

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



<b>Case No:</b>	19-CUP-0138
<b>Project Name:</b>	Short Term Rental
<b>Location:</b>	1404 South Brook Street
<b>Owner/Applicant:</b>	Amy King
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	# 6---David James
<b>Case Manager:</b>	Steve Hendrix, Planning & Design Coordinator

**REQUEST**

Conditional Use Permit to allow short term rental of a dwelling unit that is the primary residence of the owner in a Traditional Neighborhood Zoning District and Traditional Neighborhood Form District.

**CASE SUMMARY/BACKGROUND**

The 0.156 acre site is located on the west side of South Brook Street between East Magnolia Avenue and East Burnett Avenue in the Old Louisville Neighborhood. The 2,541 square foot, single family dwelling has three floors with a bedroom on each floor. The intent is to rent the first floor bedroom, but the applicant wanted the option to rent the whole dwelling during Derby, although the third floor would be locked. Two bedrooms would then be available for a total of six guests. The site has 33 feet of street frontage for one parking credit and three spaces at the rear of the property off the alley.

There is no Open Enforcement Case.

There are four other Short Term Rentals within 600 feet of the subject site, the owner has agreed that the short term rental shall remain her primary residence and in the event that she establishes primary residence on another property, she must immediately cease conducting short term rentals on the subject property. A new conditional use permit shall be required to allow for short term rentals on the property that is not the primary residence of the owner.

**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 August 15, 2019, with two invitees in attendance.

## 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 three bedrooms, but only two would be used, 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 are three properties 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 and one approved owner occupied. This proposal is also owner occupied and has agreed to a condition addressing primary residence.***
- 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.  
***One parking space is available on the street and three parking spaces are available at the rear of the property.***
- 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.***

