

Board of Zoning Adjustment
Staff Report
June 29, 2020



Case No:	19-CUP-0103
Project Name:	Short Term Rental
Location:	1104 South Brook Street, (First Floor Unit)
Owner/Applicant:	Matthew Kustes
Jurisdiction:	Louisville Metro
Council District:	# 6--- David James
Case Manager:	Steve Hendrix, Planning & Design Coordinator

This item was heard and approved by the Board with added conditions on October 21, 2019. However, the applicant was not in agreement with the condition of approval requiring him to live on the property. After review of the recording of this case, there was no discussion by the applicant, staff or the Board of Zoning Adjustment regarding this condition, except in the motion of approval when the condition was included.

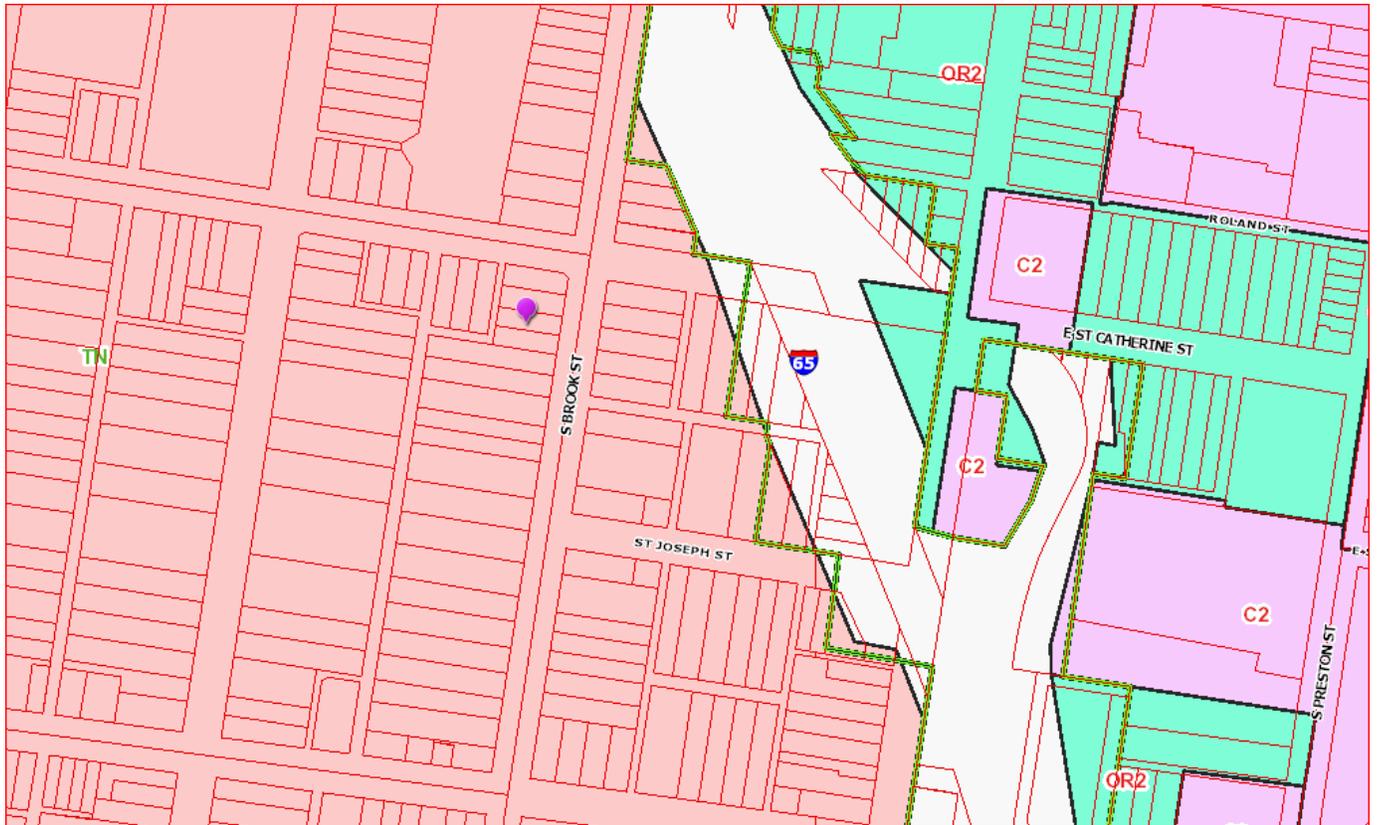
On April 6, 2020, the item was brought back to the Board in a virtual meeting format. The Board continued the case in order to hear additional testimony from the applicant.

