

**Board of Zoning Adjustment**  
**Staff Report**  
August 6, 2018



<b>Case No.</b>	18CUP1041
<b>Project Name</b>	Short Term Rental
<b>Location</b>	1301 Highland Avenue
<b>Owner</b>	Henry Hopson
<b>Host</b>	Edwin Hopson
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	8 – Brandon Coan
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

Conditional Use Permit to allow short term rental of two dwelling units not the primary residence of the host (LDC 4.2.63)

**CASE SUMMARY / BACKGROUND**

The applicant proposes to conduct a short-term rental of two dwelling units not the primary residence of the host, which requires a CUP.

The subject site is located on the north side of Highland Avenue between Barrett Avenue and Edward Street. It and adjoining properties to the east and south are zoned R-5B Two-Family Residential. Properties to the north are zoned C-R Commercial Residential. Properties to the west, across Barrett Avenue, are zoned R-8A Residential Multi-Family and C-2 Commercial. All are located within a Traditional Neighborhood form district.

PVA lists the existing structure as a residential duplex; existing development meets all requirements for R-5B zoning. Each of the two dwelling units has one bedroom, permitting up to six guests per unit.

LDC regulations require one parking space for each unit. Based on LDC standards, the 20 ft property frontage is credited with one on-street parking space. LDC regulations further credit the 135 ft frontage on Barrett Avenue with six additional on-street spaces. This parking, however, is prohibited between 7:00am and 9:00am and, based on LDC regulations, cannot be counted toward parking requirements. A rear on-site parking area, accessed from the alley, can accommodate two vehicles. The surface is finished with wood mulch, which does not meet LDC standards requiring a “hard and durable surface” (LDC 9.1.12.A.1.) and would require correction in order to count toward parking requirements.

**STAFF FINDINGS**

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**

The applicant has been informed that the existing surfacing of the rear parking area is insufficient and would require correction in order to count toward parking requirements. Transportation Planning has stated that gravel paving is acceptable for this site. No additional technical issues remain to be resolved.

## **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 is consistent 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: When appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building 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 does not appear to 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 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: Each of the two dwelling units has one bedroom, permitting up to six guests per unit, for a total of twelve guests on the site.

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

STAFF: PVA lists the existing structure as a residential duplex, a permitted use in an R-5B zone.

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: Based on LDC standards, the 20 ft property frontage is credited with one on-street parking space. LDC regulations further credit the 135 ft frontage on Barrett Avenue with six additional on-street spaces. This parking, however, is prohibited between 7:00am and 9:00am and, based on LDC regulations, cannot be counted toward parking requirements.

A rear on-site parking area, accessed from the alley, can accommodate two vehicles. The surface is finished with wood mulch, which does not meet LDC standards requiring a "hard and durable surface" (LDC 9.1.12.A.1.) and would require correction in order to count toward parking requirements. Transportation Planning has stated that gravel paving is acceptable for this site.

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.

**NOTIFICATIONS**

Date	Purpose of Notice	Recipients
6/19/18	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
7/17/18	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
7/19/18		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 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.
3. The applicant shall surface the existing rear on-site parking area with a hard and durable surface as required by LDC 9.1.12.A.1. Gravel is acceptable. Applicant shall notify PDS staff upon completion so that on-site inspection can be completed before short-term rentals may proceed on the site.