

Board of Zoning Adjustment

Staff Report

July 8 , 2019



Case No:	19CUP1034
Project Name:	Ruckriegel Short Term Rental
Location:	1932 Frankfort Avenue
Owner(s):	Pam and Mike Ruckriegel
Applicant:	Pam and Mike Ruckriegel
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Jon Crumbie, Planning & Design Coordinator

REQUEST(S)

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residences of the owners/hosts in an R-6 zoning district and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The applicant requests approval to conduct short term rentals at the subject property. The subject property is developed with a one structure that is a duplex. The applicant states that the unit 1 on the first floor has one bedroom that will allow a maximum number of four guests and the unit 2 on the second will serve as the residence of the owners in the future. The applicant states that three parking spaces are located at the rear of the property. The site has credit for one on-street parking.

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.

RELATED CASES

19CUP1034 An appeal of an Order to Stop Use issued by the City of Louisville Department of Inspections, Permits and Licenses concerning the conversion of a single family dwelling into a duplex on a lot having sufficient area for a duplex based upon alleged non-conforming rights. The Notice of Violation and Order to Stop Use was overruled and the Appeal upheld on April 5, 1993.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on April 12 and no one attended.

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 substantial 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 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 subject property is smaller than two acres. The applicant states that the residence has one bedroom that will allow a maximum number of four 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, within 600' of the subject property, there are 2 properties with approved conditional use permits allowing short term rentals that are not the primary residence of the host. The applicant is requesting relief to the provision in accordance with LDC Section 4.2.2.B. If provided, the applicant's justification for this relief is attached to this report. If the Board does not grant relief, the application 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 applicant has been informed of this requirement.***
- 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 applicant states that three parking spaces are located at the rear of the property. The site has credit for one on-street parking.***
- 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
6/20/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 9
6/21/2019	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. 600' Map
4. Justification Letter

