

Board of Zoning Adjustment Staff Report

February 6, 2017



Case No:	16CUP1069
Project Name:	None (Short Term Rental)
Location:	1125 Mulberry Street
Owners:	Jeff Cross
Applicant:	Jeff Cross
Representative(s):	Jeff Cross
Project Area/Size:	5,545 square feet
Existing Zoning District:	R-5, Residential Single-family
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Jon Crumbie, Planning & Design Coordinator

REQUESTS

- Conditional Use Permit to allow short term rental in a Traditional Neighborhood Zoning District that is not the primary residence of the host.

CASE SUMMARY

The applicant requests approval to conduct short term rentals at the subject property. The subject property is developed with one building, a single family dwelling. The applicant owns the property, but does not reside in the dwelling unit. The applicant intends to rent the dwelling unit to parties for tenancies of less than 30 days

SITE CONTEXT

The site is rectangular in shape and located on the north side of Mulberry Street between Hickory Street and Texas Avenue.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential	R-5	TN
Proposed	Short Term Rental	R-5	TN
Surrounding Properties			
North	Residential	R-5	TN
South	Residential	R-5	TN
East	Residential	R-5	TN
West	Residential	R-5	TN

PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous cases on the site.

INTERESTED PARTY COMMENTS

The applicant held a neighborhood meeting on November 22nd 2016. Three people attended the meeting. Mr. Cross briefly explained the purpose of the neighborhood meeting and proposed next step, and asked if there were any questions about the specifics of why the CUP is needed. Mike Morris asked about the frequency of nightly rentals, to which the applicant responded that it ranges between 10 and 25 nights per month. John McCoskey was quick to share that the vast majority of guests are very respectful of the house and the neighborhood, and that the host/owner has always insisted that if there was any issue with a guest, that he is always available and ready to remedy the situation. Mike Morris stated that originally he was skeptical of the non-owner occupied short term rental, but that it's encouraging to hear this story of the next door neighbors being supportive of short term rentals.

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.

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 underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. 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 underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. No additional development is proposed. MSD and Transportation Planning have approved the proposal

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 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.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. **The dwelling unit has 2 bedrooms which will allow a maximum of 8 occupants.**
- 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 short term rental is prohibited.
- 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. **The property has parking on the street and a detached garage at the rear of the property.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- 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.

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 Land Development and Transportation Committee must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

