

# Board of Zoning Adjustment

## Staff Report

December 3, 2018



<b>Case No:</b>	18CUP1138
<b>Project Name:</b>	Short Term Rental
<b>Location:</b>	602 Barret Avenue
<b>Owner/Applicant:</b>	GMJ Properties, LLC, Glenn Davis
<b>Host:</b>	Key Source Properties, Jonathan Klunk
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Steve Hendrix, Planning & Design Coordinator

### **REQUEST(S)**

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in a R-6 Zoning District and Traditional Neighborhood Form District.

### **CASE SUMMARY/BACKGROUND**

The 0.054 acre site is located on the west side of Barret Avenue near its intersection with Rubel Avenue and Lexington Road in the Phoenix Hill neighborhood. The house dates back to 1900. Adjacent land uses include single family dwellings and a marketing company to the rear. The house has 3 bedrooms, one on each floor. The submitted floor plans do not reflect the basement and its bedroom.

The applicant has stated that the total amount of guests will be limited to eight, (8), regulations allow ten, (10).

Parties will not be allowed.

Transportation has noted that parking is provided on site and on the street. One parking space is along Barret Avenue and two spaces are at the rear of the property off of the alley.

The neighborhood meeting was held on October 30, 2018, with one person in attendance and being neutral on the subject.

### **STAFF FINDING / RECOMMENDATION**

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 review items.

### **INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on October 30, 2018 with 1 person in attendance.

## **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: When appropriately managed, the proposed use is compatible with surrounding development and land uses. No exterior construction or alterations to the building or the site will be required.

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 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.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals. The applicant states that the residence has three bedrooms that will allow a maximum number of ten guests.  
**The applicant states that the unit will be marketed with an eight occupant maximum.**
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.

- 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.

**The site appears to have one on-street parking space and two spaces in the back off of the alley.**

- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- 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.

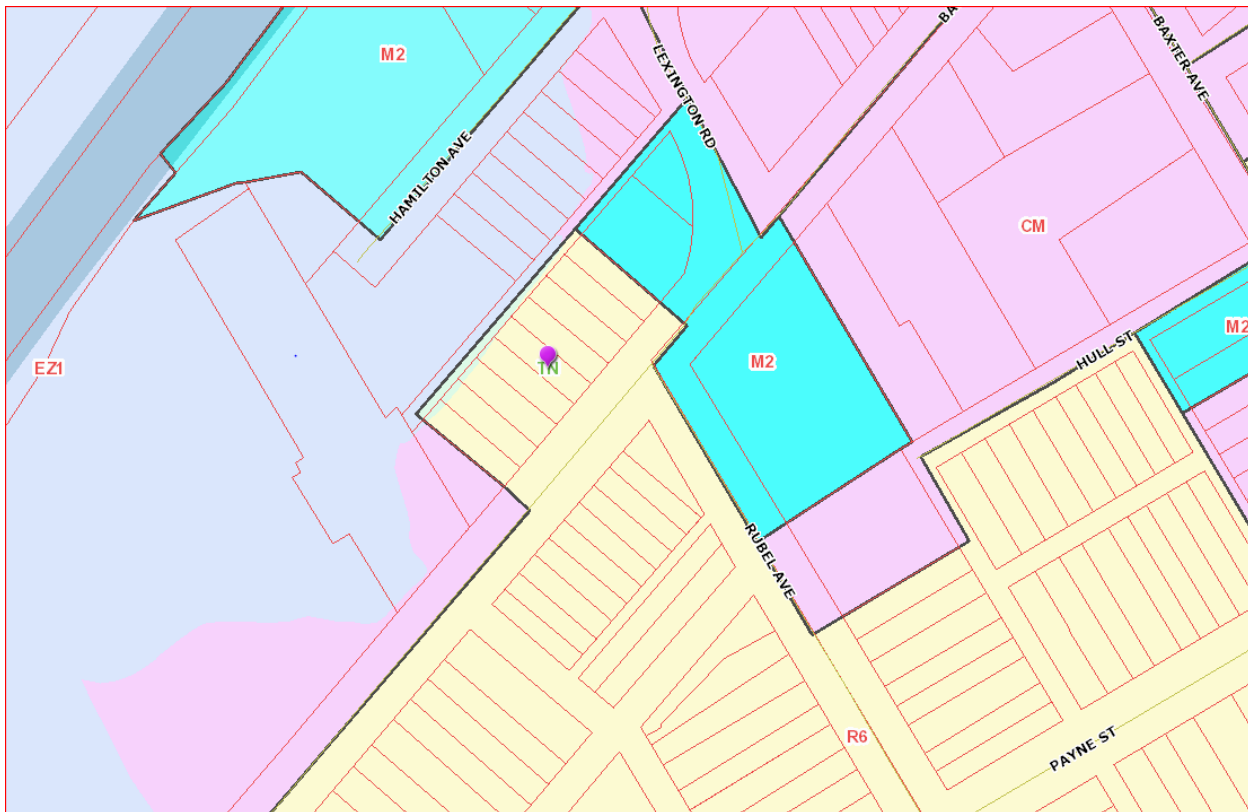
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
11/17/2018 11/19/2018	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 8
11/16/2018	Hearing before BOZA	Sign Posting