1. **Zoning Map**

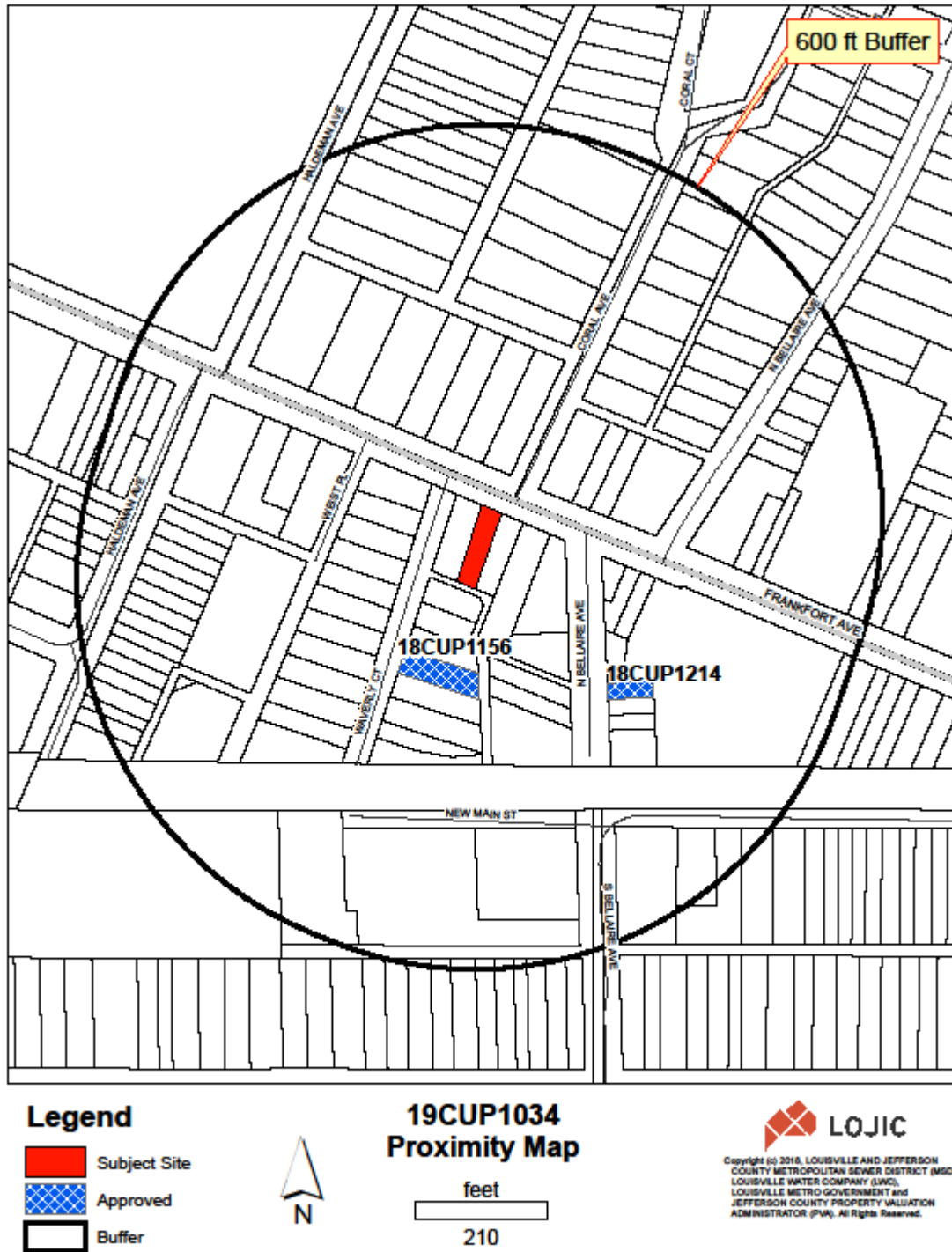


2. Aerial Photograph



3. 600' Map

Map Created: 06/21/2019



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

4. Justification Letter

Thank you to the Board for the opportunity to present our case here today.

We are advocating to operate our property at 1932 Frankfort Ave as a short term rental, filing our application on January 22, 2019, prior to the need for a waiver of the 600 foot rule for a CUP. Short term rental offers the highest and best use of the property in congruence with the values of the neighborhood makeup. (You'll note that we purchased the building in 2014 and spent over \$100,000 to make repairs on significantly deferred maintenance, upgrades to the systems and cosmetic updates, while abiding by the Preservation District guidelines). We feel our property improvements served as a catalyst for more recent upgrades to neighboring properties, including a tri-plex on our east side and a home on the west side as well as other nearby properties we have seen updating as well. When surveying and speaking with neighbors, many commented on being pleased at the noticeable difference as they watched the improvements take shape after we purchased.

In deciding our CUP application and waiver of the 600 foot rule, please consider the following:

