

Board of Zoning Adjustment
Staff Report
October 7, 2019



Case No.	19-CUP-0056
Project Name	Transitional Housing
Location	1830 Date Street
Owner/Applicant	Kristy Love Foundation
Jurisdiction	Louisville Metro
Council District	6 – David James
Case Manager	Beth Jones, AICP, Planner II

REQUEST

Conditional Use Permit for Transitional Housing (LDC 4.2.55)

- **Relief 1:** to permit building to be closer than 30 ft from south, east and west property lines to accommodate existing residential structure (LDC 4.2.55.1.)
- **Relief 2:** from all applicable LDC requirements, including but not limited to floor area ratio, building setback, landscape buffers and building heights, to accommodate existing residential structure (LDC 4.2.55.A.5)

CASE SUMMARY / BACKGROUND

The applicant has converted an existing 1,456 sq ft single-family residential structure to a transitional housing use. According to the applicant, the existing residence has four bedrooms and will house eight residents. Residents will receive counseling and services provided by the Kristy Love Foundation. A house monitor is on-site at night.

The 0.08 acre site is located on the south side of Date Street between Dixie Highway and Dr. W. J. Hodges Street. It and all adjoining properties are zoned R-5 Single-Family Residential within a Traditional Neighborhood (TN) form district. LDC regulations credit the 30 ft frontage on Date Street with one parking space; no off-street parking is available.

No exterior construction or alterations to the structure are proposed. The applicant is requesting relief from several CUP requirements, as stated above, in order to accommodate the site's existing residential development.

STAFF FINDINGS

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 as established by the Land Development Code.

RELATED CASES

A Notice of Violation (NOV) has been issued to the applicant.

TECHNICAL REVIEW

No technical issues remain to be resolved.

INTERESTED PARTY COMMENTS

Multiple comments from neighbors and other interested parties have been received, which can be found attached to the agenda item. Two neighborhood meetings have been held.

The following is a timeline for this CUP request:

7/10/2018: Applicants submitted pre-applications for three locations: 1829 Date Street, 1830 Date Street and 1833 Date Street.

8/8/2018: Following initial review, applicants contacted by the Case Manager on to schedule a pre-application meeting.

10/22/2018: Pre-application meeting held; details on completing the required neighborhood meeting provided to the applicants at the meeting and in a follow-up email the same day.

1/10/2019: First neighborhood meeting held. Case Manager had not received confirmation on the final version of the neighborhood meeting invitation and so did not distribute it via GovDelivery as required.

3/12/2019: Applicants submitted documentation of the 1/10/2019 neighborhood meeting in the form of a copy of the invitation, a summary of the meeting and an attendance sheet.

Attendees were listed as Andy Beshear, Attorney General for Kentucky; Councilwoman Barbara Sexton Smith; an anonymous representative of Creative Spirits, the applicants' behavioral and counseling center; an anonymous representative of Mayor Fisher's office; and two anonymous neighbors. Meeting summary did not include any details of comments or questions from attendees.

Customer Service staff informed applicants that this material was required as part of the formal application and held the submitted documentation pending applicants' submittal of the formal application, as required.

4/22/2019: Case Manager informed applicants via email that, since it had been more than 90 days from the date of the meeting and a formal application had not yet been submitted, a second neighborhood meeting would be required.

5/8/2019: Case Manager met with applicants and followed up meeting with email to applicants, again outlining requirements for the neighborhood meeting and the formal application.

5/16/2019: After review and approval of a new meeting invitation, Case Manager was informed by Applicants that they had no mailing list. Case Manager followed up with detailed instructions on developing the required mailing list via email. Applicants also confirmed withdrawal of application for 1829 Date Street site.

6/12/2019: Applicants held second neighborhood meeting.

7/11/2019: Applicants submitted formal application. Submitted documentation of the neighborhood meeting was identical to the previous submittal with the exception of a change in date.

8/16/2019: Case Manager informed Applicants that both cases had been docketed for 9/23/2019 and that notification cards would need to be postmarked no later than 9/6/2019.

8/30/2019: Case Manager informed Applicants of need to re-submit neighborhood meeting documentation revised to reflect actual attendees and actual discussions and to correct

inconsistent meeting times. Case Manager followed up with email on the following Monday, 9/3/2019, which included a deadline for submittal.

