

Crumbie, Jon

From: Marilyn Bryan <marilynryan8@gmail.com>
Sent: Tuesday, August 11, 2020 3:39 PM
To: Crumbie, Jon
Subject: request to abandon 16CUP1051

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Dear Jon,

Thank you for your call today to update me on the process and language required to end the conditional use permit for my short-term rental located at 4538 South 6th Street 40214. I wish to abandon 16CUP1051, under which I have been operating my short term rental.

Thank you for your consideration of this matter. If you would, please send me a link to the August 31, 2020, business meeting where this item will be decided.

Regards,

Marilyn Bryan

Crumbie, Jon

From: Marilyn Bryan <marilynryan8@gmail.com>
Sent: Monday, August 10, 2020 1:23 PM
To: chris.french@louisvilleky.gov
Cc: Crumbie, Jon
Subject: Request for revocation of 16CUP1051

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Good morning, Chris.

I am the owner of a short-term rental located at 4538 South 6th Street 40214 that I've been operating under a conditional use permit (16CUP1051). This morning, I spoke with Jon Crumbie and told him that I must now sell this property and wish to have the CUP revoked so that it does not move along to the new owner. He recommended that I write to you concerning this matter.

I live just feet from the permitted property and have been an exceptional steward and neighbor while operating this short-term rental, but I cannot be confident that another owner would be as mindful of the neighbors and our neighborhood. Therefore, I am requesting a revocation of 16CUP1051 and I will not be supporting a future STR CUP for this property.

Thank you for your consideration of this matter.

Regards,

Marilyn Bryan
(502)905-4871

BOARD OF ZONING ADJUSTMENT MINUTES
December 5, 2016

PUBLIC HEARING

CASE NUMBER 16CUP1051

Project Name:	None (Short Term Rental)
Location:	4538 South 6th Street
Owners:	Marilyn Bryan and William Gotee
Applicant:	Marilyn Bryan and William Gotee
Representative(s):	Marilyn Bryan and William Gotee
Project Area/Size:	6,000 square feet
Existing Zoning District:	R-5, Residential Single Family
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	21 – Dan Johnson
Case Manager:	Jon Crumble, Planning & Design Coordinator

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the BOZA meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

An audio/visual recording of the Board of Zoning Adjustment meeting 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:

02:28:50 Jon Crumble presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Marilyn Bryan, 4540 S 6th Street, Louisville, KY 40214

Summary of testimony of those in favor:

02:31:52 Marilyn Bryan responded to questions from the Board. She lives in the home next door to the short term rental. It was clarified by Mr. Crumble that the Conditional Use Permit continues for the lifetime of the property, but the license must be renewed upon purchase by a new owner. Ms. Bryan stated that parking has never been an issue for her. There is a driveway as well as street parking. She can have up to 12 people in the home per contract (2 x the number of bedrooms + 4). It is unlikely that she would ever have that many people in it at once, but she does not want to be limited.

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CASE NUMBER 16CUP1051

02:38:01 Deliberation

02:39:03 On a motion by Board Member Fishman, seconded by Board Member Howard, the following motion was adopted:

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds that the proposal is consistent with the applicable policies of the Comprehensive, and

WHEREAS, the Board further finds that the underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. 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, and

WHEREAS, the Board further finds that The underlying use of the property shall remain the same (single family dwelling). The proposal only involves allowing short term rentals within the existing dwelling unit. No additional development is proposed. MSD and Transportation Planning have approved the proposal, and

WHEREAS, the Board further finds that 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.
- 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 dwelling unit has 4 bedrooms which will allow a maximum of 12 occupants.***
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.

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CASE NUMBER 16CUP1051

- 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 property does have a driveway that will allow 2 vehicles.*
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances; now, therefore be it
- 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, that the Louisville Metro Board of Zoning Adjustment, in Case Number 16CUP1051, does hereby **APPROVE** the Conditional Use Permit to allow short term rental in an R-5 zoning district that is not the primary residence of the host based on today's discussion, the presentation, the Standard of Review and Staff Analysis, and the minutes from the Neighborhood Association meeting, and **SUBJECT** to the following condition of approval:

Condition of Approval

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

The vote was as follows:

Yes: Jarboe, Howard, Bergmann, Fishman, Tharp, and Allendorf
Absent: Turner
Abstain: None
No: None