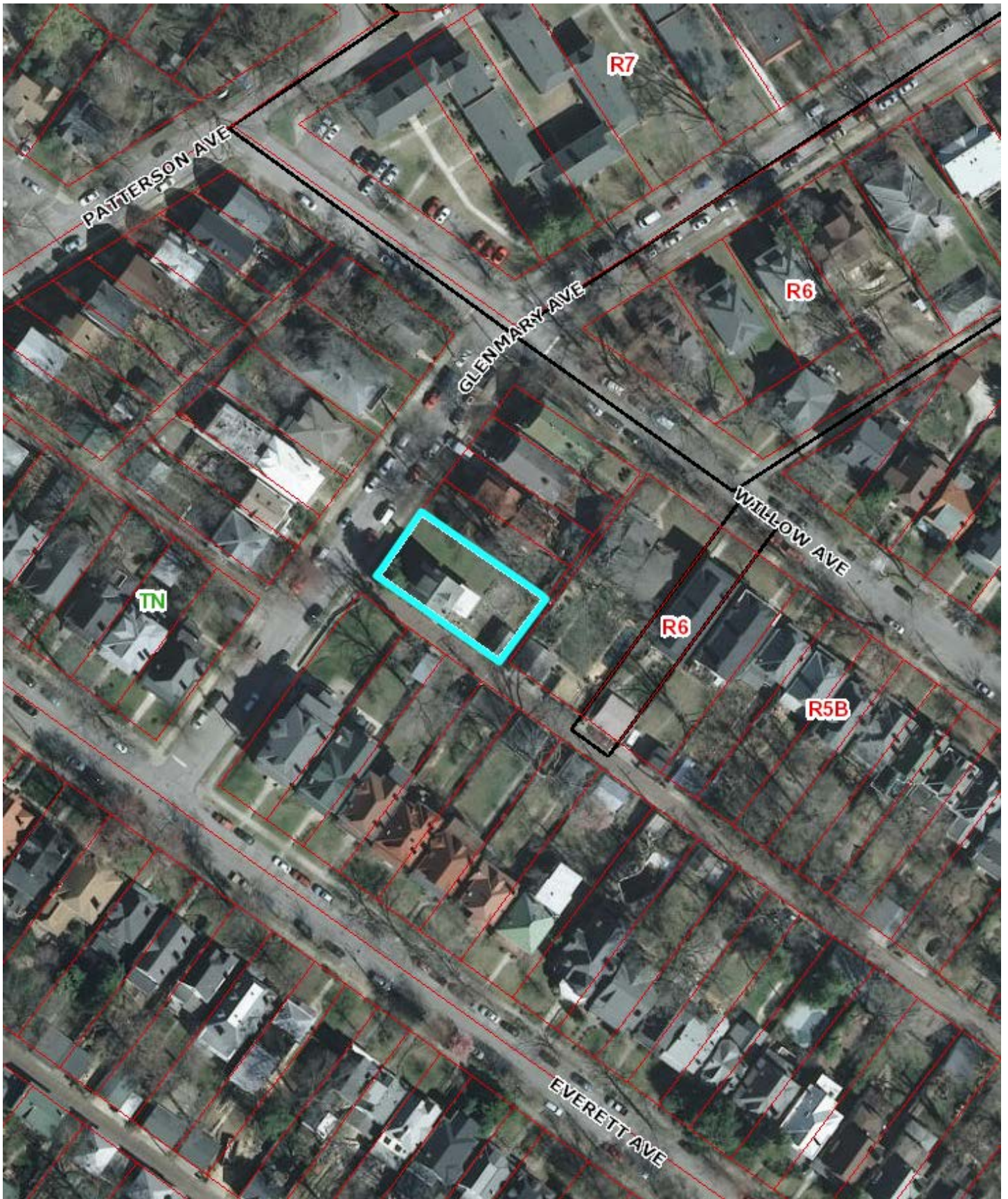
- 1. Zoning Map
- 2. Aerial Photograph
- 3. Conditions of Approval

1. Zoning Map





2. Aerial Photograph



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 shall register with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.