

# Board of Zoning Adjustment

## Staff Report

June 29, 2020



<b>Case No:</b>	20-CUP-0018
<b>Project Name:</b>	Short Term Rental
<b>Location:</b>	1233 South Sixth Street
<b>Owner/Applicant:</b>	Barney Sutton
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	# 6 – David James
<b>Case Manager:</b>	Steve Hendrix, Planning & Design Coordinator

### **REQUEST**

Conditional Use Permit to allow short term rental of a dwelling unit that is the primary residence of the host in a Traditional Neighborhood Zoning District and Traditional Neighborhood Form District.

### **CASE SUMMARY/BACKGROUND**

The 0.188 acre site is located on the east side of South Sixth Street between west Oak Street and West Ormsby Avenue in the Old Louisville Neighborhood. The 3,656 square foot, single family, owner-occupied dwelling has a total of four bedrooms which will allow for ten guests, however, the host is limiting the maximum number of guests to four couples. Typically, the short term rental would be the third floor suite which has two bedrooms, but the owner wants the flexibility to rent the whole house during special events, such as Derby.

The property has a three car garage and approximately 40 feet of street frontage along South Sixth Street.

There is no Open Enforcement Case.

The applicant has agreed to the condition of maintaining primary residency at 1233 South Sixth Street.

### **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 9, 2019, with four invitees in attendance. The host stated there were no concerns.

## **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 has four bedrooms which will allow for ten guests, however, the owner is limiting the number of guests to four couples, ( 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  
***The proposal is within the TNZD, is owner occupied and the host has agreed to the condition of maintaining primary residency at 1233 South Sixth Street.***
- 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 a three car garage and 40 feet of street frontage along South Sixth 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.***

### **Conditions of Approval**

1. The Host of record for the short term rental shall maintain his primary residence in the dwelling unit on the subject property. In the event that the Host establishes primary residence on another property, he must immediately cease conducting short term rentals on the subject property.  
A new conditional use permit shall be required to allow for short term rentals on the property that is not the primary residence of the Host.
2. The conditional use permit for this short term rental approval shall allow up to four bedrooms.  
A modification of the conditional use permit shall be required to allow additional bedrooms.

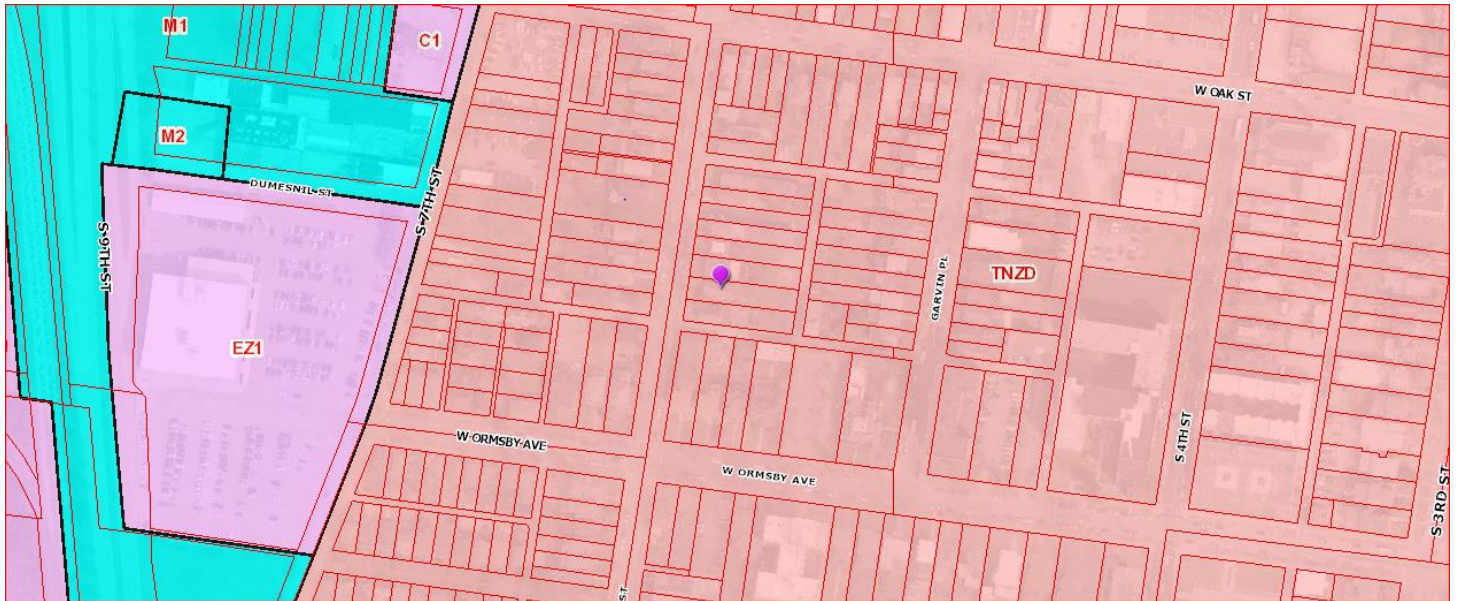
## **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
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 # 6
06/15/2020	Hearing before BOZA	Sign Posting

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. 600 Foot Map
4. Conditions of Approval
5. Explanation Letter/Neighborhood Meeting Note
6. Bedroom Pictures

## Zoning Map



## Aerial Photograph










Map Created: 03/05/2020




### Legend

-  Subject Site
-  Approved
-  Approved/Host
-  Pending
-  Buffer



### 20-CUP-0018 Proximity Map

feet  
  
190



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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.



**BARNEY A. SUTTON**  
**1233 S 6<sup>TH</sup> STREET**  
**LOUISVILLE, KY 40241**

December 12 2019

The third-floor suite which consists of two bedrooms and a sitting area will be made available for short term rental. The complete house will be made available for major events such as the Kentucky Derby

Sincerely

A handwritten signature in cursive script that reads "Barney A. Sutton". The signature is written in dark ink and is positioned below the word "Sincerely".

Kate Dittmer Holm  
Will Martin ~ 1227 S. 6th St  
Emily Beauregard " " "  
Hollen Holm 1228 S. 6th St.

DEC. 9. 2019

NO CERCENES

ATTENDANCE SHEET



