

Board of Zoning Adjustment

Staff Report

March 2, 2020



Case No:	20-CUP-0032
Project Name:	Myrtle Street Short Term Rental
Location:	610 Myrtle Street
Owner:	BNDF. LLC
Applicant:	Nancy Wilkinson
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST

Conditional Use to allow short term rental of a single family dwelling unit that is not the primary residence of the host in a Traditional Neighborhood Zoning District with relief from Listed Requirement D. (600 foot distance).

Conditional Use Permit 19-CUP-0051 was approved by the Board on September 9, 2019 to allow short term rental of a single family dwelling unit that was not the primary residence of the host in a Traditional Neighborhood Zoning District with relief from the 600 foot rule at this location. However, the applicant failed to register within 30 days and the Conditional Use Permit became null and void.

The applicant submitted a new application on February 5, 2020, had another neighborhood meeting and notices were sent for this meeting.

CASE SUMMARY/BACKGROUND

The 0.5 acre site is located in Old Louisville on the south side of Myrtle Street between South Sixth and South Seventh streets. Only four residential structures face the street with industrial uses located to the west. The property is approximately 34 feet east of M-2 zoned property and a Traditional Workplace Form District.

The house has two bedrooms which will allow a total of six guests. The property has approximately 25 feet of street frontage with additional parking available on both sides of the street.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on January 22, 2020, but no one attended.

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 the residence has two bedrooms which will allow for 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 is one property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host. The applicant has requested 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. Justification letter is attached.

- 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 dwelling unit is a single family residence.
- 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 along Myrtle Street and other street parking is available.
- 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.

