

# Board of Zoning Adjustment

## Staff Report

June 29, 2020



<b>Case No:</b>	20-CUP-0013
<b>Project Name:</b>	Short Term Rental
<b>Location:</b>	606 North 24 <sup>th</sup> Street
<b>Owner/Applicant:</b>	Community RES, LLC by Wesley Vaughn
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	# 5 – Donna Purvis
<b>Case Manager:</b>	Steve Hendrix, Planning & Design Coordinator

### **REQUEST**

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

### **CASE SUMMARY/BACKGROUND**

The 0.059 acre site is located on the west side of North 24<sup>th</sup> Street between Tyler Avenue and Portland Avenue in the Portland neighborhood. The 1,760 square foot, single family dwelling was built in 1905 and will have three bedrooms which will allow for eight guests.

The property has approximately 66 feet of street frontage along North 24<sup>th</sup> Street.

There is no Open Enforcement Case.

There are no other Short Term Rentals within 600 feet of the subject site.

### **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 December 30, 2019, with two invitees in attendance. After the explanation, all expressed support.

## **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 dwelling will have three bedrooms which would allow for eight 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, there was no other property with an approved Conditional Use Permit allowing short term rental that is not the primary residence of the host within 600' of the subject property.***
- 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 structure is a single family dwelling.***
- 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 property has approximately 66 feet of street frontage along North 24<sup>th</sup> Street.***
- 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.***

#### **Condition of Approval**

The conditional use permit for this short term rental approval shall allow up to three bedrooms.

A modification of the conditional use permit shall be required to allow additional bedrooms.

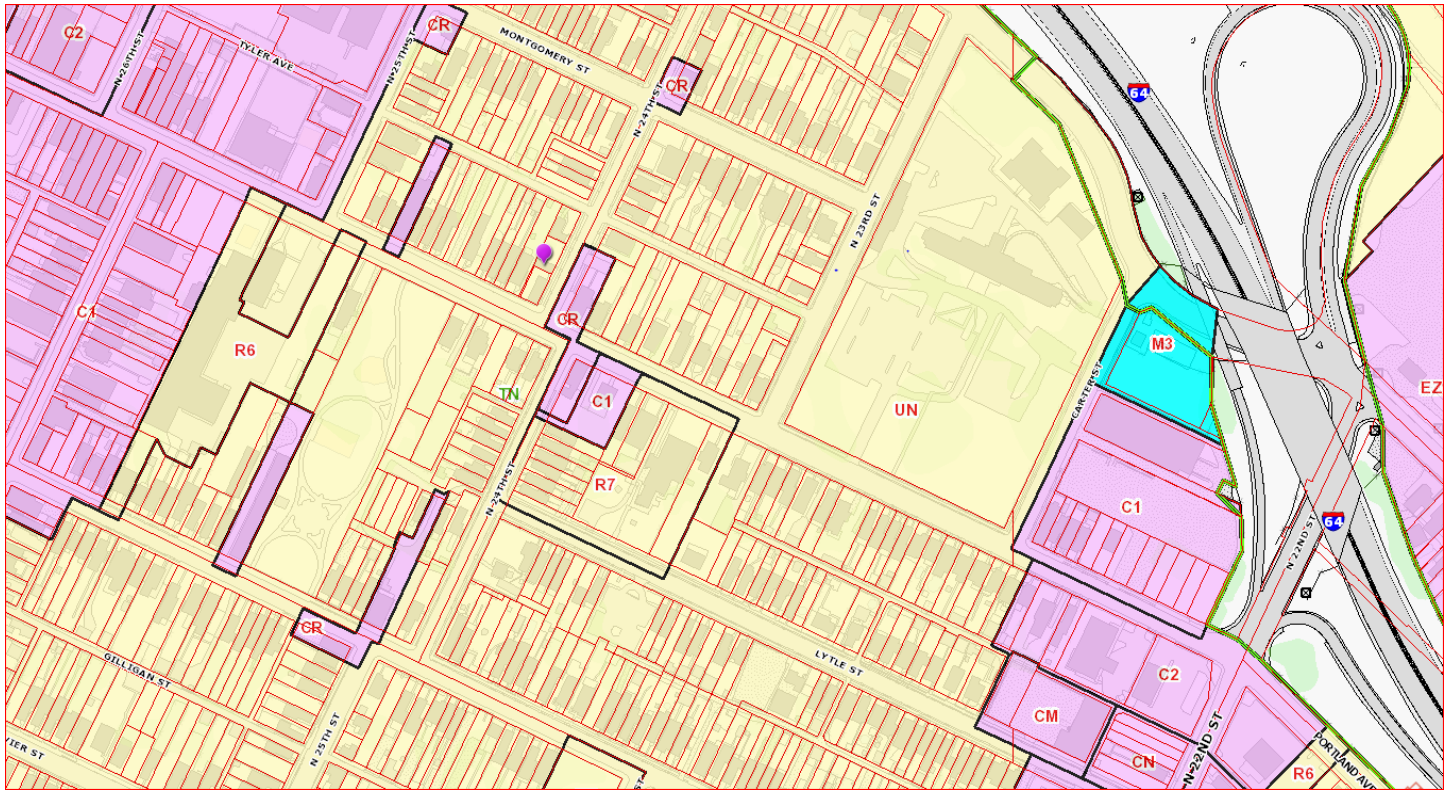
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
06/10/2020 06/16/2020	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 5
06/15/2020	Hearing before BOZA	Sign Posting