9/11/2019: Applicants and colleague submitted revised mailing list several days after the required notification date. The cases were re-scheduled for the next regular BOZA hearing on 10/7/2019.

9/12/2019: Case Manager followed up previous day's discussion with email to Applicants with specific instructions on completing and submitting mailing lists for review and on revising the neighborhood meeting documentation as required. Applicants were informed of new 9/20/2019 notification mailing deadline.

9/18/2019: Case Manager followed up with Applicants and was informed that the required information and documentation would be submitted that day.

9/19/2019: Case Manager emailed Applicants with a reminder that notification cards would need to be postmarked no later than 9/20/2019.

9/20/2019: Applicants submitted mailing list and blank mailing labels. After being informed again that the labels needed to be filled out, the Applicant returned later in the day to pick up the notification cards and complete the mailing as 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 is consistent with the Comprehensive Plan.

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: Existing development on the site is compatible with the general character of the area. BOZA must determine the compatibility of the proposed use with surrounding land uses.

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?

4.2.55 Transitional Housing may be allowed in any zoning district upon the granting of a conditional use permit and compliance with the listed requirements.

A. Conditional Use Standards – General (all districts)

1. No building shall be closer than 30 feet to a property line unless required to by a form district maximum setback or build-to-line.

STAFF: Relief is requested to accommodate existing site development.

2. 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: The facility has one staff person and eight residents. LDC regulations credit the 30 ft frontage on Date Street with one parking space. The site is served by a rear alley; no off-street parking is available.

3. Signage for transitional housing shall be in accordance with Chapter 8 of the LDC for nonresidential uses.

STAFF: The applicant has been informed of this requirement. No signage is proposed.

4. The Board of Zoning Adjustment shall take into account the location of other transitional housing, homeless shelters or rehabilitation homes in its analysis of conditional use permit application for transitional housing.

STAFF: Existing and proposed facilities of this type in the vicinity are shown in Attachment 4. The subject site is one of two similar facilities being proposed by the applicant, located across the street from each other on Date Street.

5. 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: Relief is requested to accommodate existing site development.

6. For 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 been informed of this requirement. This report must be obtained by the Applicant from the Fire Marshal representative in Construction Review prior to occupancy, as specifically required by Condition of Approval 2 below.

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 has been informed of this requirement. No signage is proposed.

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 applicant has been informed of this requirement. The proposal re-uses an existing structure and no significant exterior alterations are proposed.

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: No such changes are proposed.

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

STAFF: No driveway exists. The site is served by a rear alley but no on-site parking currently exists.

