Board of Zoning Adjustment
Staff Report
April 15, 2019

Case No.	18CUP1157
Project Name	Short Term Rental
Location	110 N. Clifton Avenue
Owner	Hospitality Properties
Applicant/Host	Sal Rubino
Jurisdiction	Louisville Metro
Council District	9 – Bill Hollander
Case Manager	Beth Jones, AICP, Planner II

REQUEST

Conditional Use Permit to allow short term rental of dwelling units not the primary residence of the host (LDC 4.2.63)

CASE SUMMARY / BACKGROUND

The applicant proposes to conduct short-term rental of a duplex residence on the site. As neither unit is the primary residence of the host, a Conditional Use Permit is required.

The site is located on the west side of N. Clifton Avenue at the intersection of Weikel and Frankfort Avenues. It and adjoining properties to the north are zoned R-7 Multi-Family Residential and are in residential use. Adjoining properties to the east are zoned R-5 in single-family residential use. The adjoining property to the south and west is zoned C-2 Commercial and is in commercial use. All residential properties are in a Traditional Neighborhood form district; the commercial property is in a Traditional Marketplace Corridor.

PVA lists the existing principal structure as a duplex. The first-floor unit includes one bedroom; up to six guests are permitted. The applicant plans to limit occupancy to four; this guest limit is to be set by a Condition of Approval. The second floor unit has two bedrooms; up to eight guests are permitted.

There are four paved parking spaces at the rear of the building and another on-street space.

STAFF FINDINGS

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

No technical questions remain to be resolved.

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 Comprehensive Plan policies.

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 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 appear to 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 does not appear to create substantial additional requirements for the site.

4. Does the proposal comply with 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 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.

   STAFF: 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.

   STAFF: 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.

   STAFF: The first-floor unit includes one bedroom; up to six guests are permitted. the applicant plans to limit occupancy to four; this guest limit is to be set by a Condition of Approval. The second floor unit has two bedrooms; up to eight guests are permitted.

D. The dwelling unit shall be a single-family residence, duplex or condominium. This provision shall not be waived or adjusted.

STAFF: PVA lists the existing principal structure as a duplex residence.

E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.

STAFF: The applicant has been informed of this requirement.

F. Outdoor signage which identifies the short term rental is prohibited.

STAFF: 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.

STAFF: There are four paved parking spaces at the rear of the building and another on-street space.

H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

STAFF: 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.

STAFF: The applicant has been informed of this provision.

NOTIFICATIONS

Date	Purpose of Notice	Recipients
2/9/2019	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 9
2/28/2019	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 9
		Sign Posting

ATTACHMENTS

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

1. **Zoning Map**

R5B
TN
R7
R5
N CLIFTON AVE
WEIKEL AVE
TMC
C2
60
FRANKFORT AVE
R5A
S CLIFTON AVE

2. Aerial Photograph

3. Proposed 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 with the Louisville Metro Revenue Commission. If the short term rental is not registered with Develop Louisville and with the Revenue Commission within 60 days of the approval of the minutes of this case, then the Conditional Use Permit shall be deemed null and void.

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

3. The maximum number of guests permitted in the first-floor short term rental unit shall be the lesser of four or that permitted by the Louisville Metro Code of Ordinances.