

**Board of Zoning Adjustment**  
**Staff Report**  
May 7, 2018



<b>Case No.</b>	18CUP1024
<b>Project Name</b>	Short Term Rental
<b>Location</b>	1000 E. Caldwell Street
<b>Owner</b>	Nicholas Peskoe
<b>Host</b>	David Orange
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	4 – Barbara Sexton Smith
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

Conditional Use Permit to allow short term rental of a dwelling unit not the primary residence of the host

**CASE SUMMARY / BACKGROUND**

The applicant proposes to conduct a short-term rental of a structure. As it is not the primary residence of the host, a Conditional Use Permit is required in accordance with LDC 4.2.63.

The site is located in the southeast quadrant of the intersection of Caldwell Street and Swan Street. It, as well as adjoining properties to the south, east and west, is zoned R-6. The site to the north is zoned C-1. All are located within a Neighborhood form district. Adjoining properties to the south, east and west are in single-family residential use. The property to the north is in commercial use.

PVA lists the existing structure as a tri-plex apartment. The applicant will convert the structure to single-family use upon approval of the requested CUP and has provided a written statement to that effect. The resulting dwelling unit will have five bedrooms; LDC regulations permit up to 14 guests.

The corner site has 25 ft of property frontage on Caldwell Street and 125 of frontage on Swan Street; LDC regulations credit the site with a total of seven on-street parking spaces. There is also a one-car garage and a one-car parking pad at the rear.

**STAFF FINDINGS**

The applicant has provided the required documentation, has held a neighborhood meeting and has been informed of the standards and regulations specific to use of the dwelling unit for short term rentals.

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**

All technical reviews items have been addressed.

### **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 will 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: Following renovation, the dwelling unit will have five bedrooms. LDC regulations permit up to 14 guests.

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 structure as a tri-plex apartment, but density requirements restrict the use of the structure to a single-family residence. The applicant is converting the structure to single-family and has provided a written statement to that effect.

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 corner site has 25 ft of property frontage on Caldwell Street and 125 of frontage on Swan Street; LDC regulations credit the site with a total of seven on-street parking spaces. There is also a one-car garage and a one-car parking pad at the rear.

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
3/22/2018	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
4/20/2018	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
		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.