

**LOUISVILLE BOARD OF ZONING ADJUSTMENT**

**AUGUST 18, 1997**

**DOCKET NO. B-181-97 and B-183-97**

**Applicant:** Society of St. Vincent DePaul

**Subject:** An application for a Conditional Use Permit to allow an institution in a C-1 and R-8A zoning district (B-181-97) and an application for a variance from the Zoning District Regulations to allow a proposed structure to encroach into the required Jackson Street street side yard (B-183-97).

**Premises affected:** On property known as 424, 427, 429, 431, 433, 435, 437, 439 and 441 East St. Catherine Street and 1038, 1040, 1042, 1044, 1046 and 1048 South Jackson Street and being in the City of Louisville.

**Appearances for Applicant:**

Don Morton, H.E. Rudy Engineers, 300 W. Main Street, Suite 400, Louisville, Kentucky 40202.

Dennis Shaw, 1015 S. Preston Street, Louisville, Kentucky 40203.

**Appearances-Interested:**

None.

**Appearances Against Applicant:**

None.

On July 15, 1997, The Society of St. Vincent DePaul by Dennis Shaw, Executive Director, applied for a Conditional Use Permit to allow an institution in a C-1 and R-8A zoning district (B-181-97) and an application for a variance from the Zoning District Regulations to allow a proposed structure to encroach into the required Jackson Street street side yard (B-183-97).

On August 18, 1997, at a meeting of the Board, a hearing was held on this case. A drawing showing the premises affected and the existing and/or proposed construction was presented to each Board member.

By general consensus and with the consent of all those present for the hearing of this case, the Board voted unanimously to waive the reading of the staff report and to incorporate it into the record. The Board members had received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. See Addendum for staff report in full.

A video and map of the site and surrounding area were shown.

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Shari Cooper, Court Reporter, recorded the testimony given in the public hearing.

After the public hearing and a further discussion of the case by the members of the Board in open executive session, on a motion by Member Crawford, seconded by Member Foreman, the following resolution was unanimously adopted:

**WHEREAS**, the Board finds the proposal will allow a Residential Transitional Treatment Center which will house a maximum of 30 women; there will be 3 to 5 full time employees; the hours of operation will be 24 hours per day and will be a temporary residence that will look like a residence; one sign is proposed for the facility; the applicant currently operates a house at 703 E. St. Catherine Street and wishes to relocate this facility to this location; the facility will be located at the south end of the Society of St. Vincent De Paul Campus; the related variance request (B-182-97) has been approved; therefore, the proposal is in conformance with Article 15, D., 8., a. and d. and a waiver of item e. is justified

**WHEREAS**, the Board finds that the applicant will provide landscaping for the facility; the proposal is compatible with the neighborhood and will be an ideal location for this use; the property is mostly zoned C-1 and a portion fronting on Jackson Street is zoned R-8A Multi-Family Residential; the Shelby Park Neighborhood Plan recommends that this particular area maintain its mixed use (commercial/residential) character; the facility will operate as a separate facility while sharing existing administrative, maintenance and supply support; that a 24 foot wide asphalt area to the north of the proposed building will be a loading and unloading area; a portion of this property is residentially zoned and is adjacent to residential property on the east side; the building will match the neighborhood requirements in appearance; the existing residential facilities that are within this block include a twelve unit efficiency apartment, permanent housing for mentally handicapped, a twelve unit transitional housing facility for homeless families and a home for men in alcoholic recovery, among other services, which represents a total community treatment type program in this area; a total of twenty-seven parking spaces with two handicap spaces are proposed; the property is bordered by a 10 foot alley on the north side and a 12 foot alley off of St. Catherine Street crosses the center of the property; the applicant has filed applications to close the alleys; therefore, the proposal is in conformance with Transportation Guidelines T-8 and T-11, Residential Guideline R-1 and Community Facilities Guideline F-5;

**WHEREAS**, the Board finds that the proposal is in compliance with the Comprehensive Plan because it complies with all other applicable guidelines, principles and objectives of the Comprehensive Plan, and that the conditions

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attached to the permit will ensure compatibility with the surrounding neighborhood, and

**WHEREAS**, the Board finds that the proposal will promote and will not adversely affect the public health, safety or general welfare, as it has received preliminary approval from Louisville and Jefferson County Metropolitan Sewer District and the City of Louisville Department of Inspections, Permits and License;

**NOW, THEREFORE, BE IT RESOLVED**, that the Conditional Use Permit is hereby **APPROVED ON CONDITION**.

The conditions are as follows:

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on the site without prior review and approval by the Board.
2. The site shall be landscaped in accordance with the requirements of Article 12 of the Zoning District Regulations.
3. The treatment center shall be limited to 30 beds.
4. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.
5. All lighting shall be directed down and away from surrounding residential properties.
6. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within one year of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a social rehabilitation residence without further review and approval by the Board.

**The vote was as follows:**

**YES: Members Crawford, Foreman, Griffin and Schnell.**

**NO: None.**

**NOT PRESENT FOR THIS CASE AND NOT VOTING: No one.**

**ABSTAINING: None.**

**VARIANCE**

After the public hearing and a further discussion of the case by the members of the Board in open executive session, on a motion by Member Crawford,

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seconded by Member Foreman, the following resolution was unanimously adopted:

**WHEREAS**, the Board finds that the Landmarks Commission requested the building to be maintained as the existing historical character in the area and the zoning line splitting the property on the property are special circumstances which do not generally apply to land in the general vicinity or in the same zone, and

**WHEREAS**, the Board finds that the chief result of a denial of this variance would be that the applicant would not be able to proceed with the development as proposed, therefore, the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land, and

**WHEREAS**, the Board finds that the applicant is not responsible for the existing zoning configuration, therefore, such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, and

**WHEREAS**, the Board finds that variances are needed for the proposed structure to encroach into the required street side yard for the R-8A property and for the C-1 property, for the structure to encroach into the required St. Catherine Street front yard and for the proposed structure to encroach into the yard requirements created by the zoning line that crosses the property; the granting of the variance will allow the historical character and neighborhood plan to be maintained without causing problems for the neighborhood; that similar encroachments are common in this area; therefore, the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations,

**NOW, THEREFORE, BE IT RESOLVED**, that the variance is hereby **APPROVED**.

The variance allows:

1. The proposed structure to be located no closer than 10.0 feet from the required Jackson Street street side yard property line.
2. The proposed structure to be located 10.0 feet from the required St. Catherine Street front yard property line.
3. The proposed structure to be located 0 feet from the C-1/R-8A zoning line.

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**The vote was as follows:**

**YES: Members Crawford, Foreman, Griffin and Schnell.**

**NO: None.**

**NOT PRESENT FOR THIS CASE AND NOT VOTING: No one.**

**ABSTAINING: None.**