

**16CUP1052**  
**Short Term Rental:**  
**922 Cherokee Rd**



**Board of Zoning Adjustment Public Hearing**

**Brian Mabry, AICP, Planning & Design Supervisor**

**December 5, 2016**

# Request

- Conditional Use Permit to allow short term rental that is not the primary residence of the host in an R-5B (Residential Two-Family) zoning district

# Case Summary/Background

- Subject property is developed as a single-family detached dwelling
- Applicant owns the property and resides across the street and to the southeast on Cherokee Rd
- Subject property is rectangular in shape, 33 feet in width and 6,200 square feet in area
- Residential structure has six bedrooms and has 2,562 square feet of finished floor area
- Located across an alley from commercial development along Baxter Avenue

# Zoning/Form Districts

**Subject Property:**

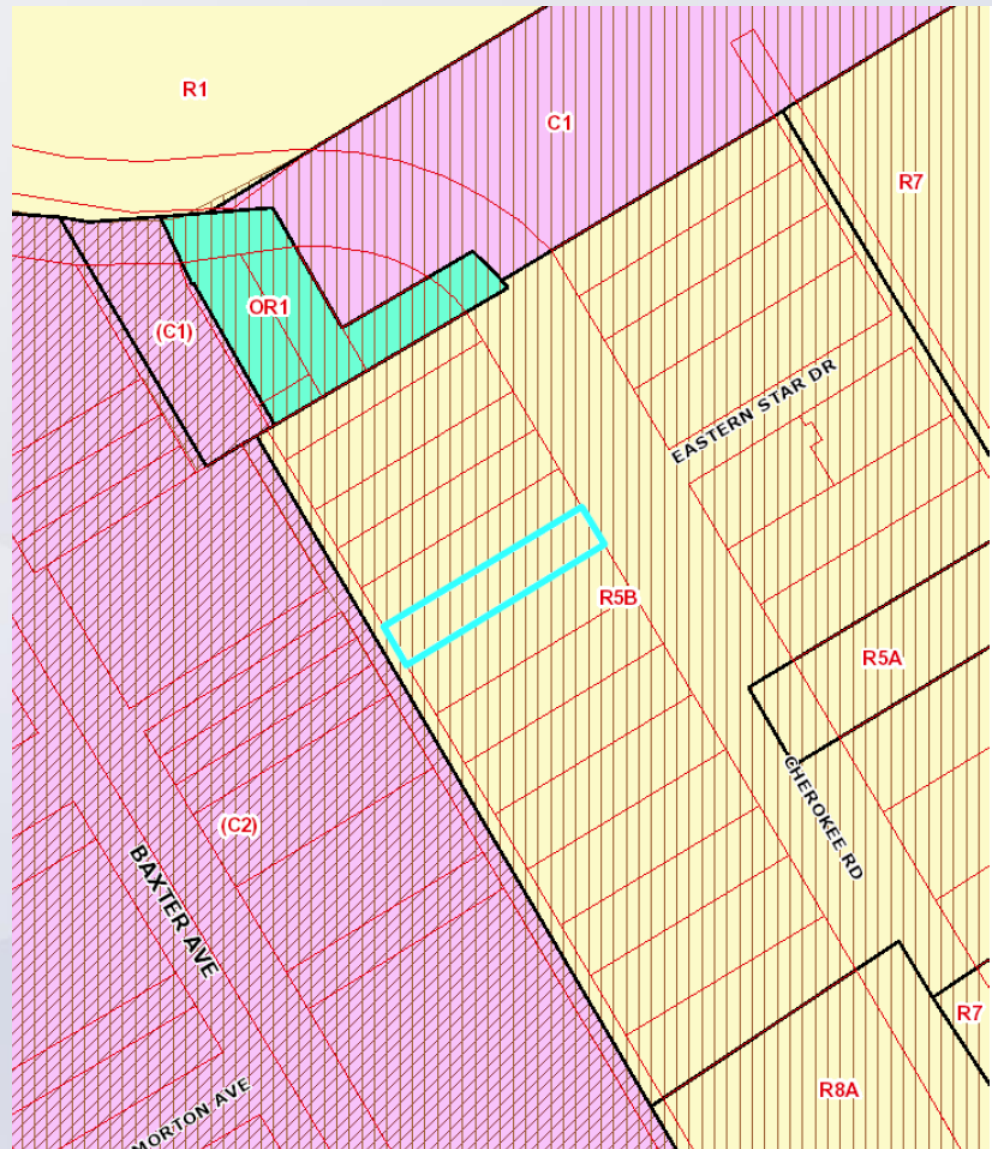
**Existing: R-5B/TN**

**Northwest: R-5B/TN**

**Southeast: R-5B/TN**

**Northeast (across  
Cherokee Rd): R-5B/TN**

**Southwest (across  
alley): C-2/TMC**



# Aerial Photo/Land Use

## Subject Property:

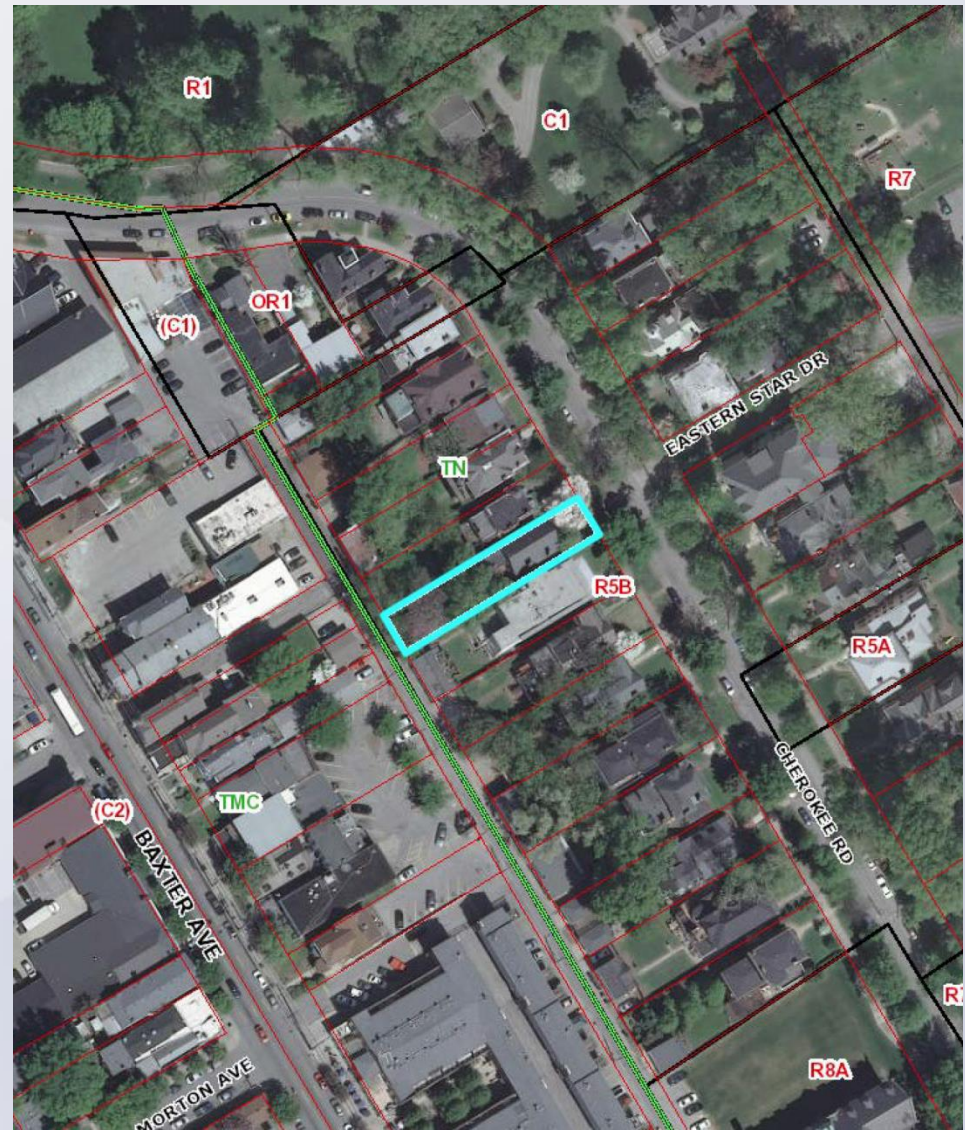
Existing: Single-family  
short term rental

Northwest: Multifamily  
residential

Southeast: Multifamily  
residential

Northeast (across  
Cherokee Rd): Multifamily  
residential

Southwest (across alley):  
Misc. Retail





11/19/2016 04:57

Subject Property, Looking southwest



**Across Street from Subject Property**



932

11/19/2016 04:59

Subject Property, Rear Off-Street Parking



# Standards of Review

1. Is the proposal 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?
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?

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

A short term rental (STR) in the TNZD may be allowed upon the granting of a CUP. In addition to any conditions of approval, the STR and its host shall meet the following requirements:

- A. The max stay for a guest shall be 29 consecutive days.
- B. The dwelling unit shall be limited to a single STR contract at a time.
- C. At no time shall more persons reside in the STR than 2X the number of bedrooms plus 4 individuals.
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the STR is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the BOZA. 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 STR use shall be removed when the STR use is terminated.
- H. The STR and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to 2 or more substantiated civil and/or criminal complaints, the BOZA may revoke the approval.

# Conclusions

- 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

# Required Actions

- Approve or Deny Conditional Use Permit to allow short term rental
- Condition of Approval in staff report:
  - The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.