The Board needs to determine if this condition needs to remain or be removed.

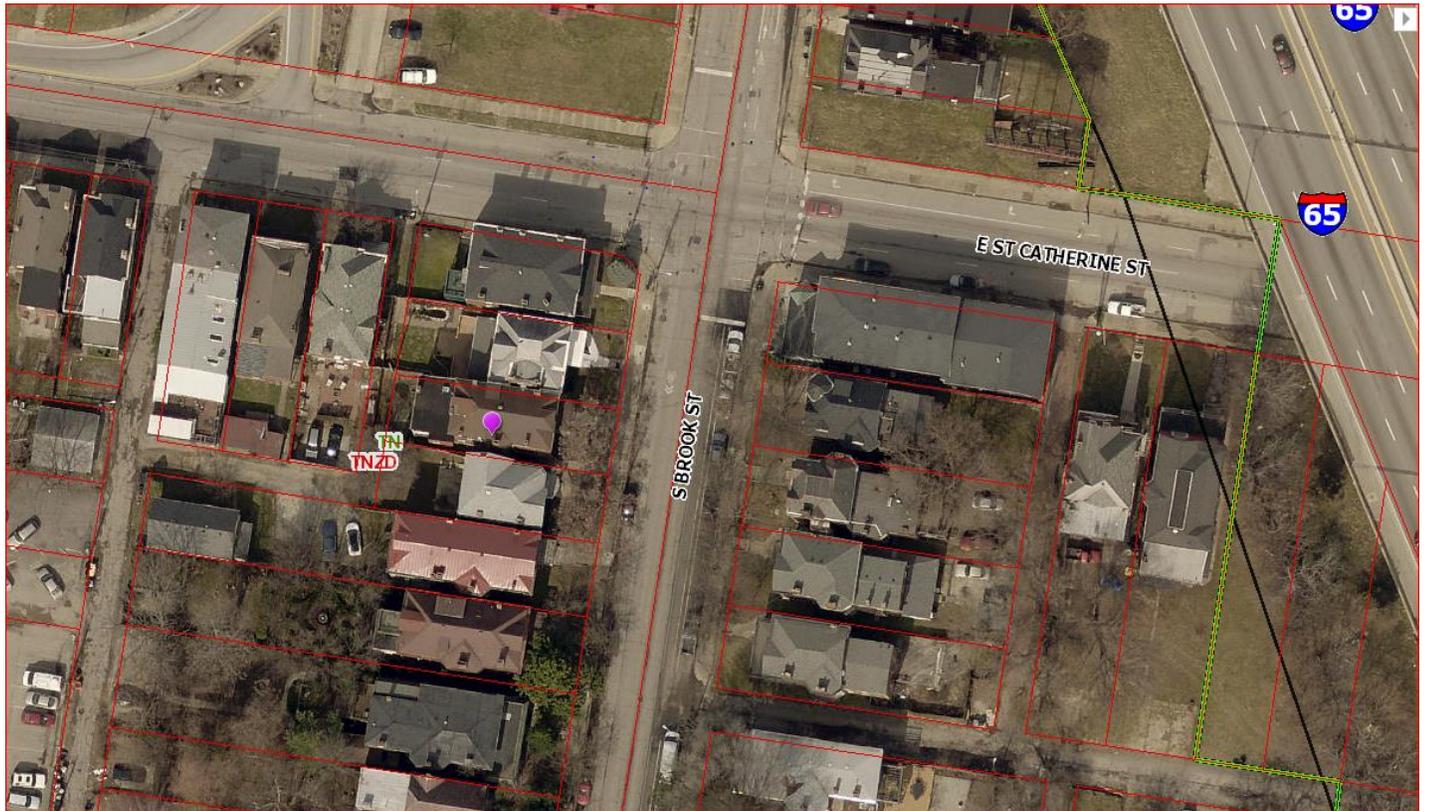
Condition

The host of record for the short term rental shall maintain his or her primary residence in the second floor unit on the subject property. In the event that the host establishes primary residence on another property he or she must immediately cease conducting short term rental in the first floor unit. A new Conditional Use Permit shall be required to allow for short term rental of any unit on the property that is not the primary residence of the host.

