

Board of Zoning Adjustment

Staff Report

April 15, 2019



Case No:	18CUP1183
Project Name:	Short Term Rental
Location:	1033 East Oak Street
Owner/Applicant:	Goff Primary, LLC, M. Barrett Goff
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST

Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in an R-6 Zoning District and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.078 acre site is located on the north side of East Oak Street between Swan Street and Reutlinger Avenue in the Germantown neighborhood. The property is zoned R-6 and is within a Traditional Neighborhood Form District. The submitted floor plan shows two bedrooms which would allow eight guests. There is a parking pad at the rear of the property and spaces along East Oak Street. Residential uses are adjacent to the site ranging from single family residences to the Bradford Mill Lofts across the street.

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 January 6, 2019, and two people attended. There was no opposition.

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 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 regulations allow for 8 guests.

- 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 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.
One parking space is located on a concrete pad at the rear of the property and there are approximately two spaces on East Oak Street.
- 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.

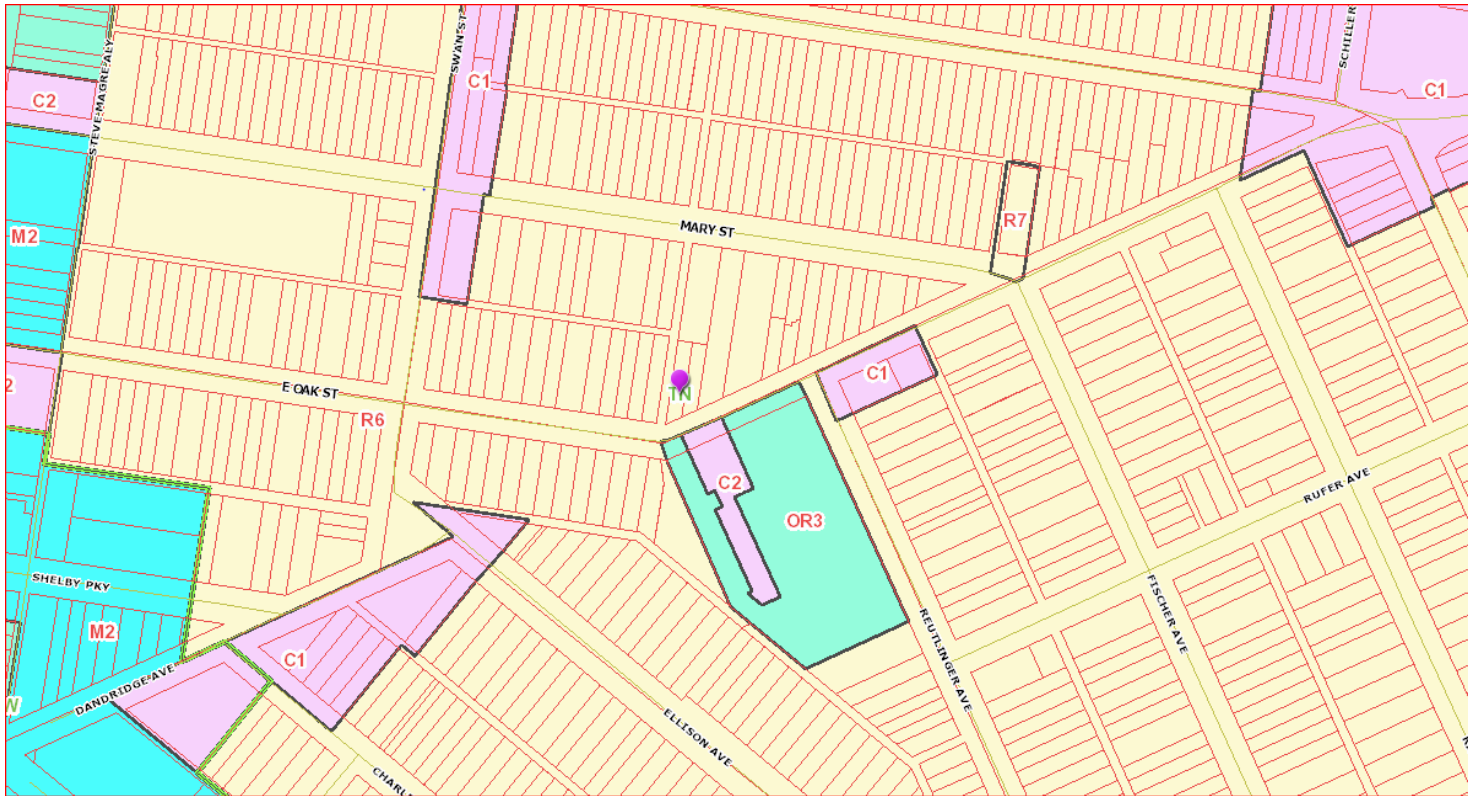
NOTIFICATION

Date	Purpose of Notice	Recipients
4/01/2019 3/28/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
4/04/2019	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Front of house
4. Neighborhood Meeting/Minutes
5. Floor Plan
6. Bedroom Pictures
7. Conditions of Approval

Zoning Map



Aerial Photograph



Front of house



STR MEETING FOR 1033 E OAK ST.

2/6/19 6:00 PM

6:00 PM - I THANKED BOTH NEIGHBORS FOR COMING TO THE MEETING AND ASKED WHAT QUESTIONS OR CONCERNS THEY MIGHT HAVE.

6:02 PM - SUSAN ASKED WHAT "AIR BNB" IS?

6:03 PM - I INFORMED HER THAT IT WAS A WEBSITE THAT ALLOWED HOMEOWNERS TO HOST GUESTS FOR A SHORT STAY AT THEIR PROPERTY,

6:04 PM - SUSAN WAS APPRECIATIVE OF THE INFORMATION AND WENT BACK TO HER HOME.

6:05 PM - MARK SAID THAT HE WAS A RELATIVE OF ONE OF OUR NEIGHBORS, AND CAME BY TO SEE IF WE WERE TRYING TO PURCHASE THEIR VACANT LOT ON MARY STREET. HE THEN SAID HE WAS GLAD TO SEE HOMES IN THE AREA BEING "BEAUTIFIED" AND IMPROVED. HE THEN THANKED ME FOR THE MEETING.

6:10 PM - I THANKED MARK FOR COMING AND GAVE HIM MY BUSINESS CARD. I INFORMED HIM THAT OUR PROPERTY WOULD BE WELL MANAGED, PARTIES WOULD NOT BE ALLOWED, AND TECHNOLOGY WOULD BE PUT IN PLACE TO MAINTAIN CONTROL OF OUR GUESTS AND OUR HOME.

