

Board of Zoning Adjustment
Staff Report
March 18, 2019



Case No:	18CUP1175
Project Name:	Gallavin Short Term Rental
Location:	1850 Sherwood Avenue
Owner(s):	Wayne Gallavin
Applicant:	Wayne Gallavin
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Jon Crumbie, Planning & Design Coordinator

CONTINUED FROM THE MARCH 4, 2019 BOARD OF ZONING ADJUSTMENT MEETING TO ALLOW STAFF TIME TO CHECK THE NUMBER OF BEDROOMS AND PARKING SPACES ON SITE. THE PROPERTY WAS INSPECTED ON MARCH 8, 2019. IT WAS DETERMINED THAT THE RESIDENCE HAS FIVE BEDROOMS AND THREE ON-SITE PARKING SPACES.

REQUEST(S)

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

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 single- family residence. The applicant states that the residence has five bedrooms that will allow a maximum number of fourteen guests, but the applicant will be asking for a maximum number of twelve guests. The site has credit for one on-street parking space and staff determined that there are three parking spaces on 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.

RELATED CASES

B-232-05 An application for variances from the Land Development Code to allow proposed encroachments into the required yards. This request was approved by the Louisville Metro Board of Zoning Adjustment on December 5, 2005.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on January 8, 2019 and five people attended.

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. **Staff determined that the residence has five bedrooms that will allow a maximum number of fourteen guests. The applicant will be asking for a maximum number of twelve guests.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted. **The structure on the site is a single-family residence.**
- 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. Staff determined that there are three parking spaces on site.**
- 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.**

