

Board of Zoning Adjustment

Staff Report

August 19, 2024



Case No:	LIC-STA-24-00935
Project Name:	Owner Occupied Short Term Rental Registration
Location:	1920 Deer Park Avenue
Owner:	Peter Tower & Emily Tower
Applicant:	Peter Tower
Jurisdiction:	Louisville Metro
Council District:	8 – Ben Reno-Weber
Case Manager:	Jude Mattingly, Planner II

REQUEST(S)

- A **Waiver of Louisville Metro Code of Ordinances Section 115,516 (D) (1)** to allow the registration of a Short Term Rental (STR) within 12 months of a Citation

CASE SUMMARY

On July 22nd, 2024 The Office of Planning received a short term rental registration application at the subject property (LIC-STA-24-00935). The application cannot be approved administratively as a citation related to a short term rental offense has been issued within the past 12 months. The property owner/host subsequently requested a waiver to this provision.

STAFF FINDING

The Office of Planning received an initial complaint about a STR on June 13th, 2024. A Citation for operating an unregistered short term rental was issued on June 24th, 2024. (\$125.00 fine).

The applicant paid this fine in full on July 22nd, 2024.

The owner/host had previously been registered under LIC-STL-20-00388 issued August 12th, 2020 and expired August 12th, 2021

INTERESTED PARTY COMMENTS

Staff has not received any interested party comment as of the date of this report.

RELATED CASES

LIC-STL-20-00388 – Previously Issued Short Term Rental Registration

ENF-ZON-24-000772 – Zoning Enforcement Case

LIC-STA-24-00935 – Short Term Rental Registration Application

STANDARD OF REVIEW AND STAFF ANALYSIS

There are not any specific standards for relief in Metro Code Section 115,516 (D) (1). It is the full discretion of the Board to grant relief to this requirement, in light of a review of the case the testimony provided at the hearing.

NOTIFICATION

Date	Purpose of Notice	Recipients
07/29/2024	Notice of Hearing	Property Owner/Appellant (by email)
08/02/2024	Notice of Hearing	Subscribers of Council District 8 Notifications (gov Delivery)
08/02/2024	Notice of Hearing	Sign Posting

ATTACHMENTS

1. June 24, 2024 Citation
2. July 24, 2024 Letter Requesting Waiver



**Louisville Metro Government
Office of Planning**
444 S. 5th St, Louisville, KY 40202
(502)574-6230

**06/24/2024
05:00 PM**

TOWER PETER & TOWER EMILY
1920 DEER PARK AVE
LOUISVILLE, KY 40205-1202

CITATION – LOUISVILLE METRO CODE OF ORDINANCES

Case Number: ENF-ZON-24-000772-1
Fine Amount: \$125.00

Subject Property: 1920 Deer Park Avenue
Inspection Date: 06/24/2024
Time of Inspection: 11:45 AM

Following receipt of a complaint, your property was inspected by a Louisville Metro Zoning Enforcement Officer. As observed during the inspection and/or discovered through subsequent investigation, a violation(s) exists that requires your immediate attention.

You must immediately stop using this property in violation of the Louisville Metro Code of Ordinances. You may contact the Office of Planning & Design Services to determine what steps must be taken to remedy the violation(s) noted below. Failure to comply with this Citation may result in additional Citations or referral to District Court. Any person or entity that violates a provision of the Louisville Metro Code of Ordinances described in this letter can be fined for each violation. Each day of violation constitutes a separate offense.

Your property will be re-inspected at a later date to determine compliance.

Alicia Pedreira
Zoning Enforcement Officer
(502) 424-2342
Alicia.Pedreira@louisvilleky.gov

If I am unavailable, you may also reach out to:

Jude Mattingly
Planner II
(502) 574-1300
Jude.Mattingly@louisvilleky.gov

Violations:**ST_001 Short Term Rental: Registration Required:**

- No person, firm, or corporation shall own or operate a short term rental on any premises within Jefferson County unless the short term rental has been registered annually with the Louisville Metro Department of Develop Louisville. (Louisville Metro Code of Ordinances, Sections 115.515 through 115.521)

Subject violation(s) needs to be brought into compliance to avoid additional fines and enforcement action.