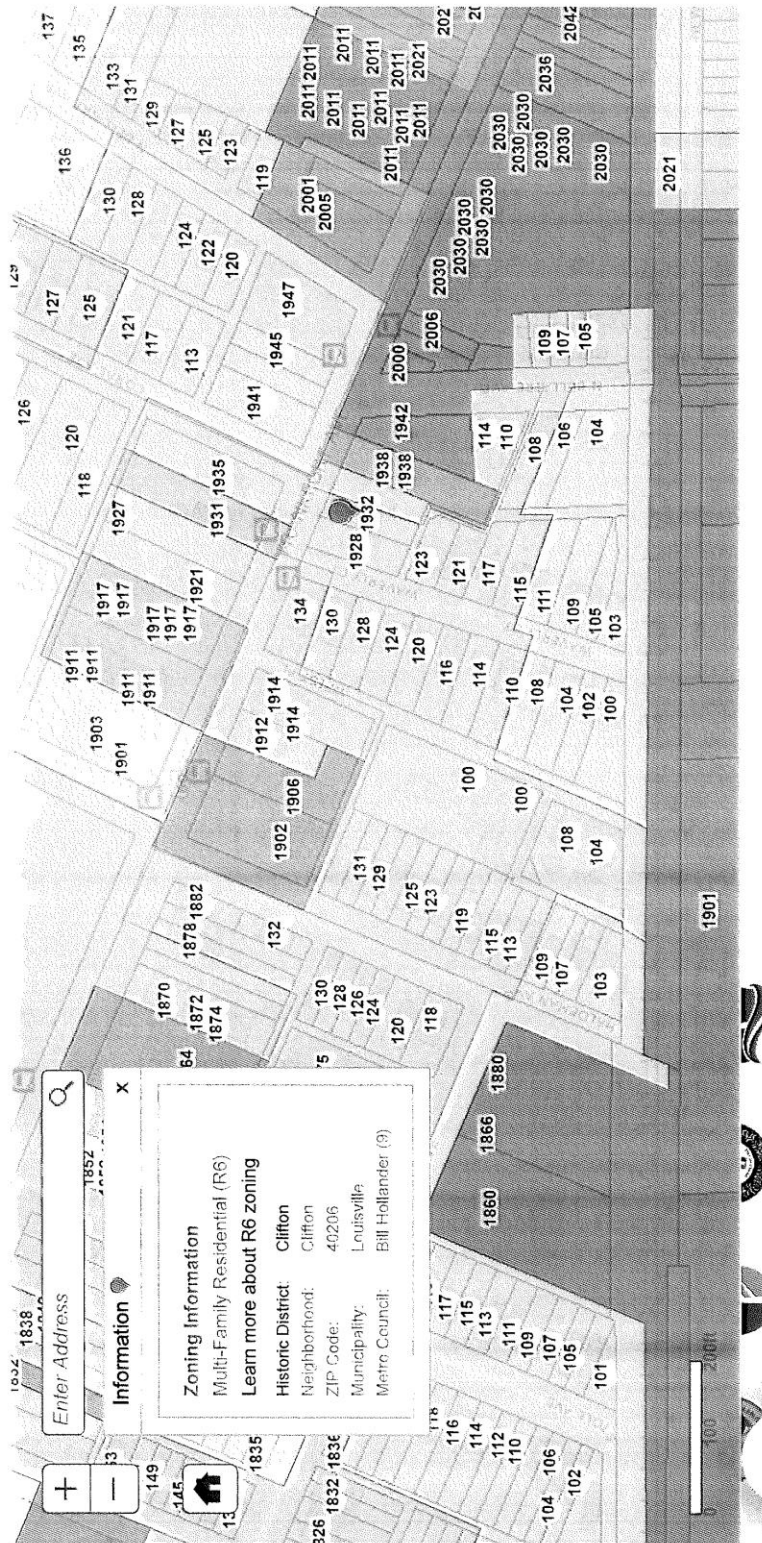
1. The property is located on Frankfort Avenue, a commercial corridor made up of numerous restaurants and shops, all within short walking distance of the property. There are no hotels in the Clifton areas, so short term rentals like ours proposed, provide a viable alternative for visitors looking to experience this fantastic neighborhood. We feel that our operation of a short term rental here will help showcase the Clifton and surrounding area and help support shop owners, local restaurants, boutiques, galleries, etc.
2. Due to the nature of the short term rental guests, we anticipate and plan for our business to be a noticeable contributor to local restaurants and shops, in that our guests will frequently eat out and spend money locally—in contrast to a long-term tenant who likely will not eat out daily.
3. The property is ideally suited for short term rental, having at least 3 parking spaces in the rear parking lot and at least one street space, though we regularly see the street has even more available spots throughout all hours of the day and evening. Our adjoining neighbors have parking in the rear as well. There are no residences immediately across the street, only the church parking lot. The impact on parking and traffic would be negligible.
5. We take great pride in our property and in the neighborhood and will enforce rules imposed on our guests that define quiet hours and respect for the neighbors. We intend to set the tone to receive guests who wish to experience the local flavor of our city while touring the area or here on a business trip. We will manage the property ourselves and we are 6.2 miles away, 13-15 minutes depending on time of day. Again, respect for our neighbors is of utmost importance to us.
6. Neighbors we were able to reach have given us overwhelming support, evidenced by the attached 18 signatures (most of them neighbors to the two CUPS on Waverly and Bellaire within 600 feet).

Thank you for your consideration of all of the above.