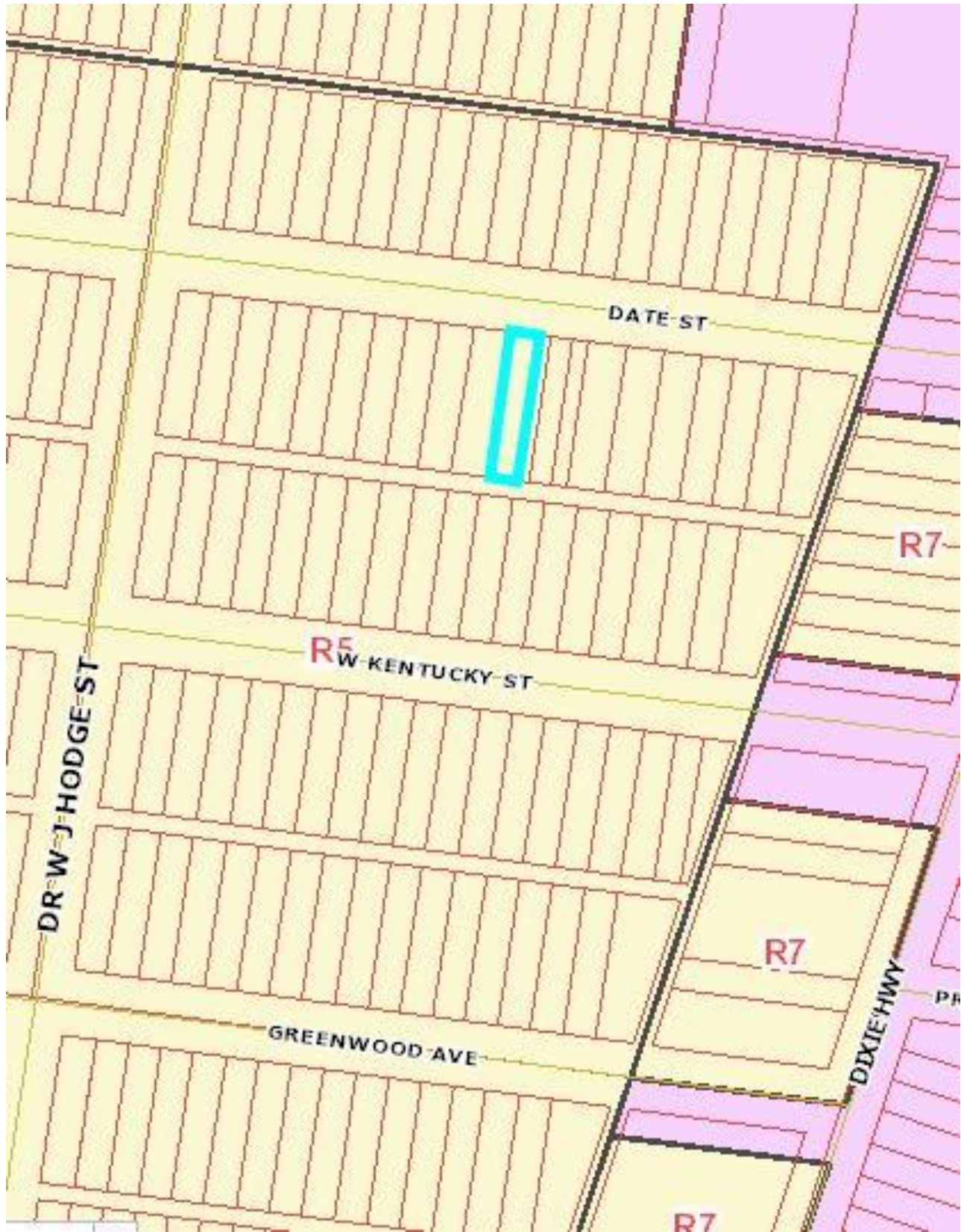
NOTIFICATIONS

Date	Purpose of Notice	Recipients
1/10/2019	Neighborhood Meeting	1st and 2nd tier adjoining property owners
6/12/2019		Registered Neighborhood Groups for Council District 6
9/20/2019	Hearing before BOZA	1st and 2nd tier adjoining property owners
		Registered Neighborhood Groups for Council District 6 Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Checklist
4. Proposed Conditions of Approval
5. Proximity Map

1. Zoning Map



2. Aerial Photograph



3. Plan 2040 Checklist

- + Exceeds Guidelines
- ✓ Meets Guideline
- Does Not Meet Guideline

- +/- More Information Needed
- NA Not Applicable

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form: Goal 1			
2.1	Evaluate the appropriateness of a land development proposal in the context of: 2.1.1. the description, character and function of the Form District designated for the area in which the subject site is located; 2.1.2. the intensity and density of the proposed land use or mixture of land uses; 2.1.3. the effect of the proposed development on the movement of people and goods; and 2.1.4. the compatibility of the proposed use or uses with surrounding uses including the relationship of the use, mass, scale, height, materials, building footprint, orientation, setback and design of the proposed building or buildings with that of surrounding buildings.	✓	
3.1.2	Traditional Neighborhood (1.3.1.2, page 40-41)	✓	
4.	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. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.	✓	
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	--	Site development is compatible with nearby development. Applicant is requesting relief of some CUP requirements to accommodate existing development on the site.
14.	Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials).	✓	Site meets specific CUP requirements to retain residential character of the structure.
Community Form: Goal 3			
9.	Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	Existing development meets these requirements.
Community Form: Goal 4			
1.	Preserve buildings, sites, districts and landscapes recognized as having historic or architectural value. Ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.	✓	Proposed use does not require exterior changes in existing compatible site development.

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
Mobility: Goal 3			
9.	When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	+/-	BOZA may require addition of on-site parking.
Community Facilities: Goal 2			
1.	Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	
2.	Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	
3.	Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	

4. Proposed Conditions of Approval

1. 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 Transitional Housing without further review by and approval of the Board.
2. Prior to lawful commencement of the transitional housing use, the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review.

5. Proximity Map

9/29/2019

One-half (1/2) mile radius