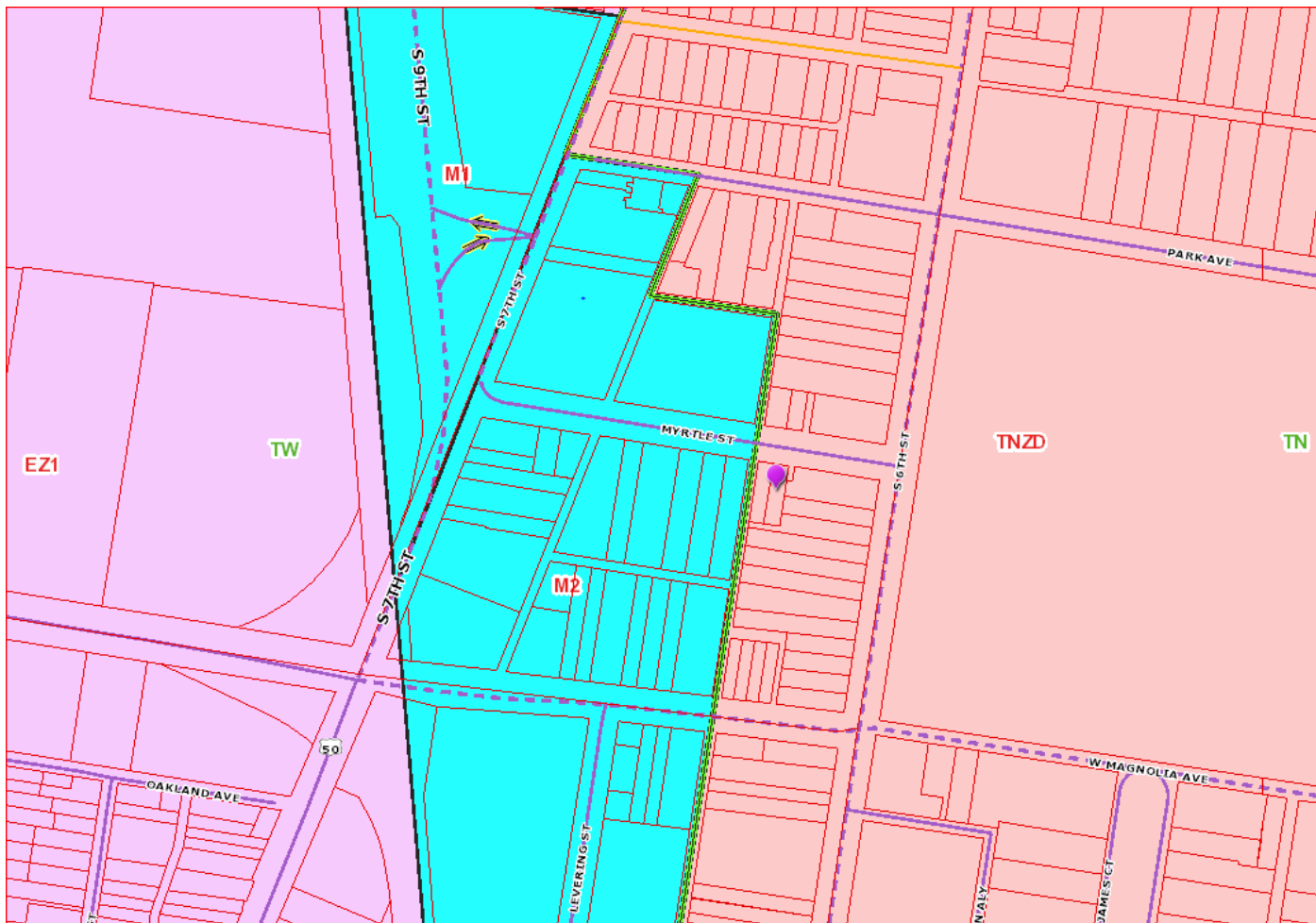
NOTIFICATION

Date	Purpose of Notice	Recipients
02/15/2020 02/12/2020	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District # 6
02/21/2020	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. 600 Foot Map
4. Front of House
5. Floor Plan
6. Bedroom Pictures
7. Requesting Relief Letter
8. Explanation Letter

