

Board of Zoning Adjustment
Staff Report
December 2, 2019



Case No:	19-CUP-0185
Project Name:	Short Term Rental
Location:	664 Atwood Street
Owner/Applicant:	664 Atwood LLC, by Mike Spoelker
Jurisdiction:	Louisville Metro
Council District:	# 15 -- Kevin Triplett
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the owner in a R-7 Zoning District and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.10 acre site is located on the south side of Atwood Street between South Preston Street and Bradley Avenue in the Saint Joseph Neighborhood. The applicant is proposing to convert the church into an approximate 1,800 square foot, single family dwelling that will have two bedrooms which will allow for six guests. The property has 37 feet of street frontage and credit for one parking space. An attached garage is part of the conversion, but will not be available for guests. However, there will be two parking spaces in the driveway between the alley and the garage.

There is one other Short Term Rental within 600 feet of the subject site.

There is no Open Enforcement Case.

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 September 16, 2019, with one invitee in attendance, Gail Linville, President of the Saint Joseph Neighborhood Area Association. She expressed her support.

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.

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 Term Rental of a dwelling unit that is not the primary residence of the host or the Short Term Rental of a condominium unit that is 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.

The applicant has been informed of this requirement.

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

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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals.

The dwelling will have two bedrooms which would allow for six guests.

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host.
As of the date of this report, there was one other property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property. The applicant has requested relief to the provision in accordance with LDC Section 4.2.2.B. If the Board does not grant relief, the applicant does not meet all of the listed requirements and the conditional use permit cannot be approved.
- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.
The structure will be a single family dwelling.
- F. Food and alcoholic beverages shall not be served by the host to any guest.
The applicant has been informed of this requirement.
- G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.
The applicant has been informed of this requirement.
- H. There shall be a sufficient amount of parking available for 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.
The property has approximately 37 feet of street frontage on Atwood Street and will have two parking spaces in the driveway between the alley and garage.
- I. 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 requirement.

J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

The applicant has been informed of this requirement.

K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

The applicant has been informed of this requirement.

L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code.

The applicant has been informed of this requirement.

NOTIFICATION

Date	Purpose of Notice	Recipients
11/14/2019 11/13/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District # 15
11/ 22 /2019	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. 600 Foot Map
4. Explanation Letter
5. Neighborhood Meeting/Minutes
6. Site Plan / Floor Plan
7. Pictures submitted by the applicant
8. Relief Request Letter

