

# Board of Zoning Adjustment

## Staff Report

April 15, 2019



<b>Case No:</b>	19CUP1011
<b>Project Name:</b>	Short Term Rental
<b>Location:</b>	7517 Merlyn Circle
<b>Owner:</b>	Patrick D' Angelo
<b>Applicant/Host:</b>	Key Source Properties, Jonathan Klunk
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	25 – David Yates
<b>Case Manager:</b>	Steve Hendrix, Planning & Design Coordinator

### **REQUEST**

Conditional Use Permit to allow short term rental of a dwelling that is not the primary residence of the host in an R-5 Zoning District and Neighborhood Form District.

### **CASE SUMMARY/BACKGROUND**

The 0.148 acre site is located in the Auburndale neighborhood, south of Iroquois Park and just west of Kenwood Elementary School. The house was built in 1964 and has single family residences that are adjacent. There appears to be ample parking with two parking spaces along Merlyn Circle and approximately three spaces in the driveway. The house contains three bedrooms which would allow for 10 guests.

**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 February 13, 2019 and 10 people were in attendance. The applicant states that the conversation was productive and all questions were answered. Questions were mostly in regard to background checks/safety, and street traffic.

## **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 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 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.

**The applicant has been informed of this restriction.**

- B. The dwelling unit shall be limited to a single short term rental contract at a time.

**The applicant has been informed of this restriction.**

- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals.

**The regulations allow for 10 guests.**

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

**The dwelling unit is a single family residence.**

- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.

**The applicant has been informed of this restriction.**

- F. Outdoor signage which identifies the short term rental is prohibited.  
**The applicant has been informed of this restriction.**
- 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.  
**Approximately three vehicles can park on the driveway and two credits for parking on the street.**
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.  
**The applicant has been informed of this restriction.**
- 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.  
**The applicant has been informed of this restriction.**

