

Board of Zoning Adjustment

Staff Report

June 17, 2019



Case No:	18CUP1053
Project Name:	Short Term Rental
Location:	909 East Washington Street
Owners/Applicants:	Brad Titzer & Regan A. Atkinson
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST

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

CASE SUMMARY/BACKGROUND

The 0.08 acre site is located on the north side of Washington Street between North Campbell Street and North Wenzel Street within the Butchertown neighborhood. Each unit contains two bedrooms which will allow six guests per unit. One parking credit exists along East Washington Street in front of the house and at two parking spaces are at the rear of the property.

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 March 6, 2019, with one 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 Term Rental of a dwelling unit that is not the primary residence of the host or the Short Term Rental of a condominium unit that is 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.

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.

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 two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals.

The applicant states that each unit has two bedrooms which would allow for each unit to have six guests.

- D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to the nearest property line) to any property on which another approved short term rental that required a conditional use permit is situated. The provision shall not apply to a property in the TNZD district which required a conditional use permit even though it is the primary residence of the host.

As of the date of this report, within 600' of the subject property, there are three properties with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host. The applicant has request relief to this provision in accordance with LDC Section 4.2.2.B. If the Board does not grant relief, the application does not meet all of the listed requirements and the Conditional Use Permit cannot be approved.

- E. The building in which the dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit, the condominium unit must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. The evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board where in all condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.

The building is a duplex.

- F. Food and alcoholic beverages shall not be served by the host to any guest.

The applicant has been informed of this requirement.

- G Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.

The applicant has been informed of this requirement.

- H. There shall be a sufficient amount of parking available for 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.

The site has credit for one parking space on East Washington Street and two spaces parking at the rear of the property.

- I. 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 requirement.

- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the approval. When the Planning Director revokes an approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

The applicant has been informed of this requirement.

- K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void.

The applicant has been informed of this requirement.

- L. An active registration for the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for six months, or in the event of a change of ownership and/or host, a new registration is not issued within six months from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code.

The applicant has been informed of this requirement.

