

**Board of Zoning Adjustment  
Staff Report**  
August 15, 2016



<b>Case No:</b>	16CUP1014
<b>Project Name:</b>	None
<b>Location:</b>	1401 S. Shelby Street
<b>Owner:</b>	Robert Tobias
<b>Applicant:</b>	Robert Tobias
<b>Representative(s):</b>	Robert Tobias
<b>Project Area/Size:</b>	5,034 square feet
<b>Existing Zoning District:</b>	R-6, Residential Multi-Family
<b>Existing Form District:</b>	TN, Traditional Neighborhood
<b>Council District:</b>	10-Pat Mulvihill
<b>Case Manager:</b>	Jon E. Crumbie, Planning & Design Coordinator

**REQUESTS**

- Conditional Use Permit to allow a boarding and lodging home in an R-6 zoning district
- Request to not add landscaping and buffering to the site

**CASE SUMMARY**

The applicant is seeking to come into compliance with the new boarding and lodging home requirements.

**SITE CONTEXT**

The site is irregular in shape and located on the southeast corner of Mulberry Street and South Shelby Street. The structure takes up most of the site with a small parking area at the rear. Residential uses are located to the south and east. Commercial/Industrial uses are located to the west and north.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Residential	R-6	TN
<b>Proposed</b>	Boarding House	R-6	TN
<b>Surrounding Properties</b>			
<b>North</b>	Commercial	C-1	TN
<b>South</b>	Residential	R-6	TN
<b>East</b>	Residential	R-6	TN
<b>West</b>	Commercial	EZ-1	TW

## PREVIOUS CASES ON SITE

There are no previous cases on the site.

## INTERESTED PARTY COMMENTS

A neighborhood meeting was held on March 29<sup>th</sup>, 2016 at 6:00 p.m. No one showed up for the meeting.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan. The proposal under Guideline 3.B.2: The proposal preserves an existing structure that is consistent with the predominate neighborhood building design. The applicant will be asking to not provide additional landscaping and keep the site as is. No new lighting will be added.

### 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, appearance, etc?

STAFF: The subject site is located in an area that has a number of residential uses. This proposal will be compatible with these uses with respect to height, noise, drainage, lighting and appearance.

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

STAFF: The proposal has been reviewed by Transportation Planning/Public Works and MSD and both have approved the plan. The Louisville Fire Protection District #4 did not comment on the proposal.

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

Boarding and lodging houses may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8A districts upon the granting of a Conditional Use Permit and compliance with the following requirements. There are 13 requirements and the applicant will be asking to modify item A. Item C., D., E., and K. will be met. The applicant will need to discuss item G., H., and I.

A. Boarding and lodging houses located in R-E, R-R, R-1, R-2, R-3, R-4 and R-5 single-family districts shall have a maximum of 3 boarders in addition to resident family members of the boarding and lodging house keeper. Those boarding and lodging houses located in other districts shall have a maximum of 8 boarders. **The boarding home will have a maximum of 15 boarders.**

B. All boarding and lodging houses shall comply with the administrative and maintenance requirements established in 902 KAR 20:350, only applicable when meals are served at the facility.

C. Boarding and lodging houses shall not have any signage which identifies the use.

D. Boarding and lodging houses shall be located on or near a collector or arterial street with reasonable access to public transportation.

E. Sufficient on-site parking shall be provided as required by the Land Development Code,

F. All boarding and lodging houses shall comply with applicable building code and health department regulations.

G. The Board of Zoning Adjustment shall take into account the location of other boarding and lodging houses, transitional housing, homeless shelters or rehabilitation homes in its analysis of Conditional Use Permit applications for boarding and lodging houses.

H. The following information shall be for all boarding and lodging house Conditional Use Permit applications:

1. Type of resident population intended to be served, if any (e.g. veterans, a victim group, persons recovering from substance abuse (without on-site assistance services or supervision), college students, contract/seasonal workers, parolees (without on-site assistance or supervision), single persons, etc.);
2. Site plan and floor plans;
3. Rules of conduct and business management plan;
4. Support services to be provided and projected staffing level, if any;
5. Proposed maximum stay for each resident;
6. Any other information the Board of Zoning Adjustment deems necessary to evaluate the application; and
7. Any Changes to the foregoing information submitted in connection with the Conditional Use permit application shall require the Conditional Use Permit holder to apply for a modified Conditional Use Permit from the Board of Zoning Adjustment.

