

**Board of Zoning Adjustment**  
**Staff Report**  
November 4, 2019



<b>Case No:</b>	19-CUP-0118
<b>Project Name:</b>	Short Term Rental
<b>Location:</b>	2501 Concord Drive
<b>Owner/Applicant:</b>	Wayne M. Adams Jr.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	# 15-Kevin Triplett
<b>Case Manager:</b>	Steve Hendrix, Planning & Design Coordinator

**REQUEST**

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner in a R-5 Zoning District and Traditional Neighborhood Form District.

**CASE SUMMARY/BACKGROUND**

The 0.09 acre site is located on the east side of Concord Drive between Maylawn Avenue and the railroad and the ramp to north I-65 in the St. Joseph neighborhood. The 1,280 square foot, single family dwelling was built in 1927 and has two bedrooms which will allow for six guests. The site has a two car garage and parking is also available in the driveway.

There is no Open Enforcement Case.

There are no other Short Term Rentals within 600 feet of the subject site.

**STAFF FINDING / RECOMMENDATION**

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 review items.

**INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on June 12, 2019, with three invitees in attendance. After the explanation, all expressed support.

## **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. 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 will not create 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 Term Rental of a dwelling unit that is not the primary residence of the host or the Short Term Rental of a condominium unit that is 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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals.

***The dwelling has two bedrooms which would allow for six guests.***

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host.  
***As of the date of this report, there was no other property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property.***
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.  
***The structure is a single family dwelling.***
- F. Food and alcoholic beverages shall not be served by the host to any guest.  
***The applicant has been informed of this requirement.***
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.  
***The applicant has been informed of this requirement.***
- H. There shall be a sufficient amount of parking available for 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.  
***There are four off-street parking spaces.***
- I. 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.***

J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

***The applicant has been informed of this requirement.***

K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

***The applicant has been informed of this requirement.***

L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code.

