

Board of Zoning Adjustment

Staff Report

July 24, 2017



Case No:	16CUP1074
Project Name:	Carriage House Short Term Rental
Location:	1335 S. Brook St.
Owner:	Glenda Yascone, Fleur De Lis, LLC Enterprises
Host:	Glenda Yascone, Fleur De Lis, LLC Enterprises
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Brian Mabry, AICP, Planning Supervisor

REQUEST

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

CASE SUMMARY / BACKGROUND

The owner/ applicant proposes to conduct a short-term rental of a carriage house at the subject property. The owner / applicant does not propose to conduct a short term rental in the main structure. All short term rentals in the TNZD require a Conditional Use Permit.

The site is an interior lot located on the east side of S. Brooks Street north of the intersection with Woodbine Street. PVA lists the main structure as a single-family dwelling built prior to 1900. The owner/applicant claims residence in the main structure. The carriage house received a Certificate of Appropriateness and was built in 2011. According to the owner/applicant, the carriage house has one bedroom. LDC regulations permit up to six guests.

LDC regulations credit the property frontage of approximately 33 ft with one on-street parking space. The garage that is part of the carriage house appears to accommodate two off-street spaces.

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: The applicant has been informed of this requirement. The carriage house has one bedroom, according to the owner / applicant, and can therefore accommodate a maximum of six guests.

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

STAFF: The main structure is a single-family dwelling. The second building is a carriage house that is associated with the main structure.

- 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: The subject property is 33 feet in width; thus, it has credit for one on-street parking space. In addition, the carriage house accommodates two off-street parking spaces.

- 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.

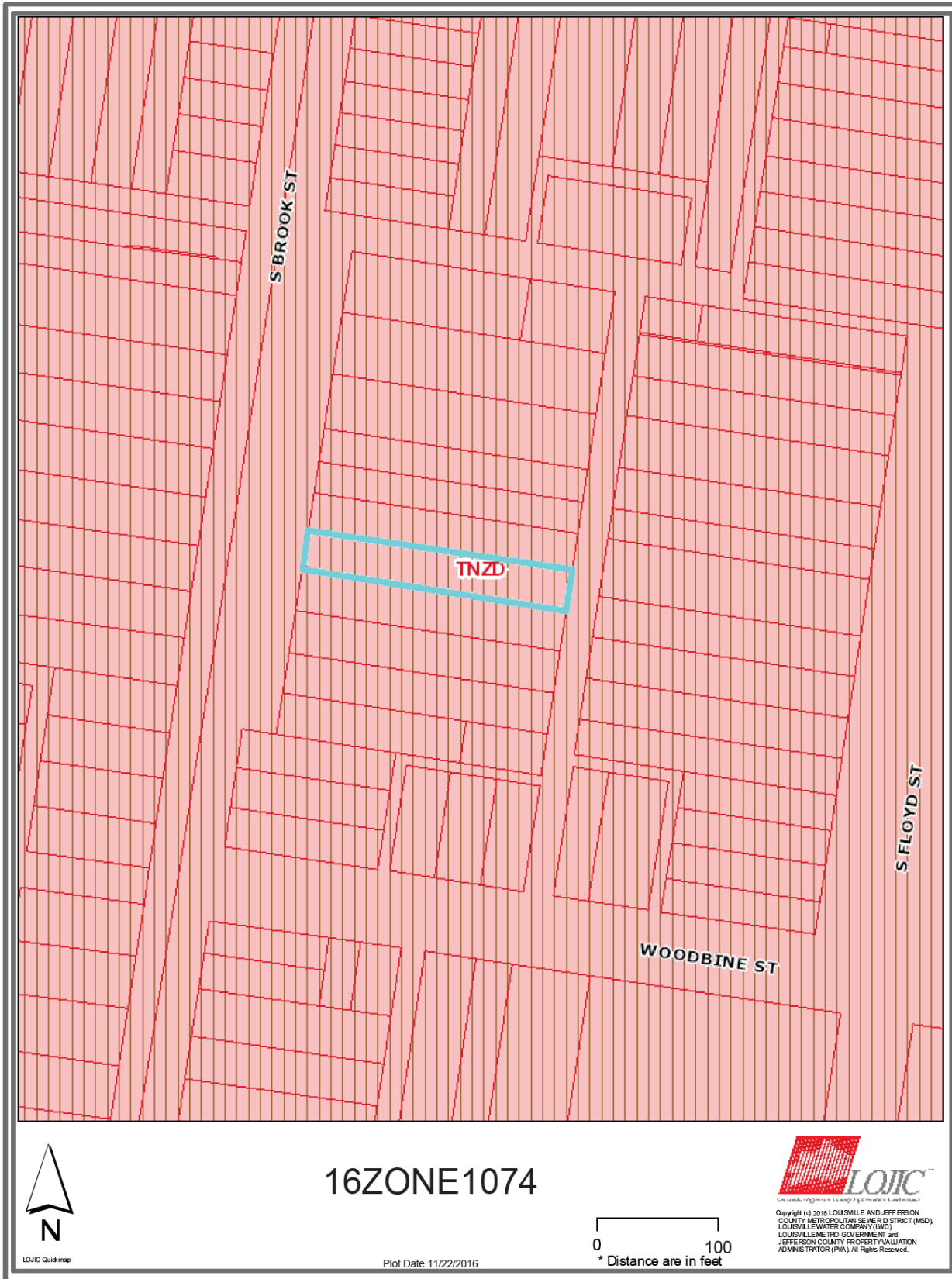
NOTIFICATION

Date	Purpose of Notice	Recipients
7/6/17	APO Notice	First tier and second adjoining property owners Subscribers to Council District 6 Development Activity
7/6/17	APO Notice	Neighborhood notification recipients
7/7/2017	Sign Posting	Subject Property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Condition 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 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.