

**Board of Zoning Adjustment**  
**Staff Report**  
May 15, 2017



<b>Case No.</b>	17CUP1019
<b>Project Name</b>	Short Term Rental
<b>Location</b>	272 Saunders Avenue
<b>Owner</b>	Lee Gutterman III
<b>Host</b>	Lee Gutterman III
<b>Zoning District</b>	R5-A Residential Multi-Family
<b>Form District</b>	Traditional Neighborhood
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	9 – Bill Hollander
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

- Conditional Use Permit to allow short term rental of a single-family dwelling unit that is not the primary residence of the owner.

**CASE SUMMARY**

The applicant proposes to conduct short-term rental of the 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 single-family dwelling unit is located on the west side of Saunders Avenue in the Clifton Historic Preservation District. The dwelling contains one bedroom. A 25 foot lot width is eligible for credit for one on-street parking space; there is no driveway or alley for off-street parking.

**LAND USE / ZONING DISTRICT / FORM DISTRICT**

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Single-family residential	R5-A	Traditional Neighborhood
<b>Proposed</b>	Short-term rental		
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Single-family residential	R5-A	Traditional Neighborhood
<b>South</b>			
<b>East</b>	Single-family residential	R-6	
<b>West</b>	Undeveloped	R-1	

## PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous or associated cases on site.

## INTERESTED PARTY COMMENTS

Staff has received no comments on the proposal. A neighborhood meeting was held on April 6, 2017.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code  
Louisville Metro Code of Ordinances Sections 115.515 - 115.521

## 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: The existing structure is compatible with surrounding development. No exterior alterations or other development 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 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 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 dwelling contains one bedroom; the maximum number of persons permitted is six.

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

STAFF: The dwelling unit is a single-family residence.

- 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: On-street parking appears to be the only option.

- 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 LDC 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.

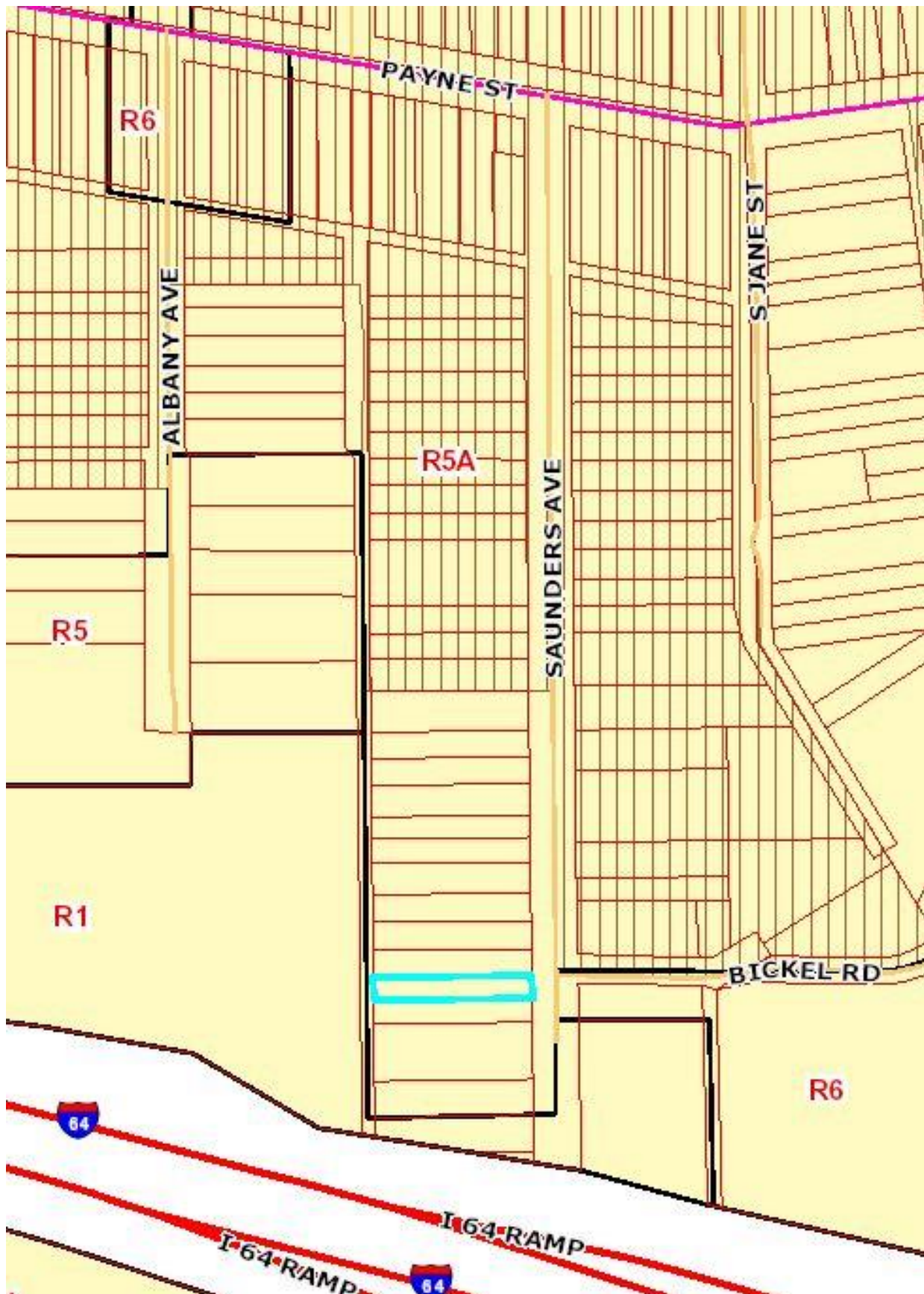
### **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
3/18/2017	Notice of Application	First and second tier adjoining property owners Notification recipients for Council District 9
3/18/2017	Neighborhood Meeting	First and second tier adjoining property owners Notification recipients for Council District 9
4/26/2017	Notice of BOZA Meeting	First and second tier adjoining property owners Notification recipients for Council District 9
4/29/2017	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.