

Board of Zoning Adjustment

Staff Report

October 26, 2020



Case No:	20-CUP-0114
Project Name:	Short Term Rental
Location:	1642 Lucia Avenue
Owner:	Southland Land Trust, by Wayne Gallavin
Attorney:	Chris Morris
Jurisdiction:	Louisville Metro
Council District:	# 8 – Brandon Coan
Case Manager:	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 host.

CASE SUMMARY/BACKGROUND

The approximately 3,082 square foot home is located on the southern side of Lucia Avenue between Baxter Avenue and Bardstown Road within the Tyler Park neighborhood. Bloom Elementary School is across the street to the northwest. Alleys separate the property from the east and south properties. The property is zoned R-5B and is within a Traditional Neighborhood Form District. The house has 6 bedrooms, which would allow for 14 guests. The property has a 2 car garage and approximately 34 feet of street frontage.

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 Monday, August 3, 2020, with 2 attendees. Discussion included the short term rental proposal, clarification of Airbnb and others in the area, summarization of the meeting and the next steps.

According to the minutes, there did not appear any opposition.

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 six bedrooms which will allow for 14 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 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

There are three short term rentals within 600 feet of the proposal;

18CUP1154	1132/1134 Cherokee Road	January 22, 2019
19CUP1066	1619 Beechwood Avenue	September 9, 2019
19-CUP-0178	1610 Ellwood Avenue	December 2, 2019

- 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 2 car garage and 34 feet of street frontage.
- 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.

Additional Conditions of Approval

1. The Conditional Use Permit for this short term rental approval shall allow up to six bedrooms. A modification of the Conditional Use Permit shall be required to allow additional bedrooms.

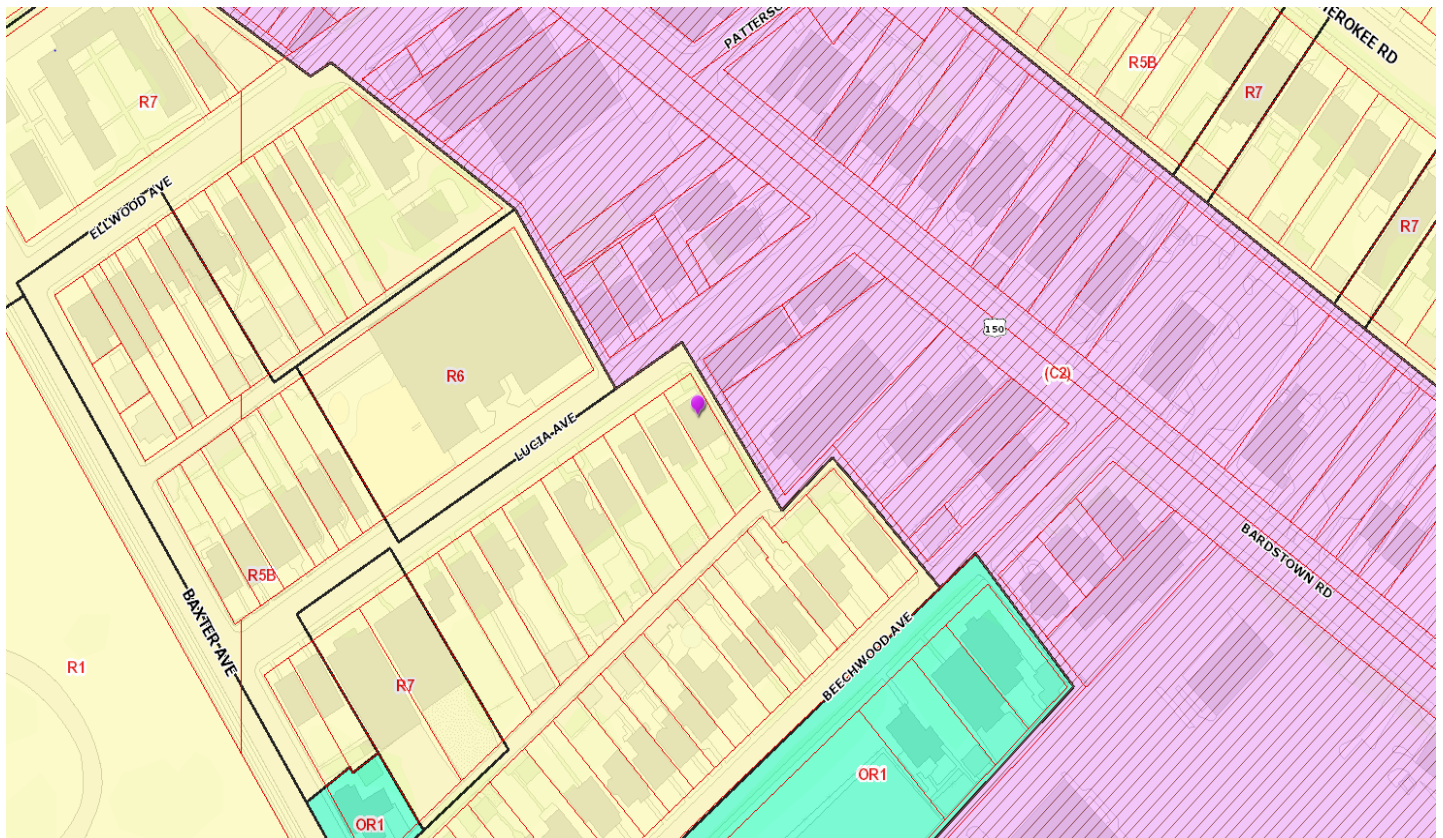
NOTIFICATION

Date	Purpose of Notice	Recipients
10/09/2020 10/07/2020	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District # 4
10/12/2020	Hearing before BOZA	Sign Posting

