

Board of Zoning Adjustment Staff Report

March 6, 2017



Case No:	16CUP1087
Project Name:	Artists' Cottage
Location:	1320 Lexington Road
Owner:	Marjie Ryan
Host:	Marjie Ryan
Zoning District:	R-6 Residential Multi-Family
Form District:	Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	8 – Barbara Sexton Smith
Case Manager:	Beth Jones, AICP, Planner II

REQUEST

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

CASE SUMMARY

The applicant proposes to conduct a short-term rental at the subject property. Since the applicant lives off-site, a Conditional Use Permit is required.

SITE CONTEXT

The 0.1255 acre /5,466.78 sq ft site is rectangular in shape, approximately 32 ft wide and 170 ft deep, and is located on the south side Lexington Road between Pine Street and Payne Street. It is developed with a one-bedroom dwelling with an approximate footprint of 700 sq ft. Although the property has a Lexington Road address it is accessed at its rear via Pine Street, a former alley.

The width of the site credits one on-street space along Lexington Road toward minimum parking requirements (LDC 9.1.10). Access from Lexington Road to the structure requires the use of a stairway due to a steep slope. There is evidence that a stairway was installed at some point, but it has been abandoned and is no longer usable. The applicant has installed a gravel drive off of Pine Street at the rear of the structure which can accommodate two vehicles.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
Subject Property			
Existing	Single-family residential	R-6	Traditional Neighborhood
Proposed	Short-term rental	R-6	
Surrounding Properties			
North	Single-family residential	R-6	Traditional Neighborhood
South	Single-family residential		
East	Single-family residential		
West	Single-family residential		

PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous cases on the site.

INTERESTED PARTY COMMENTS

As of the date of publication, Staff has received no written comments on the proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code
Louisville Metro Code of Ordinances Sections 115.515 - 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 and appearance?

STAFF: The proposal is compatible with its surroundings because the requested CUP would use the existing structure with no additional development proposed.

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 located in a developed area where public facilities are readily available. No agency comments indicated that existing public facilities are inadequate to serve a short-term rental.

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

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

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.

STAFF: The applicant has been informed of this requirement. If a contract exceeds 29 consecutive days, it is not subject to short-term rental regulations.

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

STAFF: 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: The applicant has been informed of this requirement. The dwelling unit has one bedroom and so is limited to six persons.

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

STAFF: 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.

STAFF: The applicant has been informed of this requirement.

- F. Outdoor signage which identifies the short term rental is prohibited.

STAFF: 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.

STAFF: The dwelling unit is not readily accessible from its single on-street parking space on Lexington Road. The property owner has installed a parking area at the rear of the property which can accommodate two vehicles.

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

STAFF: 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.

STAFF: 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
2/17/17	Notice of Application	First and second tier adjoining property owners Notification recipients for Council District 8
2/21/17	Notice of BOZA Meeting	First and second tier adjoining property owners Notification recipients for Council District 8
2/18/17	Notice of BOZA Meeting	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval
4. Interested Party Comments

1. Zoning Map



2. Aerial Photograph



3. Conditions of Approval

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

4. Interested Party Comments

None received.