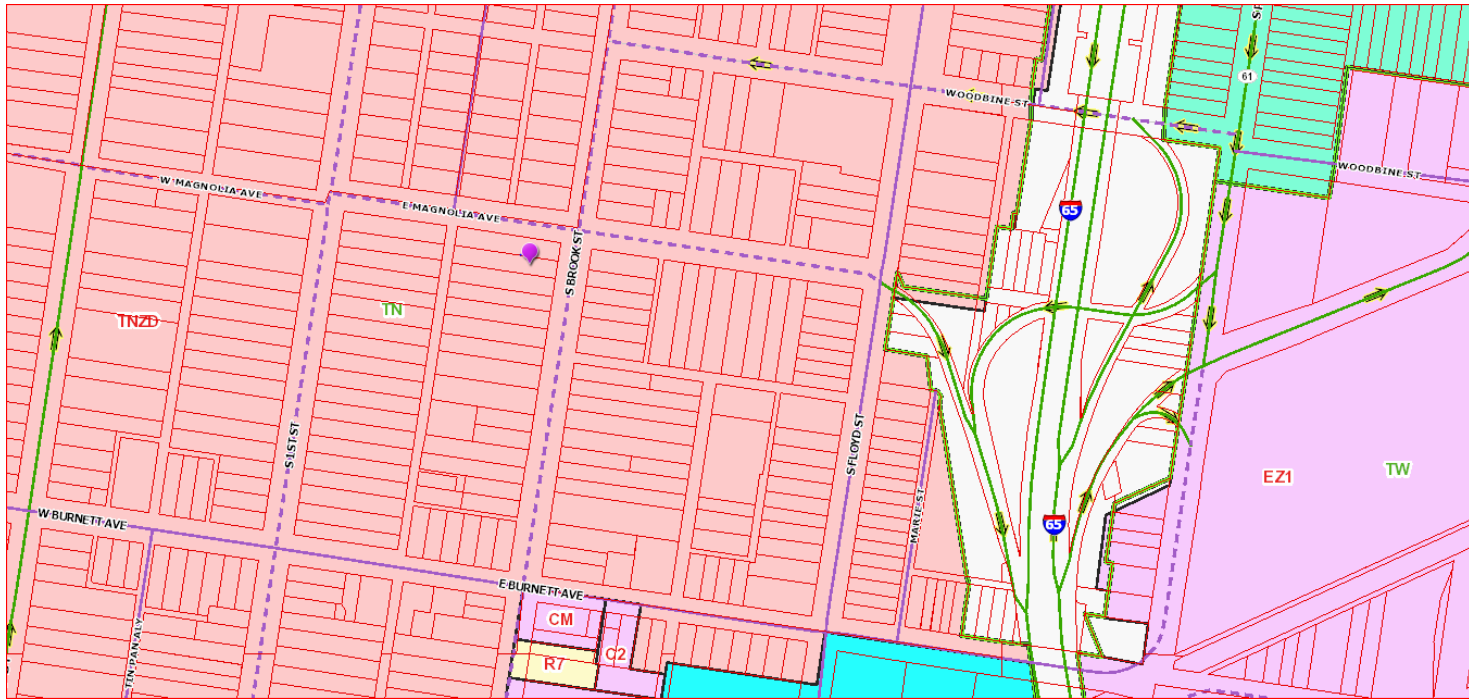
**NOTIFICATION**

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 6
10/23/2019	Hearing before BOZA	Sign Posting

