



CITY OF ELIZABETHTOWN

Aaron Hawkins
Director
Planning & Development
Department

JEFFREY H. GREGORY, MAYOR

Elizabethtown Board of Zoning Adjustment
Regular Meeting Agenda
February 3, 2026
4:00 p.m.

Pritchard Community Center, 404 S. Mulberry Street

1. Call to Order
2. Approval of Minutes – January 6, 2026
3. Public Hearing No. 2026-BZA-06
Conditional Use Permit to allow short term rental, non-owner occupied
Location: 224 W Poplar St.
4. Public Hearing No. 2026-BZA-07
Conditional Use Permit to allow short term rental, non-owner occupied
Location: 403 Pennsylvania Ave.
5. Public Hearing No. 2026-BZA-08
Conditional Use Permit to allow short term rental, non-owner occupied
Location: 204A Hunter Lane
6. Public Hearing No. 2026-BZA-09
Conditional Use Permit to allow short term rental, non-owner occupied
Location: 991 Pine Valley Dr
7. Directors Report
8. Board Member Items
9. Adjournment

MEETING MINUTES OF THE ELIZABETHTOWN BOARD OF ZONING ADJUSTMENT
January 6, 2026

A regular meeting of the Elizabethtown Board of Zoning Adjustment was held on January 6, 2026, at 4:00 p.m. at the Pritchard Community Center, 404 South Mulberry Street, Elizabethtown.

Board Members present:

Stan Routt, Chair
Kevin Ray, Vice Chair
Tracy Schiller
Ginny Whitt
H.Y. Davis, IV

Board Members absent:

Lamar Jones, City Council Representative (non-voting member)

Staff members present:

Aaron Hawkins, Planning Director
Ashley Smallwood, Administrative Assistant
Madeline Drake, Planner I
Ed Poppe, City Administrator

The following matters were considered:

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APPROVAL OF MINUTES

December 9, 2025, BOARD OF ZONING ADJUSTMENT SPECIAL MEETING MINUTES

On a motion made by Board Member Schiller, seconded by Whitt, the following resolution was adopted.

RESOLVED, that the Board of Zoning Adjustment does hereby **APPROVE** the minutes of its meeting conducted on Dec 9, 2025.

The vote was as follows:

YES: Board Members Routt, Ray, Schiller, Whitt, and Davis

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING No. 2026-BZA-01

Request: Variance to reduce the front yard setback from 30 feet to 25 feet
Location: 117 Easton Ct.
Owner: Silver Gate Properties
Applicant: Glenn Turner

The Chair introduced the agenda item and opened the public hearing at 4:03 p.m. Chair Routt administered the oath to all those intending to testify at the meeting.

Agency Testimony:

Madeline Drake presented the request. The minimum front yard setback of an R-2 property is 30'. The property at 117 Easton Court is the last remaining undeveloped lot in Section 5 of the Ashton Park Subdivision. Due to the narrow depth of this lot and the presence of a 20' drainage ditch and 8" sanitary sewer main on the rear of the property, the applicant is unable to fit a house within the current setbacks of this lot without potentially disturbing the drainage area. The applicant is requesting to reduce the front yard setback by 5' so that they may construct a house further from the drainage area and sewer line

The following spoke in favor of the request:

No one spoke in favor of the request.

The following spoke in opposition of the request:

No one spoke in opposition to the request.

The following spoke neither in favor nor in opposition of the request:

Julian Stout, 116 Easton Ct, Elizabethtown, KY 42701

Testimony of those neither in favor nor in opposition:

Julian Stout voiced her concerns that there will be a large amount of debris from the construction. Mrs. Drake explained that the variance moving the set back from 30 feet to 25 feet will help with that concern due to the construction company having to grade the property to make sure adequate drainage is in place before construction. Mrs. Drake also addressed that the construction company is required to place a silt fence on site to satisfy the requirements of the Erosion Prevention and Sediment Control permit. Mr. Turner the owner of the property, asked if anyone had any questions of him. He reiterated what Mrs. Drake had said as far as the reason they are requesting the variance is to shift the future home forward to avoid the drainage area. Mr. Turner also stated that there will be a silt fence installed as required that will be maintained during construction as well as a construction entrance that will be locked.

Variance for 117 Easton Ct.

On a motion by Board Member Ray, seconded by Schiller, the following resolution was adopted based on staff analysis and testimony heard at the meeting.

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WHEREAS, the Elizabethtown Board of Zoning Adjustment (Board) finds that the variance will not adversely affect the public health, safety and welfare as emergency response services will not be hampered with the reduced setback; and

WHEREAS, The variance will not alter the essential character of the general vicinity, as many other homes in this subdivision that front on cul-de-sac curves also project slightly into the front setback with porches and other unenclosed features, which is permitted by-right. This variance would allow the applicant to project a similar amount, but with the enclosed part of the home; and

WHEREAS, the Board finds that the variance will not cause a hazard or nuisance to the public since the proposed setback will still allow sufficient separation from the street; and

WHEREAS, the Board finds that the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations since the proposed setback would still allow an adequate buffer area between the proposed use and the street; and

WHEREAS, the Board finds that the variance arises from special circumstances since the property is at the end of a cul-de-sac and has a drainage ditch and sewer line running across the rear of the property; and

WHEREAS, the Board finds that the strict application of the provisions of the regulation would create an unnecessary hardship, as outside factors limit the buildable area of the property; and

WHEREAS, the Board finds that the applicant is requesting the variance prior to the construction of a single family structure.

RESOLVED, that the Elizabethtown Board of Zoning Adjustment does hereby **APPROVE** the variance for 117 Easton Ct. to reduce the Front yard setback from 30 feet to 25 feet.

YES: Board Members Routt, Ray, Schiller, Whitt, and Davis

NOT PRESENT: Lamar Jones, City Council Representative (non-voting member)

The Chair closed the hearing at 4:12 p.m.

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING No. 2026-BZA-02

Request: Conditional Use Permit to allow short-term rental, non-owner occupied
Location: 214 ½ Central Ave.
Owner: Louie & Lynda Pottinger
Applicant: Louie & Lynda Pottinger

The Chair introduced the agenda item and opened the public hearing at 4:13 p.m. Chair Routt administered the oath to all those intending to testify at the meeting.

Agency Testimony:

Mr. Hawkins explained that the property owner is currently utilizing this structure as a non-owner-occupied short-term rental, which is a conditional use in the R-5 zone. Per the Elizabethtown Zoning Ordinance, a non-owner-occupied short-term rental is generally defined as a residential dwelling unit, or portion thereof, that is not owner occupied and is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days at one time to a guest or group of guests and where no meals are served. This term does not include hotels, motels, bed and breakfast establishments, boarding houses or community residences. The property owner is now requesting the conditional use permit to bring the use into compliance with the Zoning Ordinance. Central Avenue is predominantly a single dwelling unit residential corridor mixed with some higher density dwelling units. Non-owner-occupied short-term rentals target the neighborhoods on the periphery of downtown because of proximity to the downtown uses.

