

# Board of Zoning Adjustment Staff Report

November 7, 2016



<b>Case No:</b>	16CUP1043
<b>Project Name:</b>	None (Short Term Rental)
<b>Location:</b>	1025 E. Breckinridge St.
<b>Owner:</b>	Amanda D. Montgomery
<b>Applicant:</b>	Amanda D. Montgomery
<b>Representative(s):</b>	Amanda D. Montgomery
<b>Project Area/Size:</b>	4,370 square feet
<b>Existing Zoning District:</b>	R-6, Residential Multi Family
<b>Existing Form District:</b>	TN, Traditional Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – David Tandy
<b>Case Manager:</b>	Brian Mabry, AICP, Planning & Design Supervisor

## REQUESTS

- Conditional Use Permit to allow short term rental that is not the primary residence of the host in an R-6 zoning district

## CASE SUMMARY

The applicant proposes to continue to conduct a short-term rental at the subject property. The short-term rental would be the sole use of the property, as the owner/applicant lives in the house immediately to the east. Thus, a Conditional Use Permit is required.

## SITE CONTEXT

The subject property is rectangular in shape, 25 feet in width and 4,370 square feet in area. The residential structure on the property is 1,189 square feet in area, was built in 1915, and has two bedrooms. It is located on the north side of E. Breckinridge Street between Swan Street and Schiller Avenue in an area solidly zoned R-6 and Traditional form district.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Short-Term Rental	R-6	TN
<b>Proposed</b>	Short Term Rental	R-6	TN
<b><i>Surrounding Properties</i></b>			
<b>North (across Lampton Alley)</b>	Single-family residential	R-6	TN
<b>South (across E. Breckinridge)</b>	Single-family residential	R-6	TN
<b>East</b>	Single-family residential	R-6	TN
<b>West</b>	Undeveloped	R-6	TN

## PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous cases on the site.

## INTERESTED PARTY COMMENTS

Staff has not received any interested party comments. A neighborhood meeting was held on October 12, 2016. See attached notes from the meeting.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code  
Louisville Metro Code of Ordinances, Chapter 115, Sections 115.515 through 115.521

## 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 is consistent with the applicable policies of the Comprehensive Plan.

### 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, appearance, etc?

STAFF: The proposal is compatible with its surroundings because the request only involves allowing a short term rental within the existing single-family dwelling. No additional development is proposed. As such, the proposal is compatible with the surrounding land uses with respect to height, bulk, scale, intensity, traffic, noise, odor, drainage, lighting and appearance.

### 3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: The subject property is in a developed area where public facilities are readily available. There were not any agency comments indicating that the property's existing public facilities are inadequate to serve a short term rental.

### 4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

#### **4.2.63 Short Term Rental 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.

*The applicant has been informed of this requirement. If a contract exceeds 29 consecutive days, it is not subject to the short term rental regulations. Long term rental contracts are permitted on the property so long as the use remains single-family residential.*

- 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.  
*The applicant has been informed of this requirement. The dwelling has two bedrooms and so the maximum number of individuals permitted in the short term rental is eight. The applicant has no plans to add bedrooms to the structure.*
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.  
*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.  
*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 applicants, who live on the lot immediately to the east of the subject property, have a two-car garage at their residence and an extra parking space off the alley behind their house that they use for their personal vehicles. The applicant states in her CUP application that she and her husband never use the on-street parking in front of any of their three lots (which also includes an undeveloped lot to the west of the short term rental property); therefore, the on-street parking along the frontage of their properties would be usable by the short term rental clients.*
- 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 provision.*

#### **TECHNICAL REVIEW**

There are no outstanding technical review items.

