

# Board of Zoning Adjustment Staff Report

April 3, 2017



<b>Case No.</b>	17CUP1006
<b>Project Name</b>	Short Term Rental
<b>Location</b>	1325 S. Brook Street
<b>Owner</b>	Cheryl Fusselman
<b>Host</b>	Cheryl Fusselman
<b>Zoning District</b>	TMZD
<b>Form District</b>	Traditional Neighborhood
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	6 – David James
<b>Case Manager</b>	Beth Jones, AICP, Planner II

## REQUEST

- Conditional Use Permit to allow short term rental of an owner-occupied dwelling unit within the Old Louisville Traditional Neighborhood Zoning District.

## CASE SUMMARY

The applicant proposes to conduct a short-term rental at the subject property. Although the applicant lives on site, a Conditional Use Permit is required due to its location within the Old Louisville TNZD (Traditional Neighborhood Zoning District).

## SITE CONTEXT

The 0.23 acre property is located on the east side of Brook Street between E. Ormsby Avenue and Woodbine Street, with an alley at the rear. It is developed with a single residential structure. The applicant occupies the first floor and part of the second floor and rents the third floor on a long-term lease. The applicant proposes to conduct short-term rentals within a space consisting of two rooms and a bathroom on the second floor, with a private entrance off the building's common hallway.

The property is approximately 46 feet in width and will accommodate two vehicles on Brook Street. Additional parking for two vehicles is located at the rear of the property, accessible via the alley.

## LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Multi-family residential	TMZD	Traditional Neighborhood
<b>Proposed</b>	Multi-family residential, short-term rental		
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Multi-family residential	TMZD	Traditional Neighborhood
<b>South</b>	Vacant		
<b>East</b>	Single-family residential		
<b>West</b>	Single-family residential		

## PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous or associated cases on site. Staff has received no comments on the proposal.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code  
Louisville Metro Code of Ordinances Sections 115.515 - 115.521

### 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: The existing structure is compatible with surrounding development. No exterior alterations or other development are proposed.

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 substantial 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 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 applicant has been informed of this requirement. The applicant has stated an intention to limit occupancy of the short-term rental to no more than two persons.

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

STAFF: The applicant has been informed of this requirement.

- 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: Two parking spaces are available on Brook Street and two more in a parking area off the rear alley.

- 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 LDC 11.5A.6.

STAFF: The applicant has been informed of this provision.

### **TECHNICAL REVIEW**

There are no outstanding technical review items.

### **STAFF 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.

## NOTIFICATION

Date	Purpose of Notice	Recipients
2/14/2017	Notice of Application	First and second tier adjoining property owners Notification recipients for Council District 6
2/14/2017	Neighborhood Meeting	First and second tier adjoining property owners Notification recipients for Council District 6
3/20/2017	Notice of BOZA Meeting	First and second tier adjoining property owners Notification recipients for Council District 6
3/15/2017	Notice of BOZA Meeting	Sign Posting

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Conditions of Approval
4. Interested Party Comments

1. Zoning Map



2. Aerial Photograph



**3. Proposed Conditions of Approval**

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

**4. Interested Party Comments**

No comments have been received.