

# Board of Zoning Adjustment Staff Report

October 2, 2017



<b>Case No.</b>	17CUP1047
<b>Project Name</b>	Short Term Rental
<b>Location</b>	323 W. St. Catherine Street
<b>Owner</b>	Myrna and John Parsley
<b>Host</b>	Jeffrey Benedict
<b>Zoning District</b>	TNZN
<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 (TNZN).

## **CASE SUMMARY / BACKGROUND**

The applicant proposes to conduct short-term rental of a dwelling unit at the subject property. The short term rental of any dwelling unit in a TNZN requires a Conditional Use Permit.

The site is located on the north side of W. St. Catherine Street between S. 4th and S. 3rd Streets. The structure in which the subject dwelling unit is situated is a duplex building that includes two dwelling units. The subject dwelling unit has two bedrooms and occupies the ground floor of the building.

The duplex building is part of a condominium. Also located on the subject property is a second building associated with the condominium that consists of four additional dwelling units. The condominium has an off-street parking area consisting of nine parking spaces, with one space assigned to the subject dwelling unit and two additional spaces open to use by condominium residents and guests. On-street parking is also available.

The property is located within the Old Louisville Preservation District. Adjoining properties are in use as single-family, two-family and multi-family residential, surface parking and institutional.

## **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 applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent 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 as part of this application.

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. Existing public facilities are adequate to serve the proposed short term rental.

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: According to the applicant, the dwelling unit has two bedrooms. As such, the dwelling unit can accommodate up to eight individuals.

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 within a duplex building.

- 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 minimum parking requirement for a duplex is one space for each dwelling unit. There is an off-street parking area located to the east of the duplex building consisting of nine parking spaces. This includes one space assigned to the subject dwelling unit and two additional spaces open to use by any condominium resident or guest. In addition, there is on-street parking located along W. St. Catherine Street in front of the duplex building. The frontage of the structure on W. St. Catherine is approximately 65 feet, which can accommodate up to three vehicles.

- 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.

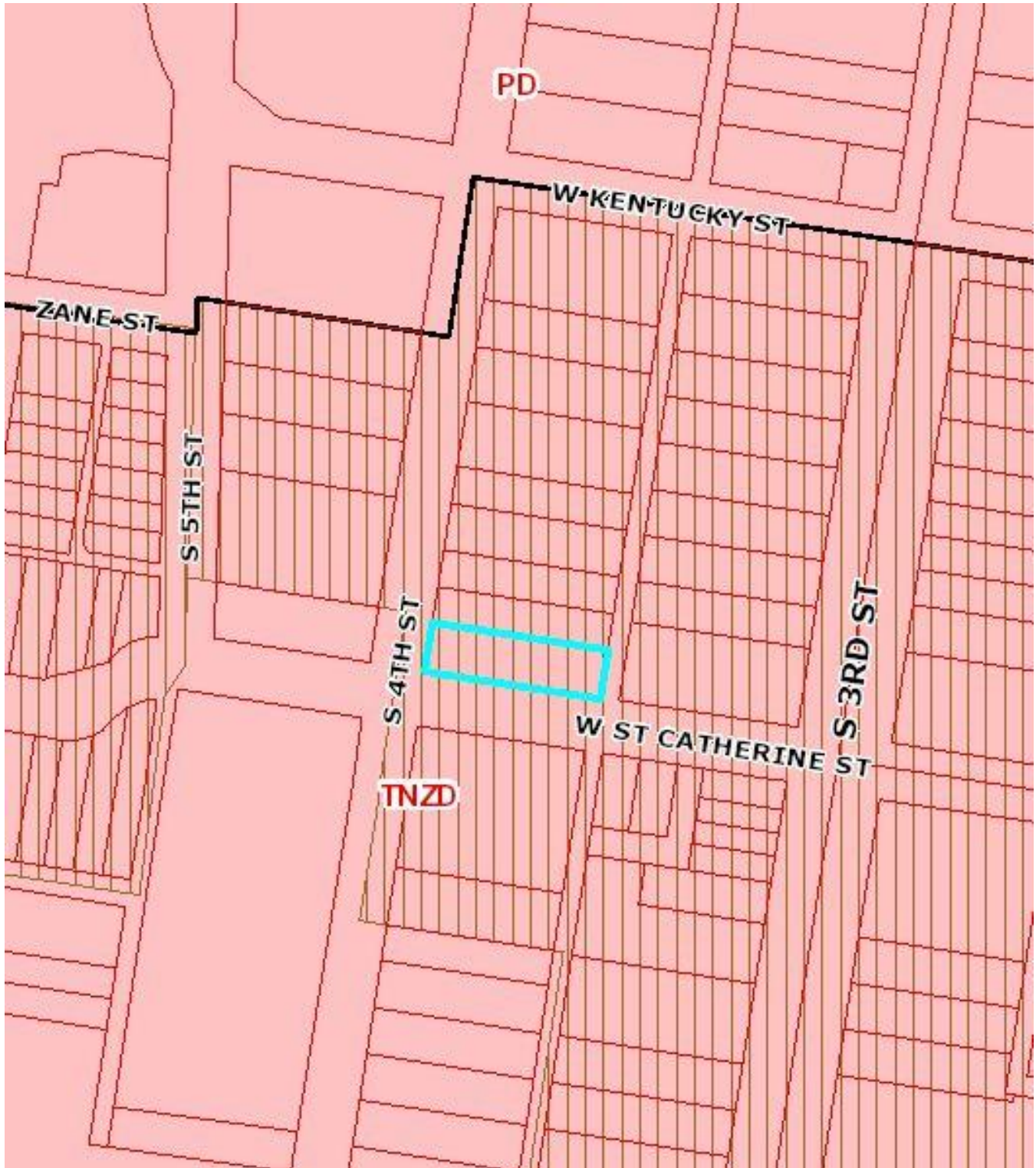
#### NOTIFICATION

Date	Purpose of Notice	Recipients
7/5/2017	Neighborhood Meeting	First and second tier adjoining property owners Notification recipients for Council District 6
9/13/2017	Notice of BOZA Meeting	First and second tier adjoining property owners Notification recipients for Council District 6
9/15/2017		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.