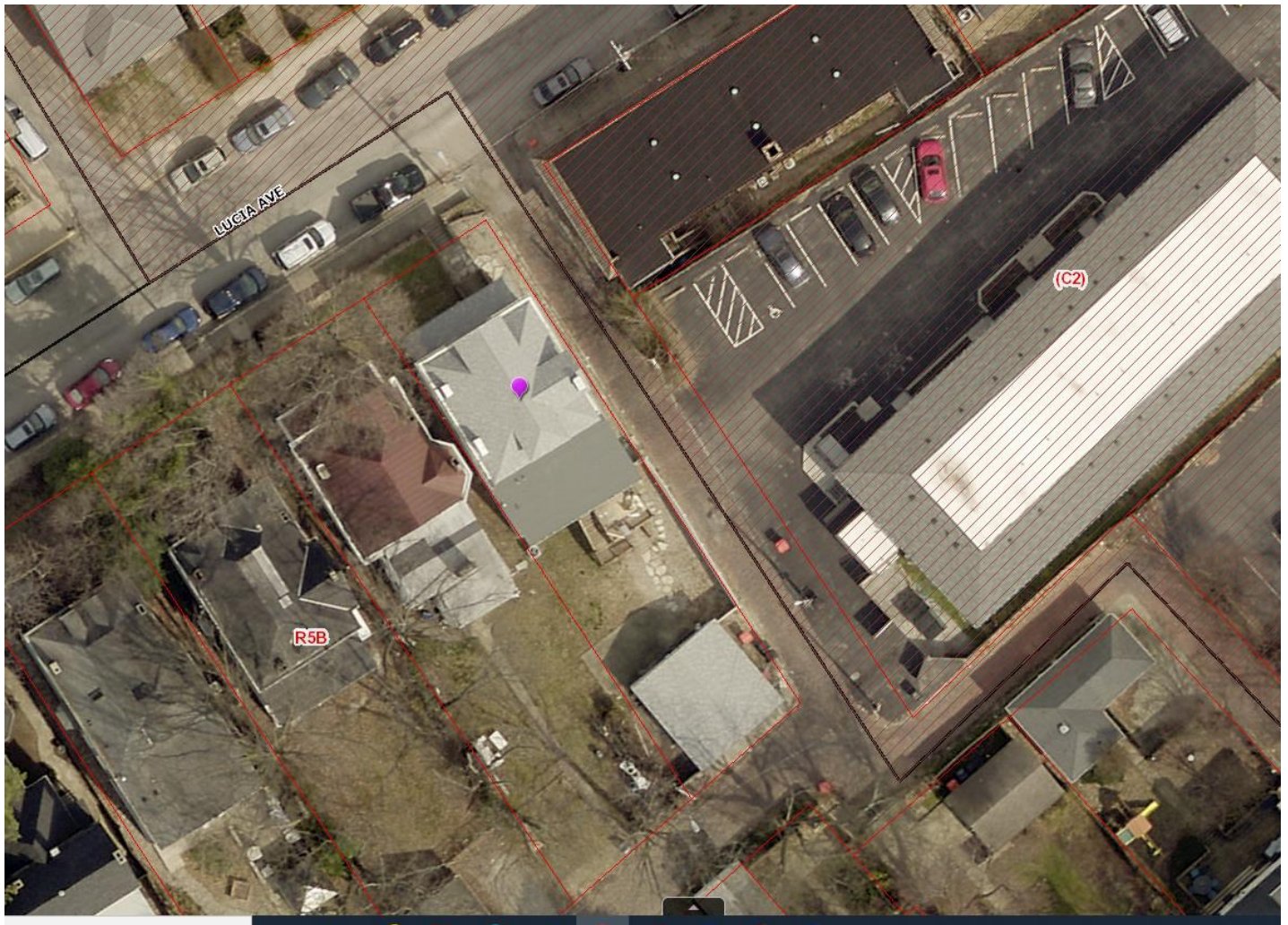
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. 600 Foot Map
4. Neighborhood Meeting Minutes