Mr. Hawkins explained the Conditional Use Standards of Section 154.077 of the Elizabethtown Zoning Ordinance as well as the use specific standards for Short Term Rental, Non-Owner Occupied uses. Mr. Hawkins then explained how this request complies with the Community Wide Guidelines, the Sub-Area Guidelines and the Targeted Planning Area Guidelines of the Comprehensive Plan, Envision Elizabethtown 2040.

The following spoke in favor of the request:

No one spoke in favor of the request.

The following spoke in opposition of the request:

No one spoke in opposition to the request.

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Conditional Use Permit to allow short-term rental, non-owner occupied

On a motion by Board Member Davis, seconded by Ray, the following resolution was adopted based on staff analysis and testimony heard at the meeting.

WHEREAS, the Elizabethtown Board of Zoning Adjustment (Board) finds that with the Section 154.077 Conditional Use Standards the proposed use will be similar to the surrounding single dwelling unit uses and should not diminish the use or functionality of these properties, and the proposed use will be required to provide adequate parking, access and site design criteria to be compatible with the surrounding neighborhoods and since this is a residential use, there are no standard operating hours of operation, and the proposed use has access to existing sewer, water, electricity, and gas and has an existing access point off Quince Alley for emergency response, and if the applicant is found to be in violation of the conditions placed on this use or the conditional use standards the conditional use permit can be recalled for further review, and the design of this proposed use is similar in nature to the existing single dwelling uses in this vicinity in terms of access, vehicular maneuverability, screening, building placement and fencing, and the proposed use is compatible with the existing single dwelling and accessory dwelling uses in the vicinity both in terms of appearance and design from the pedestrian scale; and

WHEREAS, the Board finds that in reviewing the requirements and additional review criteria for Short-Term Rental, Non-owner Occupied uses, the following conditions be placed on the approval of this conditional use permit, that the setback of all structures associated with this use shall comply with the standards of the zoning ordinance, and vehicular access and onsite parking shall be maintained to accommodate a minimum of 2 parking spaces dedicated to the proposed use, and the proposed use shall be compliant with all state/county/city regulations and building/fire codes, and the proposed use shall maintain an appearance of a residential dwelling use that is compatible with the neighborhood; and

WHEREAS, the Board finds that the proposal complies with the Community-Wide Guidelines of the Comprehensive Plan (Plan), that the size and scale of the development would match the surrounding single dwelling unit and multi dwelling unit residential uses, and that there will only be one access point for this development off Quince Alley; and

WHEREAS, the Board finds that the proposal complies with the Sub Area Guidelines of the Plan, that adding a short-term rental use to this sub area provides a mix of uses that help support an active downtown, and that the design of the existing structure is compatible with the existing housing stock in the area; and

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WHEREAS, the Board finds that the proposal complies with the Targeted Planning Area Guidelines of the Plan, and that adding a short-term rental use to this area provides a mix of uses that help support an active downtown.

RESOLVED, that the Elizabethtown Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow short-term, non-owner occupied for 214 ½ Central Ave.

YES: Board Members Routt, Ray, Schiller, Whitt, and Davis

NOT PRESENT: Lamar Jones, City Council Representative (non-voting member)

The Chair closed the hearing at 4:34 p.m.

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING No. 2026-BZA-03

Request: Conditional Use Permit to allow short-term rental, non-owner occupied
Location: 327 Strawberry Ally
Owner: Tracy & Glen Downs
Applicant: XCA Properties LLC

The Chair introduced the agenda item and opened the public hearing at 4:34 p.m. Chair Roult administered the oath to all those intending to testify at the meeting.

Agency Testimony:

Mr. Hawkins explained that the property owner is currently utilizing this structure as a non-owner-occupied short-term rental, which is a conditional use in the R-5 zone. Per the Elizabethtown Zoning Ordinance, a non-owner-occupied short-term rental is generally defined as a residential dwelling unit, or portion thereof, that is not owner occupied and is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days at one time to a guest or group of guests and where no meals are served. This term does not include hotels, motels, bed and breakfast establishments, boarding houses or community residences. The property owner is now requesting the conditional use permit to bring the use into compliance with the Zoning Ordinance. Central Avenue is predominantly a single dwelling unit residential corridor mixed with some higher density dwelling units. Non-owner-occupied short-term rentals target the neighborhoods on the periphery of downtown because of proximity to the downtown uses.

Mr. Hawkins explained the Conditional Use Standards of Section 154.077 of the Elizabethtown Zoning Ordinance as well as the use specific standards for Short Term Rental, Non-Owner Occupied uses. Mr. Hawkins then explained how this request complies with the Community Wide Guidelines, the Sub-Area Guidelines and the Targeted Planning Area Guidelines of the Comprehensive Plan, Envision Elizabethtown 2040.

The following spoke in favor of the request:

No one spoke in favor of the request.

The following spoke in opposition of the request:

No one spoke in opposition to the request.

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Conditional Use Permit to allow short-term rental, non-owner occupied

On a motion by Board Member Schiller, seconded by Whitt, the following resolution was adopted based on staff analysis and testimony heard at the meeting.

WHEREAS, the Elizabethtown Board of Zoning Adjustment (Board) finds that with the Section 154.077 Conditional Use Standards the proposed use will be similar to the surrounding single dwelling unit uses and should not diminish the use or functionality of these properties, and the proposed use will be required to provide adequate parking, access and site design criteria to be compatible with the surrounding neighborhoods and since this is a residential use, there are no standard operating hours of operation, and the proposed use has access to existing sewer, water, electricity, and gas and has an existing access point off Strawberry Alley for emergency response, and if the applicant is found to be in violation of the conditions placed on this use or the conditional use standards the conditional use permit can be recalled for further review, and the design of this proposed use is similar in nature to the existing single dwelling uses in this vicinity in terms of access, vehicular maneuverability, screening, building placement and fencing, and the proposed use is compatible with the existing single dwelling and accessory dwelling uses in the vicinity both in terms of appearance and design from the pedestrian scale; and

WHEREAS, the Board finds that in reviewing the requirements and additional review criteria for Short-Term Rental, Non-owner Occupied uses, the following conditions be placed on the approval of this conditional use permit, that the setback of all structures associated with this use shall comply with the standards of the zoning ordinance, and vehicular access and onsite parking shall be maintained to accommodate a minimum of 2 parking spaces dedicated to the proposed use, and the proposed use shall be compliant with all state/county/city regulations and building/fire codes, and the proposed use shall maintain an appearance of a residential dwelling use that is compatible with the neighborhood; and

WHEREAS, the Board finds that the proposal complies with the Community-Wide Guidelines of the Comprehensive Plan (Plan), that the size and scale of the development would match the surrounding single dwelling unit and multi dwelling unit residential uses, and that there will only be one access point for this development off Strawberry Ally; and

WHEREAS, the Board finds that the proposal complies with the Sub Area Guidelines of the Plan, that adding a short-term rental use to this sub area provides a mix of uses that help support an active downtown, and that the design of the existing structure is compatible with the existing housing stock in the area; and

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WHEREAS, the Board finds that the proposal complies with the Targeted Planning Area Guidelines of the Plan, and that adding a short-term rental use to this area provides a mix of uses that help support an active downtown.