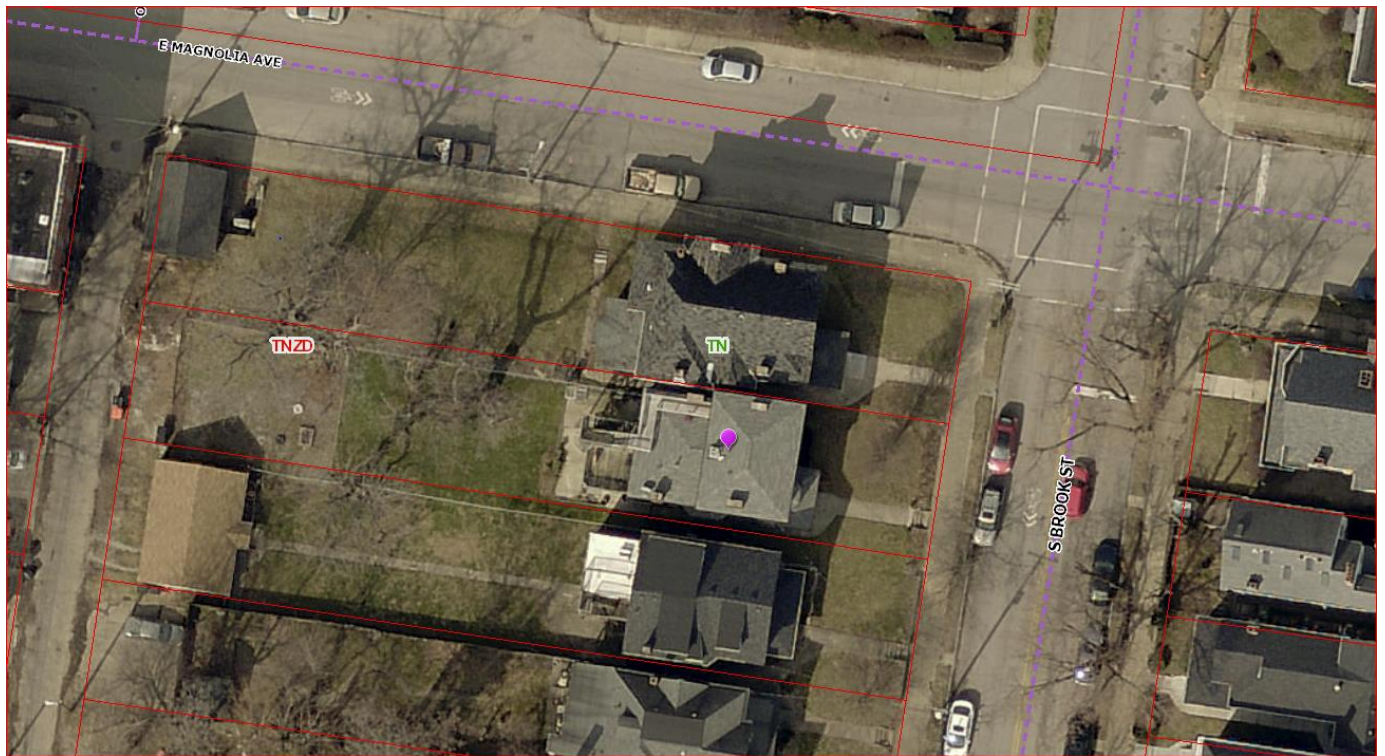
**ATTACHMENTS**

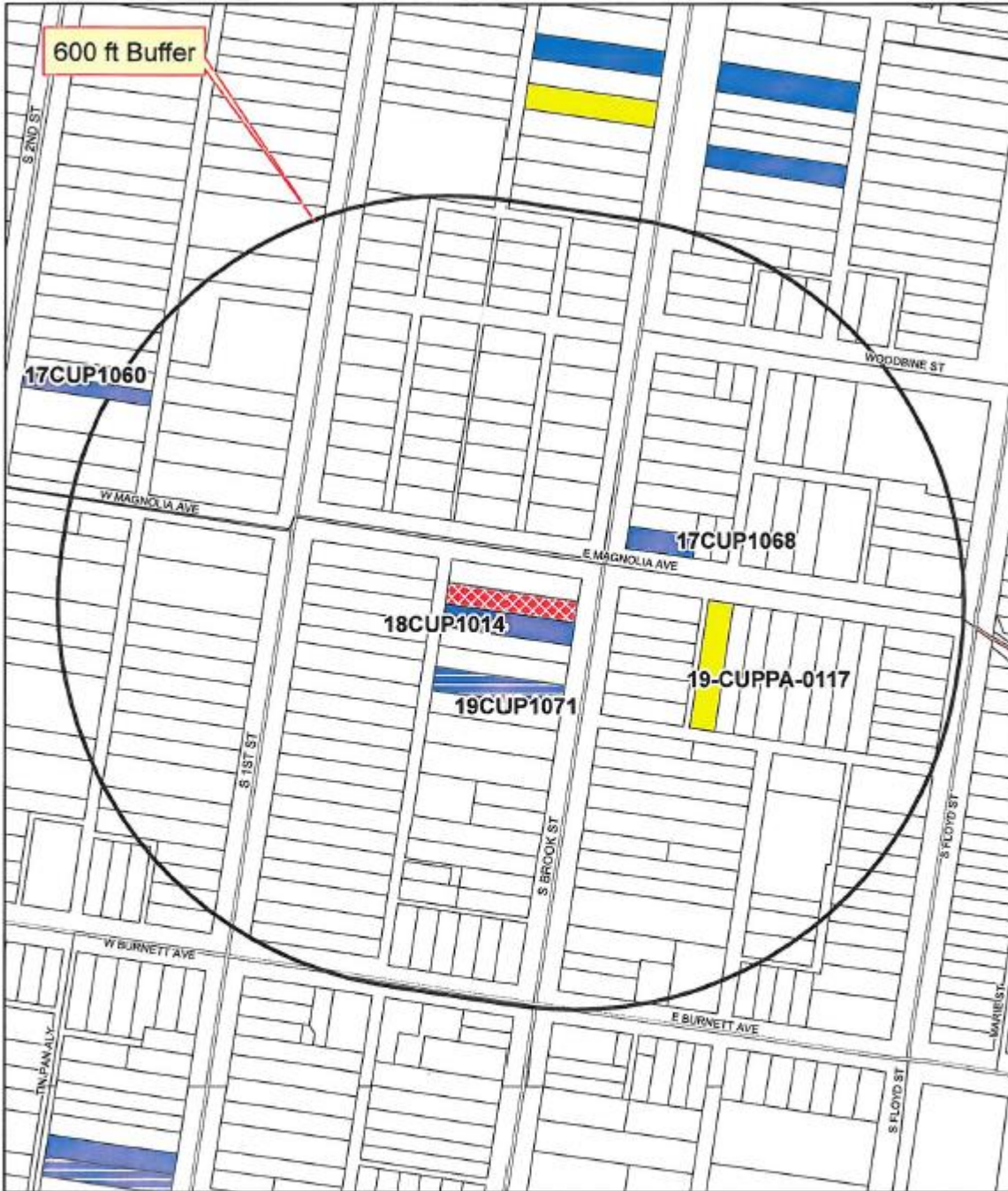
1. Zoning Map
2. Aerial Photograph
3. 600 Foot Map
4. Explanations/Condition of Approval
5. Neighborhood Meeting/Minutes
6. Bedroom Pictures