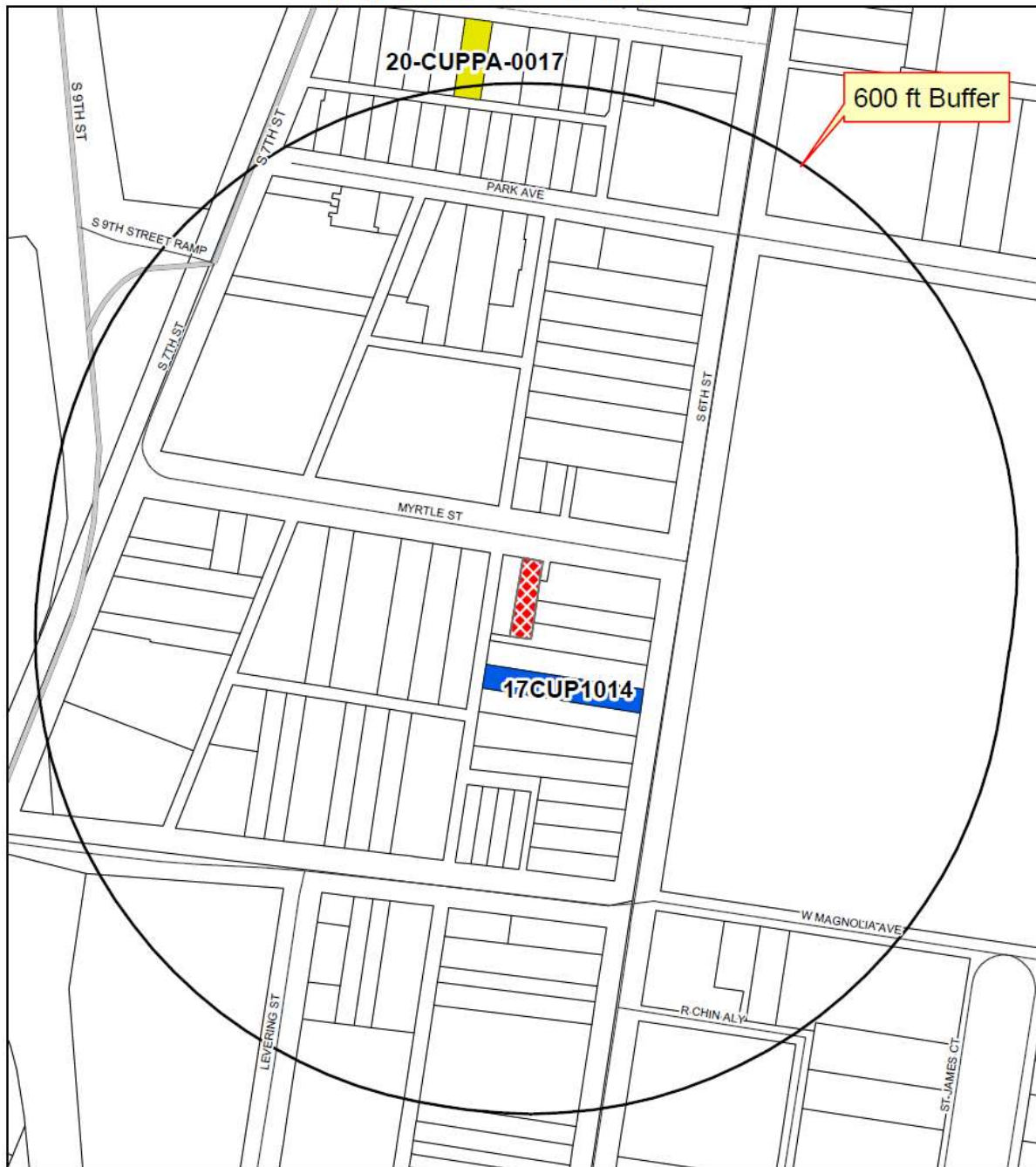
Zoning Map



Aerial Photograph



Map Created: 02/20/2020

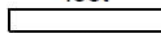


Legend

- Buffer
- Subject Site
- Approved
- Pending

Proximity Map Case # 20-CUP-0032

feet



170



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COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

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



Subject Site



Scale







610 Myrtle Street
Louisville, KY 40208

August 28, 2019

To whom it may concern:

We purchased our house at 610 Myrtle Street in July of 2018. Our house is one of four houses on Myrtle Street. We are located one house down from a large area that is zoned M2 and EZ1. Our house is surrounded by commercial development and warehouses. It is my understanding the short-term rental within 600 feet of our house is located on 6th Street and in a residential location. I am requesting relief from the listed requirement and to allow the house to be approved for short-term rental. Our plan from the beginning was to renovate the house, furnish it and rent it short-term. When we purchased the house, it was in very poor condition and our intent was to improve the interior and exterior of the house through renovations (see pictures). The house has been completely renovated, with a new kitchen, new tile bathrooms, new interior woodwork and doors, and new hardwood floors. The outside was refurbished, repainted and professionally landscaped, greatly improving the aesthetic and curb appeal.


When I learned I needed to register my short-term rental, I called Metro Planning and Development to find out exactly what I needed to do to get the house registered. I was told it was a simple process; come in, fill out the necessary paperwork, pay the fee, and it would be registered. Unfortunately, I waited until the project was nearly complete. We furnished the house with all new furnishings - new beds and mattresses, new living room furniture, appliances, and accessories. When I called back to make an appointment at Metro Planning and Development in the Spring of 2019, I learned the regulations had changed and many more steps were needed to obtain a short-term rental registration.

I started the process, being as efficient as possible on my end and I was told there were no other short-term rentals within 600 feet. Each time I turned in the necessary paperwork, I was assured there were no other short-term rentals within 600 feet. After the last hearing I was informed that a house that falls within the 600 foot limit was approved.

I want the hearing board to know, I personally manage and oversee every person and family that rents our home. I do not use a management company. Our guests know that we have a deep concern for our neighbors and I personally screen everyone based on previous reviews. Only excellent reviews are accepted. I am in frequent contact with our guests before, during and after their stay. I am at the house many times a week, before and after each rental, to ensure that everything is in perfect order. We have brochures and menus through the house that promote local restaurants and activities. We have good relations with our neighbors, who are aware of our use of the house as a short-term rental and approve. I love this house and love being apart of this community. I truly believe we are good neighbors and an asset to the community. Our guests love the location and close proximity to all things LOUISVILLE.

I am asking you to please grant relief from the listed requirement, allowing us to remain in the community and continue to contribute to the new, thriving LOUISVILLE.

Thank you for your time and consideration,


Nancy Wilkinson

RECEIVED

AUG 29 2019

PLANNING &
DESIGN SERVICES

Nancy Wilkinson
610 Myrtle St.
Louisville, KY 40208
502.376.8527

RECEIVED
FEB 13 2020
PLANNING & DESIGN
SERVICES

February 13, 2020

Louisville Metro Planning and Design
444 S. 5th Street, Rm 302
Louisville, KY 40202

RE: Letter of Explanation

To whom it may concern:

The following is a letter of explanation for why I did not get my short-term rental registered within the thirty day period, following my hearing.

To begin, I did not realize there was a definite date I needed to complete it by. I started the process by gathering the tax information, etc. from Airbnb. Then I contacted the Department of Revenue several times in an effort to complete all the necessary forms. I was told I could not submit the registration form to Metro Planning until I mailed in the tax forms - then they would assign a number which I could put on my registration form.

Honestly, it took me a long time to figure out what forms I needed and how to complete them. I mailed this in, but did not hear back from them. Finally, I called them and was given the number over the phone, and mailed in my registration forms. Again, I was not aware of the thirty day deadline. My error, of course.

Thank you for reconsidering this approval.

Sincerely,

Nancy Wilkinson

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