RESOLVED, that the Elizabethtown Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow short-term, non-owner occupied for 327 Strawberry Ally.

YES: Board Members Routt, Ray, Schiller, Whitt, and Davis

NOT PRESENT: Lamar Jones, City Council Representative (non-voting member)

The Chair closed the hearing at 4:41 p.m.

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING No. 2026-BZA-04

Request: Conditional Use Permit to allow short-term rental, non-owner occupied
Location: 101 West Warfield St.
Owner: Tracy & Glen Downs
Applicant: XCA Properties LLC

The Chair introduced the agenda item and opened the public hearing at 4:41 p.m. Chair Routt administered the oath to all those intending to testify at the meeting.

Agency Testimony:

Mr. Hawkins explained that the property owner is currently utilizing this structure as a non-owner-occupied short-term rental, which is a conditional use in the R-5 zone. Per the Elizabethtown Zoning Ordinance, a non-owner-occupied short-term rental is generally defined as a residential dwelling unit, or portion thereof, that is not owner occupied and is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days at one time to a guest or group of guests and where no meals are served. This term does not include hotels, motels, bed and breakfast establishments, boarding houses or community residences. The property owner is now requesting the conditional use permit to bring the use into compliance with the Zoning Ordinance. Central Avenue is predominantly a single dwelling unit residential corridor mixed with some higher density dwelling units. Non-owner-occupied short-term rentals target the neighborhoods on the periphery of downtown because of proximity to the downtown uses.

Mr. Hawkins explained the Conditional Use Standards of Section 154.077 of the Elizabethtown Zoning Ordinance as well as the use specific standards for Short Term Rental, Non-Owner Occupied uses. Mr. Hawkins then explained how this request complies with the Community Wide Guidelines, the Sub-Area Guidelines and the Targeted Planning Area Guidelines of the Comprehensive Plan, Envision Elizabethtown

The following spoke in favor of the request:

No one spoke in favor of the request.

The following spoke in opposition of the request:

No one spoke in opposition to the request.

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The following spoke neither in favor nor in opposition of the request:
Rachel Brantingham, 159 Hollow Bridge Drive, Elizabethtown, KY 42701
Glenn Downs, 2523 Ridgestone Drive, Elizabethtown, KY 42701

Testimony of those neither in favor nor in opposition:

Rachel Brantingham had a question about the additional requirements recommended relating to compliance with building and fire safety codes. Mr. Hawkins responded that it's required to comply with all building codes and fire codes. Ms. Brantingham followed up with a question about older homes/structures and are they required to be brought up to compliance with current codes. Mr. Hawkins answered her question. Chair Routt asked how long this use has been going on at this location. Ms. Brantingham answered that there currently is a long term resident renting this location. Ms. Brantingham answered that they are transitioning to a short term when this current lease is up. Glenn Downs explains how this property transitioned between long term rentals and short terms rentals and that this property is set up as a short term rental, but the tenant needed a longer term lease so they transitioned back to a long term lease. Mr. Hawkins asked a question about the ability to cycle between a long term and a short term lease. Ed Poppe answered the question by saying there is no restriction to going between a conditional use and a permitted use. Matt Hess agreed with Mr. Poppe's interpretation and reaffirmed that the applicant can switch back and forth between a conditional use and a permitted use. Board Member Davis asked why anyone would want to establish a conditional use if they can just go back to a long term rental. Mr. Poppe answered the question about flexibility.

Conditional Use Permit to allow short-term rental, non-owner occupied

On a motion by Board Member Ray, seconded by Schiller, the following resolution was adopted based on staff analysis and testimony heard at the meeting.

WHEREAS, the Elizabethtown Board of Zoning Adjustment (Board) finds that with the Section 154.077 Conditional Use Standards the proposed use will be similar to the surrounding single dwelling unit uses and should not diminish the use or functionality of these properties, and the proposed use will be required to provide adequate parking, access and site design criteria to be compatible with the surrounding neighborhoods and since this is a residential use, there are no standard operating hours of operation, and the proposed use has access to existing sewer, water, electricity, and gas and has an existing access point off West Warfield St. for emergency response, and if the applicant is found to be in violation of the conditions placed on this use or the conditional use standards the conditional use permit can be recalled for further review, and the design of this proposed use is similar in nature to the existing single dwelling uses in this vicinity in terms of access, vehicular maneuverability, screening, building placement and fencing, and the proposed use is compatible with the existing single dwelling and accessory dwelling uses in the vicinity both in terms of appearance and design from the pedestrian scale; and

WHEREAS, the Board finds that in reviewing the requirements and additional review criteria for Short-Term Rental, Non-owner Occupied uses, the following conditions be placed on the approval of this conditional use permit, that the setback of all structures associated with this use shall comply with the

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standards of the zoning ordinance, and vehicular access and onsite parking shall be maintained to accommodate a minimum of 2 parking spaces dedicated to the proposed use, and the proposed use shall be compliant with all state/county/city regulations and building/fire codes, and the proposed use shall maintain an appearance of a residential dwelling use that is compatible with the neighborhood; and

WHEREAS, the Board finds that the proposal complies with the Community-Wide Guidelines of the Comprehensive Plan (Plan), that the size and scale of the development would match the surrounding single dwelling unit and multi dwelling unit residential uses, and that there will only be one access point for this development off West Warfield St.; and

WHEREAS, the Board finds that the proposal complies with the Sub Area Guidelines of the Plan, that adding a short-term rental use to this sub area provides a mix of uses that help support an active downtown, and that the design of the existing structure is compatible with the existing housing stock in the area; and

WHEREAS, the Board finds that the proposal complies with the Targeted Planning Area Guidelines of the Plan, and that adding a short-term rental use to this area provides a mix of uses that help support an active downtown.

RESOLVED, that the Elizabethtown Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow short-term, non-owner occupied for 101 West Warfield St.

YES: Board Members Routt, Ray, Schiller, Whitt, and Davis

NOT PRESENT: Lamar Jones, City Council Representative (non-voting member)

The Chair closed the hearing at 4:55 p.m.

BOARD OF ZONING ADJUSTMENT MINUTES
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PUBLIC HEARING No. 2026-BZA-05

Request: Conditional Use Permit to allow short-term rental, non-owner occupied
Location: 906 North Main St.
Owner: Tracy & Glen Downs
Applicant: XCA Properties LLC

The Chair introduced the agenda item and opened the public hearing at 4:55 p.m. Chair Routt administered the oath to all those intending to testify at the meeting.

Agency Testimony:

Mr. Hawkins explained that the property owner is currently utilizing this structure as a non-owner-occupied short-term rental, which is a conditional use in the R-5 zone. Per the Elizabethtown Zoning Ordinance, a non-owner-occupied short-term rental is generally defined as a residential dwelling unit, or portion thereof, that is not owner occupied and is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days at one time to a guest or group of guests and where no meals are served. This term does not include hotels, motels, bed and breakfast establishments, boarding houses or community residences. The property owner is now requesting the conditional use permit to bring the use into compliance with the Zoning Ordinance. Central Avenue is predominantly a single dwelling unit residential corridor mixed with some higher density dwelling units. Non-owner-occupied short-term rentals target the neighborhoods on the periphery of downtown because of proximity to the downtown uses.