***The applicant has been informed of this requirement.***

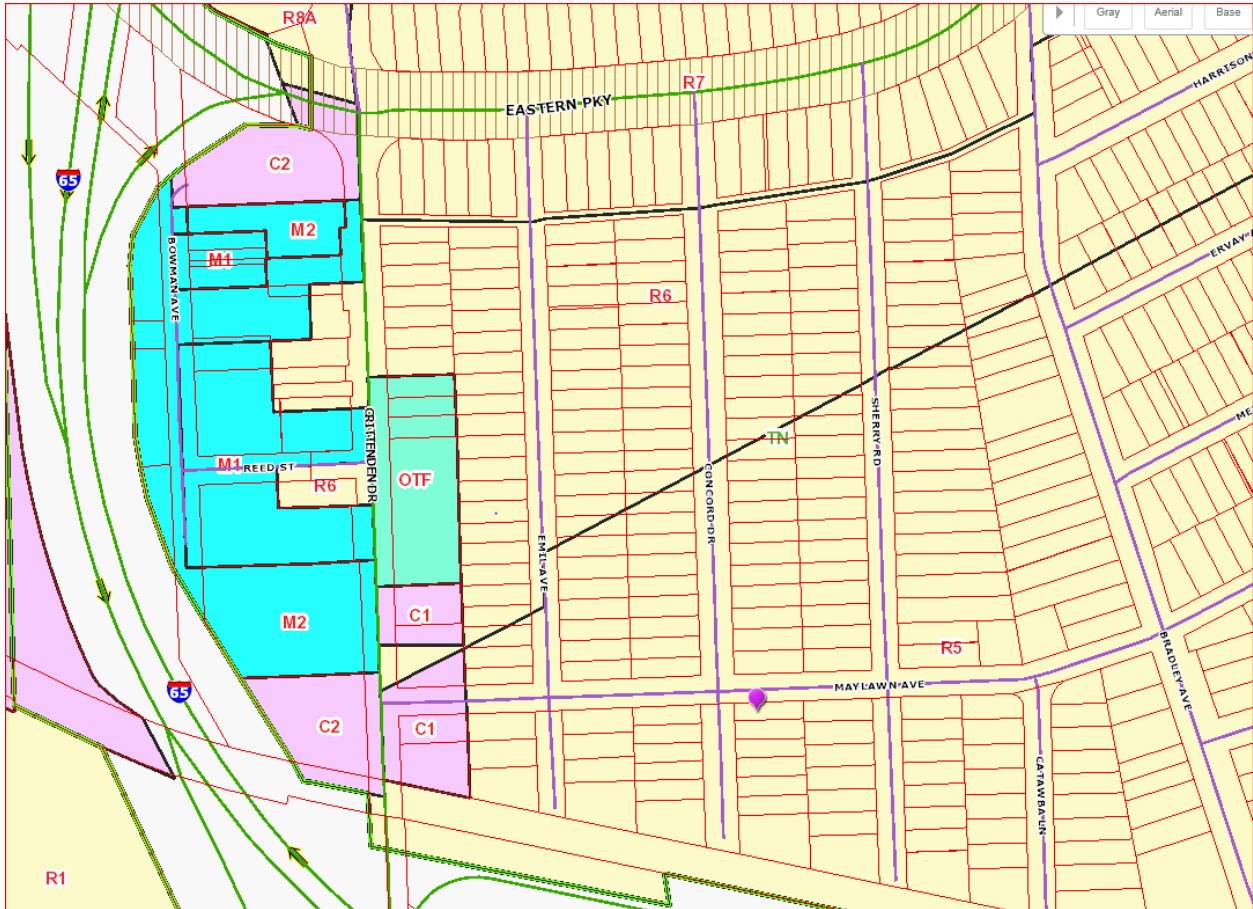
**NOTIFICATION**

Date	Purpose of Notice	Recipients
10/18/2019 10/18/2019	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 15
10/ 23 /2019	Hearing before BOZA	Sign Posting

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. 600 Foot Map
4. Explanation Letter
5. Neighborhood Meeting/Minutes
6. Floor Plan
7. Bedroom Pictures

# Zoning Map



**Aerial Photograph**









map Created: 10/24/2019

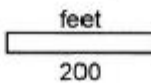


**Legend**

-  Subject Site
-  Approved
-  Pending
-  Buffer



**19-CUP-0118  
Proximity Map**



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This map is subject to change upon the Board of Zoning Adjustment granting approvals to other Short Term Rental Conditional Use Permits.

### Proposal Explanation

2501 Concord Drive is a two-bedroom residence with an unattached two car garage. It is currently unoccupied and I am applying for a short term rental conditional use permit to rent the property as an AirBNB. All of the dwelling will be rented and there is off street parking that will accommodate up to four vehicles. The garage will be available for parking as well the driveway in the front of the garage. The neighborhood has several dwellings being used as long term rentals mostly for college students. I want to AirBNB this property because I have made many improvements to the dwelling and I do not want to rent it to college students who will not take care of it. I lived in this house for eleven years and I do care about my former neighbors and neighborhood. With the AirBNB, I will be at the house multiple times a week keeping it clean and ready for short term renters, resulting in the house being kept up and well taken care of

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AUG 15 2019



Attendance Sheet

Name	Street Address	Zip	Phone	Email
Teresa Nash	2443 Concord Dr.	40217	636-2205	ternky@aol.com
Judy Fout	2500 Concord Dr.		197-9658	tc-fout@bellsouth.net
Betty Fralick	"		"	

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AUG 15 2019  
DESIGN SERVICES

