

Board of Zoning Adjustment
Staff Report
October 16, 2017



Case No:	17CUP1057
Project Name:	Short Term Rental
Location:	1211 S. 6th Street and 1209 S. 6th Street
Owner:	V. Joshua Adams
Host:	V. Joshua Adams
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Beth Jones, AICP, Planner II

REQUEST

Conditional Use Permit to allow short term rental of two dwelling units in the TNZD

CASE SUMMARY / BACKGROUND

The applicant proposes to conduct short-term rentals in two dwelling units at the subject property. Since the property is located within the TNZD, a Conditional Use Permit is required.

The site is located on the east side of S. 6th Street between W. Oak Street and W. Ormsby Avenue. LOJIC shows the site as a single parcel containing two dwelling units with two addresses. A four-bedroom single-family residence is addressed as 1211 S. 6th Street. The second structure, addressed 1209 S. 6th, is a one-bedroom unit. The applicant proposes to provide short-term rental of each dwelling unit for a total of two rental units on the site. LDC regulations permit up to twelve guests at the 1211 address and up to six at the 1209 address.

LDC regulations credit the property frontage of approximately 60 ft with three on-street parking spaces. No off-street parking is available.

STAFF FINDINGS

The applicant has provided the required documentation, has held a neighborhood meeting and has been informed of the standards and regulations specific to use of the dwelling unit for short term rentals.

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 issues.

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 does not conflict with Comprehensive Plan policies.

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 proposed use is compatible with surrounding development. No exterior alterations to the existing structure or site are proposed.

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 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 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.

- 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: LDC regulations permit up to 12 guests in the four-bedroom single-family residence at 1211 S. 6th Street. LDC regulations permit up to six guests in the one-bedroom unit at 1209 S. 6th.

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

STAFF: Both dwelling units, at 1211 and 1209 S. 6th Street, are single-family residences.

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: LDC regulations credit the property frontage of approximately 60 ft with three on-street parking spaces. No off-street parking is available.

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.

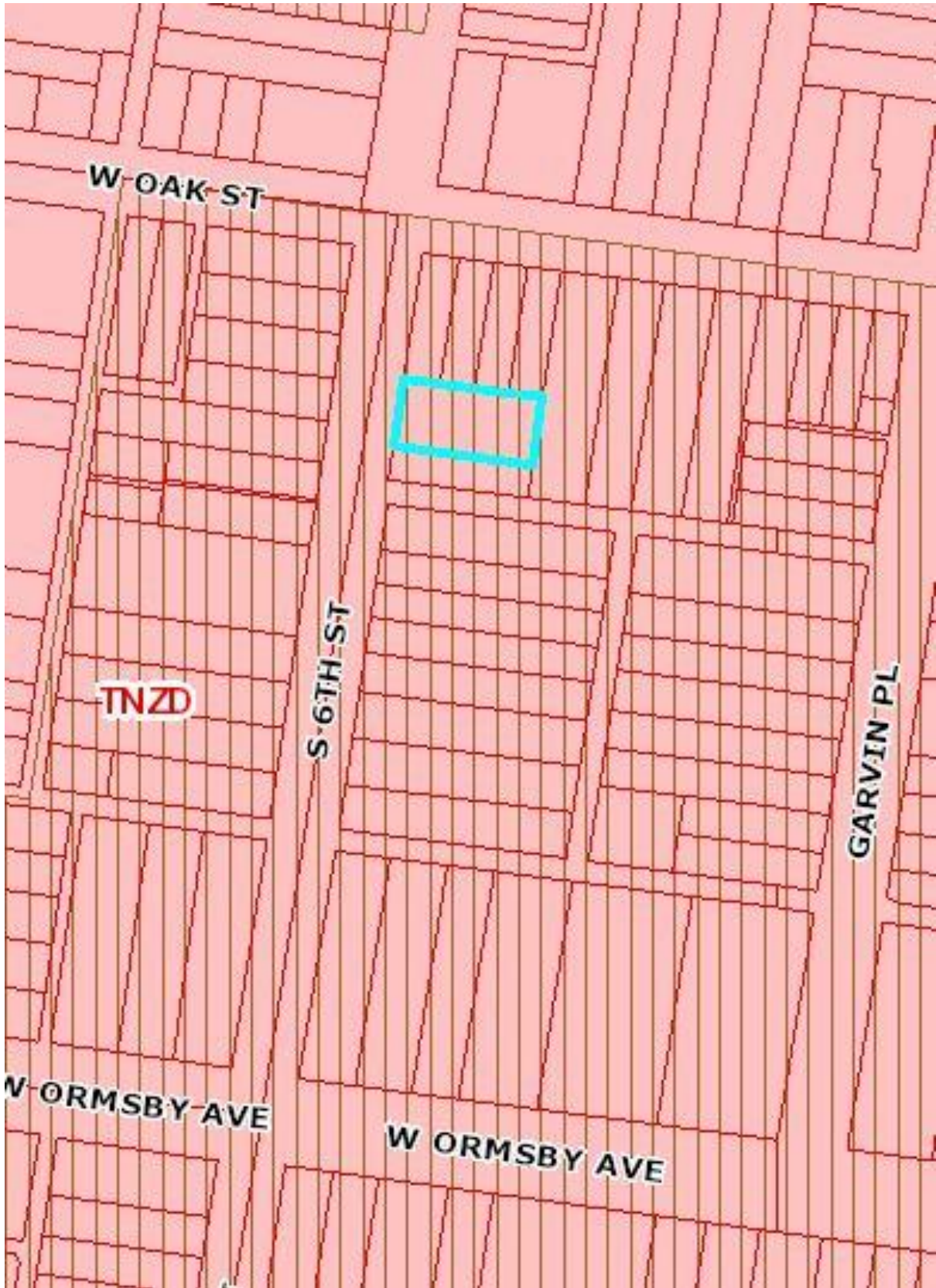
NOTIFICATION

Date	Purpose of Notice	Recipients
8/17/17	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
9/28/2017	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 8 Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Proposed Condition 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.
3. The front porch at the dwelling unit at 1211 S. 6th Street shall not be used after 11:00pm.
4. The total number of persons, including guests and their visitors, at each dwelling unit shall not at any time exceed the number permitted as guests by LDC regulations.