

Board of Zoning Adjustment
Staff Report
January 10, 2022



Case No.	21-CUP-0186
Project Name	Back on Track Community Outreach
Location	230 N. 20 th Street
Owner/Applicant	Rebecca Luttrell
Jurisdiction	Louisville Metro
Council District	5 – Donna Purvis
Case Manager	Zach Schwager, Planner I

REQUESTS

Conditional Use Permit for a Community Service Facility, Land Development Code (LDC) 4.2.54 and a landscape waiver to not provide landscape buffer areas (LBA), LDC 10.2.4.

CASE SUMMARY / BACKGROUND

The applicant proposes to operate a community service facility that will provide a variety of resources for those that need them (resources for ID, birth certificates, Social Security cards, employment, social and mental health services, Federal benefits, housing, use of the shower, meals, first aid supplies, seasonal clothing, hygiene items, laundry, etc.). The applicant and two other volunteers will be the only staff and the facility will be open Monday through Thursday from 12 PM to 5 PM (there is no overnight component). There is an existing one-story residential structure on the property and there is no proposed construction. The applicant has also applied for a landscape waiver to not provide the LBAs along the north, south, and west property lines.

The subject property is located on the west side of N. 20th Street between Duncan Street and Columbia Street. The subject property is zoned U-N Urban Neighborhood. The adjoining properties are zoned U-N, R-1 Single Family Residential, and C-R Commercial Residential. The subject property and surrounding properties are all in the Traditional Neighborhood Form District.

STAFF FINDINGS

There are eight listed requirements and all will be met except for A.3, which the applicant will need relief from. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a Conditional Use Permit for a community service facility as established by the Land Development Code.

TECHNICAL REVIEW

The plan has received preliminary approval from Transportation Planning, MSD, and Louisville Metro Emergency Services.

RELATED CASES

21-WAIVER-0142 – Waiver to not provide the LBAs on the north, south, and west property lines.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

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 is consistent with the Comprehensive Plan in that it is a reuse of an existing structure and does not create significant additional burdens on public infrastructure.

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

STAFF: The proposal is consistent with the existing structure and the general character of the area.

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: Public facilities are adequate to serve the site.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

4.2.54 Community Service Facility

Community Service Facility may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, UN, R-5A, R-5B, R-6, R-7, R-8A, M-1, M-2, M-3, W-1, W-2, W-3, TNZD (Neighborhood General) districts upon the granting of a conditional use permit and compliance with the listed requirements.

A. General Standards – All Zoning Districts

1. Parking spaces shall be determined by the board of zoning based on the number of employees and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.

STAFF: Transportation Planning has reviewed the plan and determined the existing parking is adequate to serve the proposed use.

2. Signage for community service facility shall be in accordance with chapter 8 of the LDC for nonresidential uses.

STAFF: There is no proposed signage.

3. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.

STAFF: The applicant has applied for a landscape waiver and staff is in support of the request due to the size of the subject property and there is no new construction.

4. Conversion of Existing Structures: A report from the applicable fire official shall be provided to the Board outlining the necessary steps for compliance with fire code safety standards prior to establishing occupancy of the structure for the proposed use.

STAFF: The applicant has not gone through the change of occupancy process. They are aware of the need for the change of occupancy and any other building permits needed for interior work.

B. Conditional Use Standards – Single Family Zoning Districts Only:

1. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.

STAFF: The applicant is not proposing any new signage.

2. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.

STAFF: The existing structure will remain residential in design and there is no proposed construction.

3. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.

STAFF: There is no proposed construction.

4. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).

STAFF: There is no off-street parking.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM SECTION 10.2.4

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

STAFF: The waiver will not adversely affect adjacent property owners as there are a variety of land uses in the general vicinity.

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

STAFF: Community Form Goal 1, Policies 9 and 10 of Plan 2040 call to ensure 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 and the impacts caused when incompatible developments unavoidably occur adjacent to one another. Community Form Goal 1, Policy 12 states design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. The waiver request can be justified because there are no proposed additions to the structures on the property, there is adequate parking as determined by Transportation Planning

and the Planning Director, and the property is not large enough to reasonably provide the required landscaping.

- (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 as they are applying for the waiver to bring the existing site conditions into compliance.

- (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 provision would deprive the applicant of the reasonable use of the land because the property is not large enough to install the required landscaping. The applicant is also proposing to keep the residential character of the property.