G:\Planning\Planning Resources\How to

### Neighborhood Meeting Summary

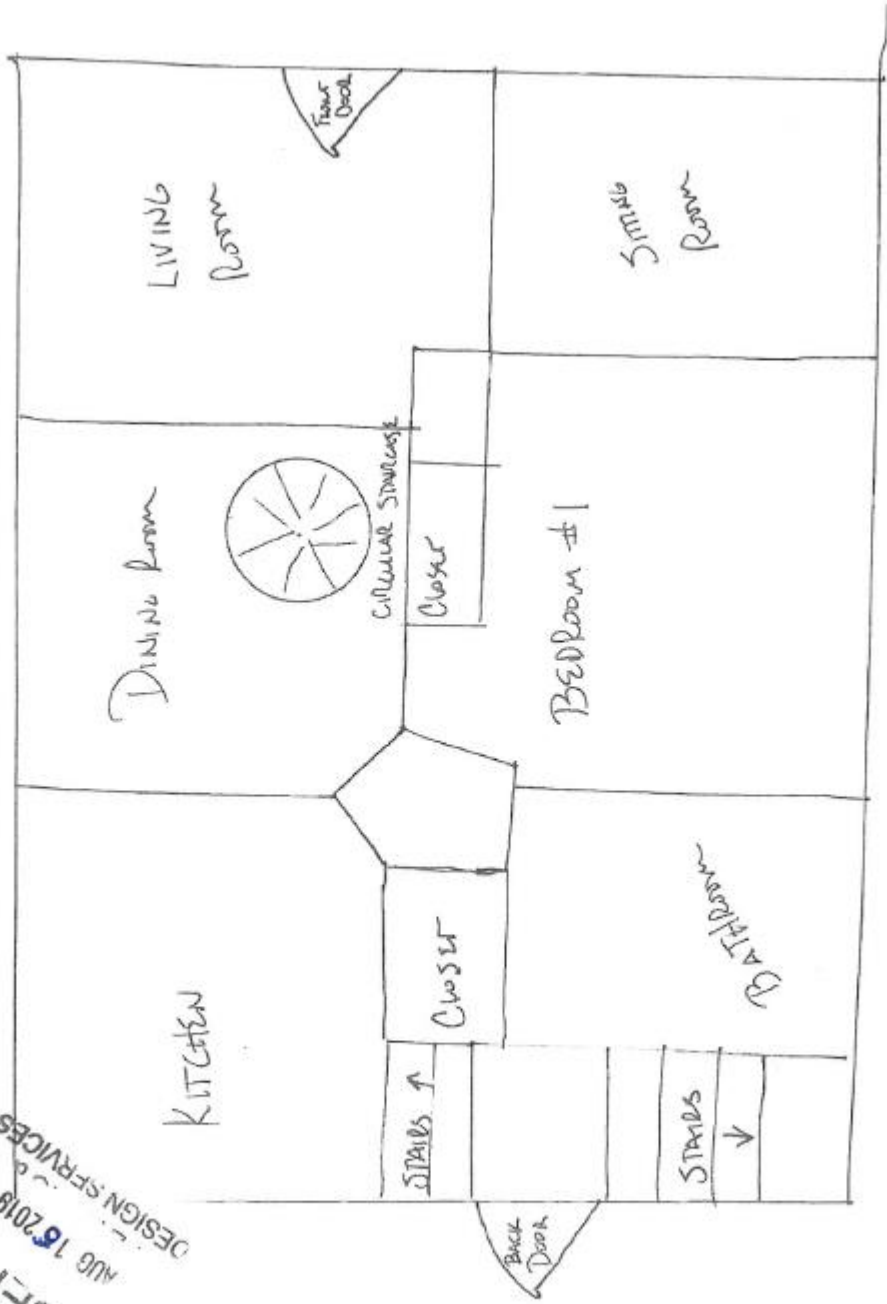
I arrived at 2501 Concord Drive for the neighborhood meeting at 5:30 pm on June 1, 2019. Teresa Nash, from 2443 Concord Drive arrived at 5:53 pm. Judy Fout and Betty Fralick, from 2500 Concord Drive arrived shortly thereafter. Those three individuals were all that attended the meeting. I provided chairs if they wanted them and began taking questions. They wanted to know about parking and I responded that the garage and driveway would be used for parking and there would not be anyone parking on the street. They asked me exactly what an Airbnb is and I let them know that I was applying for the house to be used for short-term rentals. In other words, individuals would rent the house for only days at a time and would leave. I let them know that I have put a lot of money into this house to fix it up and I did not want to rent it out as a long-term rental because I was concerned about those types of renters tearing up my house and being bad neighbors. I also let them know that with the house being used as an Airbnb, that I would actually be at the property multiple times a week to manage it and keep it cleaned for the next potential short term renter. I further informed them that there would be house rules for the renters to follow and a noise curfew. There would be no parties allowed at the house.

They were satisfied with my answers to their questions and were very supportive of my plan to use the property as an Airbnb.

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2501 Concord Drive  
 Layout 1st Floor