I. The operator(s) of a boarding and lodging house shall maintain a registry of residents, which shall document the terms of stay of each resident. This registry shall be made available for inspection by a Code Enforcement Officer in order to determine the total number of residents residing in the boarding and lodging house at a given time and whether or not a term of stay is temporary or permanent. However, under these provisions, the operator is not required to collect and/or maintain records that may be used for discriminatory purposes under the Fair Housing Acts, including but not limited to records relating to the race, religion, gender, national origin, family status and/or disability of any resident.

J. Board of Zoning Adjustment shall, to the best of their abilities, find that the establishment of the facility will not result in harm to the health, safety or general welfare of the surrounding neighborhood, and that substantial adverse impacts on adjoining properties or land uses will not result from the facilities' operations.

K. The Board of Zoning Adjustment shall find that the facility is compatible with the character of the surrounding neighborhood.

L. No boarding and lodging house shall operate until it has received a license pursuant to Louisville Metro Code of Ordinances Section 115 and, if required, a license from the Commonwealth of Kentucky pursuant to KRS 21B.

M. Operation of a boarding and lodging house without the required license may constitute grounds for denial of a related Conditional Use Permit by the Board of Zoning Adjustment.

## TECHNICAL REVIEW

There are no outstanding technical review items.

## STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

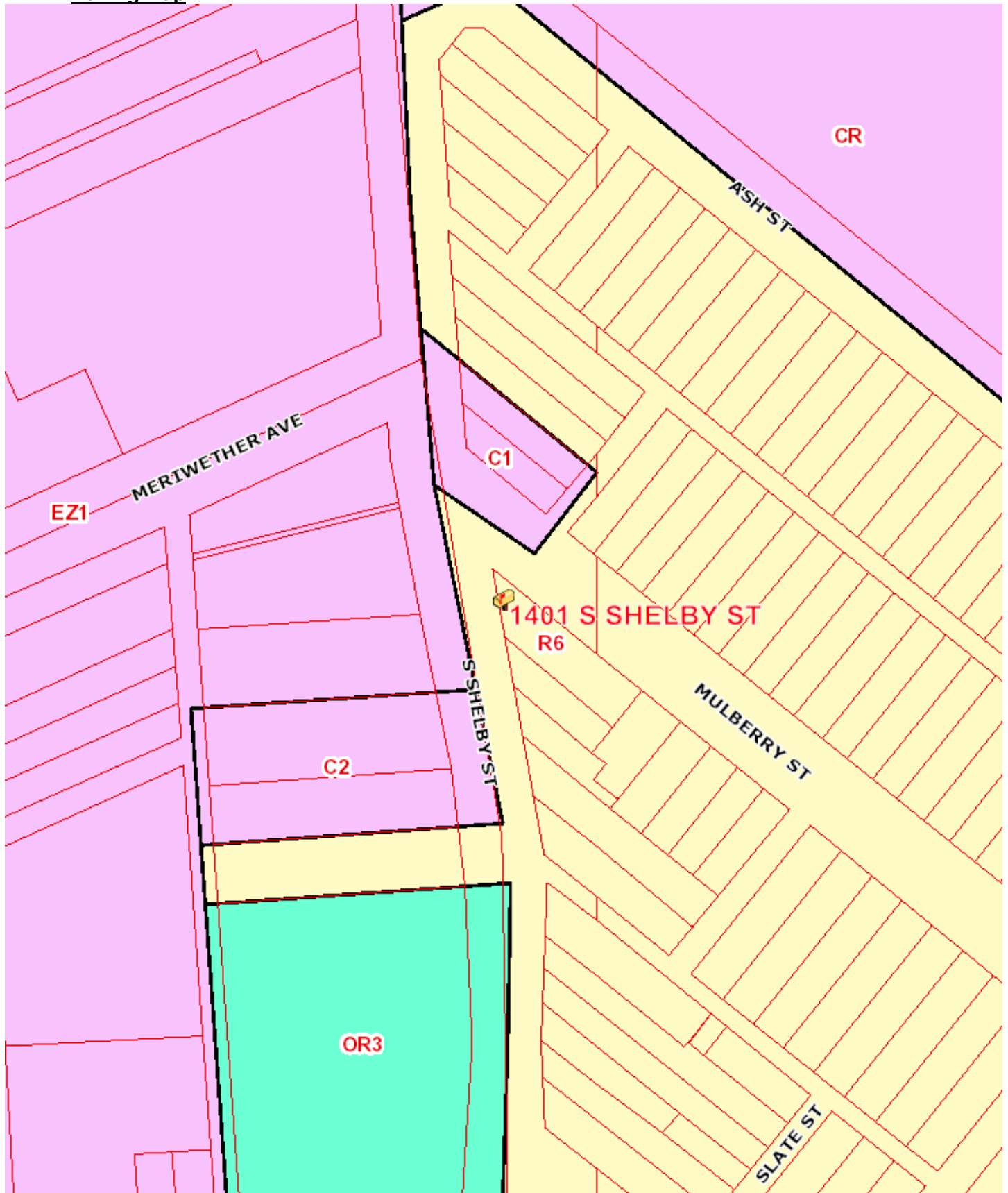
## NOTIFICATION

Date	Purpose of Notice	Recipients
7/29/16	APO Notice	First tier adjoining property owners Neighborhood notification recipients
7/29/16	Sign Posting	Subject Property