Pam and Mike Ruckriegel, Owners of 1932 Frankfort Avenue, through Premier Capital Group LLC



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Rules of the House – 1932 Frankfort Avenue, Louisville, KY 40206

We aim to make your stay as comfortable as it can possibly be! Our mission is to help our guests create beautiful memories in our cozy home. For us to do so, we would truly appreciate it if you can follow these house rules and confirm that it has been reviewed **WITHIN 48 HOURS OF YOUR BOOKING**. This is to ensure that if there is any reason the House Rules cannot be followed, you, our guest, will have the option of cancelling the booking penalty free as we have a Strict Cancellation policy. Thank you in advance and truly appreciate your cooperation!

- No pets – no extra guests – no parties.
 - We allow children with the following stipulations:
 - Guests are responsible for any and all necessary 'baby proofing'.
 - Children under age 13 must be supervised by an adult at all times.
 - Keep noise to a minimum after 10 pm and before 8:30 am.
 - There shall not be smoking (or vaping) inside the home or on the front porch. Extra cleaning fees (minimum \$100) to remove odor and stains may be applied at checkout.
 - PLEASE place used dishes in the dishwasher and turn it on before leaving. Leave the pots and pans to us—we'll take care of those by hand.
 - PARKING: parking is provided off the back alley on the left side. The parking pad is suitable for sedans or smaller SUVs. If larger/longer cars, there is plenty of street parking as well.
 - Please do not rearrange our furniture and use items only as they are intended.
 - If guests are found to have had a party without host permission which results in extra cleaning, guests will be responsible for extra cleaning charges and in the unfortunate event of the disruptions alerting neighbors, GUESTS WILL BE ASKED TO VACATE THE PROPERTY IMMEDIATELY.
 - If guests are suspected of carrying and/or using illegal drugs of any kind, the authorities will be engaged, and GUESTS WILL BE ASKED TO VACATE THE PROPERTY IMMEDIATELY.
 - Our entrances are equipped with cameras, so you must acknowledge that you are being recorded as you enter and exit the property.
 - Potential for noise - You are in a multi-unit building that is set on a main street near railroad tracks, you may hear noise during your stay.
 - Lastly, because this is an Airbnb community, not a hotel, please be respectful of the property and keep it clean before you leave. (Respect our property, our things, and our neighbors)
- If you have read it this far, THANK YOU for being a SUPER GUEST! Please reply back with my favorite quote: "Wherever you are, be all there" so that I know that the house rules have been reviewed :)

The following neighbors sign in support of the proposal for a short term rental at 1932 Frankfort Avenue:

Name:

Signature:

Address:

Daniel Doherty	[Signature]	121 Waverly Ct
Charles Brown	[Signature]	115 Waverly Ct
Ashley Salisbury	[Signature]	105 Waverly Ct
Hallie Jones	[Signature]	103 Waverly Ct
Kara Delost	[Signature]	116 Waverly Ct #1
Luca Bianchini	[Signature]	128 Waverly
Vik Madan	[Signature]	1926 Frankfort
Ronald Burnett	[Signature]	116 Bellaire Ave
Aaron Bugrin	[Signature]	111 N. Bellaire Ave
Travis Wright	[Signature]	106 N Bellaire Ave
Brittany Schaefer	[Signature]	107 N Bellaire Ave
Neemo Tawasha	[Signature]	1932 Frankfort Ave 201
Michael Scroggins	[Signature]	130 Waverly Ct. 40206
Chalser Wincham	[Signature]	104 Waverly Ct - Louisville, KY 40200

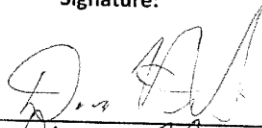
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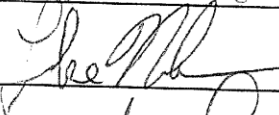
Address:

Dan Nitzker



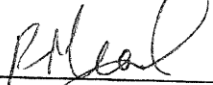
109 Waverly St

Luke Neubauer



115 Waverly St

Rebecca Mead



124 Waverly St

Faith Yablone



2000 ~~Frankfort~~ Frankfort Ave