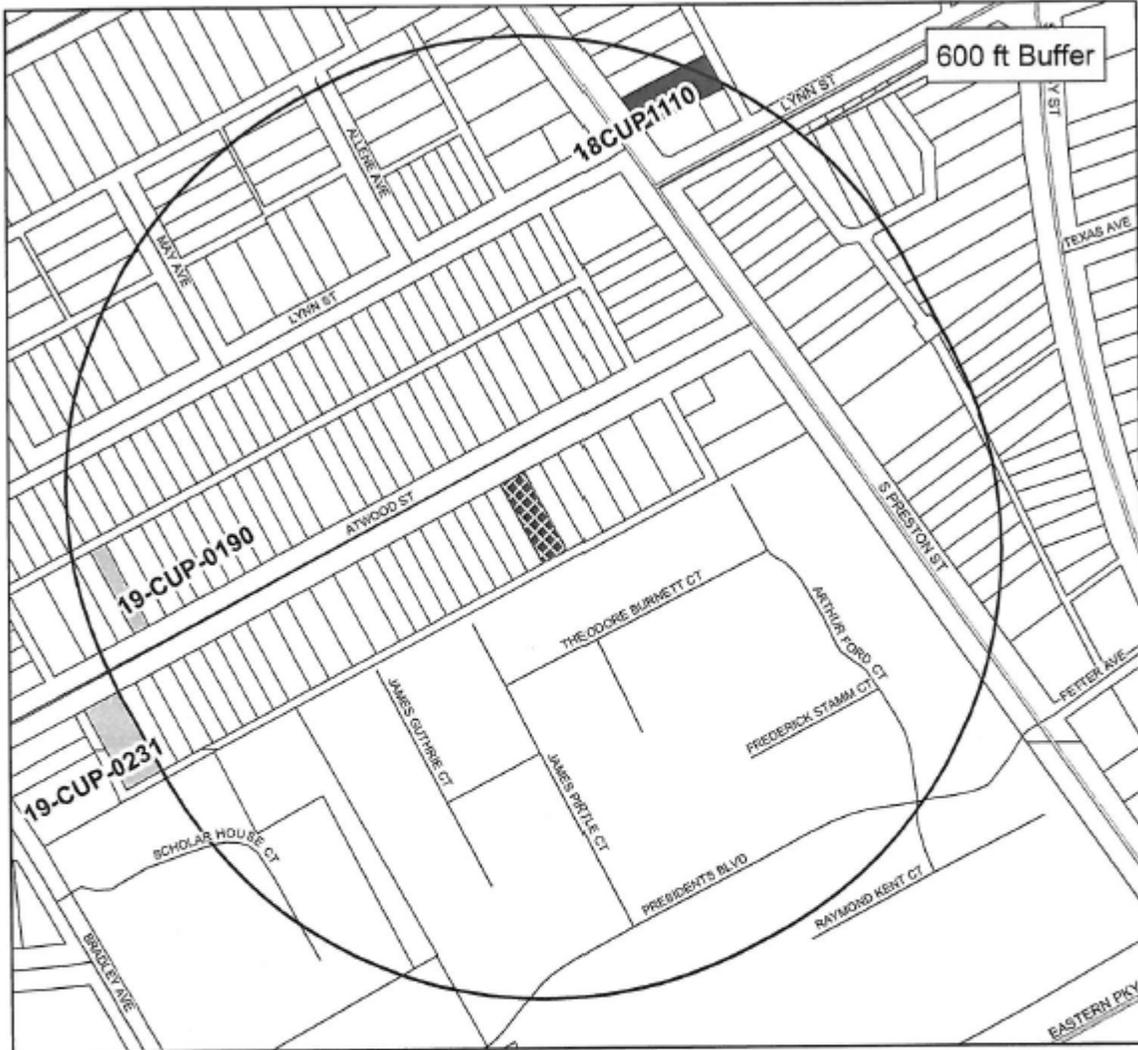
Zoning Map



Aerial Photograph



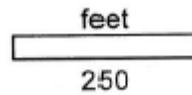
Map Created: 11/20/2019



Legend

-  Buffer
-  Subject Site
-  Approved
-  Pending

**Proximity Map
19-CUP-0185**



This map is subject to change upon the Board of Zoning Adjustment granting approvals to other Short Term Rental Conditional Use Permits.



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Letter of Explanation for the Proposal

The proposed site involves the conversion of a church to a single family dwelling unit. The site will not be the residence of the sole owner. The short term rental will be of the complete residence, but not of the attached garage, which will be locked and treated as owner space.