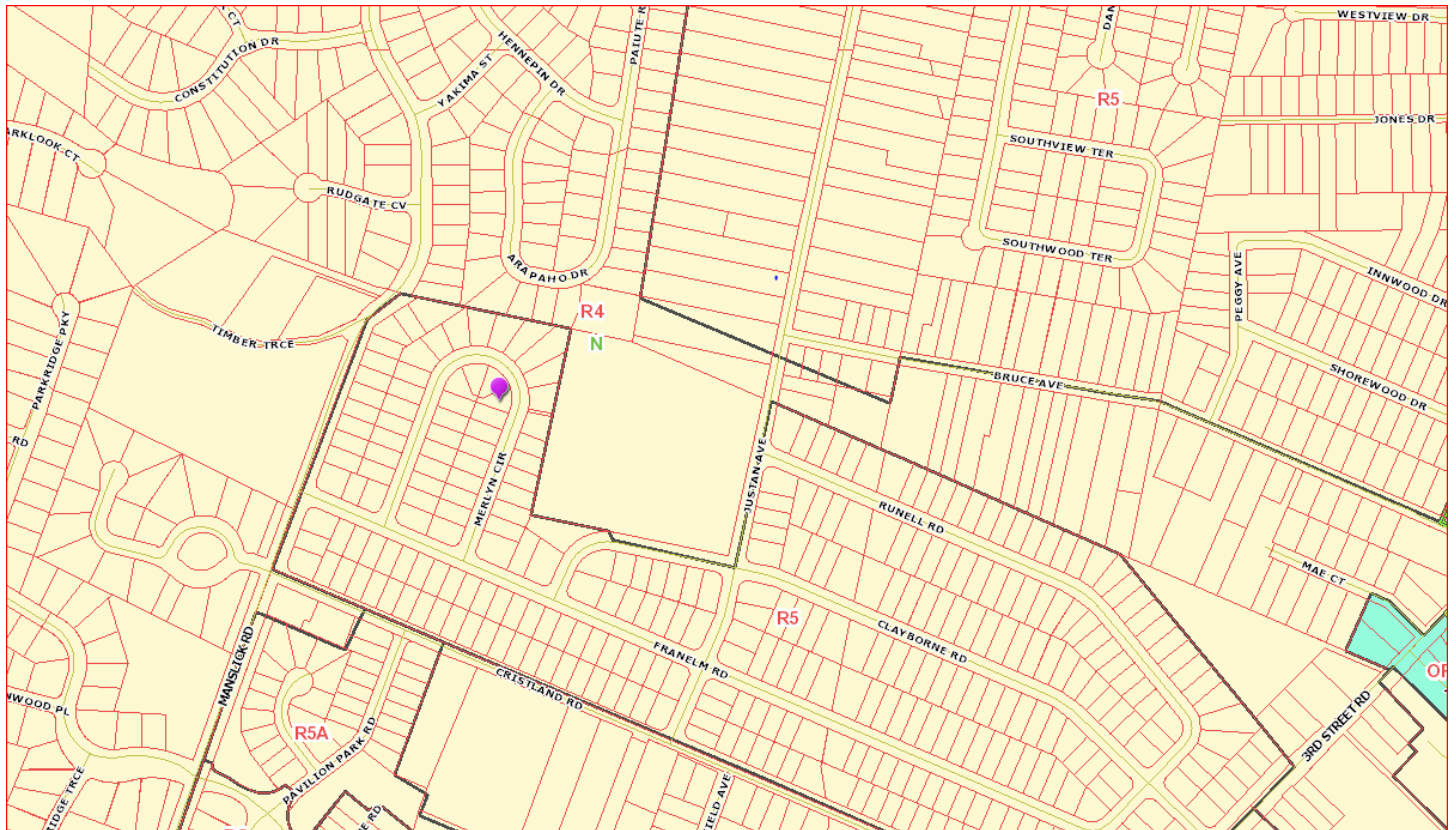
## **NOTIFICATION**

Date	Purpose of Notice	Recipients
3/29/2019 3/28/2019	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 8
4/04/2019	Hearing before BOZA	Sign Posting

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Front of House
4. Neighborhood Meeting/Minutes
5. Floor plan
6. Bedroom Pictures
7. Conditions of Approval

## Zoning Map



## Aerial Photograph





**Front of House**



Hendrix, Steve

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**From:** Jonathan Klunk <jonathan@keysourceproperties.com>  
**Sent:** Friday, February 15, 2019 1:27 PM  
**To:** Hendrix, Steve  
**Cc:** Linda Stephens  
**Subject:** Neighborhood Meeting 19CUP1011

Steve,

The neighborhood meeting for 19CUP1011 was held on February 13th. Ten people were in attendance, including a representative of Councilman Yates' office, representing six (6) residences. Councilman Yates is on the roster but was not present. The conversation was productive and all questions were answered. The questions were mostly in regards to background checks/safety, and street traffic. Two members in attendance have used a short-term rental website in the past for booking vacations and were familiar. Linda will be sending a copy of the attendee's list when she returns to the office next week.

Please let us know if you have questions about the meeting, attendees, or topics discussed.

