

Board of Zoning Adjustment

Staff Report

October 18, 2021



Case No:	21-CUP-0154
Project Name:	Alvord Short Term Rental
Location:	1629 Beechwood Avenue
Owner(s):	Timothy and Rebecca Alvord
Applicant:	Timothy and Rebecca Alvord
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers-Armstrong
Case Manager:	Jon Crumbie, Planning & Design Coordinator

REQUEST(S)

Conditional Use Permit to allow short term rental of a dwelling unit that is not the primary residence of the host in an R-5B zoning district and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The applicant requests approval to conduct short term rentals at the subject property. The subject property is developed with two structures on site. One is the main residence and the second is a detached garage with an accessory dwelling on the second floor. The accessory dwelling will be used for short term rental. The applicant states that the accessory dwelling unit has two bedrooms that will allow a maximum number of six guests. The site has credit for on street parking and there appears to be ample spaces along the street. The applicant states that there is one dedicated off-street parking space for the accessory dwelling unit.

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.

RELATED CASES

ENF-ZON-21-000576

Notice of Violation was issued on June 21, 2021 for use of the rear dwelling unit for short term rental without the required Conditional Use Permit.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting will be held on August 12, 2021 and at least 2 people attended not including the applicant.

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.

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 substantial 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 subject property is smaller than two acres. The applicant states that the residence has two bedrooms that will allow a maximum number of four 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 two properties with an approved conditional use permit allowing short term rentals that is not the primary residence of the host. The applicant is requesting relief to the 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 applicant has been informed of this requirement.***
- 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 on street parking and there appears to be ample spaces along the street. The applicant states that there is one dedicated off-street parking space for the accessory dwelling unit.***
- 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.***

