

Board of Zoning Adjustment
Staff Report
January 7, 2019



Case No:	18CUP1147
Project Name:	Short Term Rental
Location:	425 East Oak Street
Owner:	Louisville Home Buyers, LLC
Host:	Key Source Properties, Jonathan Klunk
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST(S)

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in a R-6 Zoning District and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.08 acre site is located on the north side of East Oak Street, between South Preston Street and South Jackson Street in the Shelby Park neighborhood. The house dates back to 1903. Adjacent land uses include single family dwellings and an industrial warehouse. The applicant has stated that the total amount of guests will be limited to six, (6), regulations allow ten, (10). Parties will not be allowed. Transportation has noted that parking is provided off of the alley or on the street. The applicant has stated that parking will be on the street with 2 parking spaces in front of the house.

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 November 19, 2018.

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 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.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- 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 the residence has three bedrooms, that will allow a maximum number of ten guests, however, the applicant is limiting the number of guests to six, (6).
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- 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.

- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- 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.

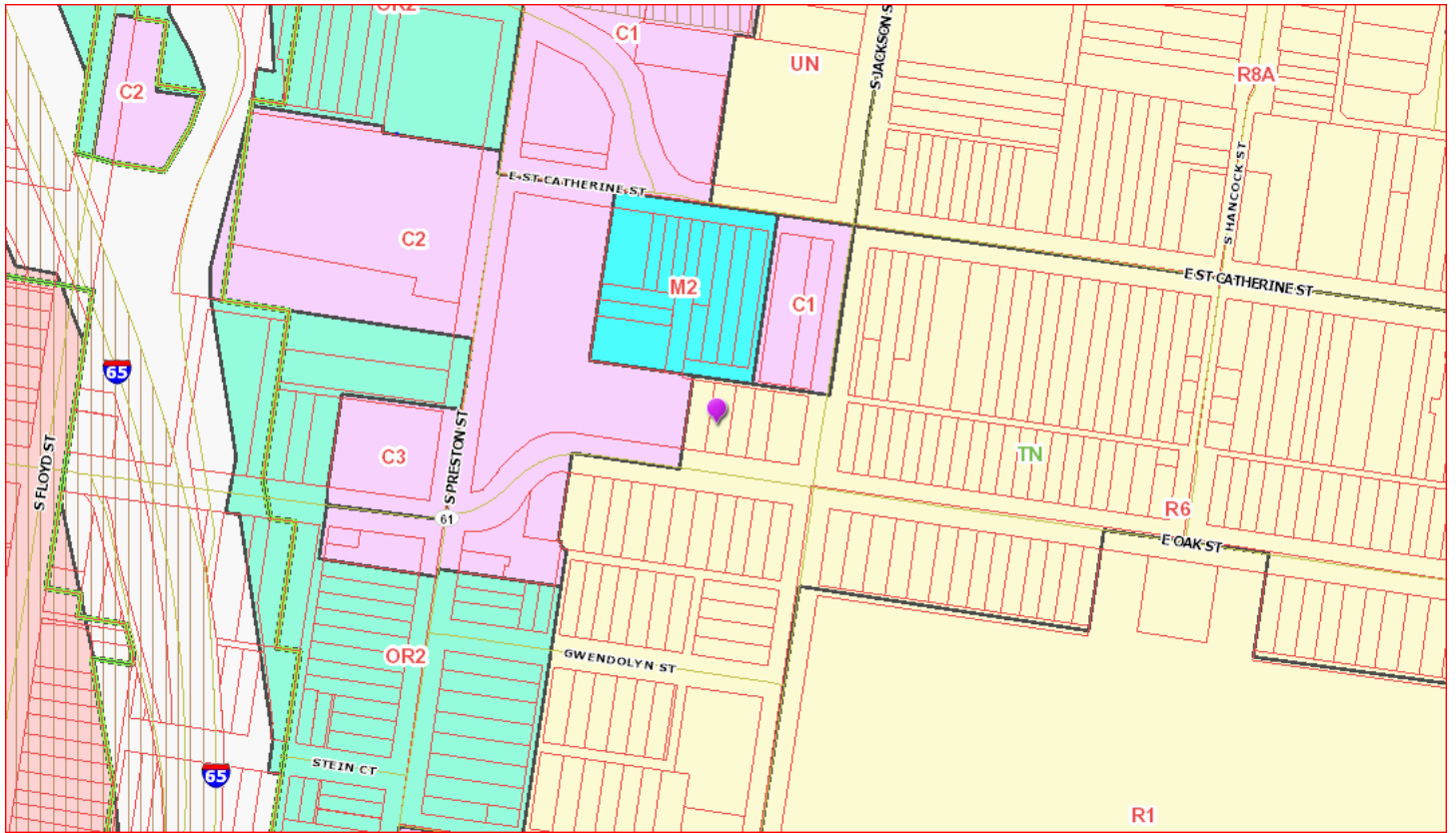
NOTIFICATION

Date	Purpose of Notice	Recipients
12/20/2018 12/21/2018	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
12/21/2018	Hearing before BOZA	Sign Posting

ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Neighborhood Meeting
- 4. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



Hendrix, Steve

From: Jonathan Klunk <jonathan@keysourceproperties.com>
Sent: Tuesday, November 20, 2018 2:55 PM
To: Hendrix, Steve
Cc: Linda Stephens
Subject: 18CUP1147 - 425 E Oak St

Steve,

The neighborhood meeting for 18CUP1147 at 425 E Oak St was held last night. One guest was in attendance. She owns several rental properties in the area and was curious about short-term rentals and was in favor of the proposed use. We have a physical copy of the attendance sheet and can provide shorty.

We are ready to file our formal application for this property and to schedule a meeting.

Regards,
Jonathan Klunk



Jonathan Klunk
CEO, Key Source Properties
(502) 410-8181

4. 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.