

# Board of Zoning Adjustment Staff Report

June 6, 2017



<b>Case No.</b>	17CUP1014
<b>Project Name</b>	Short Term Rental
<b>Location</b>	1372 S. 6th Street
<b>Owner</b>	Jonathan Klunk
<b>Host</b>	Unknown
<b>Zoning District</b>	TNZD
<b>Form District</b>	Traditional Neighborhood
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	6 – David James
<b>Case Manager</b>	Beth Jones, AICP, Planner II

### REQUEST

- Conditional Use Permit to allow short term rental of a dwelling unit in the Traditional Neighborhood Zoning District (TNZD)

### CASE SUMMARY

The applicant proposes to conduct a short-term rental of a dwelling unit at the subject property. Since the property is located within a TNZD, a CUP is required.

### SITE CONTEXT

The site is located on the west side of S. 6th Street between Myrtle Street and W. Magnolia Avenue. PVA records list the structure as a duplex. Short term rentals are proposed for both one-bedroom units. The applicant lives in the first-floor unit and would place it for short term rentals when out of town. The second floor unit, which has previously been used for long-term rentals, would also be used for short term rental purposes. Each unit has private access.

There is an alley at the rear of the parcel, but no off-street parking is available. The site frontage on W. St. Catherine is approximately 30 feet, sufficient to accommodate one vehicle.

### LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Two-family residential	TNZD	Traditional Neighborhood
<b>Proposed</b>	Two-family residential, Short-term rental		
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Multi-family residential	TNZD	Traditional Neighborhood
<b>South</b>	Multi-family residential		
<b>East</b>	Central Park		
<b>West</b>	Commercial warehouse	M-2	Traditional Workplace

## PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous or associated cases on the site.

## INTERESTED PARTY COMMENTS

Staff has received no comments on the proposal. A neighborhood meeting was held on May 10, 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 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 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 dwelling unit has one bedroom and will accommodate no more than six persons.

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

STAFF: The structure contains two dwelling units, both of which are proposed for short term rentals.

- 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: No off-street parking is available. The site frontage on W. St. Catherine is approximately 30 feet, sufficient to accommodate one vehicle.

- 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.

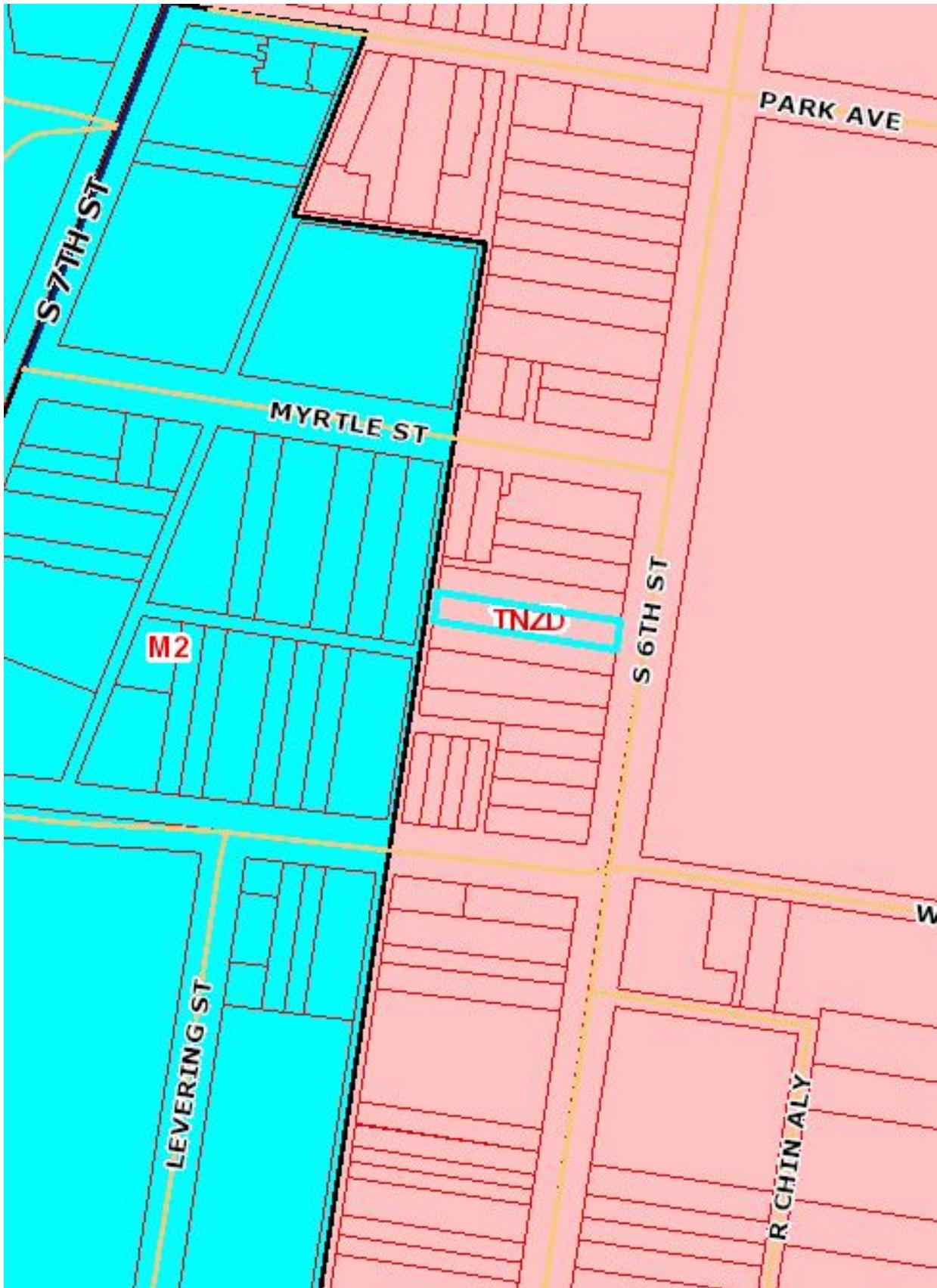
## NOTIFICATION

Date	Purpose of Notice	Recipients
4/25/2017	Notice of Application	First and second tier adjoining property owners Notification recipients for Council District 6
5/10/2017	Neighborhood Meeting	First and second tier adjoining property owners Notification recipients for Council District 6
5/19/2017	Notice of BOZA Meeting	First and second tier adjoining property owners Notification recipients for Council District 6
5/19/2017	Notice of BOZA Meeting	Sign Posting

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Condition 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 host shall register the short term rental with Develop Louisville and shall establish an account with the Louisville Metro Revenue Commission. The short term rental and host shall meet all additional provisions set forth in the Louisville Metro Code of Ordinances.