Mr. Hawkins explained the Conditional Use Standards of Section 154.077 of the Elizabethtown Zoning Ordinance as well as the use specific standards for Short Term Rental, Non-Owner Occupied uses. Mr. Hawkins then explained how this request complies with the Community Wide Guidelines, the Sub-Area Guidelines and the Targeted Planning Area Guidelines of the Comprehensive Plan, Envision Elizabethtown

The following spoke in favor of the request:

No one spoke in favor of the request.

The following spoke in opposition of the request:

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No one spoke in opposition to the request.

Conditional Use Permit to allow short-term rental, non-owner occupied

On a motion by Board Member Whitt, seconded by Ray, the following resolution was adopted based on staff analysis and testimony heard at the meeting.

WHEREAS, the Elizabethtown Board of Zoning Adjustment (Board) finds that with the Section 154.077 Conditional Use Standards the proposed use will be similar to the surrounding single dwelling unit uses and should not diminish the use or functionality of these properties, and the proposed use will be required to provide adequate parking, access and site design criteria to be compatible with the surrounding neighborhoods and since this is a residential use, there are no standard operating hours of operation, and the proposed use has access to existing sewer, water, electricity, and gas and has an existing access point off North Main St. for emergency response, and if the applicant is found to be in violation of the conditions placed on this use or the conditional use standards the conditional use permit can be recalled for further review, and the design of this proposed use is similar in nature to the existing single dwelling uses in this vicinity in terms of access, vehicular maneuverability, screening, building placement and fencing, and the proposed use is compatible with the existing single dwelling and accessory dwelling uses in the vicinity both in terms of appearance and design from the pedestrian scale; and

WHEREAS, the Board finds that in reviewing the requirements and additional review criteria for Short-Term Rental, Non-owner Occupied uses, the following conditions be placed on the approval of this conditional use permit, that the setback of all structures associated with this use shall comply with the standards of the zoning ordinance, and vehicular access and onsite parking shall be maintained to accommodate a minimum of 2 parking spaces dedicated to the proposed use, and the proposed use shall be compliant with all state/county/city regulations and building/fire codes, and the proposed use shall maintain an appearance of a residential dwelling use that is compatible with the neighborhood; and

WHEREAS, the Board finds that the proposal complies with the Community-Wide Guidelines of the Comprehensive Plan (Plan), that the size and scale of the development would match the surrounding single dwelling unit and multi dwelling unit residential uses, and that there will only be one access point for this development off North Main St.; and

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WHEREAS, the Board finds that the proposal complies with the Sub Area Guidelines of the Plan, that adding a short-term rental use to this sub area provides a mix of uses that help support an active downtown, and that the design of the existing structure is compatible with the existing housing stock in the area; and

WHEREAS, the Board finds that the proposal complies with the Targeted Planning Area Guidelines of the Plan, and that adding a short-term rental use to this area provides a mix of uses that help support an active downtown.

RESOLVED, that the Elizabethtown Board of Zoning Adjustment does hereby **APPROVE** the Conditional Use Permit to allow short-term, non-owner occupied for 906 North Main St.

YES: Board Members Routt, Ray, Schiller, Whitt, and Davis

NOT PRESENT: Lamar Jones, City Council Representative (non-voting member)

The Chair closed the hearing at 5:01 p.m.

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Adjournment:

There being no further items to discuss, Board Member Whitt made a motion to adjourn, with a second by Davis. The Chair adjourned the meeting at 5:03 p.m.

Prepared by:

Ashley Smallwood, Administrative Assistant
Planning & Development

Attachment & Exhibits
DVD of the meeting available for review

ADOPTED AND APPROVED

_____ day of _____, 2026

Stan Routt, Chair
 Elizabethtown Board of Zoning Adjustment



Public Hearing No. 2026-BZA-06

Conditional Use Permit
224 West Poplar Street



Staff Report

Elizabethtown Board of Zoning Adjustment
February 3, 2026

2026-BZA-06

REQUEST

Conditional Use Permit to Operate a Non-Owner-Occupied Short-Term Rental on property zoned R-4

APPLICANT

Todd Edlin

OWNER

Edlin Lane Investments LLC

PROPERTY INFORMATION

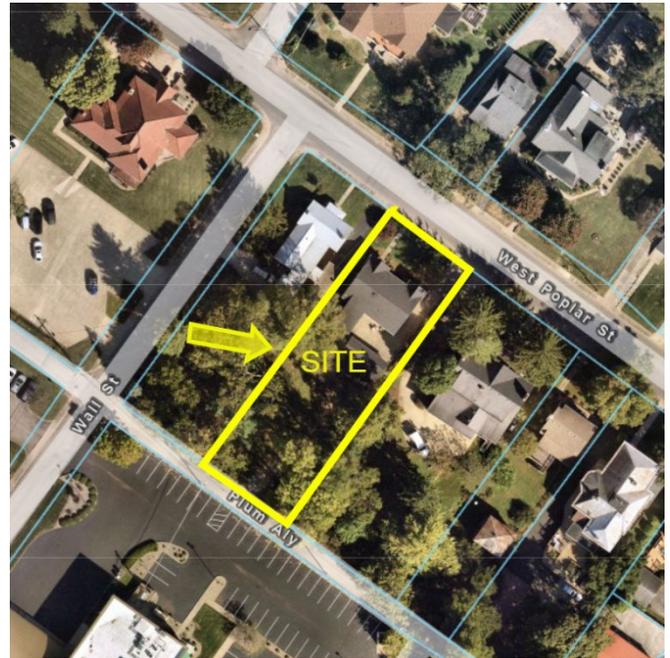
Address: 224 West Poplar Street

Size: 0.03 Acres

Current Zoning: R-4, Urban Residential, General

Current Use: Non-Owner-Occupied Short-Term Rental

Proposed Use: Non-Owner-Occupied Short-Term Rental



SUMMARY

The property owner is currently utilizing this structure as a non-owner-occupied short-term rental, which is a conditional use in the R-4 zone. Per the *Elizabethtown Zoning Ordinance*, a non-owner-occupied short-term rental is generally defined as a residential dwelling unit, or portion thereof, that is not owner occupied and is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days at one time to a guest or group of guests and where no meals are served. This term does not include hotels, motels, bed and breakfast establishments, boarding houses or community residences. The property owner is now requesting a conditional use permit to bring the use into compliance with the Zoning Ordinance. West Poplar Street is a mixed-use street that runs parallel to West Dixie Avenue. The north side of West Poplar Street is primarily made up of single dwelling unit residences, with the south side featuring some single unit homes and a mixture of businesses, with many small businesses facing West Poplar and utilizing it as a primary access, and several larger businesses utilizing it for rear or secondary access. Non-owner-occupied short-term rentals target the neighborhoods on the periphery of downtown because of proximity to the downtown uses.

