

Board of Zoning Adjustment

Staff Report

June 1, 2026



Case No:	26-CUP-0061
Project Name:	Healthcare Provider
Location:	1203 Larue Ave.
Applicant:	The Bettys, LLC & The Zen Den, LLC
Representative:	The Bettys, LLC & The Zen Den, LLC
Jurisdiction:	Louisville Metro
Council District:	21 – Betsy Ruhe
Case Manager:	Kaitlin Dever, AICP, Planner II

REQUESTS

- **Conditional Use Permit** to allow a licensed health care provider office in a residential (R-5) zoning district with relief from Items A and B (LDC 4.2.20).
- **Waiver** from Land Development Code (LDC) Section 10.2.4 to eliminate the required 35' property perimeter landscape buffer area (LBA) at the eastern property line (Waiver #1, 26-WAIVER-0050).
- **Waiver** from LDC Section 10.2.8 to reduce the required street trees from 11 to 5 Type C trees on the Preston Hwy frontage (Waiver #2, 26-WAIVER-0050).
- **Waiver** from LDC Section 10.2.10 to eliminate the required 5' vehicle use area (VUA) LBA at the eastern property line (Waiver #3, 26-WAIVER-0050).

CASE SUMMARY

The subject site is approximately 0.4713 acres zoned R-5 Single-Family Residential in the Neighborhood form district located at the intersection of Larue Avenue and Preston Highway. The site is currently developed with a 1.5 story, 1,671 square foot residential structure with one attached accessory structure and another detached accessory structured at the rear of the property. Driveway access is available on Larue Avenue. The applicant is requesting a conditional use permit (CUP) to allow a licensed health care provider office within the existing structure for a professional mental health therapy practice staffed by four (4) employees. No exterior site construction is proposed at this time.

STAFF FINDING

The requested Waivers and relief from Items A and B of the conditional use permit standards under LDC 4.2.20 are adequately justified for approval based on staff's analysis contained in the standard of review.

The proposal is adequately justified for approval based on staff's analysis contained in the standard of review and appears to meet all standards of the conditional use permit for licensed health care provider offices, with the exception of the requested relief from Items A and B.

TECHNICAL REVIEW

Louisville Metro Land Development Code (2025)

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

All interested party comments have been incorporated into the record and are attached as an agenda item.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1 (26-WAIVER-0050):

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the applicant is not proposing any new exterior site construction at this time. The existing residential character of the subject site is to remain in the interest of compatibility with the surrounding neighborhood. The existing 10' sewer easement provides a natural green space buffer between the subject site and the adjacent residential property to the east because any potential structures or plants would otherwise be subject to removal at the expense of the property owner if utility work were required.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Plan 2040 Community Form Goal 1, Policy 3.1.3 characterizes the Neighborhood form district as predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. The Neighborhood form may contain, at appropriate locations, neighborhood centers with a mixture of uses such as offices, retail shops, restaurants, and serves. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. Community Form Goal 1, Policy 4 calls to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Community Form Goal 1, Policy 7 seeks to locate higher intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. Community Form Goal 1, Policy 9 advocates for an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 11 states that setbacks, lot dimensions, and building heights must be compatible with those of nearby developments that meet Form District guidelines. Community Form Goal 2, Policy 2 encourages development of non-residential uses in designated activity centers provided that proposed uses, density, and design are compatible with adjacent uses and meets Form District guidelines. The applicant is seeking to reuse an existing residential structure as a professional office appropriately located on the Preston Highway major arterial and commercial corridor. Seeing as no new exterior site construction is proposed at this time, the request demonstrates and will maintain compatibility with the residential character of the surrounding neighborhood while providing services within an existing activity center. The existing 10' sewer easement provides a natural green space buffer between the subject site and the adjacent

residential property to the east because any potential structures or plants would otherwise be subject to removal at the expense of the property owner if utility work were required.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The existing home, accessory structure, and parking pad comprise nearly the full required 35' property perimeter LBA. Due to the existing 10' sewer easement, a reduction in the LBA would be ineffective as plantings within easement areas are subject to removal at the expense of the property owner if utility work were required.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant. The existing home, accessory structure, and parking pad comprise nearly the full required 35' property perimeter LBA. Due to the existing 10' sewer easement, a reduction in the LBA would be ineffective as plantings within easement areas are subject to removal at the expense of the property owner if utility work were required.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2 (26-WAIVER-0050):