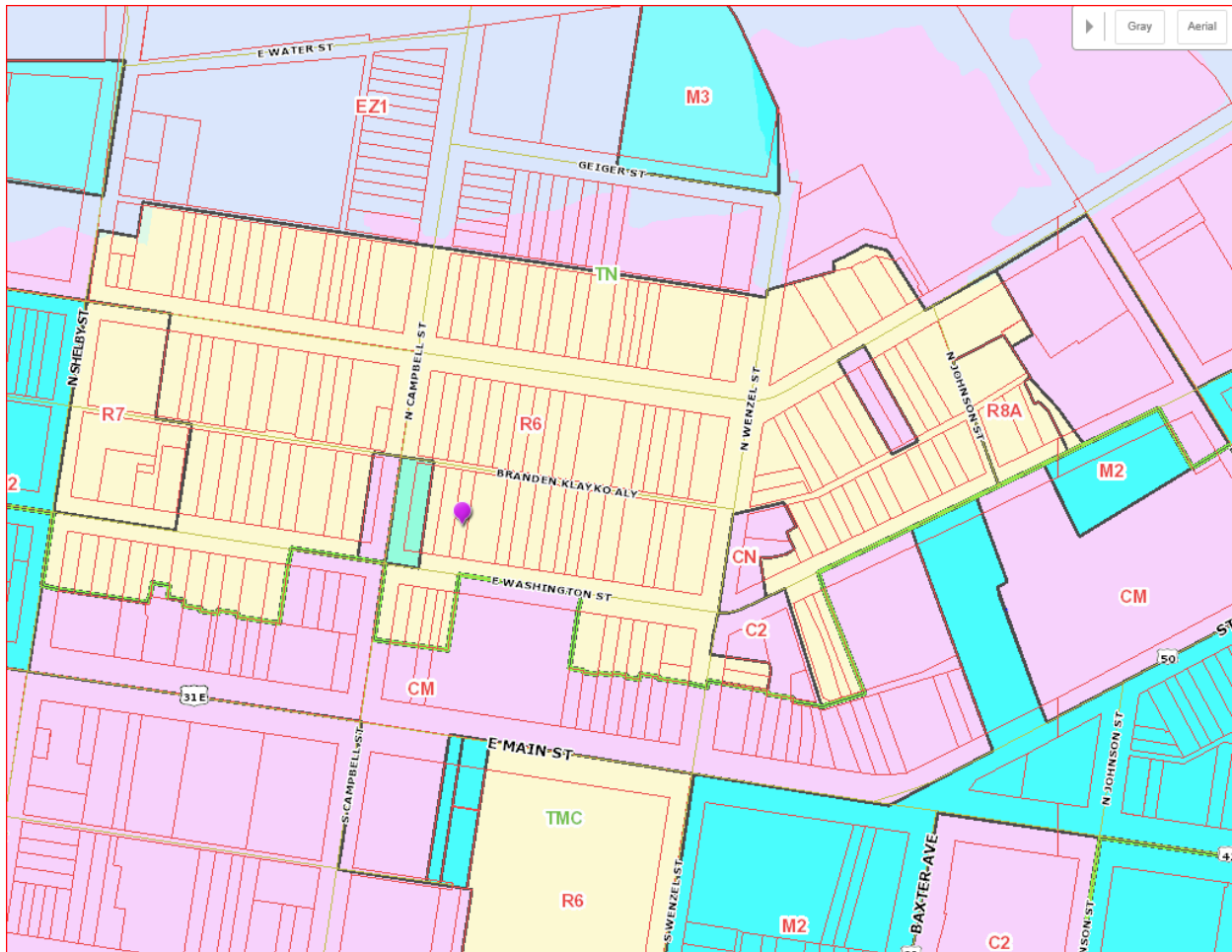
NOTIFICATION

Date	Purpose of Notice	Recipients
6/4/2019 6/6/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
6/7/2019	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. 600 Foot Map
4. Neighborhood Meeting/Minutes
5. Floor Plan
6. Bedroom Pictures
7. Relief Request with Petition