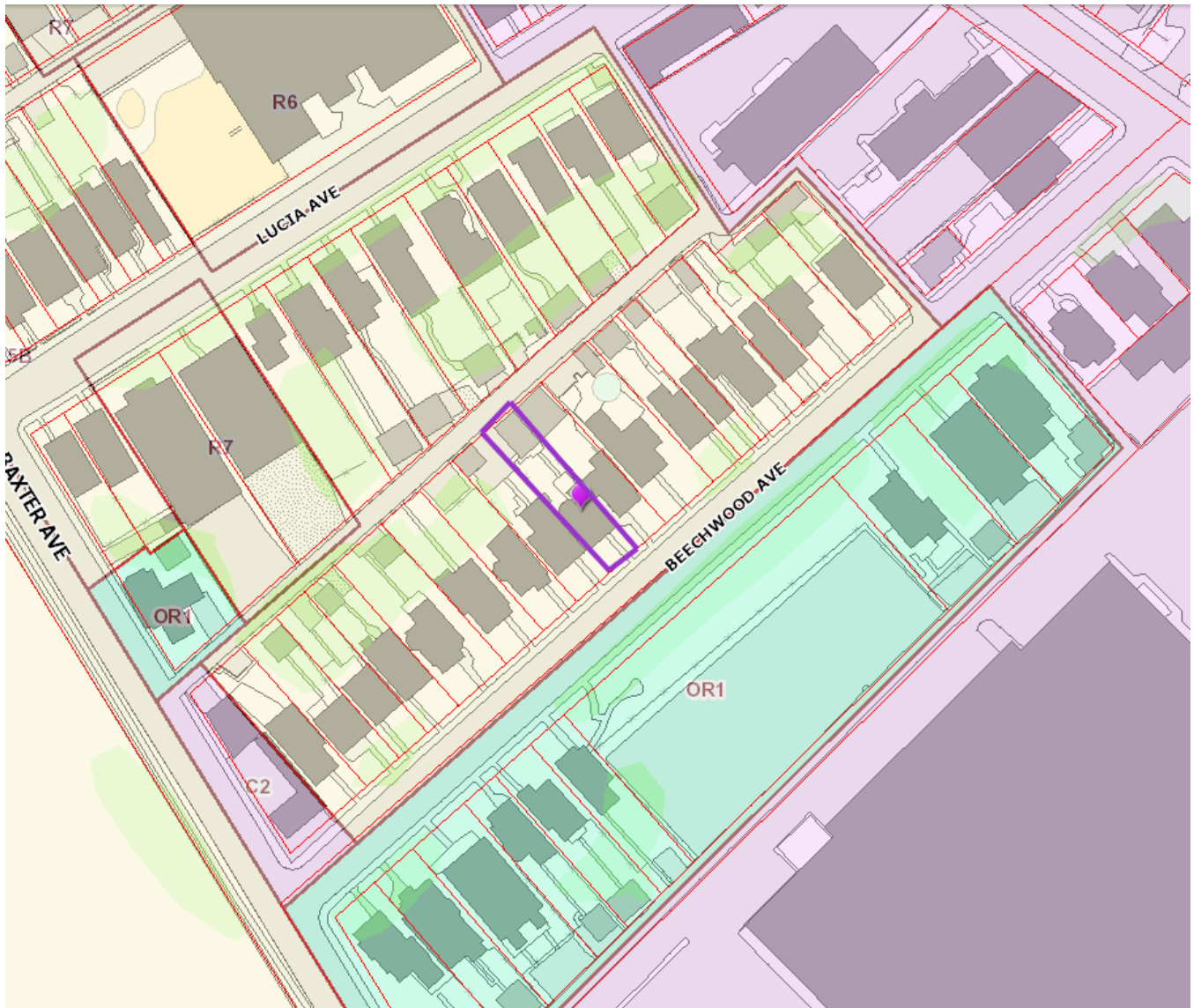
NOTIFICATION

Date	Purpose of Notice	Recipients
10/01/2021	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
10/02/2021	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. 600' Map
4. Justification Statement
5. Condition of Approval

