

Board of Zoning Adjustment
Staff Report
May 20, 2019



Case No:	19CUP1097
Project Name:	McMichael Short Term Rental
Location:	110 West Ormsby Avenue
Owner(s):	Jeff & Ann McMichael
Applicant:	Jeff & Ann McMichael
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Jon Crumbie, Planning & Design Coordinator

REQUEST(S)

Modification of the approved Conditional Use Permit to allow the applicant more than 60 days to register with Develop Louisville. The applicant has a Revenue Commission registration number.

CASE SUMMARY/BACKGROUND

The applicant requests approval to conduct short term rentals at the subject property. The subject property is developed with one structure that is a duplex and a structure that serves as a carriage house.

STAFF FINDING / RECOMMENDATION

Staff recommends that condition number 2 be deleted. Based on the recent adopted changes to the short term rental regulations the applicant would have 30 days from the date of this modification approval to register the short term rental.

RELATED CASES

18CUP1100 A request for a conditional use permit for short term rental of a dwelling unit in the TNZD. This request was approved by the Board of Zoning Adjustment on October 29, 2018.

TECHNICAL REVIEW

The applicant has submitted the registration, but staff will not process until modification has been approved by the Board of Zoning Adjustment.

INTERESTED PARTY COMMENTS

A neighborhood meeting was not needed for this request.

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: When appropriately managed, the proposed use is compatible with surrounding development and land uses.

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 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:

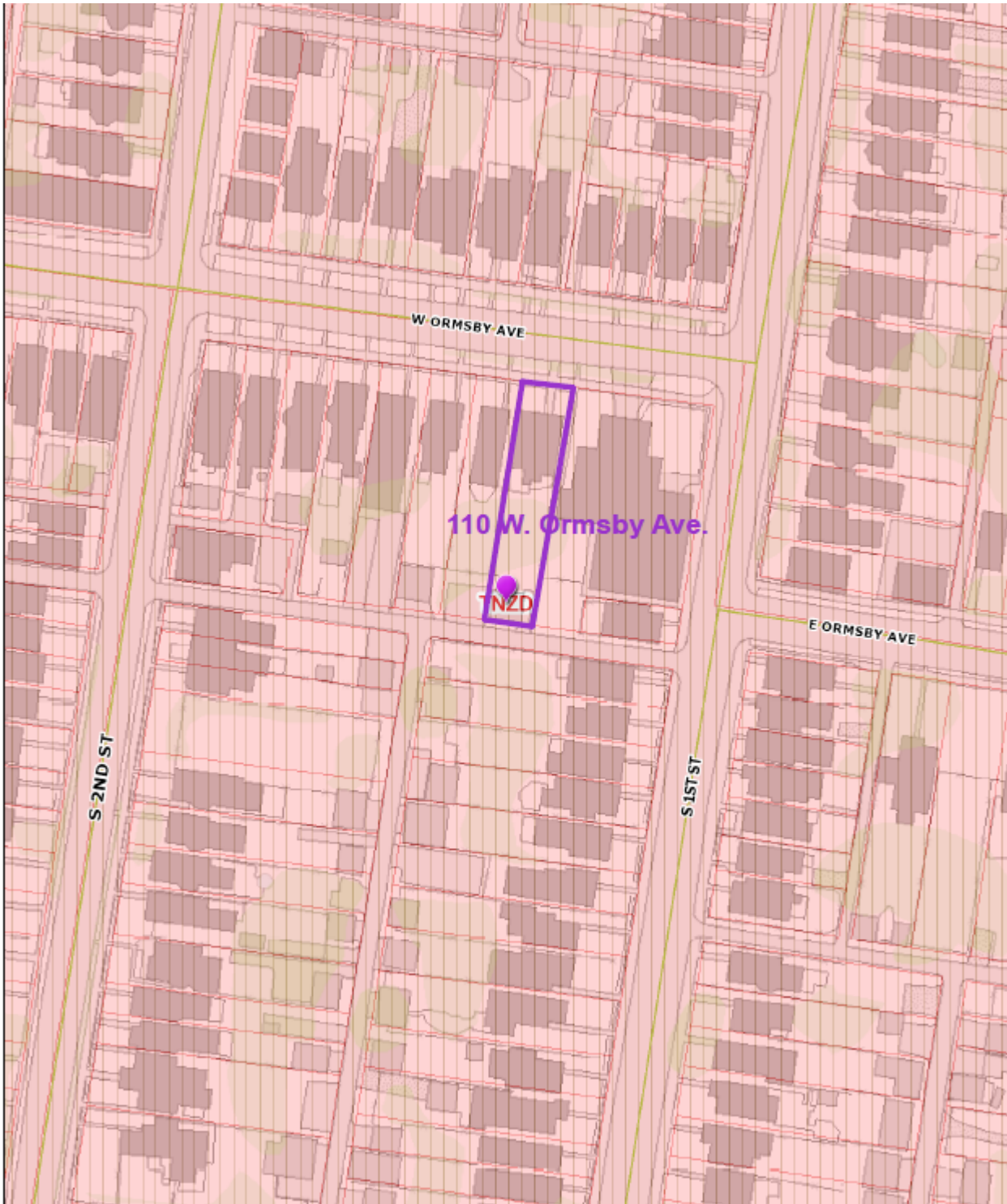
- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 consecutive days or more is not considered a short term rental. ***The applicant has been informed of this requirement.***
- B. The dwelling unit shall be limited to a single short term rental contract at a time. ***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. ***The applicant states that unit one has one bedroom that will allow a maximum number of six guests. The applicant states that unit two has three bedrooms that will allow a maximum number of ten guests.***
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted. ***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. ***The applicant has been informed of this requirement.***
- F. Outdoor signage which identifies the short term rental is prohibited. ***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. ***The site has credit for one on-street parking space and the applicant states that up to five off-street parking spaces are located 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. ***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. ***The applicant has been informed of this requirement.***