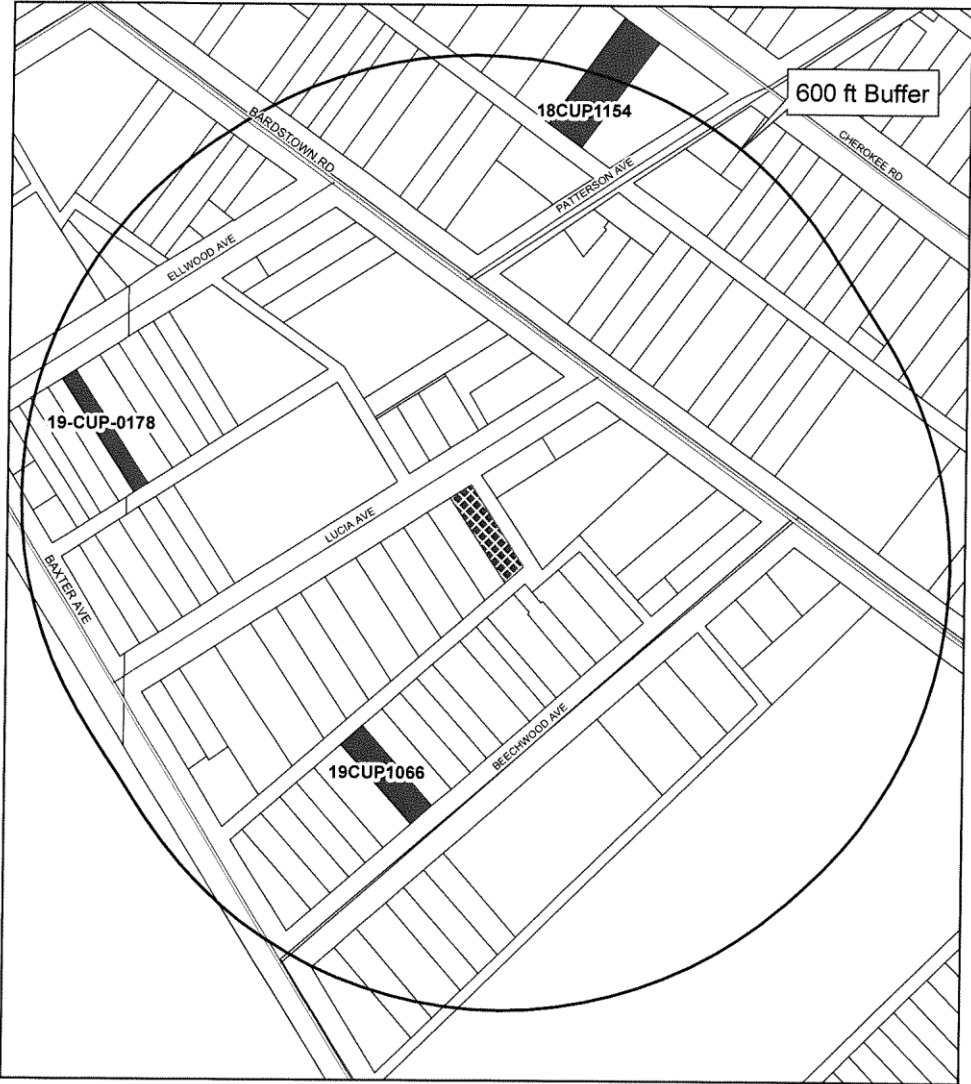
Zoning Map






Aerial Photograph

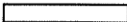



Map Created: 10/13/2020



Legend

-  600ft Buffer
-  Subject Site
-  Approved

Proximity Map
Case #20-CUP-0114
feet

175

 **LOJIC**
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COUNTY METROPOLITAN SEWER DISTRICT (MSD),
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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



1642 LUCIA
NEIGHBORHOOD ZOOM MEETING MINUTES

Jana Bollinger - bollingerjd@aol.com
Rosie Mastin - roseya@gmail.com

6:00 - 6:05 - Welcomed guests and waited for any late attendees prior to start of meeting.

6:05 - 6:15 - Meeting Begins. Explained purpose of meeting to discuss intentions to apply for Conditional Use Permit for Short Term Rental of property located at 1642 Lucia. Explained the application process from meeting through BOZA hearing.

6:15 - 6:25 - Discussed features of property and expectations as a short term rental including review of local ordinances and house rules for occupants. Addressed all known concerns including parking (property has 2 car garage plus frontage for 2 cars on street); adjacent properties pointing to many commercial and multi-plex immediately next door or across street; strict guest approval process prior to acceptance of reservations.

6:25 - 6:35 - Opened up to questions.

Question 1: Attendee asked to clarify what is Airbnb. I explained they are a rental platform for short term rental and that there are several others including VRBO, Booking.com and more. Explained that Airbnb has a partnership with Louisville to automatically collect and remit occupancy taxes and how we are responsible to submit monthly transient reports to report occupancy and revenue.

Question 2: Attendee asked how many other short term properties were in the area. I explained to look on airbnb and see a map of area and what properties pop up as airbnb. The properties officially registered or with CUPS could be found at the BOZA offices.

6:35 - Thanked everyone for attending and summarized meeting and next steps in process.

6:40 - Meeting End

Attendees:

RECEIVED

AUG 21 2020

PLANNING & DESIGN
SERVICES

20 - CUP - 0114