BACKGROUND

Prior to August of 2025, non-owner-occupied short-term rentals were only allowed in the R-6 and C-5 zones as principal uses. City Council adopted Ordinance 17-2025 which amended the Zoning Ordinance to update the residential standards. This structure has been utilized as a non-owner-occupied short-term rental for an indeterminate amount of time, and was considered an illegal use prior to the adoption of Ordinance 17-2025. As a part of that ordinance, non-owner-occupied short-term rentals were allowed as a conditional use in the

R-3, R-4, R-5 and R-6 zones. In order for a property owner to utilize a property in one of those zones as a non-owner-occupied short-term rental, they must receive a conditional use permit from the Board of Zoning Adjustment.

CONDITIONAL USE PERMIT REVIEW

Conditional use permits are to allow for the proper integration of certain uses into specified zoning districts. Before a conditional use permit is approved, the Board of Zoning Adjustment must consider and find that the proposed use is in agreement with the intent and purpose of the *Zoning Ordinance* and Comprehensive Plan Guidelines with regard to the proposed use of the property, the size, the scope of operation, and the neighborhood impact.

ZONING ORDINANCE ANALYSIS

§ 154.077 CONDITIONAL USE STANDARDS

- (A) **Generally.** The following standards shall apply to all conditional uses, in addition to the specific standards in this Section. If a use requires a Conditional Use Permit and has no associated specific standards in this Section, then the Director and the Board of Zoning Adjustment or Planning Commission shall consider the following standards when making a recommendation or decision on a conditional use:
- (1) The proposed conditional use will operate or be designed in a manner that does not diminish the use or functionality of surrounding properties;
 - (2) The proposed conditional use will incorporate provisions for hours of operation, parking and loading areas, driveways, lighting, signs, landscaping, buffering, and other site improvements;
 - (3) The proposed conditional use must have adequate public services (e.g. streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) available without the reduction of services to any existing uses;
 - (4) If, in the opinion of Planning Commission or City Council, the conditional use becomes a nuisance, the Conditional Use Permit may be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit;
 - (5) The proposed conditional use will incorporate design features to sufficiently protect adjacent uses that may include but are not limited to service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, lighting, screening and buffering, fencing, and building placement; and
 - (6) The proposed use is compatible with adjacent existing uses. Compatibility shall be expressed in terms of appearance, architectural scale, use and intensity, and features, site design and scope, landscaping, as well as the control of adverse environmental impacts, including noise and lighting, or other undesirable conditions.

In reviewing the general conditional use standards, staff found that:

- i. The proposed use will be similar in use to the surrounding residential uses and should not diminish the use or functionality of these properties.
- ii. The proposed use will be required to provide adequate parking, access, and site design criteria to be compatible with the surrounding neighborhood. As this is a residential use, there are no standard hours of operation.
- iii. The proposed use has access to existing sewer, water, electricity and gas and has an existing access point off West Poplar Street. Access to this property for emergency response is adequate and can be maintained.
- iv. If the applicant is found to be in violation of the conditions placed on this use or these conditional

- use standards, the conditional use permit can be recalled for further review.
- v. The design of this proposed use is similar in nature to the existing residential uses in this vicinity in terms of access (vehicular/pedestrian/emergency response), vehicular maneuverability, screening, building placement and fencing.
 - vi. The proposed use is compatible with the existing residential and accessory dwelling uses in the vicinity both in terms of appearance and design from the pedestrian scale.

(E) Short Term Rental, Non-Owner Occupied

- (1) Rental Limit. The dwelling unit is limited to one short-term rental contract at a time.
- (2) Maximum Guests. The number of occupants in the dwelling unit during a short-term rental shall not exceed two times the number of bedrooms plus four individuals notwithstanding restrictions of the applicable building or property maintenance code.
- (3) Tenure. A short-term rental tenant shall not stay for more than 30 consecutive days in duration.
- (4) Signs. There shall be no outdoor signage which identifies the short-term rental use.
- (5) Insurance. Each short-term rental host shall obtain and maintain, at the host's sole expense, liability insurance to cover the injury or death of a tenant while the tenant is in, on, or about the short-term rental property.
- (6) Additional Review Criteria. The review for Conditional Use Permit approval of a non-owner-occupied short-term rental shall consider but not be limited to the following factors:
 - (a) The proposed occupancy and the size of the property, and whether a smaller occupancy level is appropriate.
 - (b) Setbacks and proximity to other dwellings.
 - (c) Rental regulations (such as no large parties, no extra guests) imposed by the owner and the degree of owner involvement in property management.
 - (d) Vehicle access and onsite parking and the number of parking spaces available.
 - (e) Compliance with all state, county, and city ordinances, laws, rules, and regulations including the City's building and fire codes.
 - (f) Maintaining the appearance of the property as a residential use compatible with the surrounding neighborhood.
 - (g) Prior use of the property as a short-term rental without substantiated complaints as of the date of the adoption of this section.

In reviewing the requirements and additional review criteria for non-owner-occupied short-term rentals, staff recommends adding the following as conditions on the approval of this conditional use permit:

- The setback of all structures associated with this use shall comply with the standards of the zoning ordinance.
- Vehicular access and onsite parking shall be maintained to accommodate a minimum of 2 parking spaces dedicated for the proposed use.
- The proposed use shall be compliant with all applicable state/county/city regulations and building/fire codes.
- The proposed use shall maintain an appearance of a residential dwelling use that is compatible with the neighborhood.

COMPREHENSIVE PLAN ANALYSIS

Compliance with Community-Wide Guidelines: The following guidelines are most applicable to this conditional use:

B. Scale and Density: The size and scale of all development and redevelopment should reflect or transition to a similar character and style of surrounding uses regardless of the nature and desirability of the proposed project or development. While the *Elizabethtown Zoning Ordinance* specifies development standards for each zoning district, it is important to also consider if a new development is compatible with existing, adjacent development in terms of size and scale.

- When surrounding parcels are currently developed, new development should consider the size, scale, and density of surrounding uses. Higher densities should be permitted if appropriate transitions to adjacent sites can be provided

D. Access Management & Vehicular Connectivity: All development should use access management techniques and encourage connectivity to adjacent development to minimize traffic conflicts and provide alternative access points and routes for traffic flow.

Traffic congestion and safety should be considered on all development through access management measures. Cross development connectivity is important in preserving the level of service on adjacent thoroughfares by providing routes for traffic to access adjacent developments without using a higher classification road that is not intended for individual site access. This encourages fewer curb cuts, or access points, into a development and, therefore, allows traffic to flow and improves safety on the adjacent roadway.

- Access points to all public roadways should be defined and minimized.
- All development should only include the minimum required number of curb cuts as needed for proper site access.
- Shared driveways should be encouraged when feasible, and agreements must be in place between property owners for access and maintenance of the shared driveway.

Staff Findings:

- i. The size and scale of the development would match the surrounding residential uses.
- ii. There will only be one access point for this development, the existing point off West Poplar Street.

