

Board of Zoning Adjustment Staff Report

March 6, 2017



Case No:	16CUP1086
Project Name:	Short Term Rental
Location:	1518 Highland Avenue
Owner:	Edwin and Angela Koressel
Host:	Edwin and Angela Koressel
Zoning District:	R-5B Residential Two-Family
Form District:	Traditional Neighborhood (TN)
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Beth Jones, AICP, Planner II

REQUEST

- Conditional Use Permit to permit short term rental on property in an R-5B zoning district that is not the primary residence of the owner

CASE SUMMARY

The applicant proposes to conduct short-term rentals at the property. Since the applicant lives off-site, a Conditional Use Permit is required. PVA classifies the property as single-family residential and lists two addresses: 1518 Highland Avenue and 1518 R Highland Avenue.

There are two structures on the property with a total of three bedrooms. At the front of the property along the Highland Avenue frontage is a single-family residence with an approximate footprint of 1,569 sq ft. and a single bedroom. At the rear of the property, near the property line at the alley, is a second structure with a 1,775 sq ft footprint and two one-bedroom dwelling units. Staff has granted non-conforming status to the rear structure, exempting it from applicable regulations regarding the permissible number of dwelling units.

SITE CONTEXT

The subject property is rectangular in shape, approximately 33.5 ft in width and approximately 7,107 sq ft in area. It is located on the south side of Highland Avenue between Baxter Avenue and Rubel Avenue within a National Historic Register District. An alley behind the property runs from Rubel Avenue but provides no through-access to Baxter Avenue.

No on-site parking is available. The width of the lot credits one on-street space toward minimum parking requirements (LDC 9.1.10). No homes front the cross street, Rubel Avenue, which is located about 250 feet from the subject property.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Rental Units	R-5B	Traditional Neighborhood
Proposed	Short Term Rental	R-5B	
<i>Surrounding Properties</i>			
North	Tri-plex apartments	R-5B	Traditional Neighborhood
South	Condominiums	R-7	
	Single-family residential	R-5B	
East	Single-family residential	R-5B	
West	Duplex	R-5B	

PREVIOUS AND ASSOCIATED CASES ON SITE

17NONCONFORM1002: The two-dwelling structure at the rear of the property was granted non-conforming status.

INTERESTED PARTY COMMENTS

As of the date of publication, Staff has received one written comment on the proposal (Attachment 4).

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Louisville Metro Land Development Code

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 Comprehensive Plan policies for the Traditional Neighborhood form district.

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 uses existing structures, with no additional construction planned. The surrounding properties are in residential uses ranging from single-family to condominiums and rentals.

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. There were no agency comments indicating that existing public facilities are inadequate to serve a short-term rental.

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

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

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 the 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. There are three one-bedroom dwelling units on the site. The applicant is entitled to six persons per dwelling unit, for a total of 18 on the site.

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

STAFF: The dwelling unit at 1518 Highland Avenue is a single-family residence. The dwelling unit at 1518R Highland Avenue is a duplex.

- 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: While the subject property does not have a front driveway or rear parking area, the applicant states that on-street parking is ample.

- 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.