# Zoning Map








**Aerial Photograph**



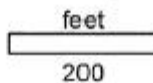


**Legend**

-  Subject Site
-  Approved
-  Approved- Host Occupied
-  Pending
-  Buffer



**19-CUP-0138  
Proximity Map**



Copyright © 2018, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

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

The first floor bedroom of my home will be periodically available for rent. This includes access to kitchen, full bath, backyard and 2 parking spaces.



RECEIVED  
AUG 27 2019  
PLANNING &  
DESIGN SERVICES



Hendrix, Steve

---

**From:** ak <akj2054@gmail.com>  
**Sent:** Friday, October 18, 2019 8:26 AM  
**To:** Hendrix, Steve  
**Subject:** Re: 19-CUP-0138

**CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe**

---

Hi Steve,

Yes, this is a single family residence. I might want to rent the entire home during derby.. I would like the option to do so. However, the third floor would always remain locked off.

Thanks!  
Amy

On Thu, Oct 17, 2019 at 8:57 AM Hendrix, Steve <[Steve.Hendrix@louisvilleky.gov](mailto:Steve.Hendrix@louisvilleky.gov)> wrote:

1404 S. Brook Street

Need to confirm;

This is a single family dwelling, (just one unit) and that on occasions you will rent out the first floor bedroom.

Do you ever intend to rent the whole house, such as during Derby?

Hendrix, Steve

---

**From:** Hendrix, Steve  
**Sent:** Friday, October 25, 2019 9:39 AM  
**To:** 'ak'  
**Subject:** RE: 19-CUP-0138

Ok,  
Thanks.

**From:** ak [mailto:akj2054@gmail.com]  
**Sent:** Friday, October 25, 2019 9:33 AM  
**To:** Hendrix, Steve  
**Subject:** Re: 19-CUP-0138

**CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe**

---

Hello Steve,

Yes, I accept this condition. The property is and shall remain my primary residence.

Thanks!  
Amy

On Fri, Oct 25, 2019 at 8:30 AM Hendrix, Steve <[Steve.Hendrix@louisvilleky.gov](mailto:Steve.Hendrix@louisvilleky.gov)> wrote:

Please see attachments.

Your property is within 600 feet of other Short Term Rentals .

If you agree to the following condition, then you will not have to submit a justification letter requesting relief from Item D. of the Listed Requirements.

The Host of record for the short term rental shall maintain her primary residence in the dwelling unit on the subject property. In the event that the Host establishes primary residence on another property, she must immediately cease conducting short term rentals on the subject property.

A new conditional use permit shall be required to allow for short term rentals on the property that is not the primary residence of the Host.

1404 S. Brook Street

Attendance Sheet

Name	Street Address	Zip	Phone	Email
Henry Johnson	1405 S. 1st	48208	RECEIVED AUG 27 2019	PLANNING & DESIGN SERVICES
Henry Johnson-Bejer	1405 S. 1st	40208		

**Amy King  
1404 S. Brook Street  
Louisville, KY 40208**

**August 15, 2019**

**Meeting Notes**

Discussion on intention with short term rentals and vetting process for potential periodic short term(roommates, tenants).

Explanation that there is an extensive vetting process before someone is able to stay the night and access my home. The entire home will be lived in full time. A room on the ground floor periodically rented to help with renovation costs.