Compliance with the Sub Area Guidelines: This property is located within Sub Area 10, Downtown. The Downtown Sub Area includes the following guidelines in addition to those applied community-wide:

1. *Compatible Uses:* Development should include a mix of uses.
2. *Design Guidelines:* The historic character of downtown should be maintained.

Staff Findings:

- i. Adding a short-term rental use to this sub area provides a mix of uses that help support the future growth and continued vibrancy of downtown Elizabethtown.
- ii. Adding a short-term rental use at this location is a reinvestment of an existing structure.

Targeted Planning Area Guidelines: Targeted planning areas have been identified within sub areas for areas needing more intensive analysis and guidance. This property is not located within a Targeted Planning Area.

RECOMMENDATION

Staff recommends approval of the requested conditional use permit based on the findings as provided in this report and with the following conditions:

- The setback of all structures associated with this use shall comply with the standards of the zoning ordinance.
- Vehicular access and onsite parking shall be maintained to accommodate a minimum of 2 parking spaces dedicated for the proposed use.
- The proposed use shall be compliant with all applicable state/county/city regulations and building/fire codes.
- The proposed use shall maintain an appearance of a residential dwelling use that is compatible with the neighborhood.



Public Hearing No. 2026-BZA-07

Conditional Use Permit
403 Pennsylvania Avenue



Staff Report

Elizabethtown Board of Zoning Adjustment
February 3, 2026

2026-BZA-07

REQUEST

Conditional Use Permit to Operate a Non-Owner-Occupied Short-Term Rental on property zoned R-4

APPLICANT

Mike Tipton

OWNER

4 Tips Rental, LLC

PROPERTY INFORMATION

Address: 403 Pennsylvania Avenue

Size: 0.06 Acres

Current Zoning: R-4, Urban Residential, General

Current Use: Non-Owner-Occupied Short-Term Rental

Proposed Use: Non-Owner-Occupied Short-Term Rental



SUMMARY

The property owner is currently utilizing this structure as a non-owner-occupied short-term rental, which is a conditional use in the R-4 zone. Per the *Elizabethtown Zoning Ordinance*, a non-owner-occupied short-term rental is generally defined as a residential dwelling unit, or portion thereof, that is not owner occupied and is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days at one time to a guest or group of guests and where no meals are served. This term does not include hotels, motels, bed and breakfast establishments, boarding houses or community residences. The property owner is now requesting a conditional use permit to bring the use into compliance with the Zoning Ordinance. Pennsylvania Avenue is a residential street that branches northwest from South Miles Street for roughly 1300 linear feet before transitioning into a private access road, Freeman Green Drive, and terminating. This street runs parallel to West Dixie Avenue and is within walking distance of the businesses that make up the 400 block of West Dixie (between Miles Street and Mantle Street). Non-owner-occupied short-term rentals target the neighborhoods on the periphery of downtown because of proximity to the downtown uses.

BACKGROUND

Prior to August of 2025, non-owner-occupied short-term rentals were only allowed in the R-6 and C-5 zones as principal uses. City Council adopted Ordinance 17-2025 which amended the Zoning Ordinance to update the residential standards. This structure has been utilized as a non-owner-occupied short-term rental for an indeterminate amount of time and was considered an illegal use prior to the adoption of Ordinance 17-2025. As a part of that ordinance, non-owner-occupied short-term rentals were allowed as a conditional use in the

R-3, R-4, R-5 and R-6 zones. In order for a property owner to utilize a property in one of those zones as a non-owner-occupied short-term rental, they must receive a conditional use permit from the Board of Zoning Adjustment.

CONDITIONAL USE PERMIT REVIEW

Conditional use permits are to allow for the proper integration of certain uses into specified zoning districts. Before a conditional use permit is approved, the Board of Zoning Adjustment must consider and find that the proposed use is in agreement with the intent and purpose of the *Zoning Ordinance* and Comprehensive Plan Guidelines with regard to the proposed use of the property, the size, the scope of operation, and the neighborhood impact.

ZONING ORDINANCE ANALYSIS

§ 154.077 CONDITIONAL USE STANDARDS

- (A) **Generally.** The following standards shall apply to all conditional uses, in addition to the specific standards in this Section. If a use requires a Conditional Use Permit and has no associated specific standards in this Section, then the Director and the Board of Zoning Adjustment or Planning Commission shall consider the following standards when making a recommendation or decision on a conditional use:
- (1) The proposed conditional use will operate or be designed in a manner that does not diminish the use or functionality of surrounding properties;
 - (2) The proposed conditional use will incorporate provisions for hours of operation, parking and loading areas, driveways, lighting, signs, landscaping, buffering, and other site improvements;
 - (3) The proposed conditional use must have adequate public services (e.g. streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) available without the reduction of services to any existing uses;
 - (4) If, in the opinion of Planning Commission or City Council, the conditional use becomes a nuisance, the Conditional Use Permit may be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit;
 - (5) The proposed conditional use will incorporate design features to sufficiently protect adjacent uses that may include but are not limited to service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, lighting, screening and buffering, fencing, and building placement; and
 - (6) The proposed use is compatible with adjacent existing uses. Compatibility shall be expressed in terms of appearance, architectural scale, use and intensity, and features, site design and scope, landscaping, as well as the control of adverse environmental impacts, including noise and lighting, or other undesirable conditions.

In reviewing the general conditional use standards, staff found that:

- i. The proposed use will be similar in use to the surrounding residential uses and should not diminish the use or functionality of these properties.
- ii. The proposed use will be required to provide adequate parking, access, and site design criteria to be compatible with the surrounding neighborhood. As this is a residential use, there are no standard hours of operation.
- iii. The proposed use has access to existing sewer, water, electricity and gas and has an existing access point off Pennsylvania Avenue. Access to this property for emergency response is adequate and can be maintained.

- iv. If the applicant is found to be in violation of the conditions placed on this use or these conditional use standards, the conditional use permit can be recalled for further review.
- v. The design of this proposed use is similar in nature to the existing residential uses in this vicinity in terms of access (vehicular/pedestrian/emergency response), vehicular maneuverability, screening, building placement and fencing.
- vi. The proposed use is compatible with the existing residential and accessory dwelling uses in the vicinity both in terms of appearance and design from the pedestrian scale.

(E) Short Term Rental, Non-Owner Occupied

- (1) Rental Limit. The dwelling unit is limited to one short-term rental contract at a time.
- (2) Maximum Guests. The number of occupants in the dwelling unit during a short-term rental shall not exceed two times the number of bedrooms plus four individuals notwithstanding restrictions of the applicable building or property maintenance code.
- (3) Tenure. A short-term rental tenant shall not stay for more than 30 consecutive days in duration.
- (4) Signs. There shall be no outdoor signage which identifies the short-term rental use.
- (5) Insurance. Each short-term rental host shall obtain and maintain, at the host's sole expense, liability insurance to cover the injury or death of a tenant while the tenant is in, on, or about the short-term rental property.
- (6) Additional Review Criteria. The review for Conditional Use Permit approval of a non-owner-occupied short-term rental shall consider but not be limited to the following factors:
 - (a) The proposed occupancy and the size of the property, and whether a smaller occupancy level is appropriate.
 - (b) Setbacks and proximity to other dwellings.
 - (c) Rental regulations (such as no large parties, no extra guests) imposed by the owner and the degree of owner involvement in property management.
 - (d) Vehicle access and onsite parking and the number of parking spaces available.
 - (e) Compliance with all state, county, and city ordinances, laws, rules, and regulations including the City's building and fire codes.
 - (f) Maintaining the appearance of the property as a residential use compatible with the surrounding neighborhood.
 - (g) Prior use of the property as a short-term rental without substantiated complaints as of the date of the adoption of this section.