#### **ATTACHMENTS**

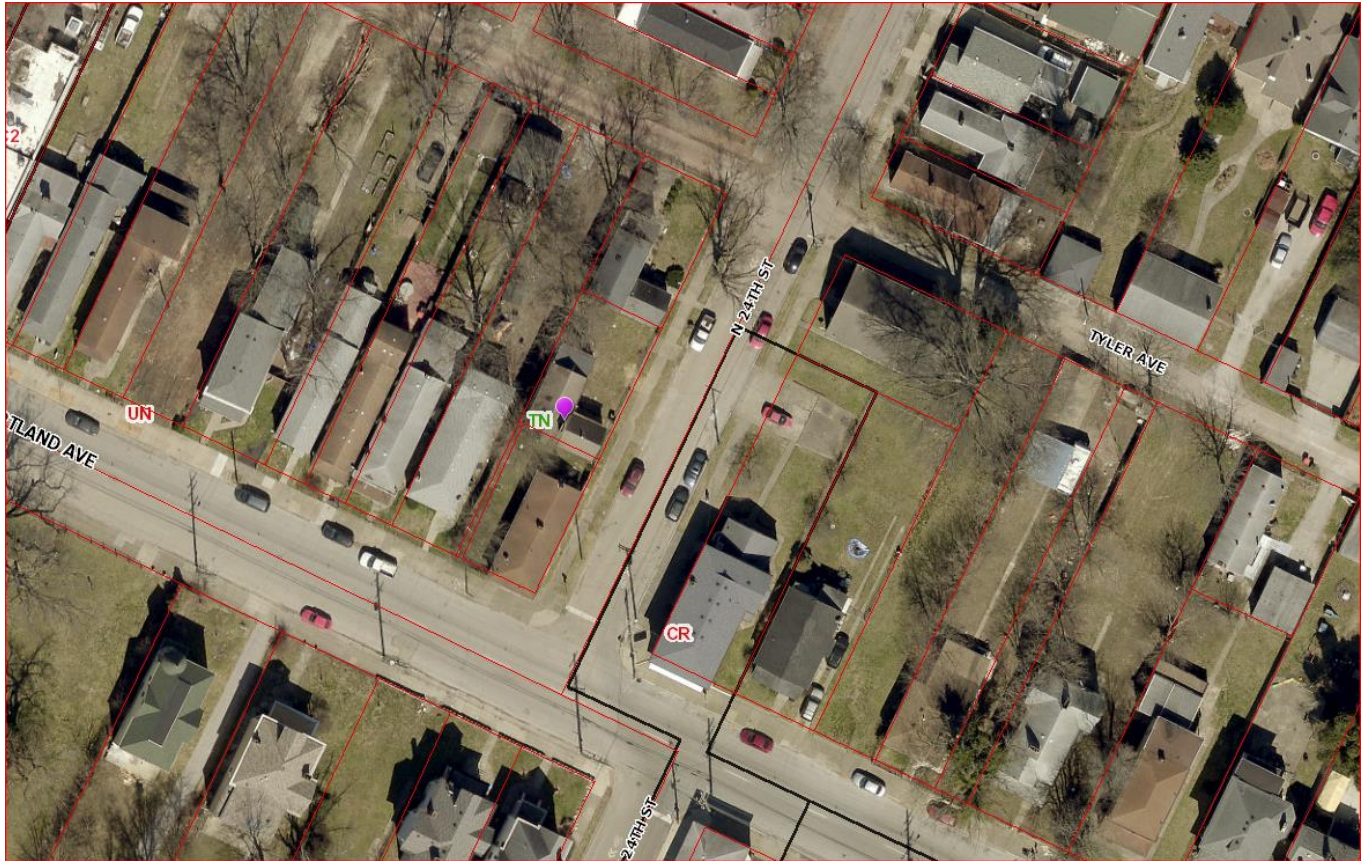
1. Zoning Map
2. Aerial Photograph
3. 600 Foot Map
4. Explanation Letter
5. Neighborhood Meeting/Minutes
6. Picture