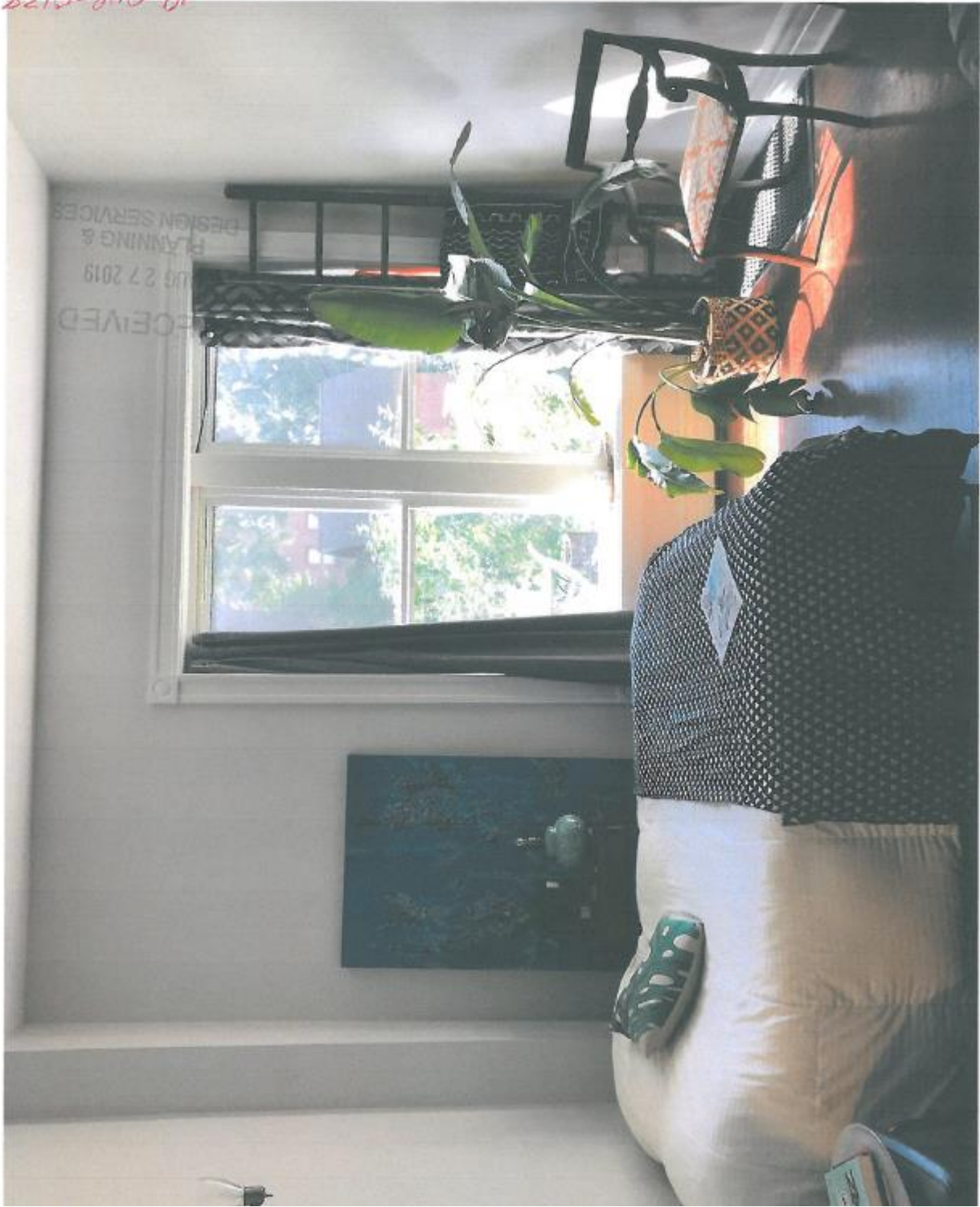
Parking was discussed (I own a lot in the back of my home where cars can be parked)

The first floor of my home will be rented periodically. The top two floors will be private living quarters.

Review of House Rules, etc. – Reinforcing the home will not be rented for parties, reckless behavior strictly prohibited.

RECEIVED  
AUG 27 2019  
PLANNING &  
DESIGN SERVICES

19-CUP-0138



19-CUP-0138  
8/19/2019

IMG\_2432.jpg

