

I am before the board again to ask for a Modification to the condition of approval for 18CUP1100.

My request for Short Term Rental at 110 W. Ormsby was approved on November 5, 2018. Since it was so late in the season, my husband and I chose not to pursue an Airbnb during the winter months. I was alerted to the 60 day requirement to register with Develop Louisville and the Louisville Metro Revenue Commission, but the time limit slipped my mind with the holidays.

It was brought to my attention on March 1 by Yvonne Hall. It took me until this time to be given instructions on how to rectify the situation.

Again, we chose to have a renter in the space due to the winter months when Airbnb is extremely slow. We are now ready to start with the Airbnb with the spring weather and summer/fall approaching. I am asking for a modification to the 60 day time limit. I turned in my paperwork for Develop Louisville and the Louisville Metro Revenue Commission on March 4, 2019.

Sincerely,

Ann McMichael

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19CUP1097

BOARD OF ZONING ADJUSTMENT MINUTES
October 29, 2018

PUBLIC HEARING

CASE NUMBER 18CUP1100

Request:	Conditional Use Permit for short term rental of a dwelling unit in the TNZD
Project Name:	McMichael Short Term Rental
Location:	110 West Ormsby Avenue
Owner/Applicant:	Jeff and Ann McMichael
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

The staff report prepared for this case was incorporated into the record. The Board members received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency testimony:

02:03:34 Jon Crumbie presented the case and showed a Powerpoint presentation. Mr. Crumbie responded to questions from the Board Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Ann McMichael, 1134 Murrays Run, Bardstown, KY 40004

Summary of testimony of those in favor:

02:07:33 Ann McMichael spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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02:14:13 Board Members' deliberation

02:14:48 On a motion by Member Leanhart, seconded by Member Howard, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal does not conflict with Comprehensive Plan policies, and

WHEREAS, the Board further finds that when appropriately managed, the proposed use is compatible with surrounding development and land uses, and

WHEREAS, the Board further finds that the subject property is served by existing public utilities and facilities. The proposal will not create substantial additional requirements for the site, and

WHEREAS, the Board further finds that:

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 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 unit one has one bedroom that will allow a maximum number of six guests. The applicant states that unit two has three bedrooms that will allow a maximum number of ten guests.**

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- 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. **The site has credit for one on-street parking space and the applicant states that up to five off-street parking spaces are located at the rear of the property.**
- 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; now, therefore be it

RESOLVED, the Louisville Metro Board of Zoning Adjustment in Case Number 18CUP1100 does hereby **APPROVE** Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner in the TNZD and Traditional Neighborhood Form District, **SUBJECT** to the following Conditions of Approval:

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.

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

The vote was as follows:

Yes: Members Buttorff, Turner, Howard, Leanhart, and Chair Fishman
Absent: Vice Chair Young

02:16:40 NOTE: Item #8 on the agenda was resumed; see page 22 of these minutes.



110 W. Ormsby Avenue



Wednesday, October 10, 2018 | 2:19:34 PM

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18C4P1100