#### **STAFF CONCLUSIONS**

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

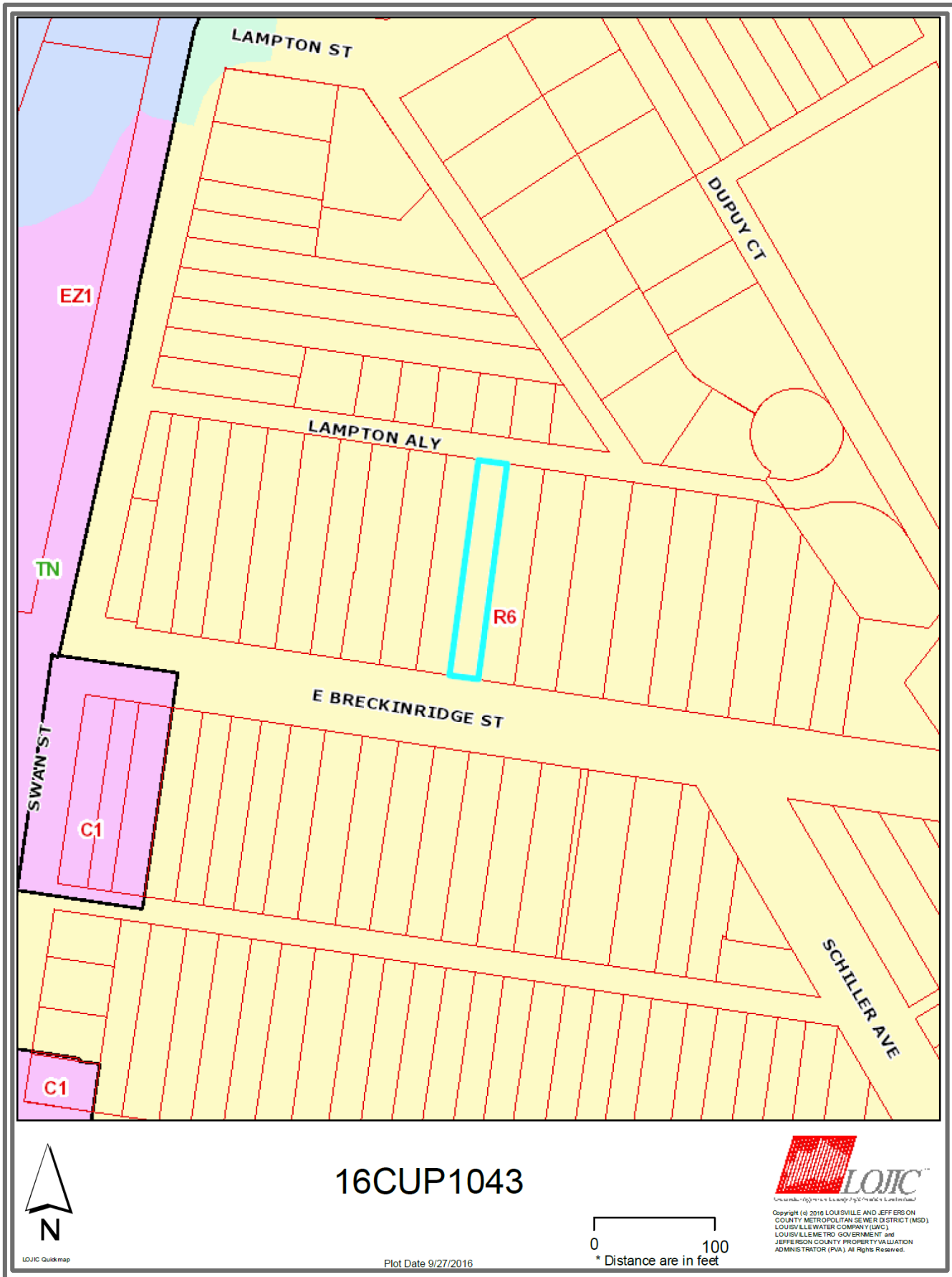
## NOTIFICATION

Date	Purpose of Notice	Recipients
10/20/16	APO Notice	First tier and second adjoining property owners
10/25/16	APO Notice	Neighborhood notification recipients
10/21/16	Sign Posting	Subject Property

