

# Board of Zoning Adjustment

## Staff Report

July 24, 2017



|                          |                              |
|--------------------------|------------------------------|
| <b>Case No:</b>          | 17CUP1041                    |
| <b>Project Name:</b>     | Short Term Rental            |
| <b>Location:</b>         | 1235 Rufer Avenue            |
| <b>Owner:</b>            | Richard Gaines               |
| <b>Host:</b>             | Molly Gaines                 |
| <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 owner in an R-6 Multi-Family Residential zone

### **CASE SUMMARY / BACKGROUND**

The applicant proposes to conduct a short-term rental of a dwelling unit at the subject property. As the applicant does not live on site, the short-term rental would be the sole use of the property and a Conditional Use Permit is required.

The site is located on the north side of Rufer Avenue at the intersection with Julia Avenue. PVA lists the structure as a single-family dwelling built in 1925. According to the applicant, the dwelling has two bedrooms. LDC regulations permit up to 8 guests.

LDC regulations credit the property frontage of approximately 40 ft with two on-street parking spaces. Two additional off-street parking spaces are available on the private driveway.

### **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**

There are no outstanding technical issues.

## **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 does not conflict 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: The proposed use is 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 proposal 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 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: The applicant has been informed of this requirement.

- 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: Parking is available on-street and in the driveway.

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.

#### **NOTIFICATION**

| <b>Date</b> | <b>Purpose of Notice</b> | <b>Recipients</b>                                                                                  |
|-------------|--------------------------|----------------------------------------------------------------------------------------------------|
| 5/24/217    | Neighborhood Meeting     | 1st and 2nd tier adjoining property owners<br>Registered Neighborhood Groups in Council District 8 |
| 7/7/2017    | Hearing before BOZA      | 1st and 2nd tier adjoining property owners<br>Registered Neighborhood Groups in Council District 8 |

#### **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.