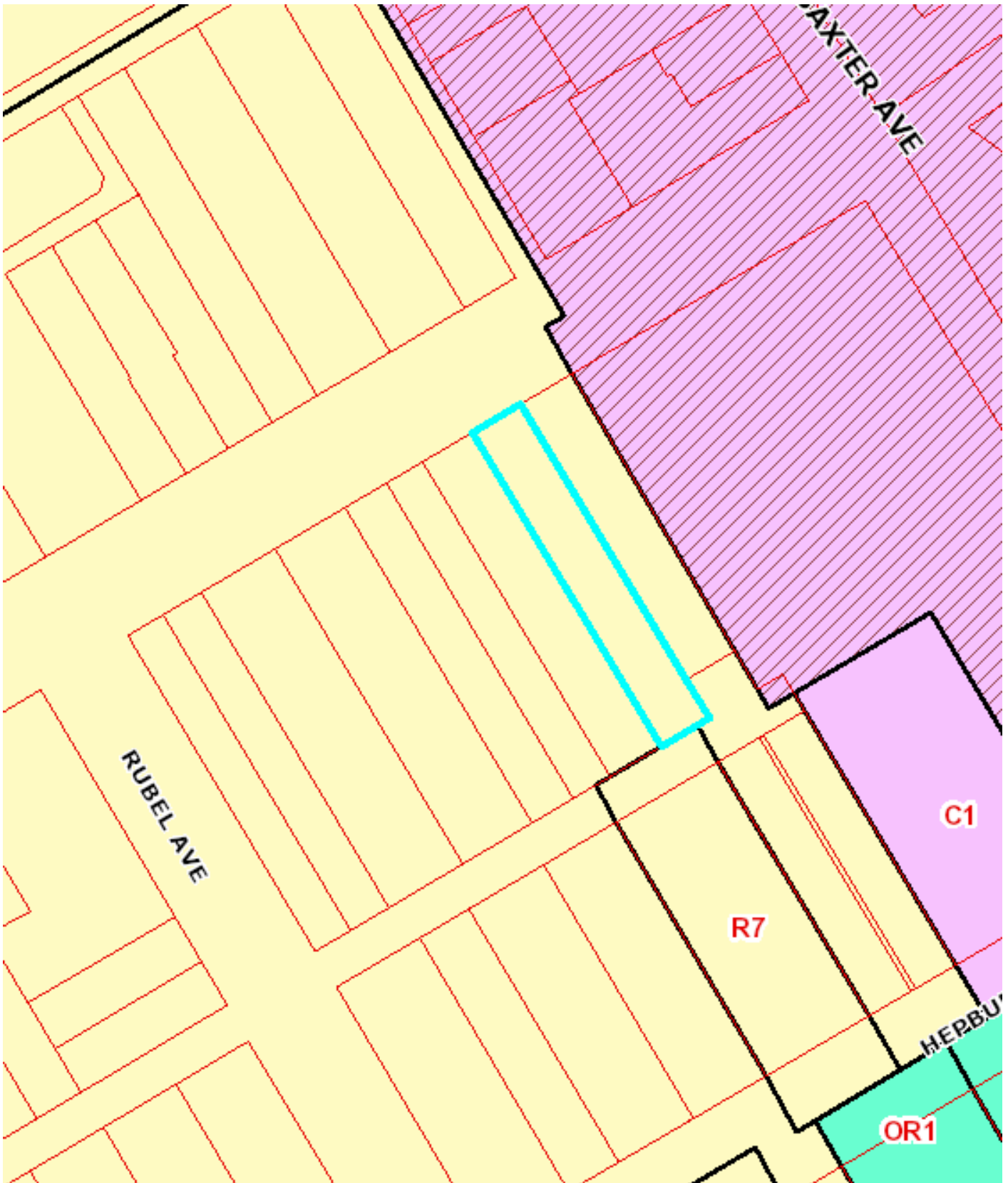
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
1/3/17	Notice of Application	First and second tier adjoining property owners Notification recipients for Council District 8
2/17/17	Notice of BOZA meeting	First and second tier adjoining property owners Notification recipients for Council District 8
2/17/17	Notice of BOZA meeting	BOZA 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 host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

4. Interested Party Comments

From: cwoo59@aol.com [mailto:cwoo59@aol.com]

Sent: Friday, February 17, 2017 10:55 AM

To: Jones, Beth A.

Subject: 16cup1086

Beth,

I am the newly elected President of the Original Highlands Neighborhood Association and our position is to oppose all non owner occupied short term rentals. What does BOZA need from us and the immediate neighbors in order to have our voice of opposition heard? Do we just show up in mass at the hearing or are there written forms of objection that need to be tendered. I would sincerely appreciate any guidance you can offer.

Chuck Woodall

President

Original Highlands Neighborhood Association