

Board of Zoning Adjustment Staff Report

June 5, 2017



Case No.	17CUP1013
Project Name	Short Term Rental
Location	325 W. St. Catherine Street
Owner	Jeffrey Benedict
Host	Jeffrey Benedict
Zoning District	TNZD
Form District	Traditional Neighborhood
Jurisdiction	Louisville Metro
Council District	6 – David James
Case Manager	Beth Jones, AICP, Planner II

REQUEST

- Conditional Use Permit to allow short term rental of a dwelling unit in the Traditional Neighborhood Zoning District (TNZD).

CASE SUMMARY

The applicant proposes to conduct short-term rental of a dwelling unit at the subject property. As the owner/host currently resides off site, the short-term rental would be the sole use of the property. The short term rental of any dwelling unit in the TNZD requires a Conditional Use Permit.

SITE CONTEXT

The site is located on the north side of W. St. Catherine Street, between S. 4th and S. 3rd Streets. The structure in which the subject dwelling unit is situated is a duplex building that includes two dwelling units. The subject dwelling unit consists of three bedrooms and occupies the upper two floors of the building.

The duplex building is part of a condominium. Also located on the subject property is a second building associated with the condominium that consists of four additional dwelling units.

The condominium has an off-street parking area. This parking area consists of nine parking spaces, with two parking spaces assigned to the subject dwelling unit and two parking spaces open to use by any of the condominium residents and their guests.

The property is located within the Old Louisville Preservation District.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
Subject Property			
Existing	Two-family residential	TNZD	Traditional Neighborhood
Proposed	Two-family residential, Short-term rental		
Surrounding Properties			
North	Single-family residential	TNZD	Traditional Neighborhood
South	Religious building		
East	Surface parking		
West	Multi-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.

INTERESTED PARTY COMMENTS

Staff has received no comments on the proposal. A neighborhood meeting was held on May 10, 2017. There were no attendees.

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 as part of this application.

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. Existing public facilities are adequate to serve the proposed short term rental.

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 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: According to the applicant, the dwelling unit has three bedrooms. As such, the dwelling unit can accommodate up to ten individuals.

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

STAFF: The dwelling unit is within a duplex building.

- 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: The minimum parking requirement for a duplex is one space for each dwelling unit. There is an off-street parking area located to the east of the duplex building. This parking area consists of nine parking spaces, which includes two parking spaces assigned to the subject dwelling unit and two parking spaces open to use by any of the condominium residents and their guests. In addition, there is on-street parking located along W. St. Catherine Street in front of the duplex building. The frontage of the structure on W. St. Catherine is approximately 65 feet, which can accommodate up to three vehicles.

- 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.

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.

