

Board of Zoning Adjustment
Staff Report
April 1, 2019



Case No:	18CUP1179
Project Name:	Short Term Rental
Location:	112 Harlan Avenue
Owner:	Yaaawooo Realty LLC
Applicant:	Fredie Robinson
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
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 an R-5 Zoning District and Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.099 acre site is located on the south side of Harlan Avenue between Grant Avenue and Miller Avenue in the Wilder Park neighborhood.

The house is more than 100 years old. Residential uses are adjacent to the subject site.

The submitted floor plan of the house shows 4 bedrooms which would allow for 12 guests.

The applicant states that parties will not be allowed and there will be a 2 night minimum.

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 Monday, January 30, 2019, but no one 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. 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 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 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 restriction.

- B. The dwelling unit shall be limited to a single short term rental contract at a time.

The applicant has been informed of this restriction.

- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals.

The house has 4 bedrooms which would allow for 12 guests.

- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.

The applicant has been informed of this restriction.

- 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 restriction.

- F. Outdoor signage which identifies the short term rental is prohibited.
The applicant has been informed of this restriction.

- 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.
Two parking spaces are located on the street in front of the house and there are 2 parking spaces at the rear of the lot.

- 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 restriction.

- 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 restriction.

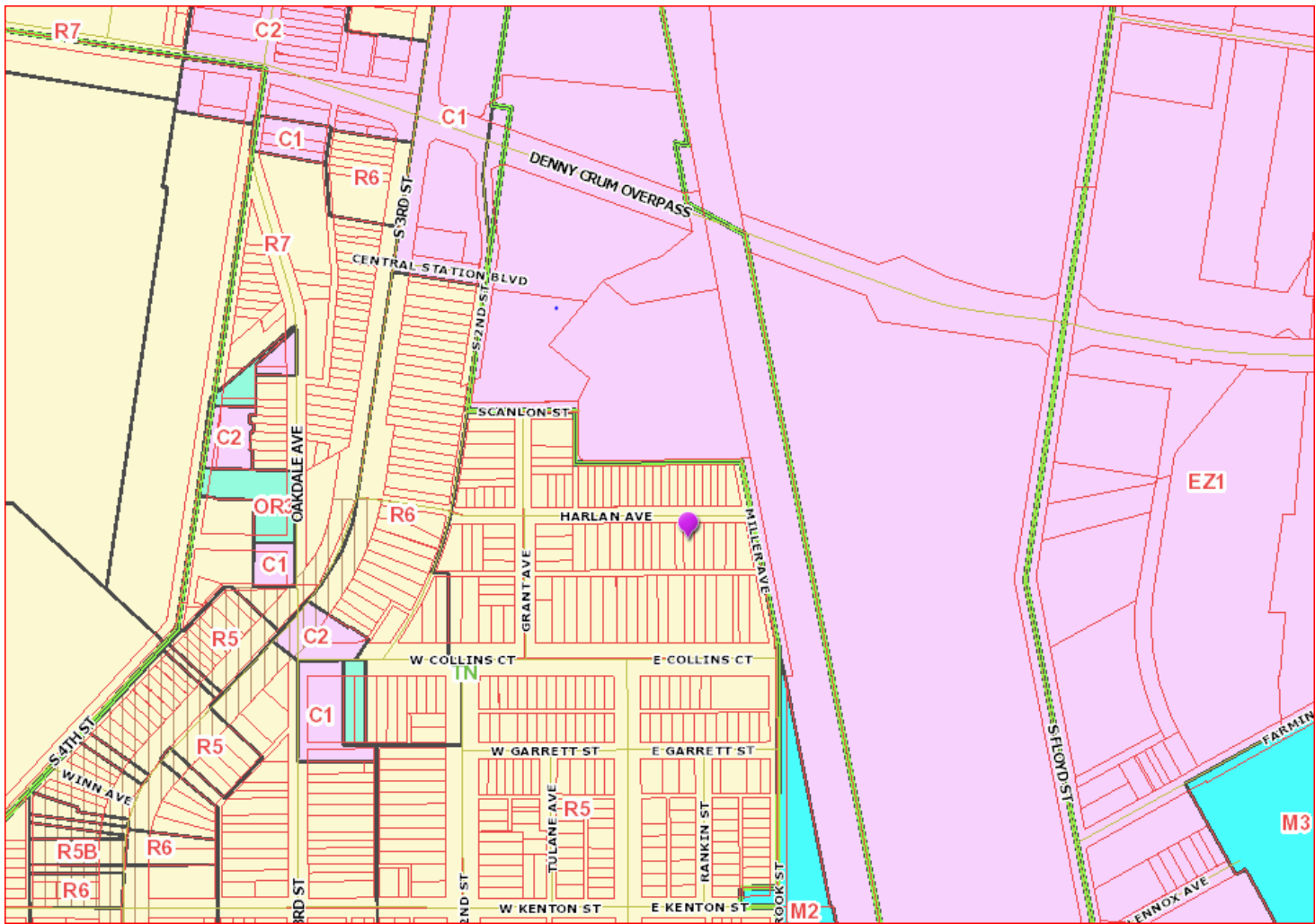
NOTIFICATION

Date	Purpose of Notice	Recipients
3/18/2019 3/08/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
3/22/2019	Hearing before BOZA	Sign Posting

ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Letter of Explanation
- 4. Floor Plan
- 5. Neighborhood Meeting
- 6. Conditions of Approval
- 7. Front of the house
- 8. Bedroom Pictures

Zoning Map



Aerial Photograph



Letter of Explanation

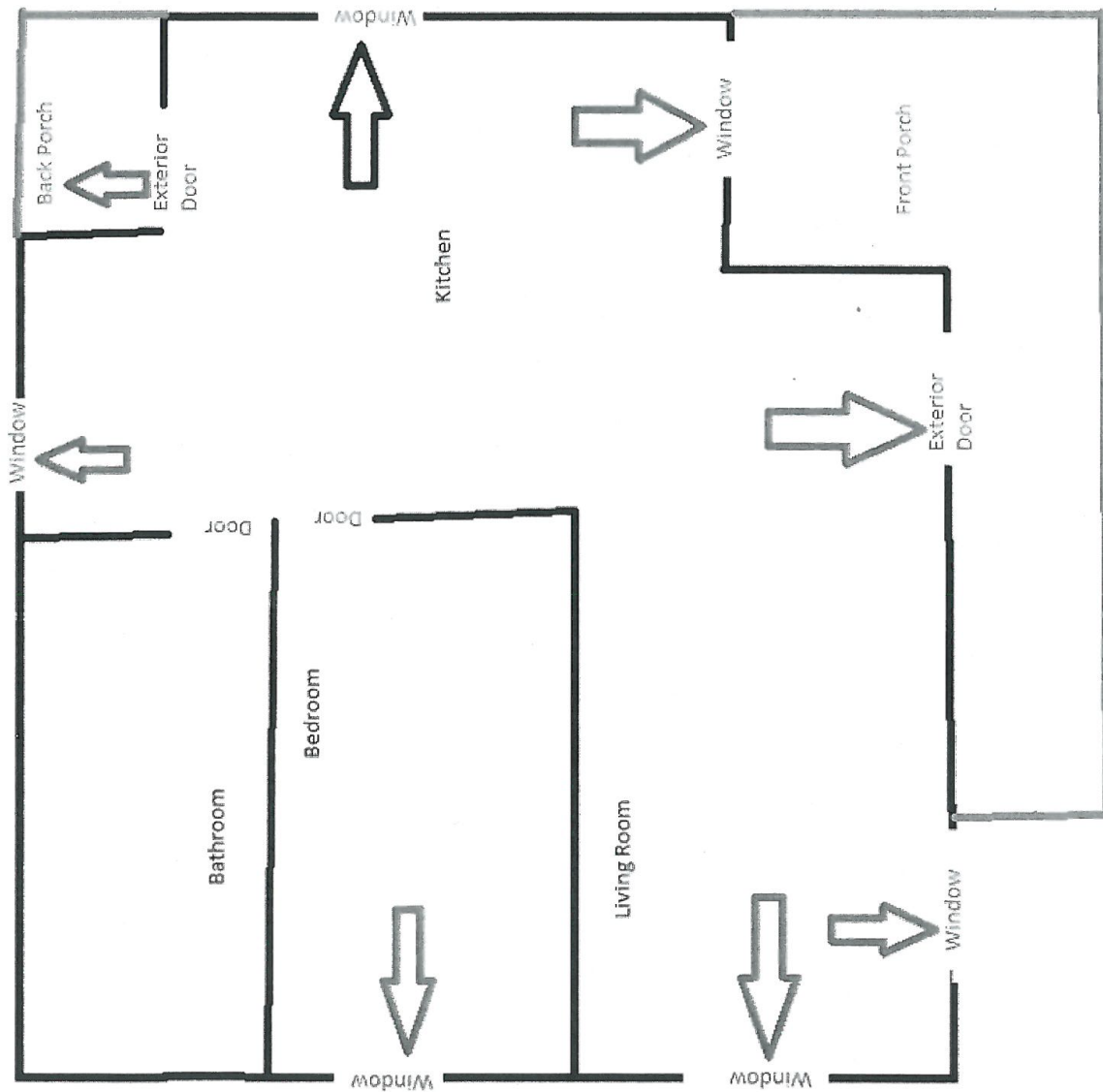
The property at 112 Harlan Ave Louisville, KY 40214 will be a non-occupied short term rental. The property will be advertised on websites like Airbnb and VRBO. There is one dwelling unit on the property and all of the unit will be rented out.