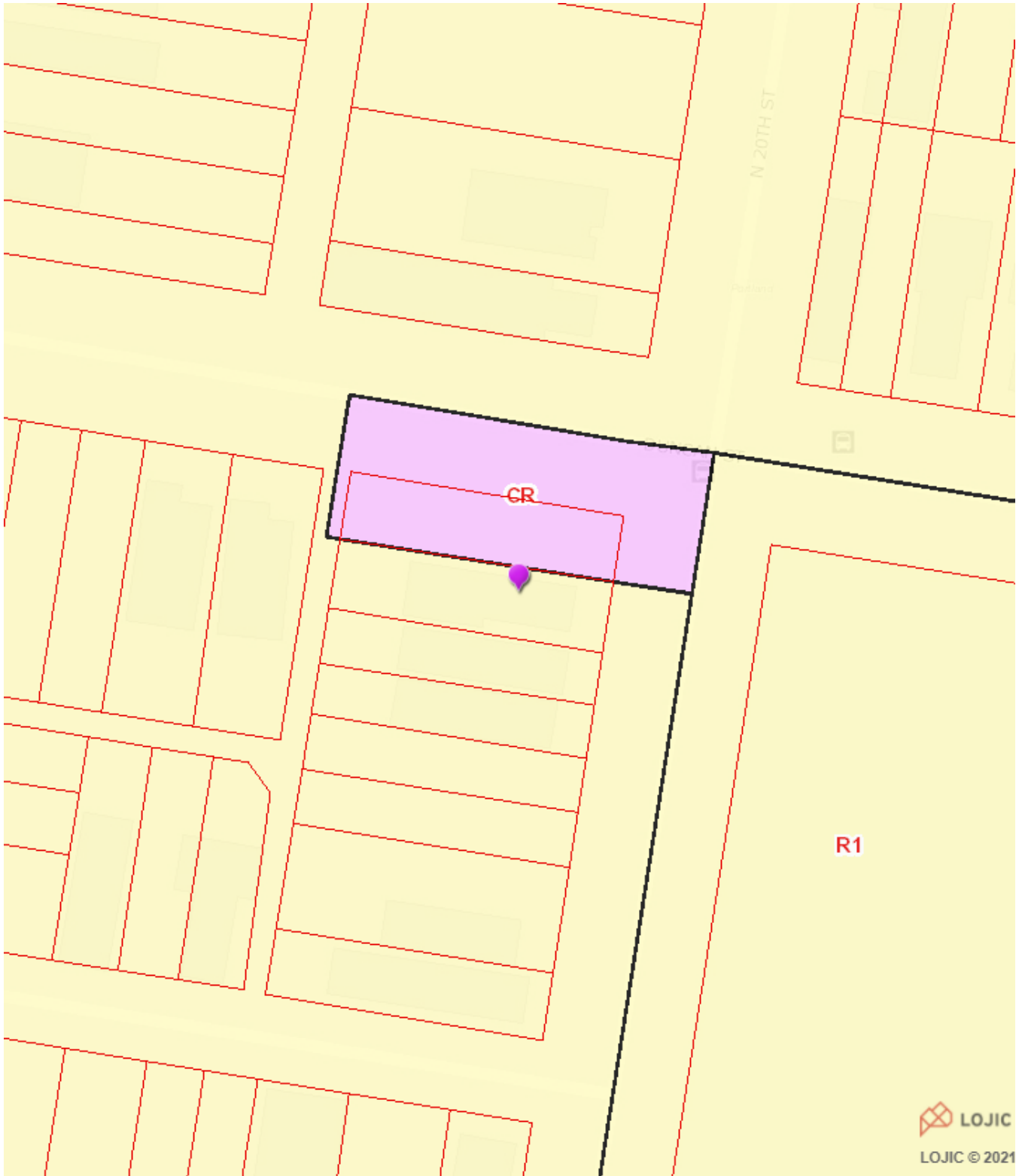
NOTIFICATIONS

Date	Purpose of Notice	Recipients
9/21/2021	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for Council District 5
12/20/2021 12/23/2021	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for Council District 5 Sign Posting

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. 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 by and approval of 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 as a community service facility without further review by and approval of the Board.
3. Prior to lawful commencement of the community service facility use the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies.
4. The subject property shall not be used as a homeless shelter by adding a residential component without additional approval by the Board of Zoning Adjustment.