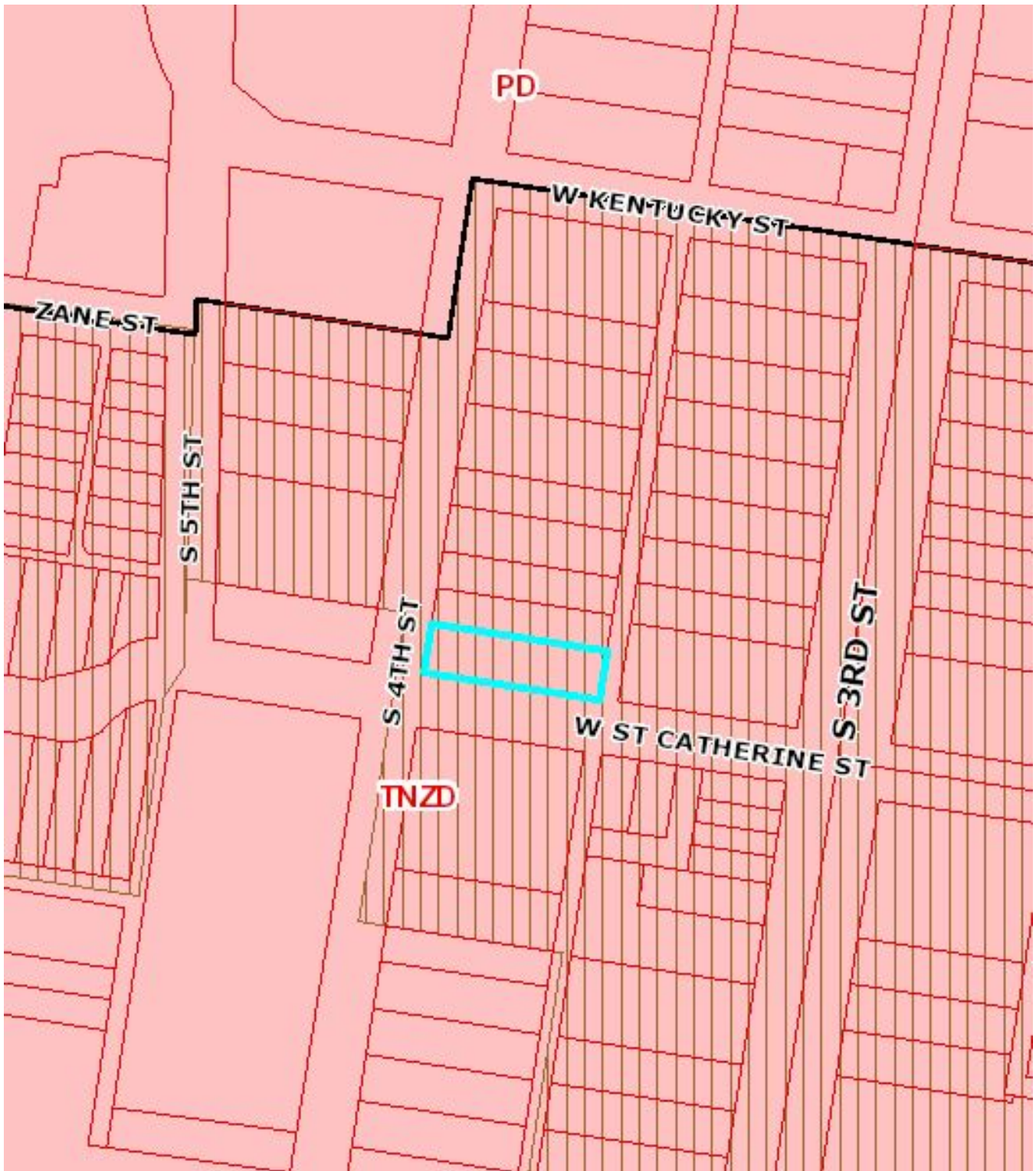
NOTIFICATION

Date	Purpose of Notice	Recipients
4/11/2017	Notice of Application	First and second tier adjoining property owners Notification recipients for Council District 6
5/10/2017	Neighborhood Meeting	First and second tier adjoining property owners Notification recipients for Council District 6
5/22/2017	Notice of BOZA Meeting	First and second tier adjoining property owners Notification recipients for Council District 6
5/22/2017	Notice of BOZA Meeting	Sign Posting

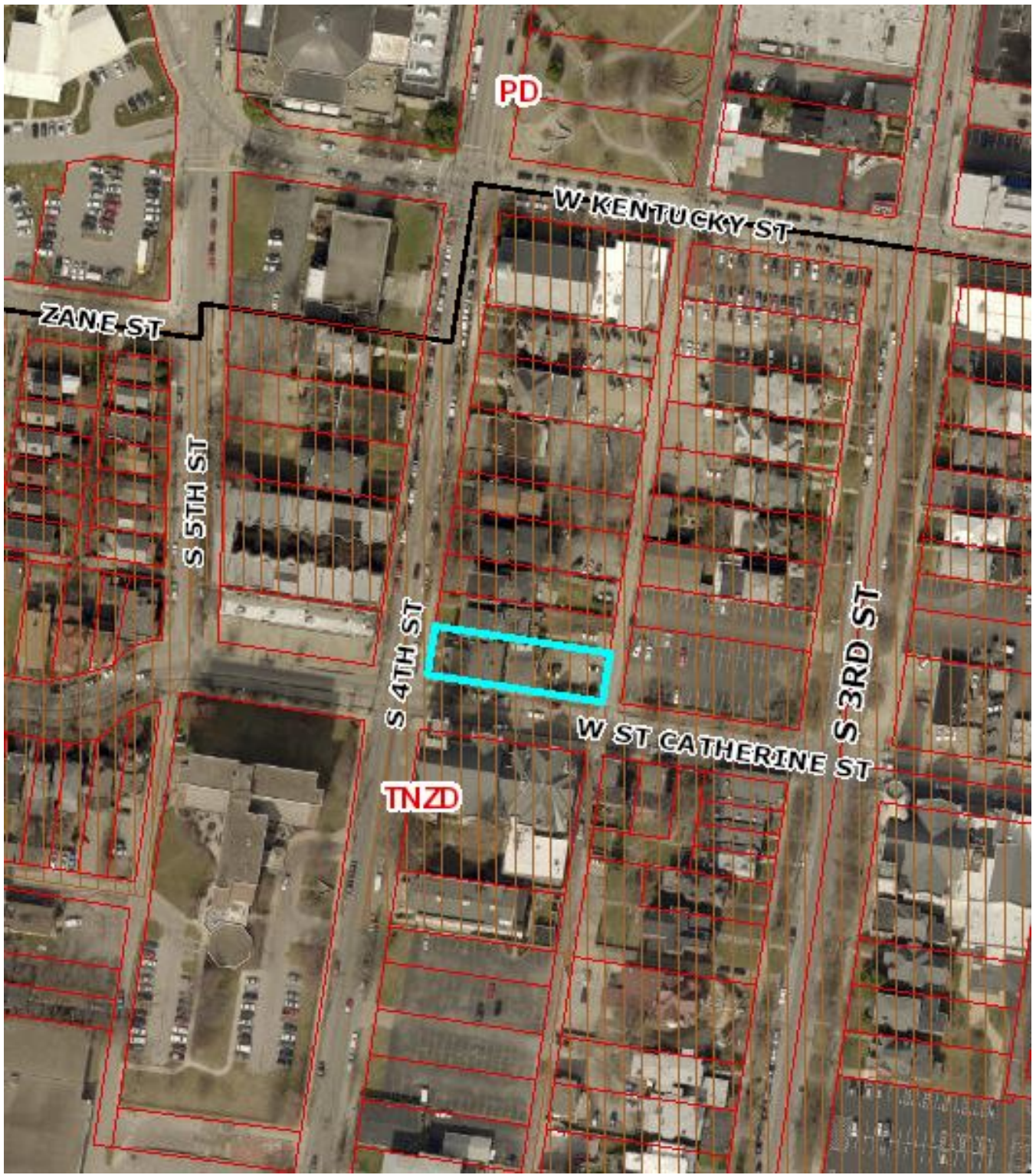
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Proposed Condition 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 establish an account 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.