1. **Zoning Map**

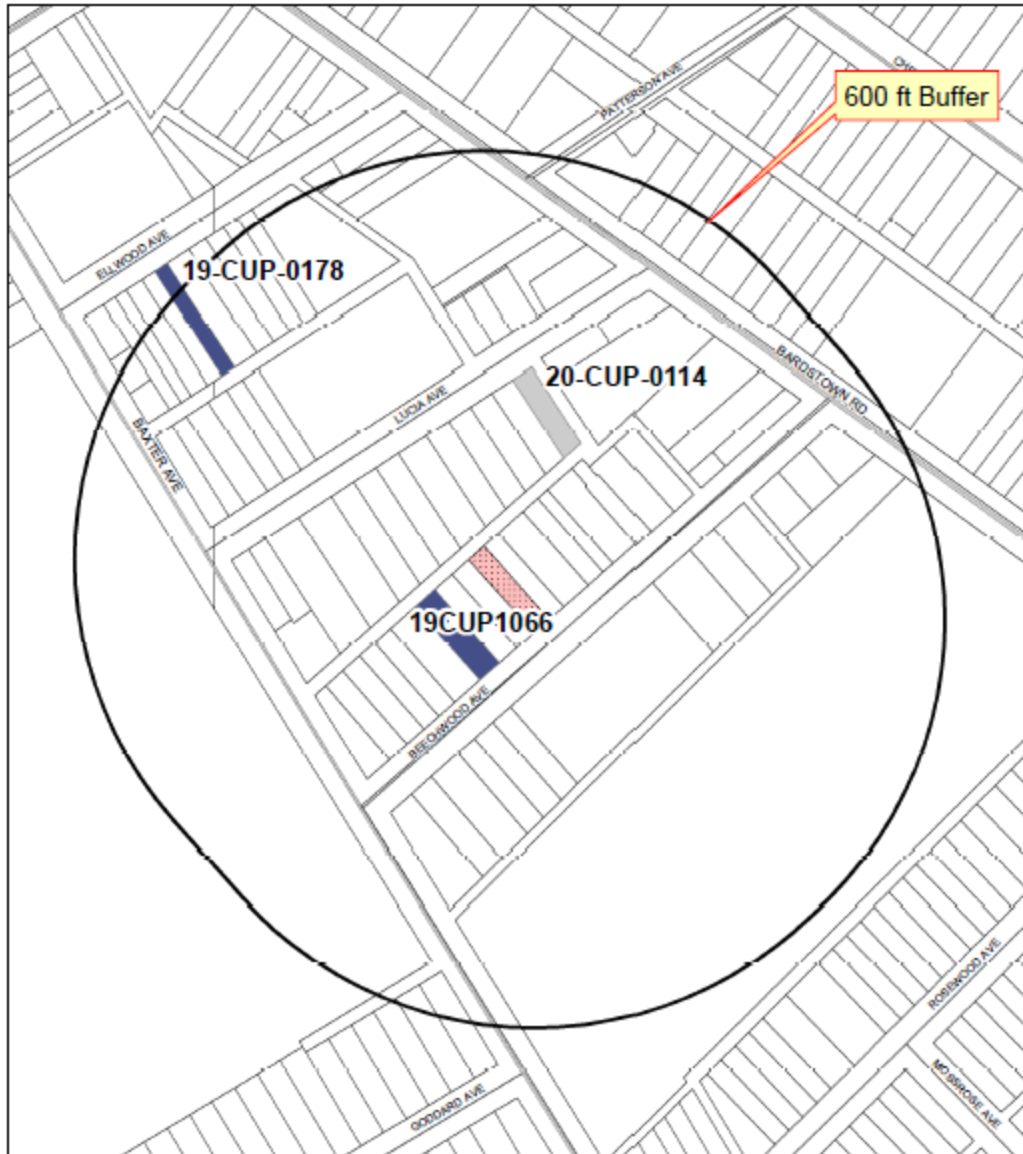


2. Aerial Photograph



3. 600' Map

CUP PROXIMITY MAP



Legend

- Subject Site
- Buffer
- Approved
- Denied

Case #21-CUP-0154
Map Created: 10/05/2021

feet
 200

LOJIC
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 COUNTY METROPOLITAN SEWER DISTRICT (MSD),
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 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.



4. Justification Statement

Rebecca Alvord
1629 Beechwood Ave
Louisville, KY 40204
June 22, 2021

RE: Proposal for Short Term Rental Conditional Use Permit for 1629 Beechwood Ave

To Whom It May Concern:

My name is Rebecca Alvord, and I am writing to request a Short-Term Rental Conditional Use Permit for the auxiliary unit above the garage on my property.

My husband Timothy Alvord and myself, are the owners and occupants of the house located at 1629 Beechwood Ave. We purchased the home in 2017 and have lived there since. We live in the main 2-story home on the front of the property with our 3 daughters.

On our property, directly behind our house, is a detached garage with an auxiliary unit above it. This unit is a fully equipped apartment, with full kitchen, washer/dryer, 1 bathroom and 2 bedrooms. It has a dedicated off-street parking space, and a separate entrance both accessed via the alley.

The previous owners used to rent out the apartment long term, and then for the last 3 years that they owned the home, used the unit as an Airbnb. We purchased the home under the understanding that we could use the unit as an Airbnb unit. We liked the flexibility that Airbnb short term rentals give us, so that if needed, we could use the apartment as a guest room for visiting family. A long-term rental would not give us that convenience.

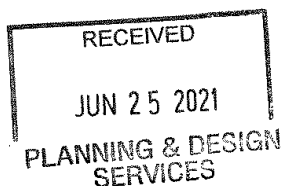
I am an Airbnb Superhost with 5-star ratings. I personally manage the listing and make sure that any guests are well behaved, quiet, and take good care of the apartment. Since we live on the property, we deeply care about the quality of guests. I've never had an issue or complaint. Myself or my husband is always on hand to respond to any needs or questions that a guest may have.

I was recently made aware that the permit that I previously obtained for my Airbnb listing was not the right kind. It was for my main house and not the auxiliary unit as I had thought. Since we don't live in the unit itself, we found out that we needed to apply for a CUP permit. I have been paying all taxes for the Airbnb unit via eMints, and thought that I had everything correct. I would like to continue using the apartment as an Airbnb and am applying for a CUP to be able to do so.

Sincerely,



Rebecca Alvord
eakinsr@gmail.com
502-565-5126



21-CUPPA-0095

5. Condition of Approval

1. The conditional use permit approval for this short term rental located at the rear of the property shall be allowed up to two bedrooms. A modification of the conditional use permit shall be required to allow additional bedrooms.
2. The host of record for the short term rental shall maintain his or her primary residence in the front dwelling unit on the subject property. In the event that the host establishes primary residence on another property he or she must immediately cease conducting short term rentals of the rear unit on the subject property. A new Conditional Use Permit shall be required to allow for short term rental of any unit on the property that is not the primary residence of the host.