

**Board of Zoning Adjustment**  
**Staff Report**  
March 19, 2018



<b>Case No.</b>	17CUP1083
<b>Project Name</b>	Short Term Rental
<b>Location</b>	2312 Glenmary Avenue
<b>Owner</b>	Salman Zaidi
<b>Host</b>	Chris Payne
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	8 – Brandon Coan
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host (LDC 4.2.63)

**CASE SUMMARY / BACKGROUND**

The applicant proposes to conduct a short-term rental of the single-family dwelling unit at the subject property. As the dwelling unit is not the primary residence of the host, a CUP is required. The site has been in use for short-term rentals without obtaining the required CUP.

The site is located on the south side of Glenmary Avenue between Willow and Bassett Avenues, within the Cherokee Triangle Historic Preservation District. The area is a mix of single- and multi-family uses; it is directly adjoined by multi-family uses to the north, east and west and single-family uses to the south.

PVA lists the dwelling unit on the 0.22 acre site as a single-family residence. According to the applicant, the residence has five bedrooms.

LDC regulations credit the property frontage of approximately 60 ft with three on-street parking spaces. The site has secondary access off a rear alley where parking is available. Based on LDC size regulations, this area can accommodate up to six additional parking spaces.

**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.

## **CASE HISTORY**

7/24/2017: Original complaint received regarding parking of short-term renters “on the lawn” at rear of property off alley. No such parking was observed during site visit by Louisville Metro property maintenance inspector.

8/31/2017: Property owner identified Chris Payne as his tenant.

9/29/2017: Chris Payne submitted subject application for short-term rental CUP.

2/1/2018: NOTICE OF VIOLATION 1st Offense was issued to the property owner requiring the owner to “immediately cease and desist” using the property for short-term rentals.

2/5/2018: Complaint received that short-term rentals were still being conducted and guests were parking “on the lawn”.

2/13/2018: In follow-up site visit, someone who stated he was “renting for the week” answered the door of the residence to the Zoning Enforcement inspector.

## **TECHNICAL REVIEW**

There are no outstanding technical issues.

## **INTERESTED PARTY COMMENTS**

Full comments received have been distributed to BOZA members.

## **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, a short-term rental use can be compatible with surrounding development. No exterior alterations to the existing structure or site 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 proposed use will not 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: According to the applicant, the dwelling unit has five bedrooms which, under LDC regulations, would permit up to 14 guests. Chapter 156 of the Louisville Metro Property Maintenance Code sets requirements for what may be considered a Bedroom:

1. Area for sleeping. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 mm) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 mm) of floor area for each occupant thereof.
2. Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces except in units that contain fewer than two bedrooms.
3. Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
4. Prohibited occupancy. No person shall use any kitchen, nonhabitable or public space for sleeping purposes, nor shall food be prepared or cooked in any room used for sleeping purposes, except in an efficiency apartment. In an efficiency apartment, that portion of the room designated for sleeping purposes shall not be within ten feet of that portion of the room designated for cooking purposes. The ten feet shall be calculated as the shortest straight line distance between the sleeping area and the stove. The ten feet requirement shall not be a violation when the ten feet distance is separated by a permanent divider wall of a height of at least 50% of the height of the room.
5. Other requirements. Bedrooms shall comply with the applicable provisions of this chapter including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this section, the plumbing facilities and water-heating facilities requirements of this chapter; the heating facilities and electrical receptacle requirements of this chapter; and the smoke detector and emergency escape requirements of this chapter.

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

STAFF: The dwelling unit is a single-family 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: LDC regulations credit the property frontage of approximately 60 ft with three on-street parking spaces. The site has additional access off a rear alley where parking is available. Based on LDC size regulations, this area can accommodate up to six additional parking spaces.

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.