Zoning Map



Aerial Photograph



Letter of Explanation

We are seeking this conditional use permit because we are a young couple that owns a duplex. We are not an investment company looking to buy up every property in the neighborhood. We are simply a couple that has an extra apartment below us that we don't want to go to waste. We have spent a lot of time and money renovating our old victorian home and don't want it to go to waste. We think we provide a unique experience for visitors to see a historic part of Louisville.

Owner Occupations:

Matthew Kustes - Director of Growth at local Apparel and Merchandise Company - Crooked Monkey Apparel - 1229 South Shelby Street.

Megan Kramer - Social Worker / School based therapist - Centerstone Louisville

of Dweling Units:

2 - It is a duplex with a first floor apartment and a second floor apartment. We currently live on the second floor and plan to use the first floor as a short term rental.

Only the bottom apartment of the building will be rented. Seeing as we are owner occupied in the top floor.

We care a lot about the house and enjoy showing people an excellent part of the city. We pride ourselves on showing excellent hospitality and bragging about what the city has to offer. We think Old Louisville is one of the most unique areas in the city and we are happy to give people the opportunity to experience the neighborhood.

Property: 1104 South Brook St.
Owner: Matthew Kustes

RECEIVED
AUG 08 2019
PLANNING &
DESIGN SERVICES

19-CUP-0103

To the Committee.

Thank you for considering my Short Term rental for Approval. I am requesting relief from the 600ft requirement and I appreciate your time and commitment to making Louisville accessible to everyone. I hope you will take time to consider my reasoning.

I would like to start by letting you know that we are a young couple that purchased a duplex in the summer of 2018. We moved to Old Louisville not only because it was in our price range but because I love the historic houses. Old Louisville is my favorite neighborhood in the city. We currently live in the upstairs unit of the duplex and use the first floor for Airbnb. I believe this proximity has aided our success immensely. It has allowed us to oversee all guests closely and be ultra response to any neighborhood concerns. We plan to live here for many years, and foresee continuing to offer responsible (and responsive) hosting in the closest possible location to the Airbnb (upstairs). We are not a development company, we live here too!

In all, it appears that there are 3 properties now within the 600 ft limit. One of them being on S 1st street with the very back edge of the property line touching 600 ft. buffer. I'm hoping that this property is not considered too heavily in this decision because the building itself lies outside of the buffer.

When I began this process months ago, I believe it only showed 1 approved rental nearby (S. 1st street). This location I was hoping to get relief from because it is across a major cross road (St. Catherine) and on a separate street (s. 1st street).

Recently it looks as if another unit was approved down the street (S. Brook Street). This house sits about 500 ft from our house. I'm hoping to receive relief from this location because it still fairly far away at 500 ft. and it separated by 2 side streets that run off of S. Brook. Additionally it was only recently approved and prior to going through this process I did not see it as a short term rental.

Finally, I would like to say. Over the past year I have grown to love old louisville and my block of S. Brook Street. However it is not a perfect neighborhood and there is still room for improvement. For example: directly across the street from our house are 2 boarded up buildings that have laid vacant for years. I believe that having responsible owners nearby is the first step to helping these properties be occupied one day. The opportunity for us to run an airbnb has allowed me to improve our house into something we couldn't have before. We plan to continue to improve upon our property because we believe this section of S. Brook can grow and be better. In all, I truly believe that this airbnb allows us to improve the neighborhood more that we could otherwise. It helps to provide the block with another focused and responsive tenant/owner that is always nearby and there for his guests and neighbors.

RECEIVED

OCT 15 2019

PLANNING &
DESIGN SERVICES

Thank You,
Matthew Kustes

19-CUP-0103