

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
COUNCIL CHAMBERS
BUSINESS MEETING
OCTOBER 14, 2021
6:30 P.M.**

Chairwoman Begley called the meeting to order at 6:36 P.M.

BOARD MEMBERS PRESENT:

Mrs. Dee Begley
Mr. Duane Froelicher
Mrs. Linda Schaffer

BOARD MEMBERS NOT PRESENT:

Ms. Lois Evans

STAFF MEMBERS PRESENT:

Mr. Todd K. Morgan, AICP, Senior Planner

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

APPROVAL OF MINUTES

Mrs. Begley stated the Board received copies of the minutes of the Florence Board of Adjustment meeting of September 8, 2021. She asked if there were any other comments or corrections. Mrs. Schaffer moved to approve the minutes and Mr. Froelicher seconded the motion. Mrs. Begley called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of Judy Bour for a Conditional Use Permit. The Conditional Use Permit is to allow short term rental of 61 Bustetter Drive and guest parking to occur on 59 and 61 Bustetter Drive. The 0.24 acre lot is located at 59 and 61 Bustetter Drive, Florence, Kentucky and is zoned Suburban Residential Two (SR-2).

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report).

Mrs. Schaffer asked about the parking that was required. Mr. Morgan said code requires two parking spaces for each residence and one additional parking space for each guest room. Six parking spaces are required on site because the subject structure is a duplex and there will be two guest rooms in 61 Bustetter Drive.

Ms. Judy Bour introduced herself and submitted her revised informational brochure (see Exhibit 1). It outlines that no parties are permitted and that a maximum of 5 guests are permitted.

Mr. Froelicher asked who lives in 59 Bustetter Drive. Ms. Bour said her landlord lives at 59 Bustetter Drive. He is a year around resident. She is planning to sub-lease out 61 Bustetter Drive for short term rentals.

Mrs. Schaffer asked for the term of her lease agreement. Ms. Bour responded it was for 2 years. Mr. Morgan informed the Board that a Conditional Use Permit approval would ride with the property. The city permit also needs to be renewed yearly.

Mrs. Begley asked if the landlord is okay with her subletting out 61 Bustetter Drive for short term rentals. Ms. Bour responded that he was. Mr. Morgan added that Mr. Remley had signed the submitted application as property owner.

Mrs. Begley said the Board might want to discuss a condition which prohibits the short term rental of 59 Bustetter Drive. Mr. Morgan said the short term rental of 59 Bustetter Drive is not part of the current application and it would definitely need to come back in front of this Board for approval. The applicant would need to document that they could meet all the regulations. Mrs. Schaffer said they could not do another short term rental because it would be within 1,000 feet of 61 Bustetter Drive. Mr. Morgan responded that another short term rental could be sought at 59 Bustetter Drive because it is on the same property as 61 Bustetter Drive. The 1,000 feet spacing requirement is measured from the property lines and not the subject structure. Mr. Wilson said the City of Florence should take a look at this issue if someone ever makes an application to do short term rental at 59 Bustetter Drive. They could analyze the 1,000 feet spacing requirement as it relates to the city permit.

Mr. Froelicher asked how she plans on advertising the unit as a short term rental. Mr. Bour said she plans on using various web-based platforms, such as Airbnb.com

Mrs. Begley asked who would be responsible to clean up the unit and yard after a guest stay. Ms. Bour said it would be her responsibility. The owner has a liability insurance policy and she also has short term rental insurance.

Mrs. Begley asked if they could review the questions found on page 7 of the Staff Report.

1. Is she planning on buying the property? Ms. Bour said the owner has no intention of selling the property.
2. Where does she live now and how frequently would she visit the property if the Conditional Use Permit and City Permit are approved? Ms. Bour said she lives in Independence and would visit the site as often as she has renters. She would need to clean up after they leave. Mrs. Schaffer asked if she ever lived at the subject property. Ms. Bour said she didn't. She rented it so she could sublease it.

3. Could the house be rented for a night or two? Ms. Bour responded all renters would need to stay a minimum of two nights.

Mrs. Begley asked if she has any plans to make any outside improvements. Ms. Bour responded no.

Mrs. Begley asked if the unit being limited to 5 guests presented any problems to her. She responded it did not.

Mrs. Begley asked if the unit has ever been rented for thirty day time periods. Ms. Bour said she has someone who will be renting it that way next month. There will be a total of 4 people staying in the unit.

Mr. Morgan asked if she planned to monitor the party prohibition. Ms. Bour said she will have two exterior cameras so she can monitor everyone coming in and out. The prohibition will also be listed on the rental contract.

Mrs. Schaffer asked how many parking spaces are needed if 5 guests can stay there. Mr. Morgan responded that 61 Bustetter is required to have 4 parking spaces because two bedrooms are being used for short term rental. The driveway can fit 3 vehicles and the landlord would allow a guest to use his driveway if needed. This is being allowed because both duplex units are on the same property.

Mrs. Schaffer said she believes 59 Bustetter Drive should remain an owner occupied unit. She doesn't believe the request meets the Conditional Use Permit criteria if it is not owner occupied. This is a unique circumstance with a duplex dwelling unit and a common wall.

Mr. Wilson said 59 Bustetter is owner occupied now. The only way that short term rental could be approved in that unit would be through the Conditional Use Permit process and by obtaining a city permit. Mrs. Schaffer said that would not prohibit the owner from moving out and renting it long term (30 days or more). Mr. Wilson asked why he shouldn't be allowed to do that? Mrs. Schaffer said she believes it creates an issue because a long term renter would not expect a short term renter on the other side of a common wall.

Mrs. Begley said it sounds like Mrs. Schaffer is concerned about noise. She said the ordinance deals with noise. They would also have an owner next door and a police department to monitor things. Her bigger concern is the parking because only 3 cars can fit on each driveway and street parking is prohibited for the guests. Mr. Morgan said there would no prohibition on the owner from parking in the street.

Mr. Froelicher said City Council took a long time going through this Ordinance. There are a lot of tourists coming to the City of Florence because of its proximity to downtown and the Creation Museum. A lot of people like to use short term rentals.

Mrs. Schaffer asked if Staff has any issue with the parking. Mr. Morgan replied that the applicant's narrative covers the issue. The owner would allow a guest vehicle to park in his driveway if needed.

Mrs. Schaffer asked if they should include a condition which prohibits exterior renovations, parties, or recreational improvements. Mr. Morgan said parties and exterior renovations are prohibited by the Ordinance. The Board can add a condition prohibiting fire pits, basketball goals, etc. if they feel it is necessary.

Mr. Froelicher made a motion to approve the application based with the following conditions:

1. Short term renters shall be required to rent the dwelling for a minimum of two nights.
2. One renter or group shall rent the entire household with a single-rental contract.
3. All short term rentals of the dwelling shall be limited to 5 occupants or less.

Mrs. Begley asked for a roll call vote. Mrs. Begley – “for”, Mrs. Schaffer – “no”, and Mr. Froelicher – “for”. The motion carried 2-1.

OTHER

Mrs. Begley asked if there was an update on the vacant position. Mr. Morgan said he heard that the City of Florence was still looking for person to fill the vacant Board of Adjustment position.

ADJOURNMENT

Mrs. Schaffer made a motion to adjourn the meeting and Mr. Froelicher seconded the motion. Mrs. Begley called for the vote and the meeting was adjourned by unanimous consent at 7:12 P.M.

APPROVED

Mrs. Dee Begley

ATTEST:

Todd K. Morgan, AICP
Senior Planner

Exhibit 1 – Revised Informational Brochure Submitted by Judy Bour