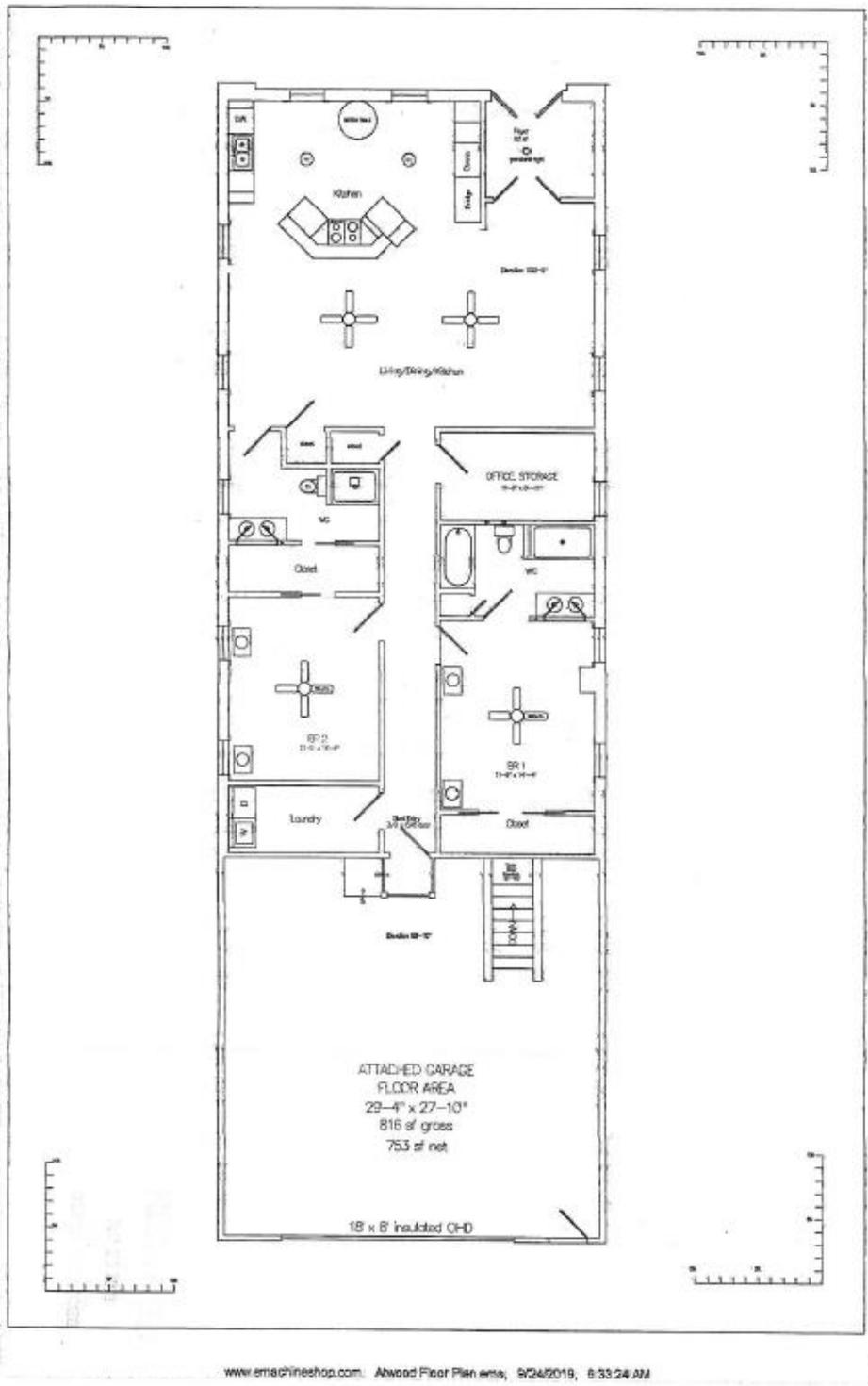
Summary of Neighborhood Meeting for 664 Atwood LLC