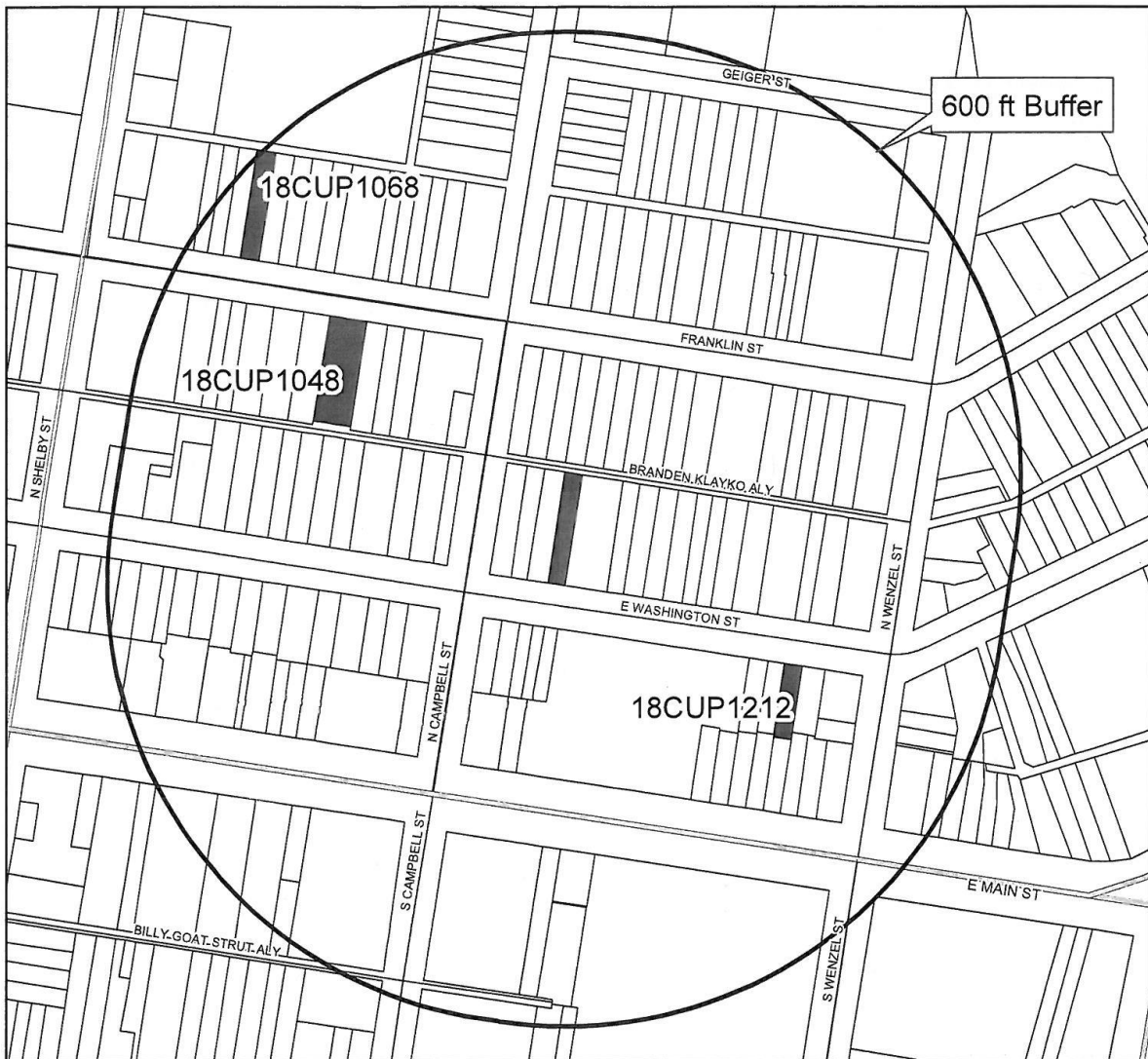
Zoning Map



Aerial Photograph



Map Created: 05/30/2019



Legend

- Buffer
- Subject Site
- Approved

Proximity Map Case # 18CUP1053

feet

250



This map is subject to change upon the Board of Zoning Adjustment granting approvals to other Short Term Rental Conditional Use Permits.



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LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

NEIGHBORHOOD MEETING SIGN-IN SHEET

NO.	NAME	PHONE (HOME)	EMAIL	ADDRESS
1	^{Mary} Mary Margaret Miller	606-503-6729		904 E Washington
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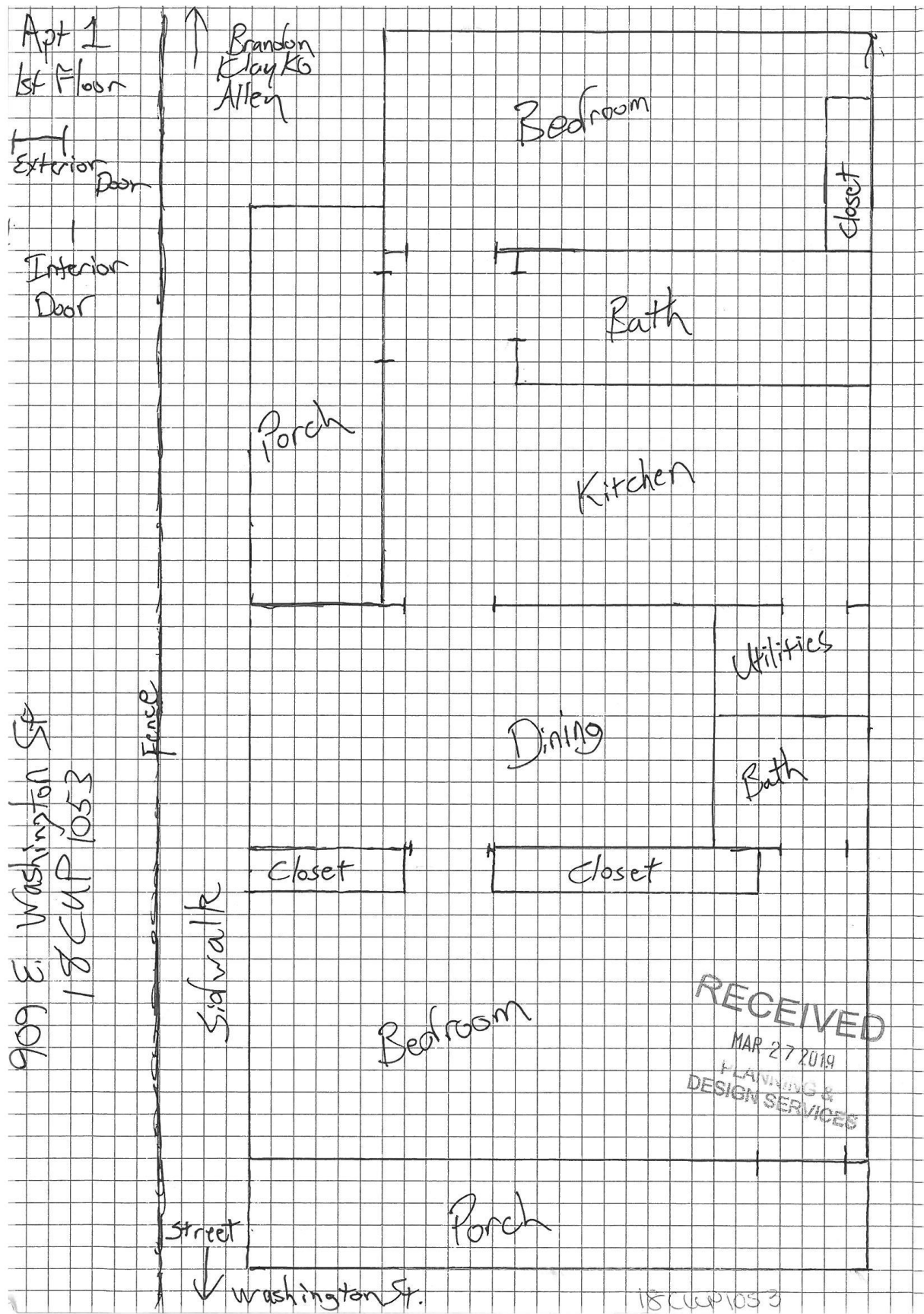
March 6, 2019
Neighborhood Meeting notes
CUP Application process