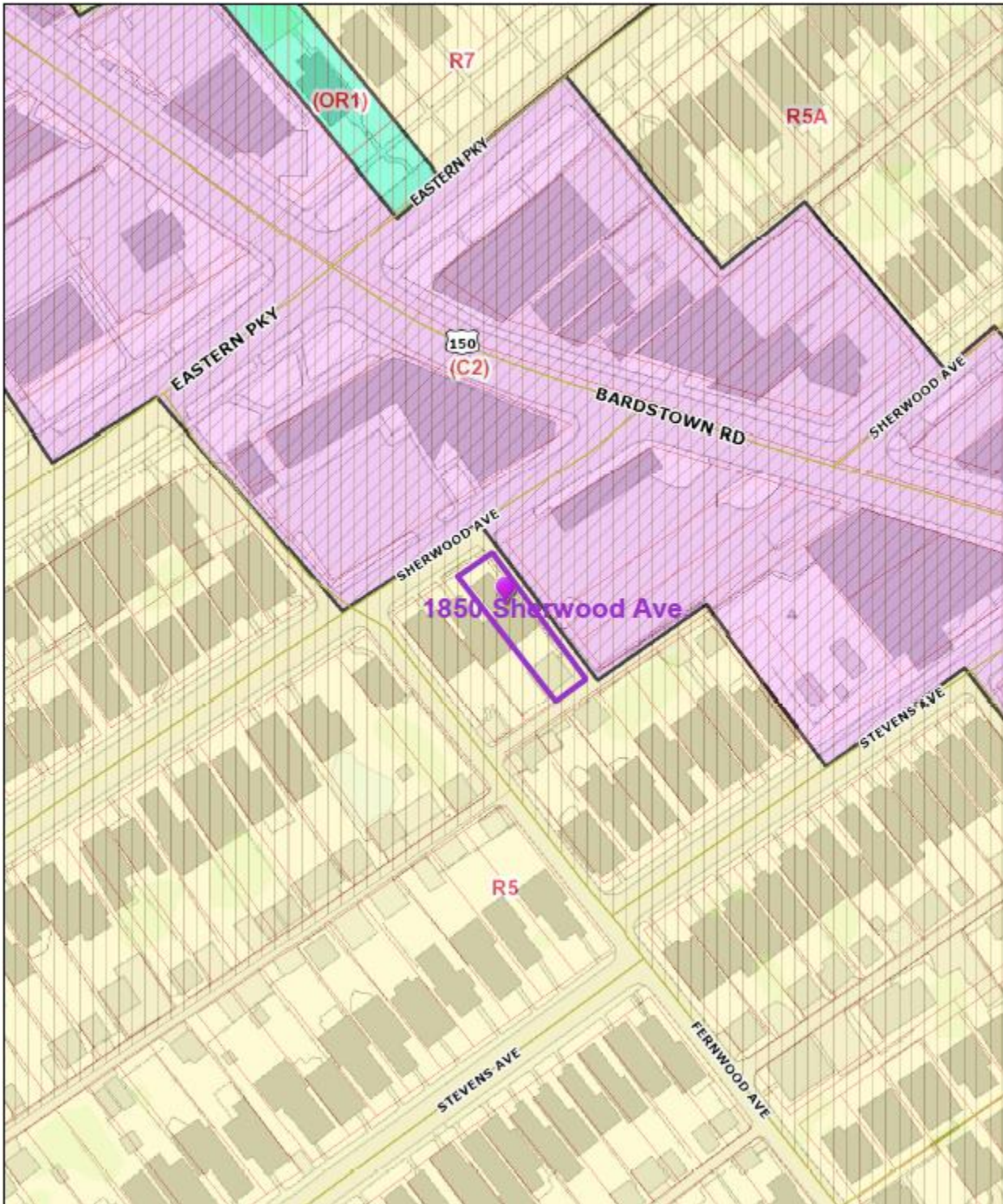
NOTIFICATION

Date	Purpose of Notice	Recipients
2/14/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
2/14/2019	Hearing before BOZA	Sign Posting

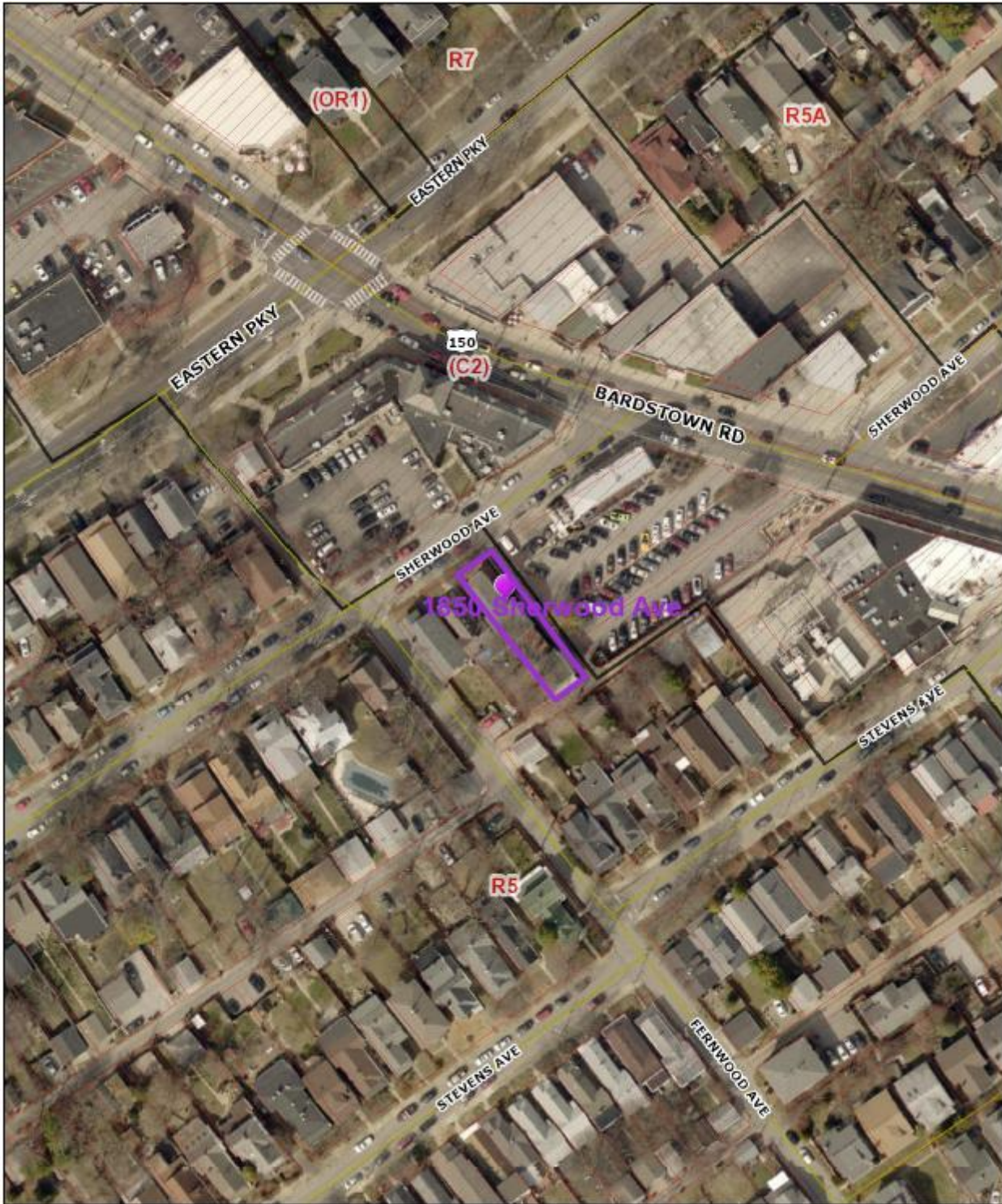
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. 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.
3. The maximum number of guests permitted in the short term rental shall be the lesser of twelve (12) or that permitted by the Louisville Metro Code of Ordinances.