## ATTACHMENTS

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

1. **Zoning Map**



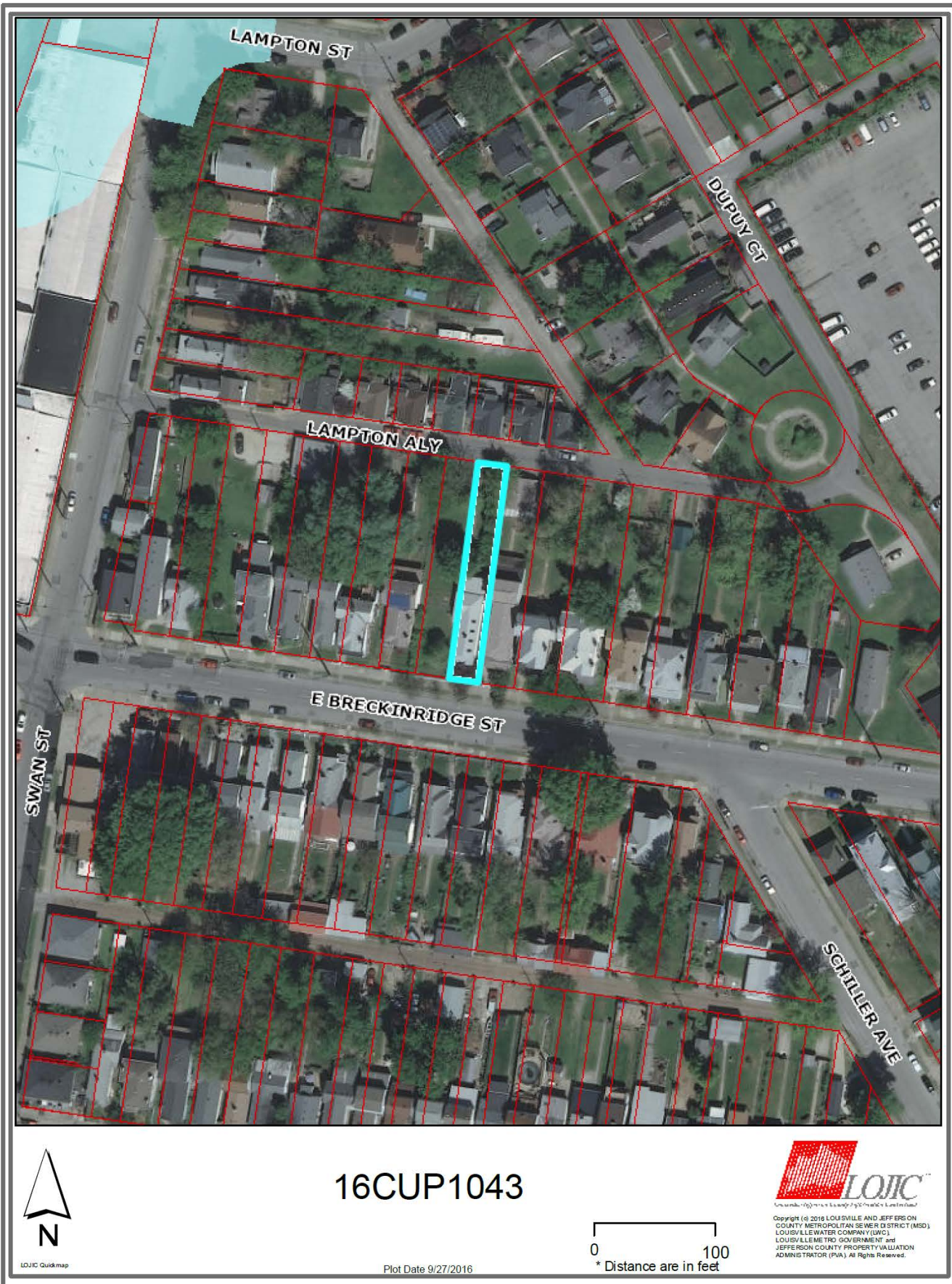
16CUP1043

Plot Date 9/27/2016

0 100  
\* Distance are in feet

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2. Aerial Photograph



3. Neighborhood Meeting Notes

Neighborhood Meeting Attendance Sheet 10/12/16

Betty J. Harris -502-384-8392

Minutes from Neighborhood meeting:

Mrs. Betty Harris (Fryer) came by around 7:15 PM with Oreos. She was proud to be invited to a party because she doesn't get out much (she's 77 years old).

We showed her all around our short term rental and told her how many "boarders" we normally host. Then she just sat down and had a glass of lemonade and visited with our family for 45 minutes. she is proud for us and how nice our place is. There were no concerns.

RECEIVED

OCT 14 2016

DESIGN SERVICES

16 CUP 1043

4. **Conditions of Approval**

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