## Zoning Map





## Aerial Photograph

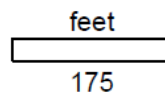





### Legend

-  Buffer
-  Subject Site

### Proximity Map Case #20-CUP-0013



 **LOJIC**  
 Copyright (c) 2018, LOUISVILLE AND JEFFERSON  
 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.





January 14, 2020

Planning & Design Services  
444 South 5th Street  
Suite 300  
Louisville, KY 40202

Members of the office of Planning & Design Services,

This letter is to explain my plan for the property at 606 North 24th Street, Louisville KY 40212. The existing structure is to be kept and fully renovated. The repairs required are extensive. At the time of purchase, the house was already almost entirely gutted. The house sits empty and fully gutted at the moment. Substantial structural repairs have been made, such as a newly poured concrete walls to reinforce the collapsed basement; reinforcement of 50% of the floor joists on the first floor due to rot and poorly executed attempts at repair in the past. The floor plan will be modernized and the home will be a three bedroom, two bath single family home with generous sized living room and kitchen.

In regard to my request for a conditional use permit, I am planning on listing the house on AirBNB to try and recoup my invested money more quickly. The repairs for saving the beautiful structure are quite high. The house will be fully dedicated to short term rental, and I will not live in any portion of it. I believe the income from AirBNB may help to have made the investment more worth while. This is also an untapped market in the Portland Neighborhood, and my immediate neighbors are in support of my decision. I am a skilled designer and exhibit pride in ownership of any home I own. Knowing this, my neighbors on 24th Street have the utmost confidence that I will maintain the house well and vet the occupants thoroughly before permitting them to stay in the house.

Sincerely,

Wesley M. Vaughn  
Principal, Aspect DS  
[wesley@aspectds.design](mailto:wesley@aspectds.design)  
270-635-1948

RECEIVED  
JAN 17 2020  
PLANNING &  
DESIGN SERVICES

20 WME CUP 4 0013



PLEASE SIGN IN

WESLEY VAUGHN  
12-30-19

NEIGHBORHOOD MEETING - 606 N. 24TH STREET

Wesley VAUGHN  
Jamie Bagshaw  
~~W. Mark Boone~~  
Peggy Boone

(MARK BOONE)

(PEGGY BOONE)

Aspect Design Solutions  
Wesley M. Vaughn  
December 30, 2019

## Summary of Neighborhood Meeting

### Short Term Rental Conditional Use Permit for 606 North 24th Street

#### **BEGIN - 6:02 PM**

Introduction of Wesley Vaughn

Explanation of short term rental

Explanation of potential impact on Portland

-Possible Increase in local revenue

Explanation of potential impact on 24th Street

-No change in parking

-Raise in property value due to renovation of previously vacant structure

-Helps reduce crime by eliminating vacant structure

-Does not increase rent comps

History of developer's projects and achievements

Developer's rendering of the completed project, along with specs on interior

#### **Questions:**

Mark Boone asked if this will be in any way affiliated with section 8 housing. Wesley assured him that was not the plan, and that was not what this conditional use permit was for.

Peggy Boone expressed concern about occupancy during Derby. Wesley Assured her the rules would be the same as every other time of the year - a designated quiet time must be observed, and any major disturbances can lead to removal from the property. Peggy states that she is not worried about parties, but drunken debauches in the front yard similar to when a previous owner had bad tenants living in the house. Wesley assured her that he would have the ability through airbnb to check guests rating, which would help mitigate bad guests.

The Boones expressed excitement about seeing the house renovated.

#### **END - 6:26 PM**

606 N 24TH STREET - BEDROOM PHOTOS



MASTER BEDROOM, FIRST FLOOR



SECOND BEDROOM, SECOND FLOOR



THIRD BEDROOM, SECOND FLOOR

RECEIVED  
JAN 17 2021  
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20-CUP-0013