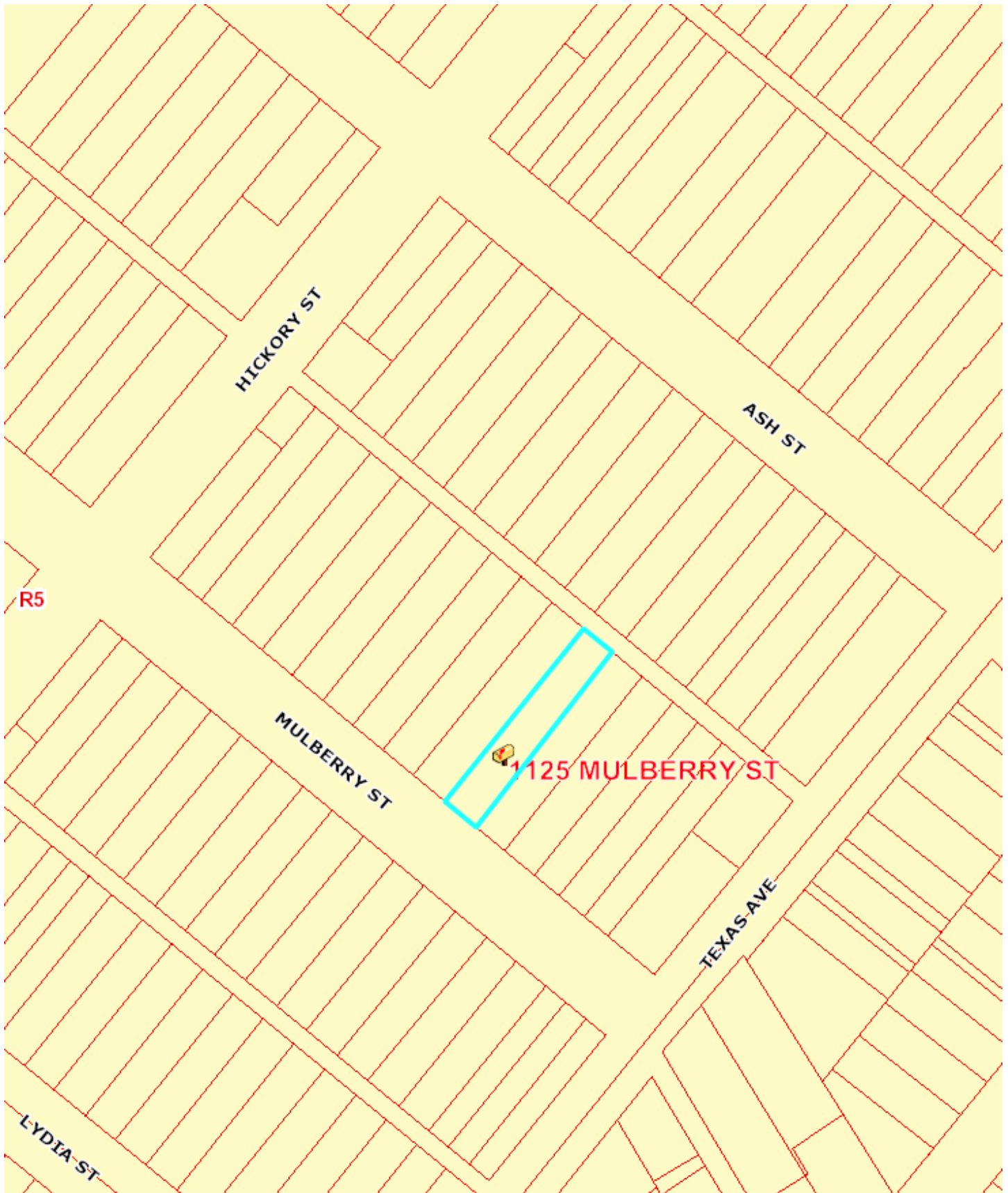
NOTIFICATION

Date	Purpose of Notice	Recipients
1/19/17	APO Notice	First and second tier property owners
1/20/17	Sign Posting	Subject property

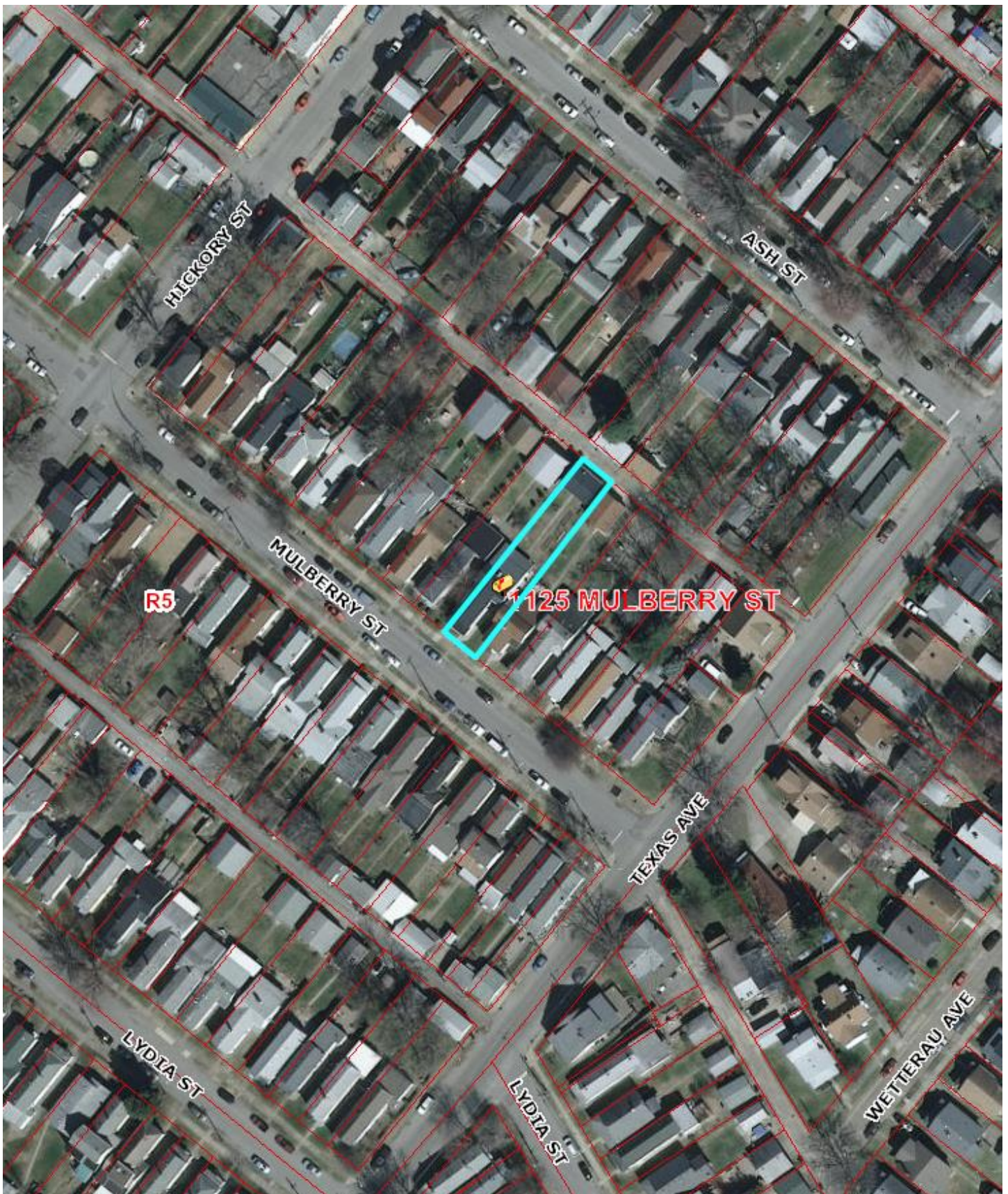
ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Conditions of Approval

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