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as it is internal to the site.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Plan 2040 Community Form Goal 1, Policy 3.1.3 characterizes the Neighborhood form district as predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. The Neighborhood form may contain, at appropriate locations, neighborhood centers with a mixture of uses such as offices, retail shops, restaurants, and serves. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. Community Form Goal 1, Policy 4 calls to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Community Form Goal 1, Policy 7 seeks to locate higher intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. Community Form Goal 1, Policy 9 advocates for an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 11 states that setbacks, lot dimensions, and building heights must be compatible with those of nearby developments that meet Form District guidelines. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas,

roadway corridors, and public spaces. Community Form Goal 2, Policy 2 encourages development of non-residential uses in designated activity centers provided that proposed uses, density, and design are compatible with adjacent uses and meets Form District guidelines. The applicant is seeking to reuse an existing residential structure as a professional office appropriately located on the Preston Highway major arterial and commercial corridor. Seeing as no new exterior site construction is proposed at this time, the request demonstrates and will maintain compatibility with the residential character of the surrounding neighborhood while providing services within an existing activity center. To the extent possible as a result of existing utility constraints on the subject site, the applicant has committed to providing 5 small Type C street trees that will not interfere with the overhead utilities, which will still provide a net benefit to the community compared to existing conditions on Preston Highway.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant due to the presence of overhead utilities, utility anchors on site, as well as the distance between the public sidewalk and existing driveway which severely limit the available space on site to provide the full street tree requirement.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant. The presence of overhead utilities, utility anchors on site, as well as the distance between the public sidewalk and existing driveway which severely limit the available space on site to provide the full street tree requirement. If the applicant were to reduce the width of the existing driveway, it would impede vehicular circulation to and from the rear parking pad and cause financial hardship disproportionate to the impact of the proposal. To the extent possible as a result of these constraints, the applicant has committed to providing 5 small Type C street trees that will not interfere with the overhead utilities, which will still provide a net benefit to the community compared to existing conditions on Preston Highway.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3 (26-WAIVER-0050):

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the applicant is not proposing any new exterior site construction at this time. The existing residential character of the subject site is to remain in the interest of compatibility with the surrounding neighborhood. The existing 10' sewer easement provides a natural green space buffer between the subject site and the adjacent residential property to the east because any potential structures or plants would otherwise be subject to removal at the expense of the property owner if utility work were required. The applicant's proposed hours of operation Monday through Friday from 9am to 6pm sufficiently mitigate the need to significantly screen vehicle headlights in the rear parking area as the business will be closed before dusk. The applicant will otherwise provide the required 3'

evergreen screening around the remainder of the 5' VUA LBA at the perimeter of the rear parking pad in accordance with LDC Chapter 10.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Plan 2040 Community Form Goal 1, Policy 3.1.3 characterizes the Neighborhood form district as predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. The Neighborhood form may contain, at appropriate locations, neighborhood centers with a mixture of uses such as offices, retail shops, restaurants, and serves. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. Community Form Goal 1, Policy 4 calls to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Community Form Goal 1, Policy 7 seeks to locate higher intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. Community Form Goal 1, Policy 9 advocates for an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 11 states that setbacks, lot dimensions, and building heights must be compatible with those of nearby developments that meet Form District guidelines. Community Form Goal 2, Policy 2 encourages development of non-residential uses in designated activity centers provided that proposed uses, density, and design are compatible with adjacent uses and meets Form District guidelines. The applicant is seeking to reuse an existing residential structure as a professional office appropriately located on the Preston Highway major arterial and commercial corridor. Seeing as no new exterior site construction is proposed at this time, the request demonstrates and will maintain compatibility with the residential character of the surrounding neighborhood while providing services within an existing activity center. The existing 10' sewer easement provides a natural green space buffer between the subject site and the adjacent residential property to the east because any potential structures or plants would otherwise be subject to removal at the expense of the property owner if utility work were required.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. Due to the existing 10' sewer easement overlapping with the required 5' VUA LBA, even a reduction in the LBA would be ineffective as plantings within easement areas are subject to removal at the expense of the property owner if utility work were required.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant. Due to the existing 10' sewer easement overlapping with the required 5' VUA LBA, even a reduction in the LBA would be ineffective as plantings within easement areas are subject to removal at the expense of the property owner if utility work were required.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal does not conflict with the applicable policies of the Comprehensive Plan.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance since no changes to the exterior of the property are being proposed which reduce compatibility with the existing neighborhood pattern.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: The subject property is served by existing public utilities and facilities.