6:15 PM - MEETING ADJOURNED

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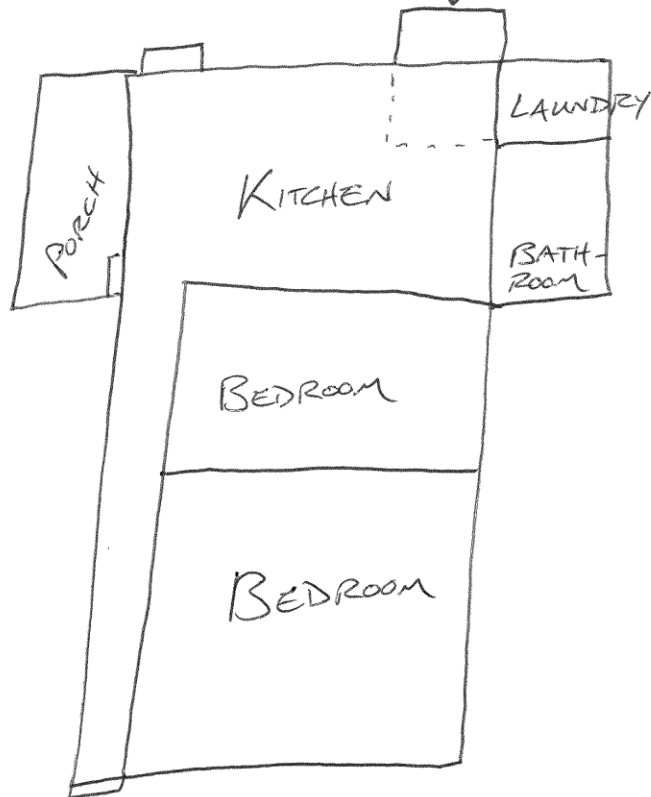
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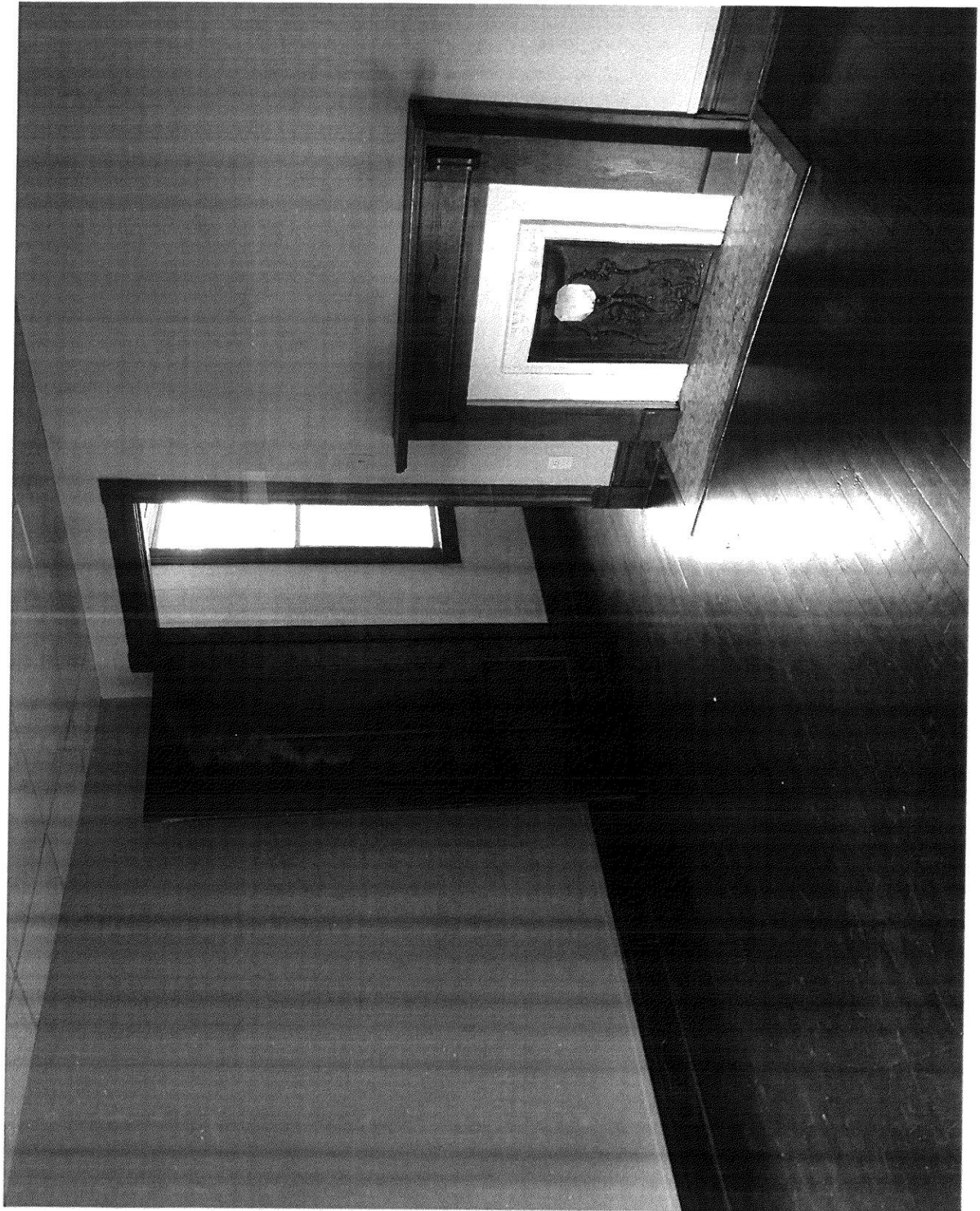
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Conditions of Approval

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.