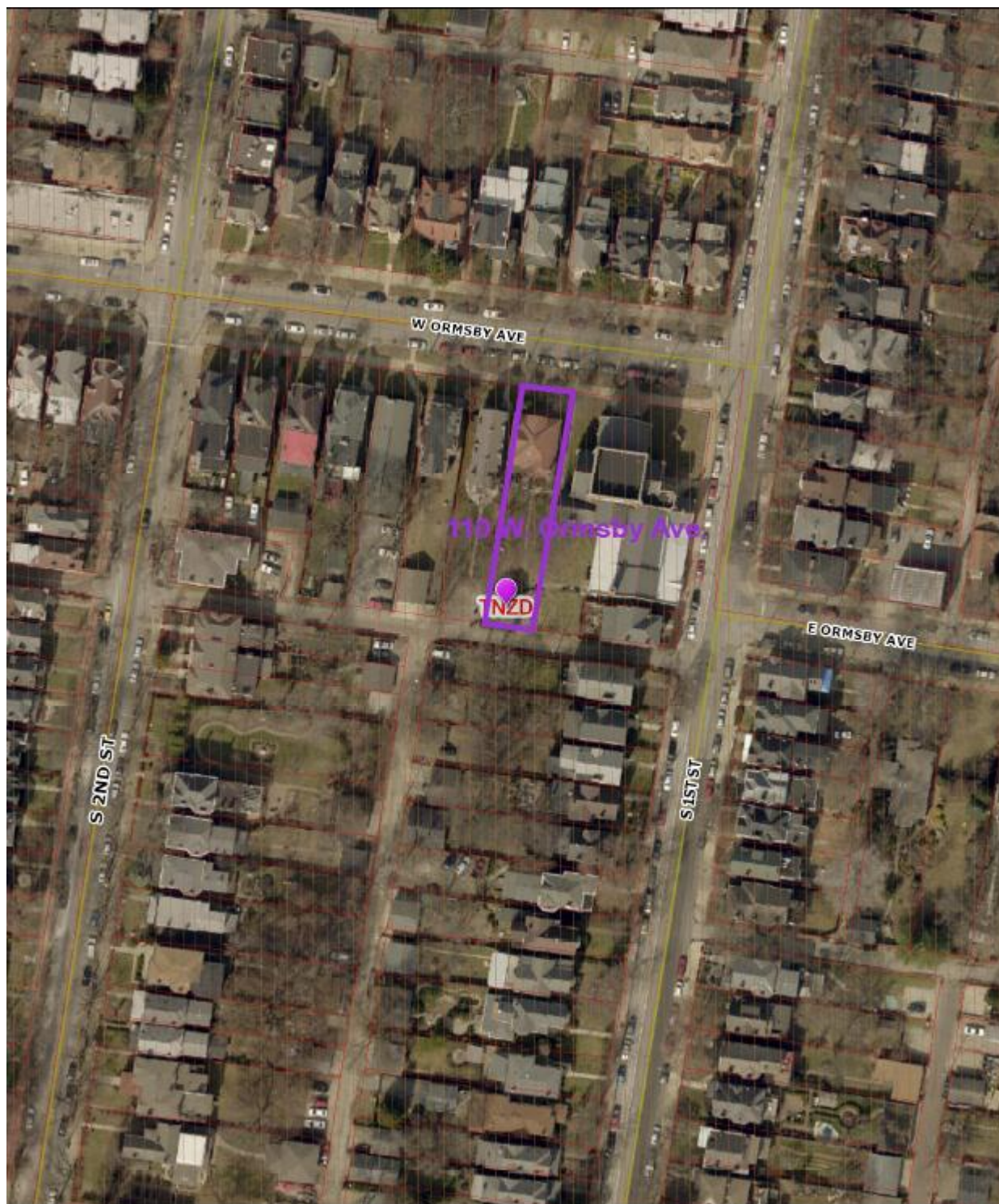
ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Existing 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.

4. 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 30 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.