

Board of Zoning Adjustment

Staff Report

July 30, 2018



Case No:	17CUP1097
Project Name:	Short Term Rental
Location:	1210 Garvin Place
Owner(s):	Rahel Samuel & Christopher Bosson
Applicant:	Christopher Bosson
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Dante St. Germain – Planner I

REQUEST

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

CASE SUMMARY/BACKGROUND

The applicant requests approval to conduct short term rentals at the subject property. The subject property is rectangular in shape, and developed as a single-family dwelling. According to the applicant, there are four bedrooms, and a total of twelve guests would be allowed. There is no alley access or legal off-street parking. There is on-street parking on Garvin Place, with the property credited for one on-street space. The applicant intends to rent the dwelling unit for tenancies of less than 30 days.

STAFF FINDING

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 Land Development Code for a Conditional Use Permit.

RELATED CASES

Case number 15COA1023 was approved by Historic Landmarks and Preservation Districts staff in 2015, to allow storm windows to be installed on the principal structure.

TECHNICAL REVIEW

The plan has received preliminary approval from all applicable agencies.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on March 5, 2018 with three attendees.

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 any 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 proposal 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 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 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 residence has four bedrooms, allowing twelve guests.

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

STAFF: The property contains 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: There is on-street parking in front of the residence, with the property credited for one parking space. There is a parking pad in the rear of the property, but it cannot be reached without crossing other private properties, and no easement is in place.

- 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 requirement.

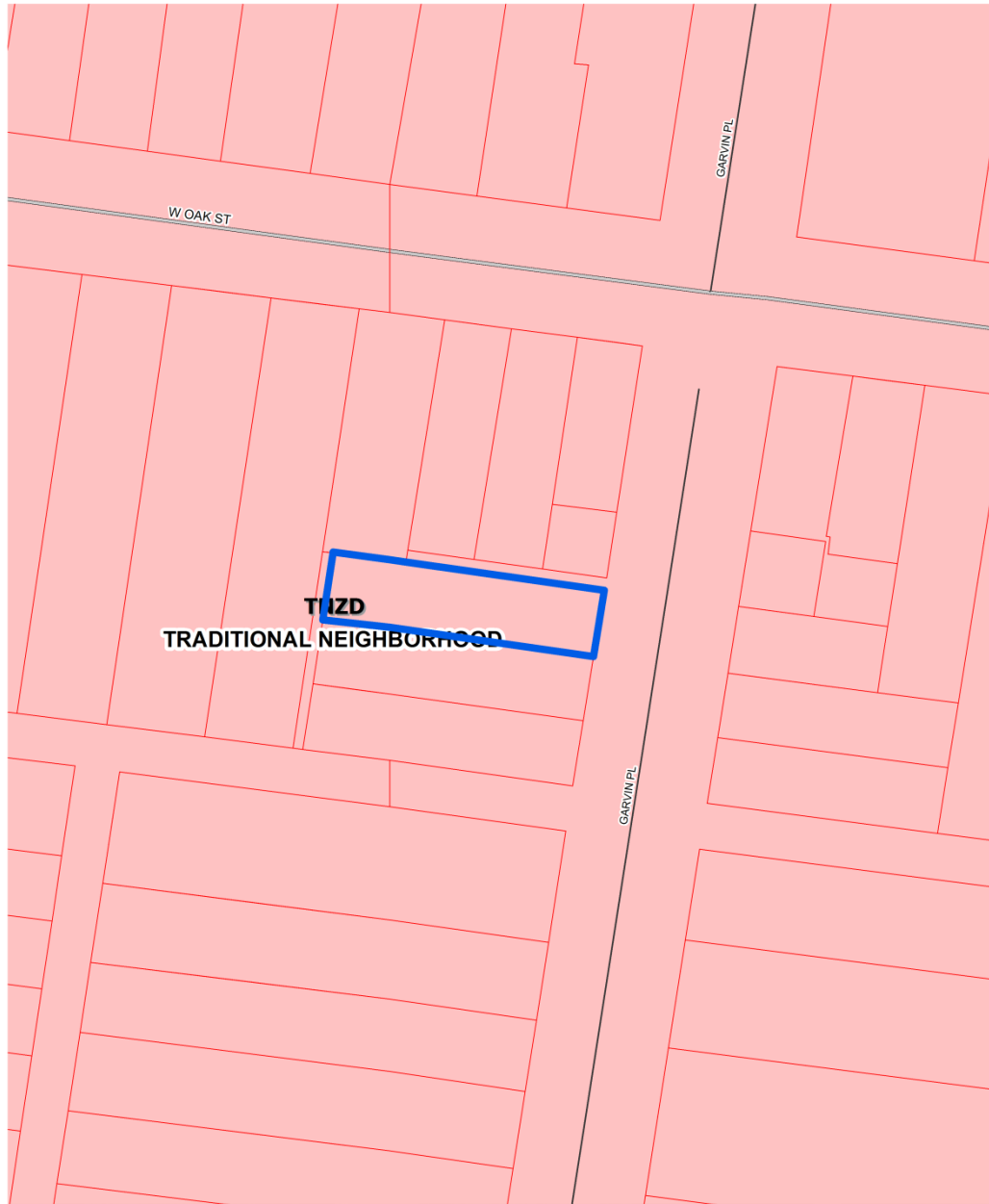
NOTIFICATION

Date	Purpose of Notice	Recipients
07/12/2018	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 6
07/13/2018	Hearing before BOZA	Sign Posting