4.2.20 Doctor, Dentist, Chiropractor or Other Licensed Health Care Provider Office. One office for one physician osteopath, or podiatrist licensed under KRS Chapter 311; chiropractor licensed under KRS Chapter 312; dentist licensed under KRS 313; optometrist licensed under KRS Chapter 320; advanced practice registered nurse licensed under KRS Chapter 314; or other health care practitioner as determined by the department by administrative regulations promulgated under KRS Chapter 13A may be allowed on a lot in the R-4, R-5, R-5A, R-5B, R-6, and R-7 districts where the property is situated on an arterial or collector level street, as designated on Comprehensive Plan Core Graphic 11, Roadway Classification, or by the Director of Works, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. Floor Area – The maximum floor area for the office use is 1,000 square feet.

B. Parking Areas – Parking spaces shall be provided off of the street in an area to the rear of the premises, so that the off-street parking area shall not be between a street and the building. Said parking area must be paved by asphalt or concrete and shall be screened by a dense evergreen shrub screen with a minimum height of five feet, or a wall constructed of brick, stone or wood with a minimum height of five feet.

C. Signs – There shall be allowed one non-illuminated identification sign indicating the name and occupation, which sign shall be limited in size to four square feet and placed on the building.

D. Exterior Design – The building shall remain or shall be constructed so that the exterior design and ornamentation is of residential character in keeping with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign).

E. Number of Employees – No more than five total employees, including the medical professional, shall be permitted.

STAFF: The applicant is requesting a conditional use permit (CUP) to allow a licensed health care provider office within the existing structure on the property for a professional mental health therapy practice staffed by four (4) employees. The existing 1,671 square foot structure exceeds the maximum permitted floor area and will require relief from Item A. No exterior site construction is proposed at this time. The size of the structure is an existing condition; therefore, the proposal will maintain the residential character of the nearby neighborhood in accordance with Item D while still being an appropriately located professional office use on the Preston Highway major arterial and commercial corridor. Five (5) off-street parking spaces are available behind the principal structure to serve the proposal in accordance with LDC Table 9.1.3B.

The applicant also seeks relief from Item B of the conditional use permit to not provide a 5' wall or screen around the rear parking area due to an existing 10' sewer easement on the eastern property line. Any existing or future plantings or structures within the easement area are subject to removal by the applicable agency if utility work is required. Furthermore, the applicant's proposed hours of operation Monday through Friday from 9am to 6pm per proposed Condition of Approval 3 sufficiently mitigate the need to significantly screen vehicle headlights in the rear parking area as the business will be closed before dusk. In lieu of the 5' screening provision, the applicant will meet the standard 3' evergreen screening requirement in the 5' VUA LBA at the perimeter of the rear parking pad to the existing garage per Chapter 10 of the LDC with the exception of the easement area. The applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit, including where relief is necessary.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Conditional Use Permit** to allow a licensed health care provider office in a residential (R-5) zoning district with relief from Items A and B (LDC 4.2.20).
- **APPROVE** or **DENY** the **Waiver** from Land Development Code (LDC) Section 10.2.4 to eliminate the required 35' property perimeter landscape buffer area (LBA) at the eastern property line (Waiver #1, 26-WAIVER-0050).
- **APPROVE** or **DENY** the **Waiver** from LDC Section 10.2.8 to reduce the required street trees on the Preston Hwy frontage (Waiver #2, 26-WAIVER-0050).
- **APPROVE** or **DENY** the **Waiver** from LDC Section 10.2.10 to eliminate the required 5' vehicle use area (VUA) LBA at the eastern property line (Waiver #3, 26-WAIVER-0050).