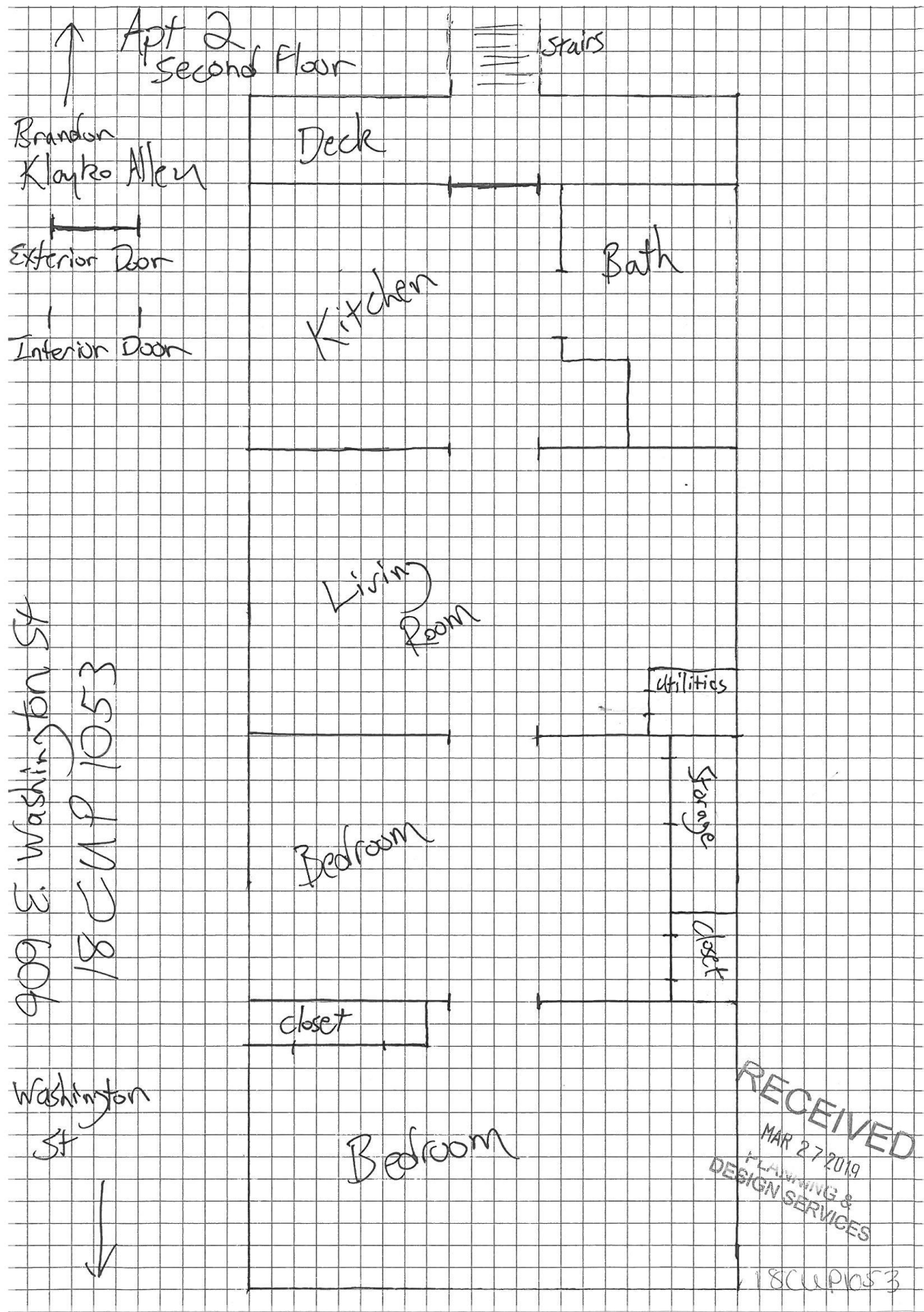
5:30 p.m. Called meeting to order.