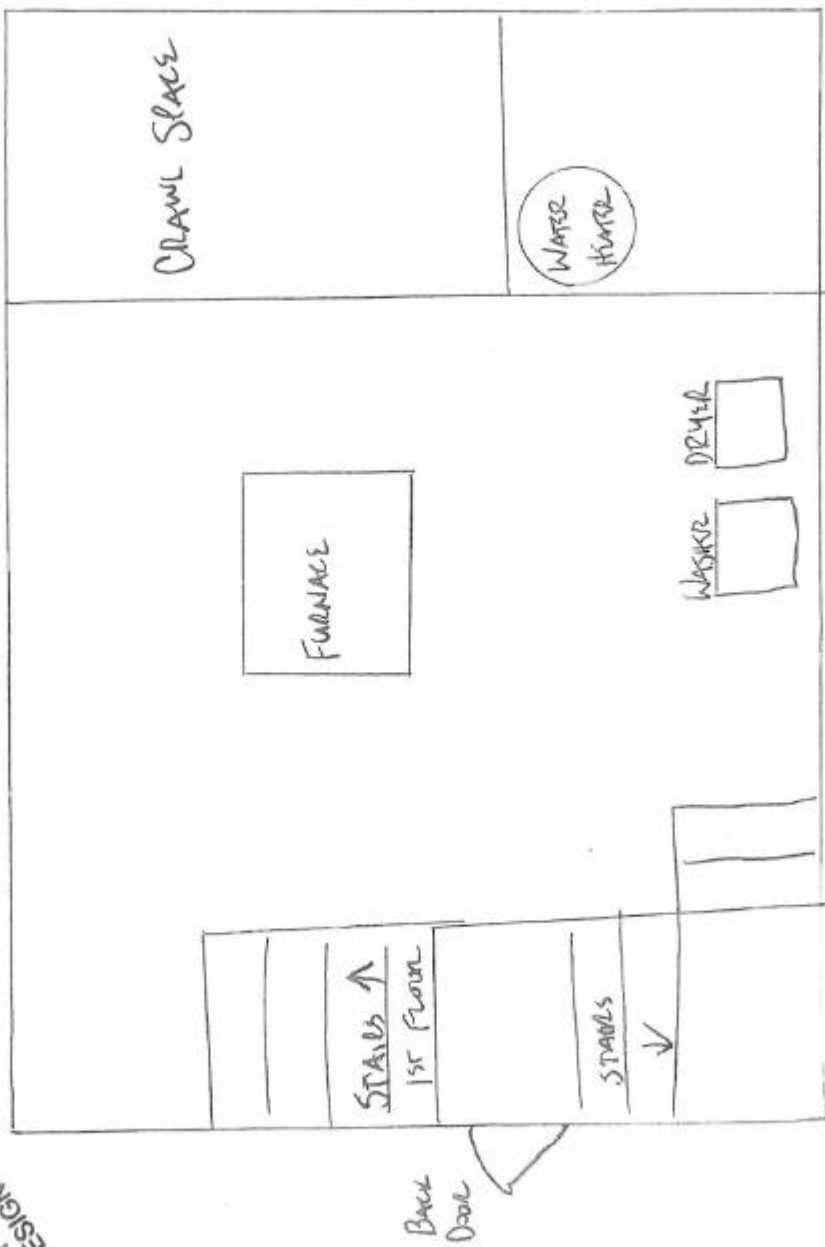
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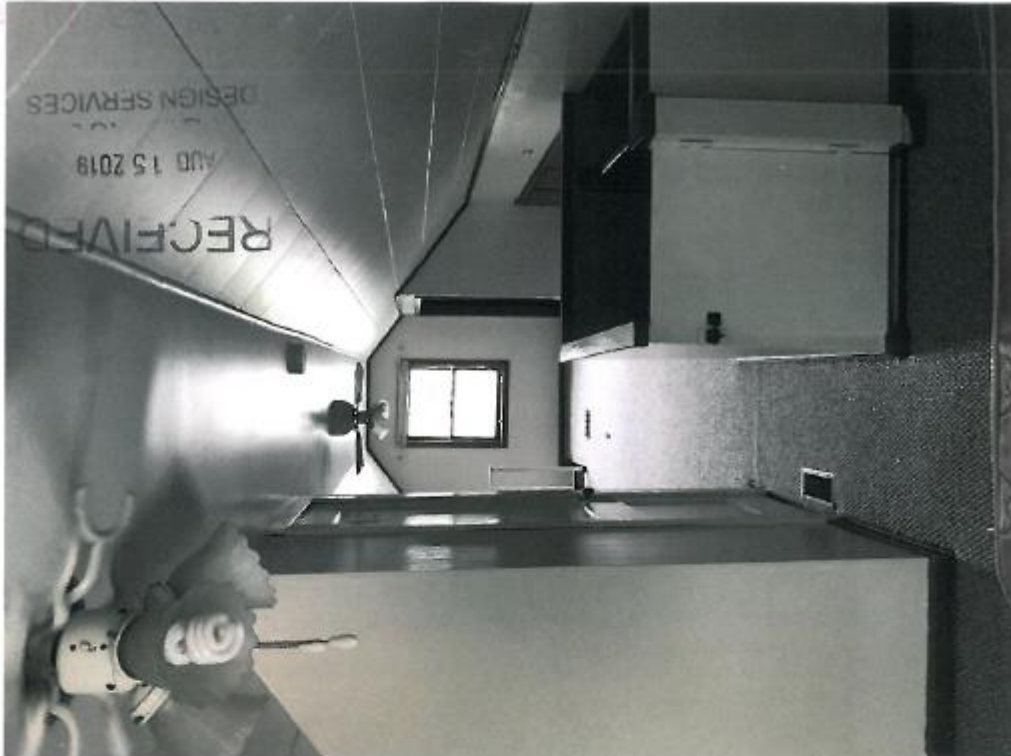
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2501 CANLORD DR.  
LAYOUT BASEMENT

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Bedroom 2



Bedroom 1