Inspector Comments:

- Property remains on Airbnb with booking available for stays under 30 nights available. Evidence has been obtained which confirms that Short-Term Stays have occurred without the required short-term rental registration from Louisville Metro's Office of Planning. Operating a Short-Term Rental without an active registration is a finable offense of \$125.00 for the first offense, \$250.00 for the 2nd offense, \$500.00 for the 3rd offense, and \$1000.00 for each additional offense per Chapter 115 of Louisville Metro Code of Ordinances.

To pay the fine:

- To pay by phone (by credit/debit card only): Call (502)574-3430.
- To pay by mail (by check or money order only): Make payable to "Louisville Metro Government" and send to Accounts Receivable, 611 W Jefferson St, 1st Floor, Louisville, KY 40202. Please attach a copy of this Citation and note the case number on the check/money order.
- To pay in person (by cash, check, money order, or credit/debit card): Go to the Office of Management and Budget at 611 W Jefferson St, Louisville, KY 40202. Please bring a copy of this Citation.

To appeal this Citation or fine amount:

You have the right to appeal to the Code Enforcement Board by submitting the enclosed Appeal Hearing Request form within 7 days of your receipt of this Citation. This appeal form must be submitted in person or sent to: Department of Codes and Regulations, 444 S 5th St, Suite 200, Louisville, KY 40202.

If you do not appeal this Citation within the time specified, it will be considered a Final Order and you waive any right to a hearing before the Code Enforcement Board to contest the Citation and the determination that a violation was committed shall be final, and the alleged violator shall be deemed to have waived the right to appeal the final order to District Court.

Appeal Hearing Request

By submitting this form, you are requesting a hearing before the Code Enforcement Board. It will be mandatory that you attend the hearing. Failure to attend the hearing will result in the Code Official's action being upheld by the board.

COMPLIANCE DOES NOT WAIVE THE PENALTY

Address of Property: _____

Violation to be Appealed: _____

REASON FOR APPEAL:

Name: _____

Mailing Address: _____

Phone Number: _____

All Requests for Appeal must be submitted within 7 days of the Citation.

Mail your request for appeal to:

Director, Department of Codes and Regulations

Attention: Property Maintenance Division

444 S. 5th St, Suite 200

Louisville, Kentucky 40202

Phone: (502) 574-8164

<http://www.louisvilleky.gov/government/codes-regulations/code-enforcement-board>

OFFICE USE ONLY –	Post Marked Date: ____/____/____	Mail Code:	Inspection #:
Insp. Date:	Penalty Amount \$:	CEO:	Initials:
Pending/Denied			Appeal -

Louisville Metro Government
Board of Zoning Adjustment

To whom it may concern,

I am requesting a waiver of 115.516 (D) (1) to allow a short term rental to register within 12 months of an issued citation.

We live in the Highlands with our young children. We try to rent out our house using Airbnb for Derby since it helps us financially. Before Covid, I was registered with the metro government and submitted timely reports with the dept of revenue. Due to covid we stopped renting our house and I stopped registering with metro government. We decided to start up again this last year and I forgot to register with the city.

Upon returning from vacation last week, I received a business card from zoning enforcement and a letter stating we had received a citation. I immediately called and remedied the situation. I paid the \$125 citation over the phone with the Office of Planning. I also registered as a STR and paid the \$250 registration fee with Mr. Mattingly. Mr. Mattingly informed me that I would not be allowed to register due to the fact that I did receive a citation. I am writing this letter to request a waiver. We are respectful neighbors and only plan to rent the house for Derby due to the high return.

Thank you for your time.



Peter Tower
1920 Deer Park Ave
Louisville, KY 40205

415.794.5363
petertower@gmail.com