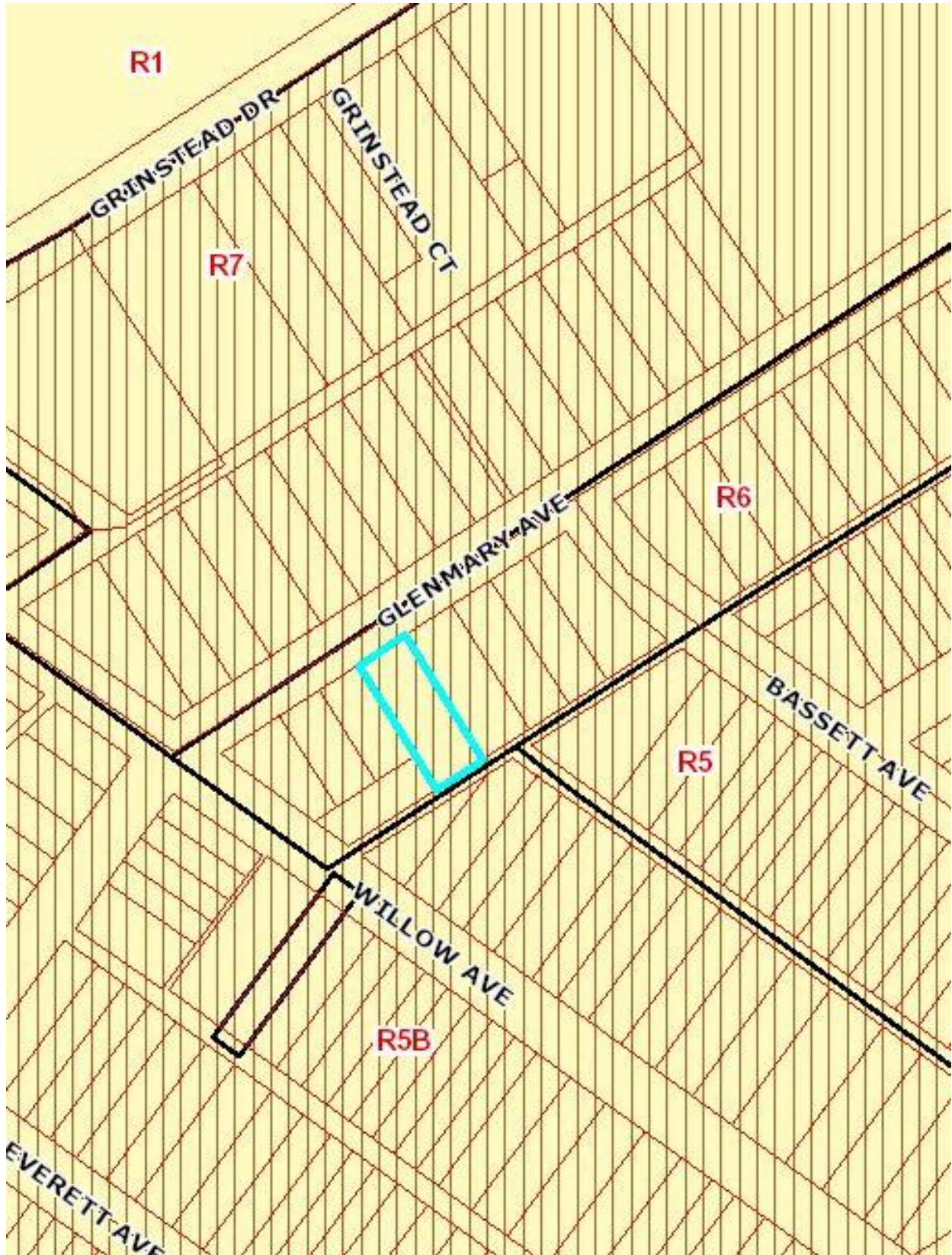
**NOTIFICATIONS**

Date	Purpose of Notice	Recipients
11/3/2017 3/3/2018	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
3/2/2018	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 8 Sign Posting

**ATTACHMENTS**

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

1. Zoning Map



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.