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Map showing institutional uses in area
4. Conditions of approval

1. **Zoning Map**

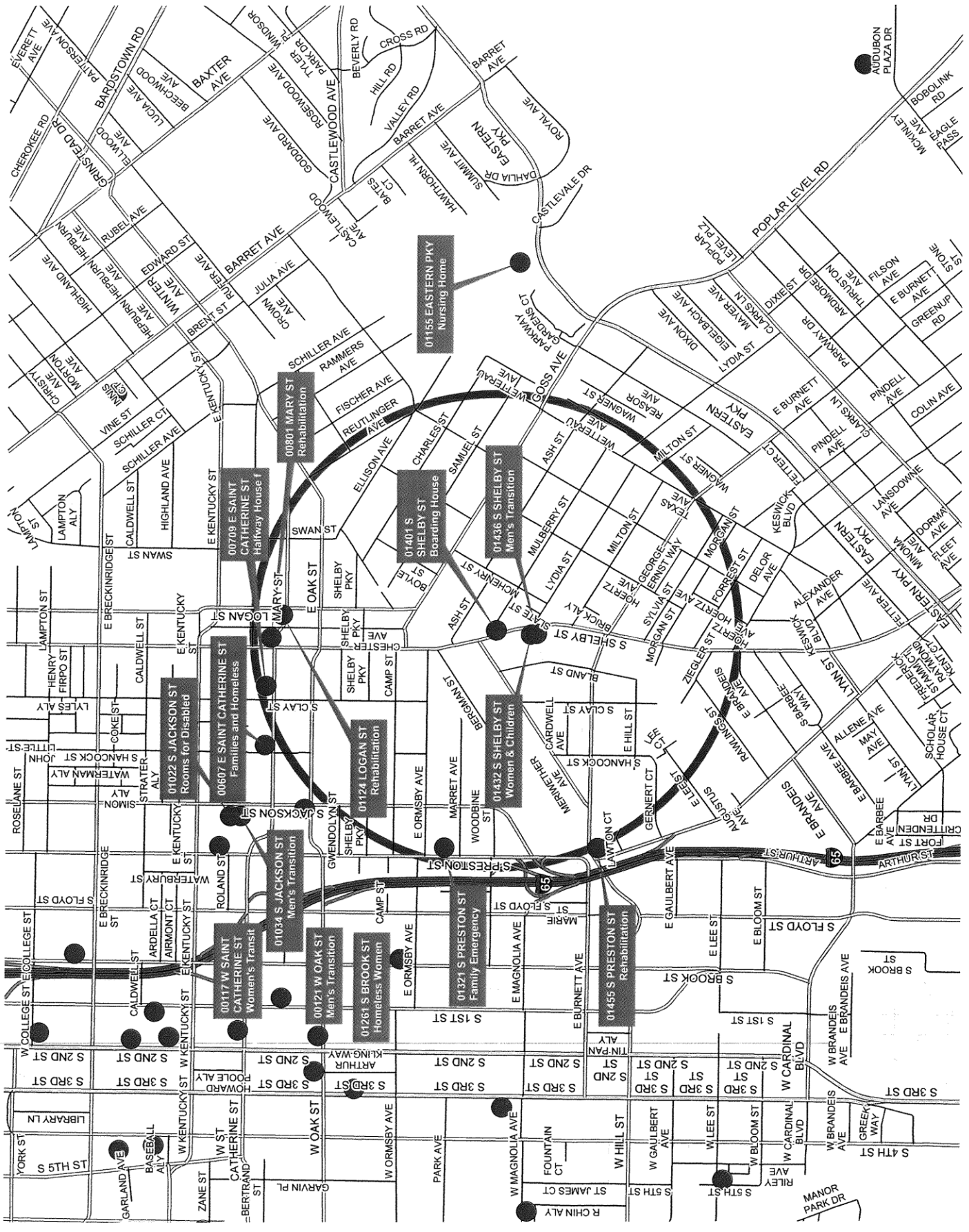




2. Aerial Photograph







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**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 boarding home without further review and approval by the Board.