One neighbor was in attendance who lives across the street, Mary. She asked what the letter meant. I explained in detail what a short-term rental is and a history of the practice. In response, she said, "Great, I just wanted to be sure someone was not going to remove the building and build an apartment complex."

No other neighbors showed up by 6 pm.

6:00 p.m. Adjourned the meeting.







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MAR 27 2014
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18CUP1053

June 7, 2019
18CUP1053

Board of Zoning Adjustment:

I am applying for conditional use permit for 909 E. Washington St. The building is a duplex with one apartment on the second floor and one on the first floor with separate addresses and utilities. The lower apartment can be noisy making them ideal short-term rental rather than long term lease apartments. Additionally, I began the application process well before the 600 ft rule was passed.

My wife and I enjoy entertaining guests and visitors. Sharing our city and neighborhood with people brings us a great deal of joy. We live at 915 E. Washington St. just two doors from the 909 building which offers us a unique position to be a hands-on concierge style short term rental rather than purely anonymous. We would like to greet every guest in person. Off-street parking is also available behind 909 keeping congestion down for the neighbors. We'd like to use our 909 property to be a building block to open a bed and breakfast at a different location in the future. I have included a letter signed by our immediate neighbors, who are all in support of our intended venture.

Thank you for your consideration,



Brad Titzer

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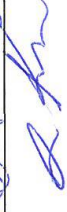


18CUP1053

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Conditional Use Permit 18CUP1053,





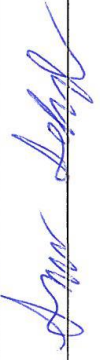
909 E. Washington St. 40206

We the undersigned neighbors directly adjacent to 909 E. Washington St. are in support of granting the above conditional use permit to Brad Titzer for the purpose of operating a short-term rental at both 909 E. Washington St. addresses.

Date	Signature	Printed Name	Address	Comment
6/19/19		Alire Dodson	911 E Washington St Apt 5 Louisville KY	
6/10/19		Briant Heese	121 N. Shelby St #101 Louisville KY	
6/10/19		Wesley W. Wooten	914 Franklin St. Louisville KY 40206	
6-11-19		L. Kewen	904 FRANKLIN ST. 40206	
6-14-19		Mett	906 Franklin	
6-17-19		Brian Cecil	909 E Washington St	

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18CUP1053

Date	Signature	Printed Name	Address	Comment
		Mary Miller	911 E. Washington St. 40206	
		Randy Cook	908 E Washington St. 40206	
		Merrill Simmons	911 E Washington St. 40206	
		David Sachs	911 E Washington St. 40206	
		Sam Suhad	911 E Washington St. 40206	

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