Regards,  
Jonathan Klunk



Jonathan Klunk  
CEO, Key Source Properties

## Conditional Use Permit (CUP) Neighborhood Meeting

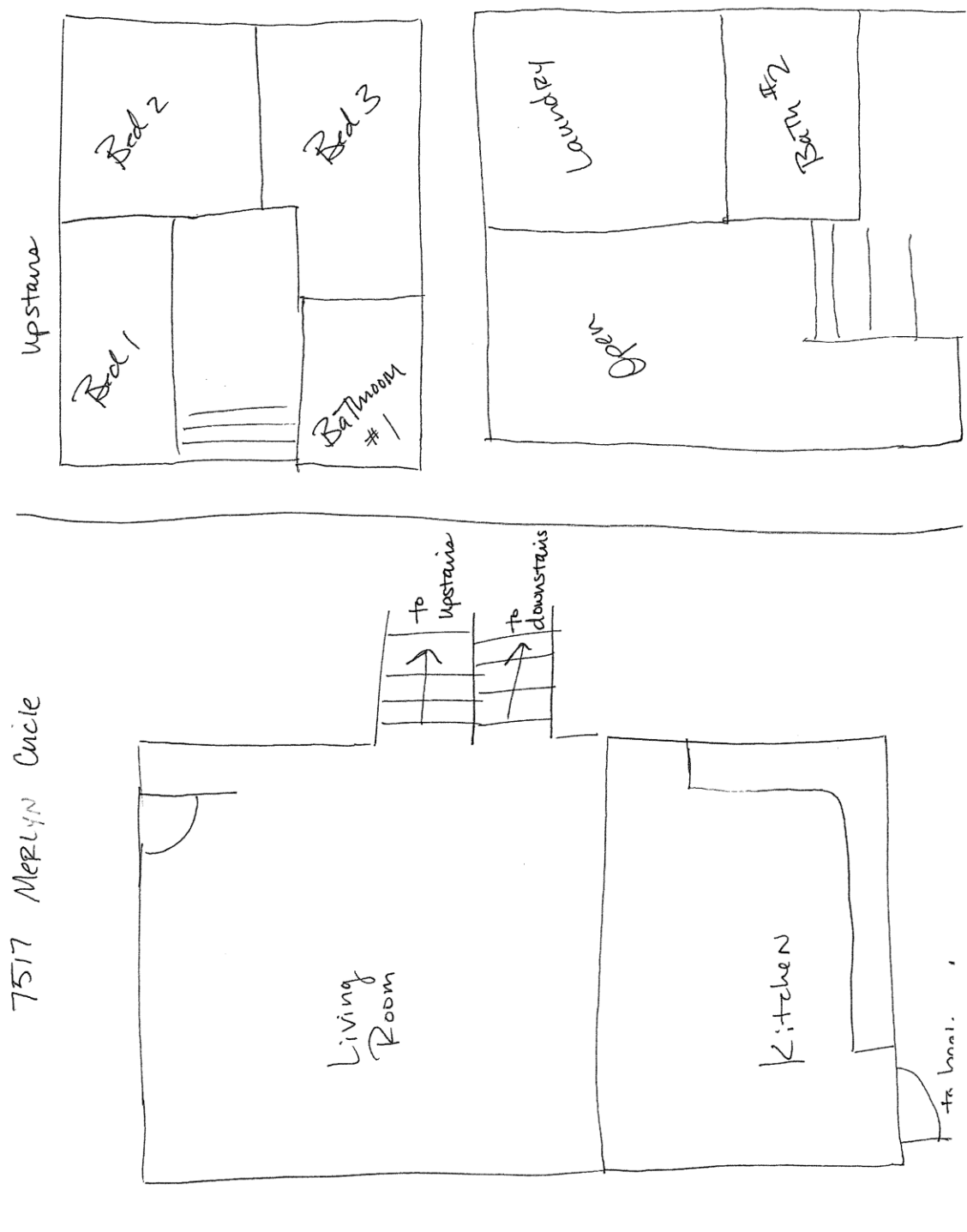
### Guest Sign In Sheet

7517 Merlyn Circle | February 13, 2019

Name	Address	E-mail
Jennifer Connelly	7528 Merlyn Circle	menmyanmls4@bellsouth.net
Annetta Farmer	7527 Merlyn Circle	edanfarmer@aatt.net
VICTOR MARTINEZ	7528 MERLYN CIRCLE	
PAM MCFARLAND	7520 MERLYN CR	mcFar2@bellsouth.net
Walt Jackson	5413 Hickory Hill	waltonsjacksonjr@gmail
Rachel Parker	7521 Merlyn Circle	tinyray1932@twc.com
Jeremy Parker	7521 Merlyn cir	Parker7521@TWL.com
Brian Bokes	601 W. Jefferson Street	brian.bokes@louisvilleky.gov
David Yates	601 W. Jefferson Street	david.yates@louisvilleky.gov
Ken McFarland	7520 Merlyn Circle	McFar1@bellsouth.net
Anna Hobbs	7524 merlyn Cr.	anna.young83@yahoo.com