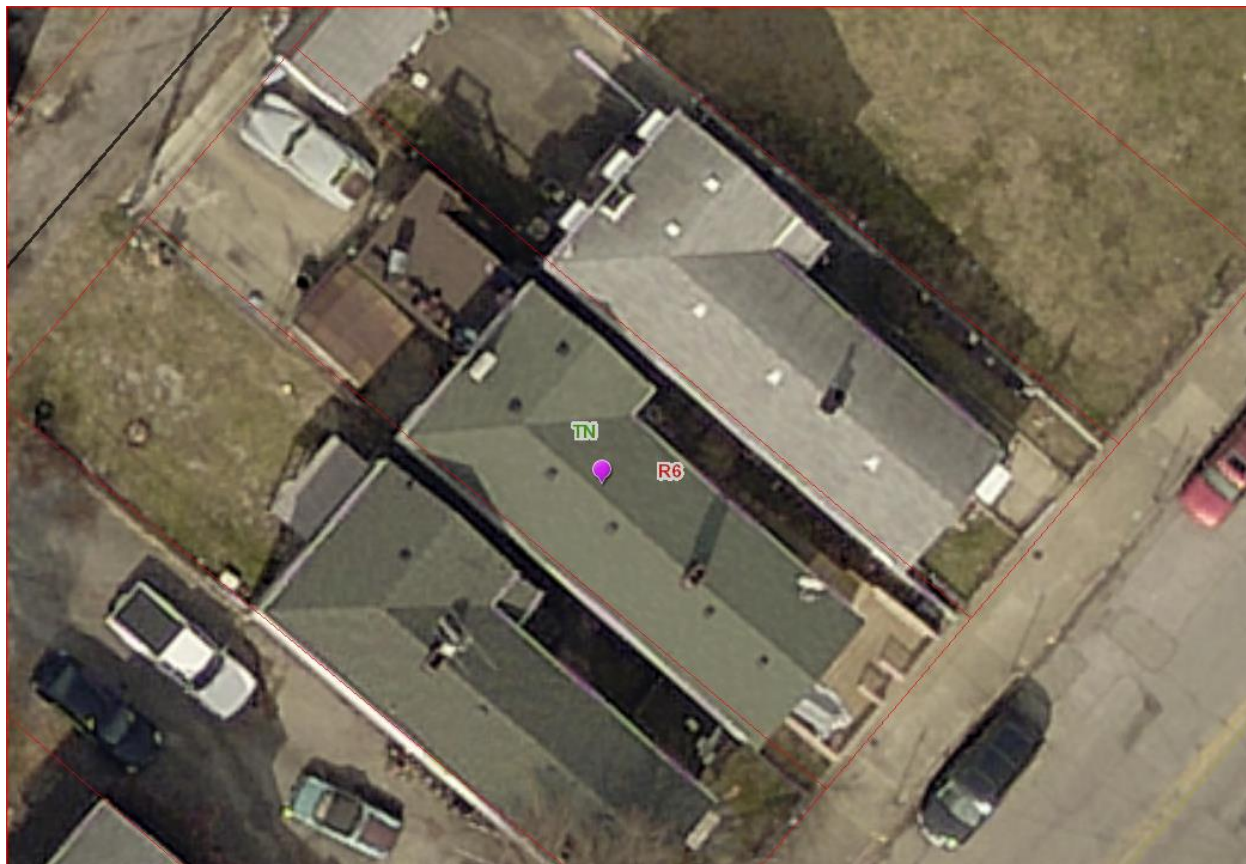
#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Floor Plan (first & second), basement not included
4. Conditions of Approval

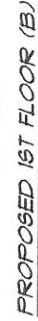
1. **Zoning Map**



2. Aerial Photograph



502-893-6600



PROPOSED 2ND FLOOR (B)

Square footage conversion
sq ft to sq m
sq m to sq ft
Total

**4. 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 maximum number of guests is eight, (8).