In reviewing the requirements and additional review criteria for non-owner-occupied short-term rentals, staff recommends adding the following as conditions on the approval of this conditional use permit:

- The setback of all structures associated with this use shall comply with the standards of the zoning ordinance.
- Vehicular access and onsite parking shall be maintained to accommodate a minimum of 2 parking spaces dedicated for the proposed use.
- The proposed use shall be compliant with all applicable state/county/city regulations and building/fire codes.
- The proposed use shall maintain an appearance of a residential dwelling use that is compatible with the neighborhood.

COMPREHENSIVE PLAN ANALYSIS

Compliance with Community-Wide Guidelines: The following guidelines are most applicable to this conditional use:

B. Scale and Density: The size and scale of all development and redevelopment should reflect or transition to a similar character and style of surrounding uses regardless of the nature and desirability of the proposed project or development. While the *Elizabethtown Zoning Ordinance* specifies development standards for each zoning district, it is important to also consider if a new development is compatible with existing, adjacent development in terms of size and scale.

- When surrounding parcels are currently developed, new development should consider the size, scale, and density of surrounding uses. Higher densities should be permitted if appropriate transitions to adjacent sites can be provided

D. Access Management & Vehicular Connectivity: All development should use access management techniques and encourage connectivity to adjacent development to minimize traffic conflicts and provide alternative access points and routes for traffic flow.

Traffic congestion and safety should be considered on all development through access management measures. Cross development connectivity is important in preserving the level of service on adjacent thoroughfares by providing routes for traffic to access adjacent developments without using a higher classification road that is not intended for individual site access. This encourages fewer curb cuts, or access points, into a development and, therefore, allows traffic to flow and improves safety on the adjacent roadway.

- Access points to all public roadways should be defined and minimized.
- All development should only include the minimum required number of curb cuts as needed for proper site access.
- Shared driveways should be encouraged when feasible, and agreements must be in place between property owners for access and maintenance of the shared driveway.

Staff Findings:

- i. The size and scale of the development match the surrounding residential uses.
- ii. There will only be one access point for this development, the existing point off Pennsylvania Avenue.

Compliance with the Sub Area Guidelines: This property is located within Sub Area 9, Urban Neighborhood Central. The Urban Neighborhood Central Sub Area includes the following guidelines in addition to those applied community-wide:

1. *Compatible Uses:* Some circumstances could justify other compatible uses to serve daily needs of residents and future growth.
2. *Reinvestment & Redevelopment:* The housing stock should be improved with a focus on those areas that are experiencing deterioration or disinvestment.
3. *Environment:* Development should consider the floodplain and/or drainage constraints in this area.
4. *Design Guidelines:* Development should be visually appealing and positively contribute to the community's character and image.

Staff Findings:

- i. Adding a short-term rental use to this sub area provides a non-residential use while maintaining the residential appearance of the neighborhood.
- ii. Adding a short-term rental use at this location is a reinvestment of an existing structure.
- iii. A short-term rental use on this property would not affect the floodplain or existing drainage constraints in the area.

Targeted Planning Area Guidelines: Targeted planning areas have been identified within sub areas for areas needing more intensive analysis and guidance. This property is not located within a Targeted Planning Area.

RECOMMENDATION

Staff recommends approval of the requested conditional use permit based on the findings as provided in this report and with the following conditions:

- The setback of all structures associated with this use shall comply with the standards of the zoning ordinance.
- Vehicular access and onsite parking shall be maintained to accommodate a minimum of 2 parking spaces dedicated for the proposed use.
- The proposed use shall be compliant with all applicable state/county/city regulations and building/fire codes.
- The proposed use shall maintain an appearance of a residential dwelling use that is compatible with the neighborhood.



Public Hearing No. 2026-BZA-08

Conditional Use Permit
204A Hunter Lane



Staff Report

Elizabethtown Board of Zoning Adjustment
February 3, 2026

2026-BZA-08

REQUEST

Conditional Use Permit to Operate a Non-Owner-Occupied Short-Term Rental on property zoned R-4

APPLICANT

Coleman Logsdon

OWNER

Coleman Logsdon

PROPERTY INFORMATION

Address: 204 A Hunter Avenue

Size: 0.1 Acres

Current Zoning: R-4, Urban Residential, General

Current Use: Non-Owner-Occupied Short-Term Rental

Proposed Use: Non-Owner-Occupied Short-Term Rental



SUMMARY

The property owner is currently utilizing this structure as a non-owner-occupied short-term rental, which is a conditional use in the R-4 zone. Per the *Elizabethtown Zoning Ordinance*, a non-owner-occupied short-term rental is generally defined as a residential dwelling unit, or portion thereof, that is not owner occupied and is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days at one time to a guest or group of guests and where no meals are served. This term does not include hotels, motels, bed and breakfast establishments, boarding houses or community residences. The property owner is now requesting a conditional use permit to bring the use into compliance with the Zoning Ordinance. Hunter Lane is a residential street that branches from Saint John Road, primarily made up of single-unit and two-unit residences.

BACKGROUND

Prior to August of 2025, non-owner-occupied short-term rentals were only allowed in the R-6 and C-5 zones as principal uses. City Council adopted Ordinance 17-2025 which amended the Zoning Ordinance to update the residential standards. This structure has been utilized as a non-owner-occupied short-term rental for an indeterminate amount of time and was considered an illegal use prior to the adoption of Ordinance 17-2025. As a part of that ordinance, non-owner-occupied short-term rentals were allowed as a conditional use in the R-3, R-4, R-5 and R-6 zones. In order for a property owner to utilize a property in one of those zones as a non-owner-occupied short-term rental, they must receive a conditional use permit from the Board of Zoning Adjustment.

CONDITIONAL USE PERMIT REVIEW

Conditional use permits are to allow for the proper integration of certain uses into specified zoning districts. Before a conditional use permit is approved, the Board of Zoning Adjustment must consider and find that the proposed use is in agreement with the intent and purpose of the *Zoning Ordinance* and Comprehensive Plan Guidelines with regard to the proposed use of the property, the size, the scope of operation, and the neighborhood impact.