**Floor Plan**

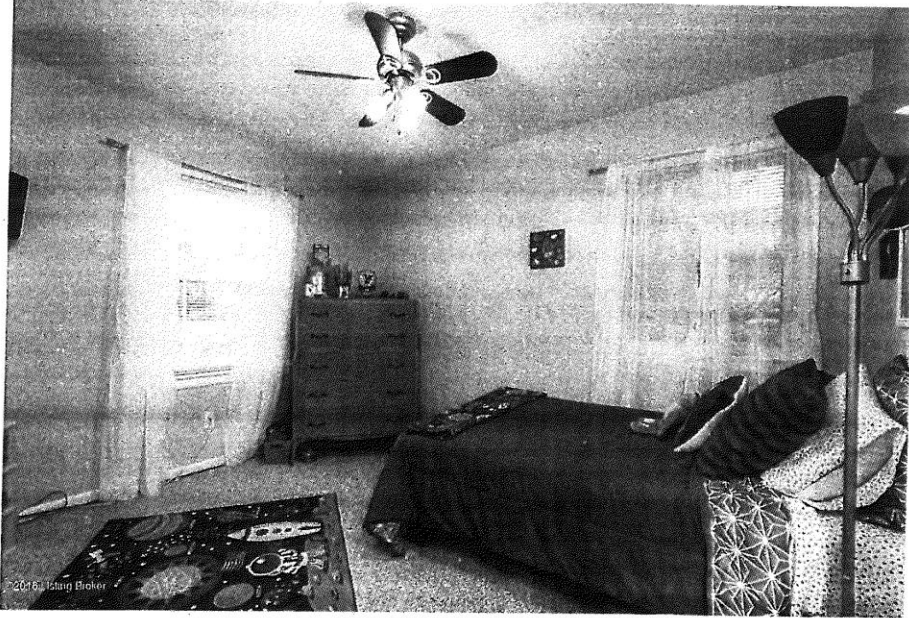


**7517 Merlyn Circle  
Bedroom Photos  
All bedrooms have closets**

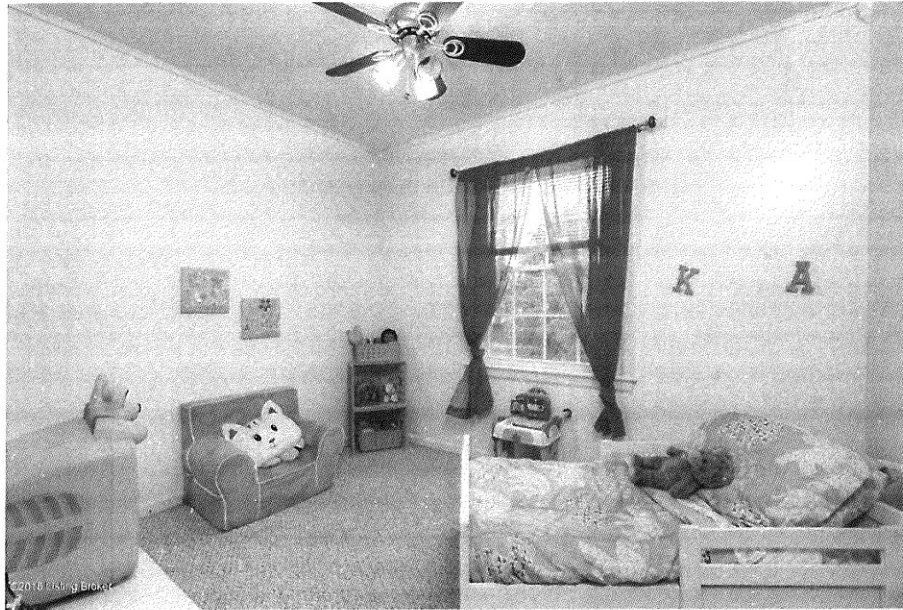
**Bedroom 1**



**Bedroom 2**



**Bedroom 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.