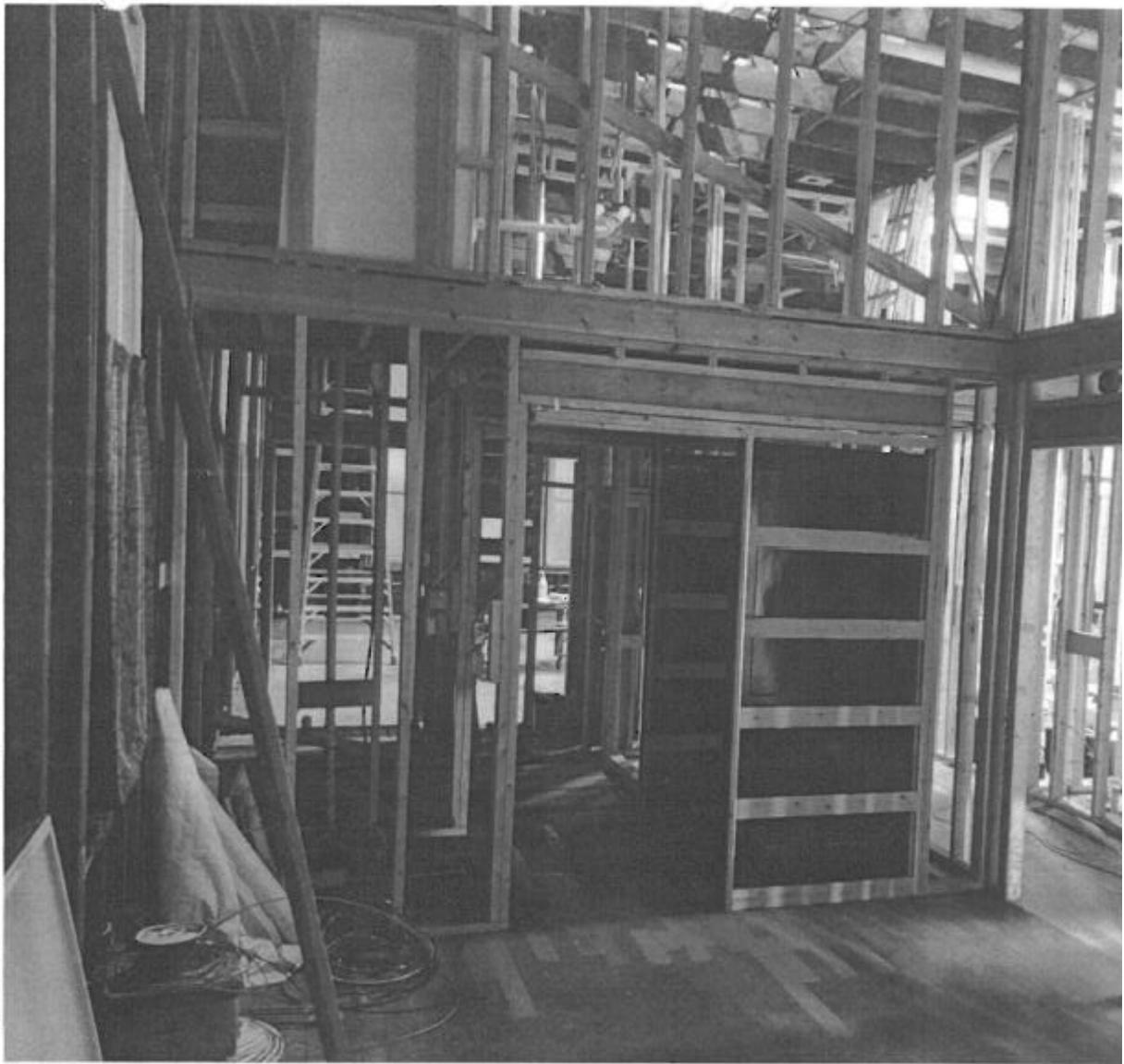
The Neighborhood Meeting associated with the Short Term Rental Conditional Use Permit Application for 664 Atwood LLC took place at 664 Atwood at 6:00 pm Monday, September 16, 2019.

As indicated on the enclosed sign in sheet, there was one attendee at the meeting in addition to the owner/developer. Attending was Gail Linville, President of the Saint Joseph's Area Assoc., Inc. She expressed her support for short term rentals in the Saint Joseph area. She believes that these arrangements bring much needed financial investment to the properties in the neighborhood.

The only item of concern expressed was the impact of short term rentals on parking. In the case of 664 Atwood, two parking spaces have been created in the rear of the property mitigating this concern.

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RECEIVED
SEP 25 2019
DESIGN SERVICES





November 22, 2019

TO:
Steve Hendrix
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202

FROM:
Michael Spoelker
664 Atwood St, LLC
664 Atwood St
Louisville, KY 40217

RE: 19-CUP-185

Mr. Hendrix,

I am in receipt of your email of 11/22/2019 containing the map showing the 600 foot buffer per the Land Development Code section 4.2.63. In brief, the map shows an existing property on South Preston St. already approved for a short term rental CUP.

Please accept this letter as notice of my intention to seek relief from the 600 foot buffer for that property as required by 4.2.630 (D). I believe that the following circumstances would justify that relief.

- The property with the existing CUP at 2069 South Preston is located north of Atwood, across a busy commercial roadway, which is one-way southbound where it intersects with Atwood. Because it is located the wrong way up a one-way street, you cannot drive there directly in the 600 feet. Because it is around the corner on an intersecting street, it cannot be seen from the Atwood property.
- As you may know, for 135 years 664 Atwood was the Atwood St Church of Christ. As such, it contains significant architectural elements that make it a very unique short term rental.
- The property has newly created screened, gated, secure parking on site at the rear. This would minimize or eliminate any additional parking burden on Atwood Street itself. Vehicles parked there are not visible from either adjacent property.
- The only property with a direct view of the rear of the parking at 664 Atwood is a 350 unit apartment complex directly across the alley, not a single family dwelling.

Best regards,

Mike Spoelker
Owner
664 Atwood
502-648-8796

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