

**Board of Zoning Adjustment
Staff Report**
May 1, 2017



Case No.	17CUP1011
Project Name	Short Term Rental
Location	8204 Wolf Pen Branch Road
Owner	Vivian Lee Gabbard
Host	Vivian Lee Gabbard
Zoning District	R-1 Residential Single-Family
Form District	Neighborhood
Jurisdiction	Louisville Metro
Council District	16 – Scott Reed
Case Manager	Beth Jones, AICP, Planner II

REQUEST

- Conditional Use Permit to allow short term rental in a dwelling unit that is not the primary residence of the host in an R-1 Residential Single-Family zoning district

CASE SUMMARY

The applicant proposes to conduct short-term rental of a dwelling unit at the subject property. The owner/applicant lives off site and the short-term rental would be the sole use of the property. A Conditional Use Permit is required.

SITE CONTEXT

The property is located on Wolf Pen Branch Road, a Secondary Collector roadway. It is accessed via a private road serving a total of three properties; the site is the second property served by this road. The applicant lives at the neighboring home at 8206 Wolf Pen Branch Road.

The 1.27 acre site includes a primary structure with three bedrooms and an accessory structure with one. The applicant has been advised that only one of the two structures could be in use as a short term rental at any given time.

The site is served by all public utilities with the exception of sewer. The Louisville Metro Department of Health and Wellness requires prior approval for any increase in bedrooms and/or bathrooms on the property; no such addition or alteration is proposed.

All parking will be accommodated through existing parking areas on the site. No parking will be required on public roadways.

LAND USE / ZONING DISTRICT / FORM DISTRICT

Land Use		Zoning	Form District
Subject Property			
Existing	Single-family residential	R-1	Neighborhood
Proposed	Short-term rental		
Surrounding Properties			
North	Single-family residential	R-1	Neighborhood
South			
East			
West			

PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous or associated cases on site.

INTERESTED PARTY COMMENTS

No comments have been received from interested parties. A neighborhood meeting was held on April 9, 2017.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
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 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: The existing site is compatible with surrounding uses. The proposal does not include any new construction or modification of either existing structure.

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 site does not currently have an MSD sewer connection. Health Department approval will not be required as there is no proposed addition of bedrooms or bathrooms on 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

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: The applicant has been informed of this requirement. The principal structure is permitted for up to 10 people. The accessory structure is permitted for up to 6 people.

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

STAFF: The applicant has been informed of this requirement. Both the principal structure and the accessory structure are single-family dwelling units.

- 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: Sufficient parking is available on site. Due to the site's location on a private street, public street parking is not available nearby and not anticipated to be necessary.

- 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

No technical issues remain outstanding.

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.

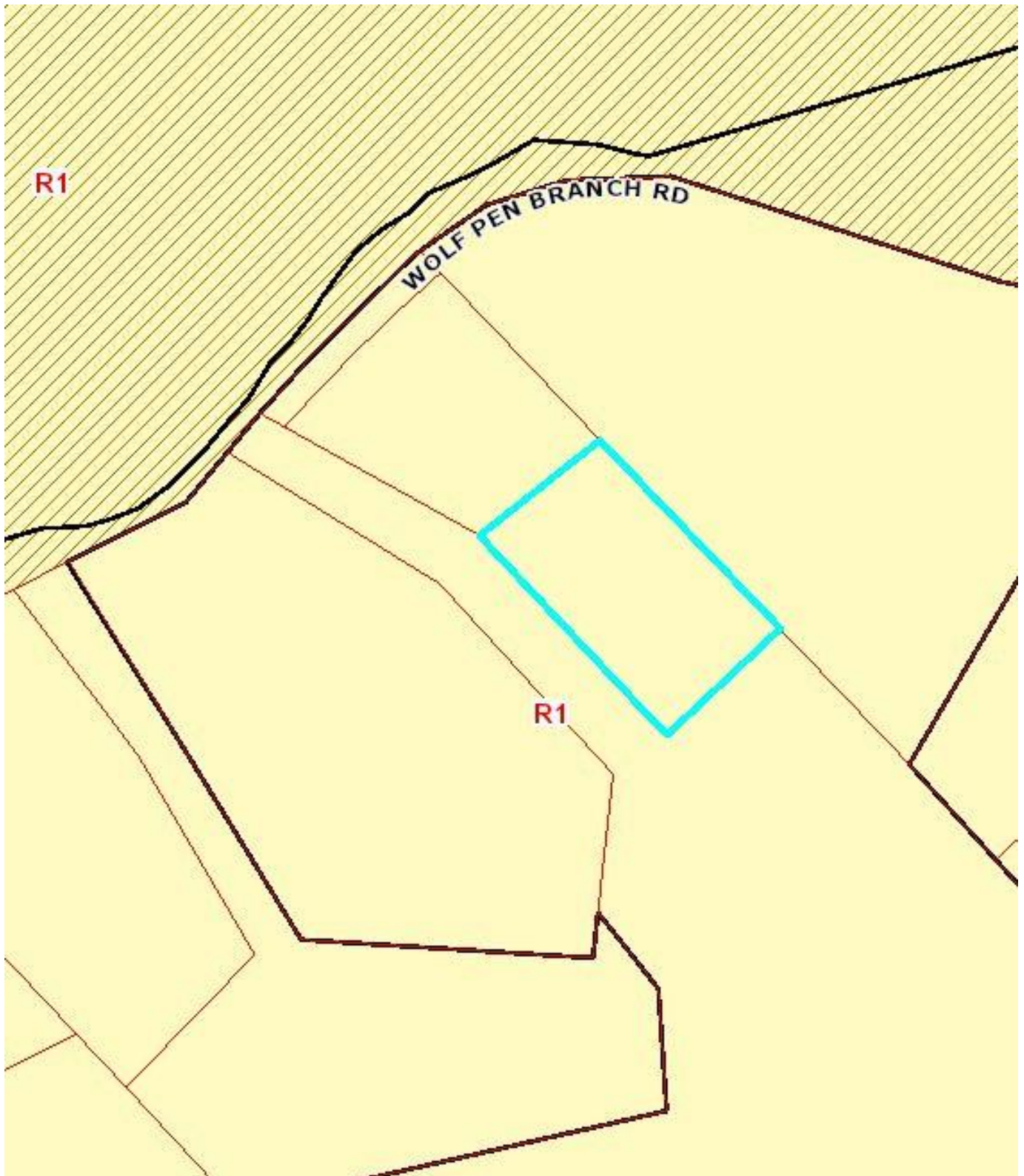
NOTIFICATION

Date	Purpose of Notice	Recipients
3/23/2017	Notice of Application	First and second tier adjoining property owners Notification recipients for Council District 16
3/23/2017	Neighborhood Meeting	First and second tier adjoining property owners Notification recipients for Council District 16
4/10/2017	Notice of BOZA Meeting	First and second tier adjoining property owners Notification recipients for Council District 16
4/11/2017	Notice of BOZA Meeting	Sign Posting

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Proposed Conditions of Approval

1. Prior to commencement of any short term rental on the subject property, the short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances, including the requirements to register annually with Develop Louisville and to register with the Louisville Metro Revenue Commission.