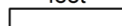
ATTACHMENTS

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

1. **Zoning Map**



1210 Garvin Place
feet

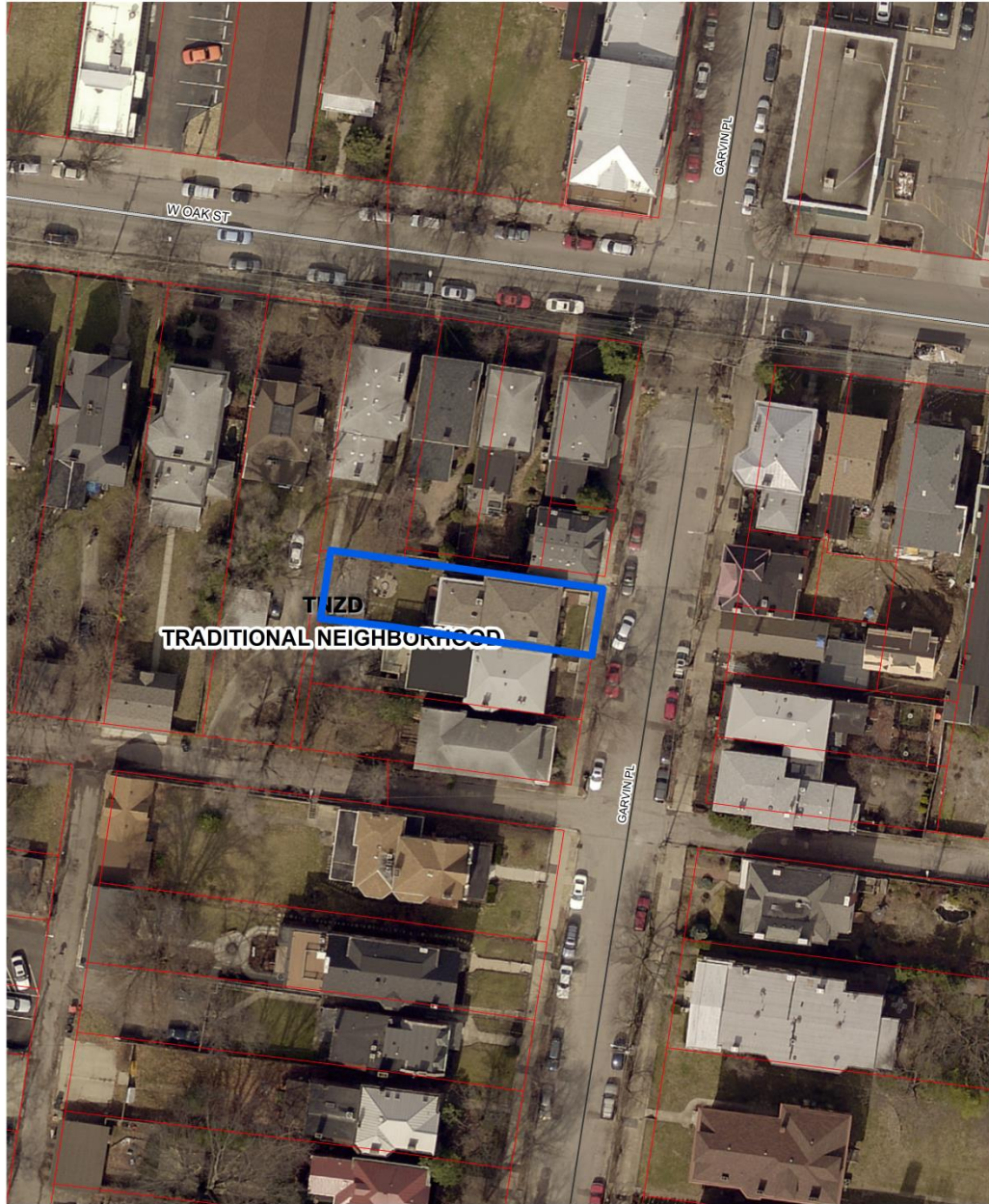


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Map Created: 11/9/2017

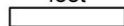


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2. Aerial Photograph



1210 Garvin Place
feet



Map Created: 11/9/2017



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3. 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 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.