RECEIVED
FEB 15 2019
PLANNING &
DESIGN SERVICES

18 CUP 1179

RECEIVED
DEC 21 2018
PLANNING &
DESIGN SERVICES

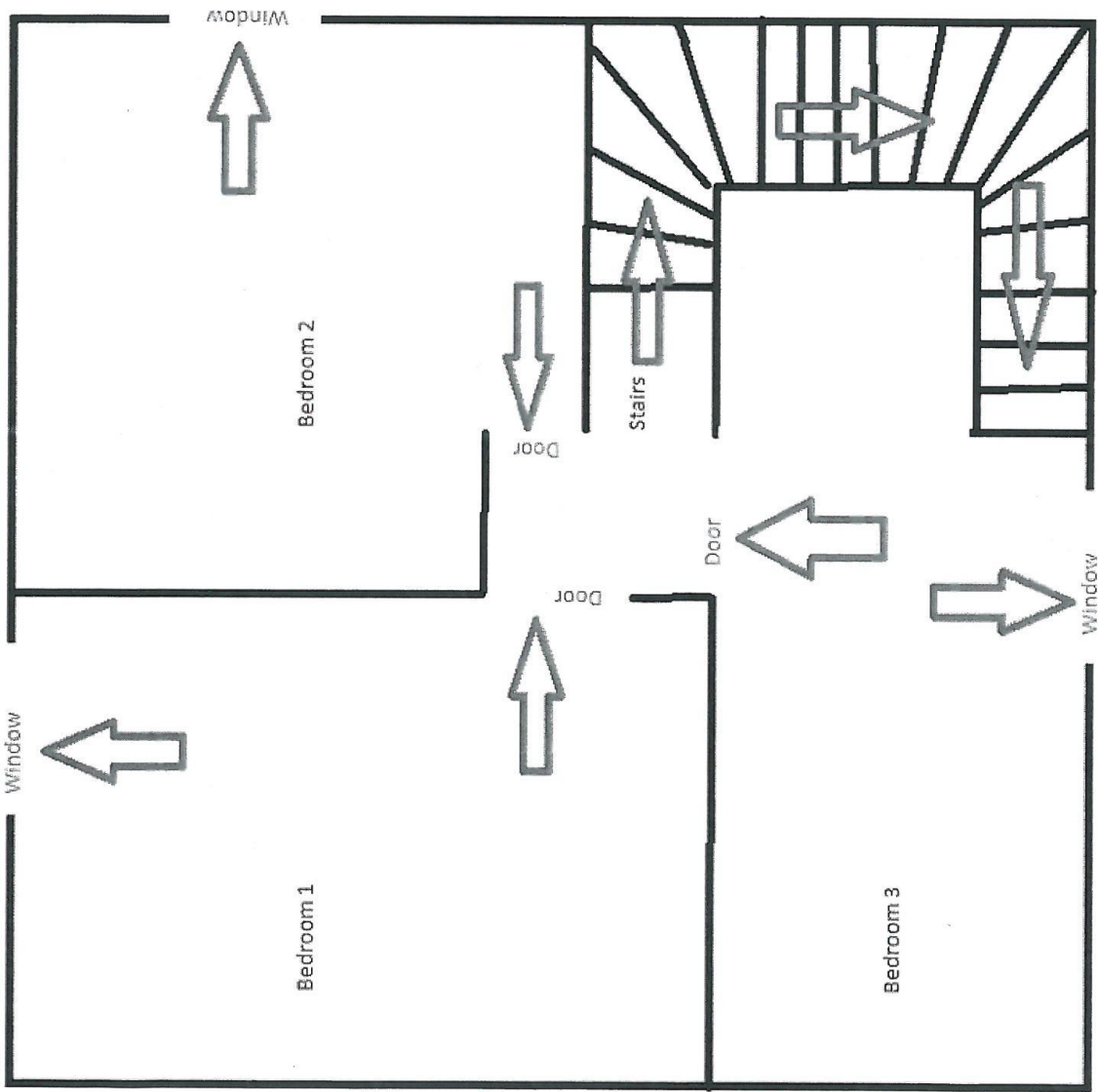
FIRST FLOOR



18CUP1179

RECEIVED
DEC 21 2018
PLANNING &
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2ND FLOOR

18CUP1179

CUP Neighborhood Meeting Details

Meeting was held on 1/30/19 @ 5:00pm but no one showed up.

RECEIVED
FEB 15 2019
PLANNING &
DESIGN SERVICES

18 CUP 1179

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.

Subject Site