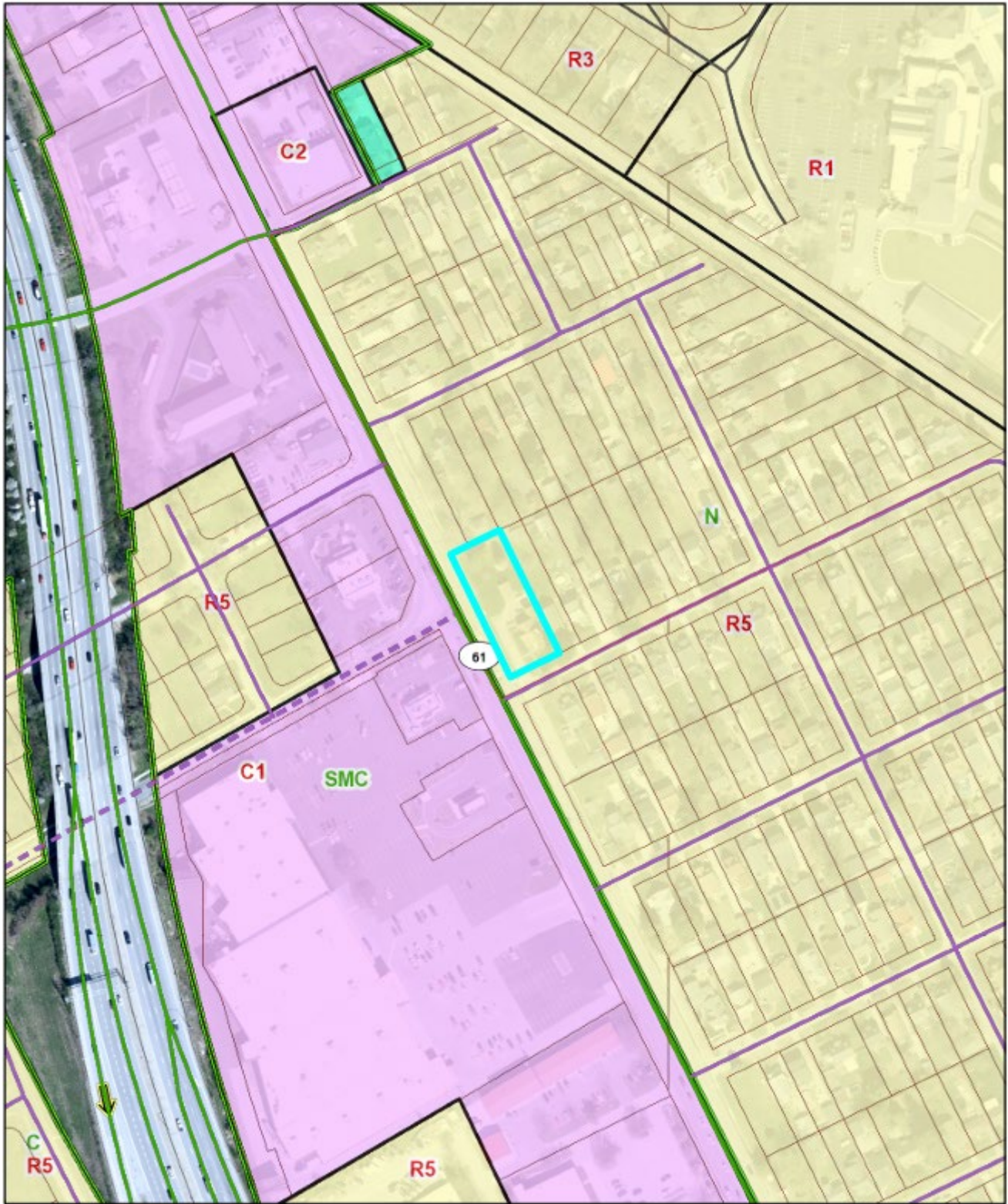
NOTIFICATION

Date	Purpose of Notice	Recipients
5/13/2026	Hearing before BOZA	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 21
5/20/2026	Hearing before BOZA	Sign posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Proposed Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years 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 licensed health care provider office without further review and approval by the Board.
3. Hours of operation for the licensed health care provider use shall be limited to Monday through Friday from 9am to 6pm.