ZONING ORDINANCE ANALYSIS

§ 154.077 CONDITIONAL USE STANDARDS

- (A) **Generally.** The following standards shall apply to all conditional uses, in addition to the specific standards in this Section. If a use requires a Conditional Use Permit and has no associated specific standards in this Section, then the Director and the Board of Zoning Adjustment or Planning Commission shall consider the following standards when making a recommendation or decision on a conditional use:
- (1) The proposed conditional use will operate or be designed in a manner that does not diminish the use or functionality of surrounding properties;
 - (2) The proposed conditional use will incorporate provisions for hours of operation, parking and loading areas, driveways, lighting, signs, landscaping, buffering, and other site improvements;
 - (3) The proposed conditional use must have adequate public services (e.g. streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) available without the reduction of services to any existing uses;
 - (4) If, in the opinion of Planning Commission or City Council, the conditional use becomes a nuisance, the Conditional Use Permit may be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit;
 - (5) The proposed conditional use will incorporate design features to sufficiently protect adjacent uses that may include but are not limited to service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, lighting, screening and buffering, fencing, and building placement; and
 - (6) The proposed use is compatible with adjacent existing uses. Compatibility shall be expressed in terms of appearance, architectural scale, use and intensity, and features, site design and scope, landscaping, as well as the control of adverse environmental impacts, including noise and lighting, or other undesirable conditions.

In reviewing the general conditional use standards, staff found that:

- i. The proposed use will be similar in use to the surrounding residential uses and should not diminish the use or functionality of these properties.
- ii. The proposed use will be required to provide adequate parking, access, and site design criteria to be compatible with the surrounding neighborhood. As this is a residential use, there are no standard hours of operation.
- iii. The proposed use has access to existing sewer, water, electricity and gas and has an existing shared access point off Hunter Lane. Access to this property for emergency response is adequate and can be maintained.
- iv. If the applicant is found to be in violation of the conditions placed on this use or these conditional use standards, the conditional use permit can be recalled for further review.
- v. The design of this proposed use is similar in nature to the existing residential uses in this vicinity in terms of access (vehicular/pedestrian/emergency response), vehicular maneuverability, screening, building placement and fencing.

- vi. The proposed use is compatible with the existing residential and accessory dwelling uses in the vicinity both in terms of appearance and design from the pedestrian scale.

(E) *Short Term Rental, Non-Owner Occupied*

- (1) Rental Limit. The dwelling unit is limited to one short-term rental contract at a time.
- (2) Maximum Guests. The number of occupants in the dwelling unit during a short-term rental shall not exceed two times the number of bedrooms plus four individuals notwithstanding restrictions of the applicable building or property maintenance code.
- (3) Tenure. A short-term rental tenant shall not stay for more than 30 consecutive days in duration.
- (4) Signs. There shall be no outdoor signage which identifies the short-term rental use.
- (5) Insurance. Each short-term rental host shall obtain and maintain, at the host's sole expense, liability insurance to cover the injury or death of a tenant while the tenant is in, on, or about the short-term rental property.
- (6) Additional Review Criteria. The review for Conditional Use Permit approval of a non-owner-occupied short-term rental shall consider but not be limited to the following factors:
 - (a) The proposed occupancy and the size of the property, and whether a smaller occupancy level is appropriate.
 - (b) Setbacks and proximity to other dwellings.
 - (c) Rental regulations (such as no large parties, no extra guests) imposed by the owner and the degree of owner involvement in property management.
 - (d) Vehicle access and onsite parking and the number of parking spaces available.
 - (e) Compliance with all state, county, and city ordinances, laws, rules, and regulations including the City's building and fire codes.
 - (f) Maintaining the appearance of the property as a residential use compatible with the surrounding neighborhood.
 - (g) Prior use of the property as a short-term rental without substantiated complaints as of the date of the adoption of this section.

In reviewing the requirements and additional review criteria for non-owner-occupied short-term rentals, staff recommends adding the following as conditions on the approval of this conditional use permit:

- The setback of all structures associated with this use shall comply with the standards of the zoning ordinance.
- Vehicular access and onsite parking shall be maintained to accommodate a minimum of 2 parking spaces dedicated for the proposed use.
- The proposed use shall be compliant with all applicable state/county/city regulations and building/fire codes.
- The proposed use shall maintain an appearance of a residential dwelling use that is compatible with the neighborhood.

COMPREHENSIVE PLAN ANALYSIS

Compliance with Community-Wide Guidelines: The following guidelines are most applicable to this conditional use:

B. Scale and Density: The size and scale of all development and redevelopment should reflect or transition to a similar character and style of surrounding uses regardless of the nature and desirability of the proposed project or development. While the *Elizabethtown Zoning Ordinance* specifies development standards for each zoning district, it is important to also consider if a new development is compatible with existing, adjacent development in terms of size and scale.

- When surrounding parcels are currently developed, new development should consider the size, scale, and density of surrounding uses. Higher densities should be permitted if appropriate transitions to adjacent sites can be provided

D. Access Management & Vehicular Connectivity: All development should use access management techniques and encourage connectivity to adjacent development to minimize traffic conflicts and provide alternative access points and routes for traffic flow.

Traffic congestion and safety should be considered on all development through access management measures. Cross development connectivity is important in preserving the level of service on adjacent thoroughfares by providing routes for traffic to access adjacent developments without using a higher classification road that is not intended for individual site access. This encourages fewer curb cuts, or access points, into a development and, therefore, allows traffic to flow and improves safety on the adjacent roadway.

- Access points to all public roadways should be defined and minimized.
- All development should only include the minimum required number of curb cuts as needed for proper site access.
- Shared driveways should be encouraged when feasible, and agreements must be in place between property owners for access and maintenance of the shared driveway.

Staff Findings:

- i. The size and scale of the development match the surrounding residential uses.
- ii. The access point for this unit is a shared driveway off Hunter Lane.

Compliance with the Sub Area Guidelines: This property is located within Sub Area 9, Urban Neighborhood Central. The Urban Neighborhood Central Sub Area includes the following guidelines in addition to those applied community-wide:

1. *Compatible Uses:* Some circumstances could justify other compatible uses to serve daily needs of residents and future growth.
2. *Reinvestment & Redevelopment:* The housing stock should be improved with a focus on those areas that are experiencing deterioration or disinvestment.
3. *Environment:* Development should consider the floodplain and/or drainage constraints in this area.
4. *Design Guidelines:* Development should be visually appealing and positively contribute to the community's character and image.

Staff Findings:

- i. Adding a short-term rental use to this sub area provides a non-residential use while maintaining the residential appearance of the neighborhood.
- ii. Adding a short-term rental use at this location is a reinvestment in the neighborhood.

- iii. A short-term rental use on this property would not affect the floodplain or existing drainage constraints in the area.

Targeted Planning Area Guidelines: Targeted planning areas have been identified within sub areas for areas needing more intensive analysis and guidance. This property is not located within a Targeted Planning Area.

RECOMMENDATION

Staff recommends approval of the requested conditional use permit based on the findings as provided in this report and with the following conditions:

- The setback of all structures associated with this use shall comply with the standards of the zoning ordinance.
- Vehicular access and onsite parking shall be maintained to accommodate a minimum of 2 parking spaces dedicated for the proposed use.
- The proposed use shall be compliant with all applicable state/county/city regulations and building/fire codes.
- The proposed use shall maintain an appearance of a residential dwelling use that is compatible with the neighborhood.



Public Hearing No. 2026-BZA-09

Conditional Use Permit
991 Pine Valley Drive

