

**Board of Zoning Adjustment  
Staff Report**  
July 6, 2020



<b>Case No.</b>	20-CUP-0066
<b>Project Name</b>	Elliott Avenue Boarding House
<b>Location</b>	2709 Elliott Avenue
<b>Owner</b>	Concordia, Inc.
<b>Applicant</b>	Susan Lawrence – Concordia, Inc.
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	5 – Donna Purvis
<b>Case Manager</b>	Zach Schwager, Planner I

**REQUEST**

Conditional Use Permit for Boarding and Lodging Houses (LDC 4.2.11)

**CASE SUMMARY / BACKGROUND**

The applicant proposes to operate a boarding house in an existing single-family residential structure. The applicant states there are five bedrooms in the residence. No exterior construction or alterations to the structure or the site are proposed.

The subject property is located on the north side of Elliott Avenue between S. 27<sup>th</sup> Street and S. 28<sup>th</sup> Street. It and all adjoining properties are zoned R-6 Multi-Family Residential within a Traditional Neighborhood Form District. LDC standards credit the site with one on-street parking space. Additional parking for two vehicles is available off the alley at the rear of the property.

According to the applicant, this existing one-story residential structure accommodates three boarders.

**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 for a boarding house as established by the Land Development Code.

**TECHNICAL REVIEW**

No technical review issues remain to be resolved.

**RELATED CASES**

ENF-ZON-19-000394-3 – Zoning enforcement case for operating a boarding house without a Conditional Use Permit.

## **INTERESTED PARTY COMMENTS**

Staff received a call from someone who lives in the area who was in opposition to the boarding house because there are too many in the area.

## **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 requires no exterior additions or significant alterations to the site or its existing structure.

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?

### **4.2.11 Boarding and Lodging Houses**

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.

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.

STAFF: The proposal meets this requirement.

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.

STAFF: Meals are not served at the facility.

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

STAFF: The applicant has been informed of this requirement.

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

STAFF: The site is located along a local road and within 200 ft. of a TARC route.

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

STAFF: Two off-street parking spaces are provided for residents. In addition, LDC standards credit the site with one on-street parking space. Transportation Planning has reviewed the site plan and issued preliminary approval. The Land Development Code requires three spaces.

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

STAFF: The applicant has been informed of this requirement.

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.

STAFF: There is one such institution within a ½ mile radius of the site.

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.);

STAFF: The facility serves single persons.

2. Site plan and floor plans;

STAFF: The applicant has provided sufficiently detailed site and floor plans.

3. Rules of conduct and business management plan;

STAFF: The applicant has provided a copy of the House Rules for the facility.

4. Support services to be provided and projected staffing level, if any;

STAFF: Support services are not provided.

5. Proposed maximum stay for each resident;

STAFF: There is no maximum stay for residents.

6. Any other information the Board of Zoning Adjustment deems necessary to evaluate the application; and

STAFF: No additional information is required at this time.

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.

STAFF: The applicant has been informed of this requirement.

- 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.

STAFF: The applicant has been informed of this requirement.

- J. Board of Zoning Adjustment shall, to the best of its ability, 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.

STAFF: The applicant has been informed of this requirement.

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

STAFF: The facility has been in operation and appears to meet this requirement.

- 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.

STAFF: The applicant has been informed of this requirement.

- 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.

STAFF: The applicant has been informed of this requirement.

**NOTIFICATIONS**

Date	Purpose of Notice	Recipients
2/11/2020	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for Council District 5
6/20/2020	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for Council District 5
		Sign Posting

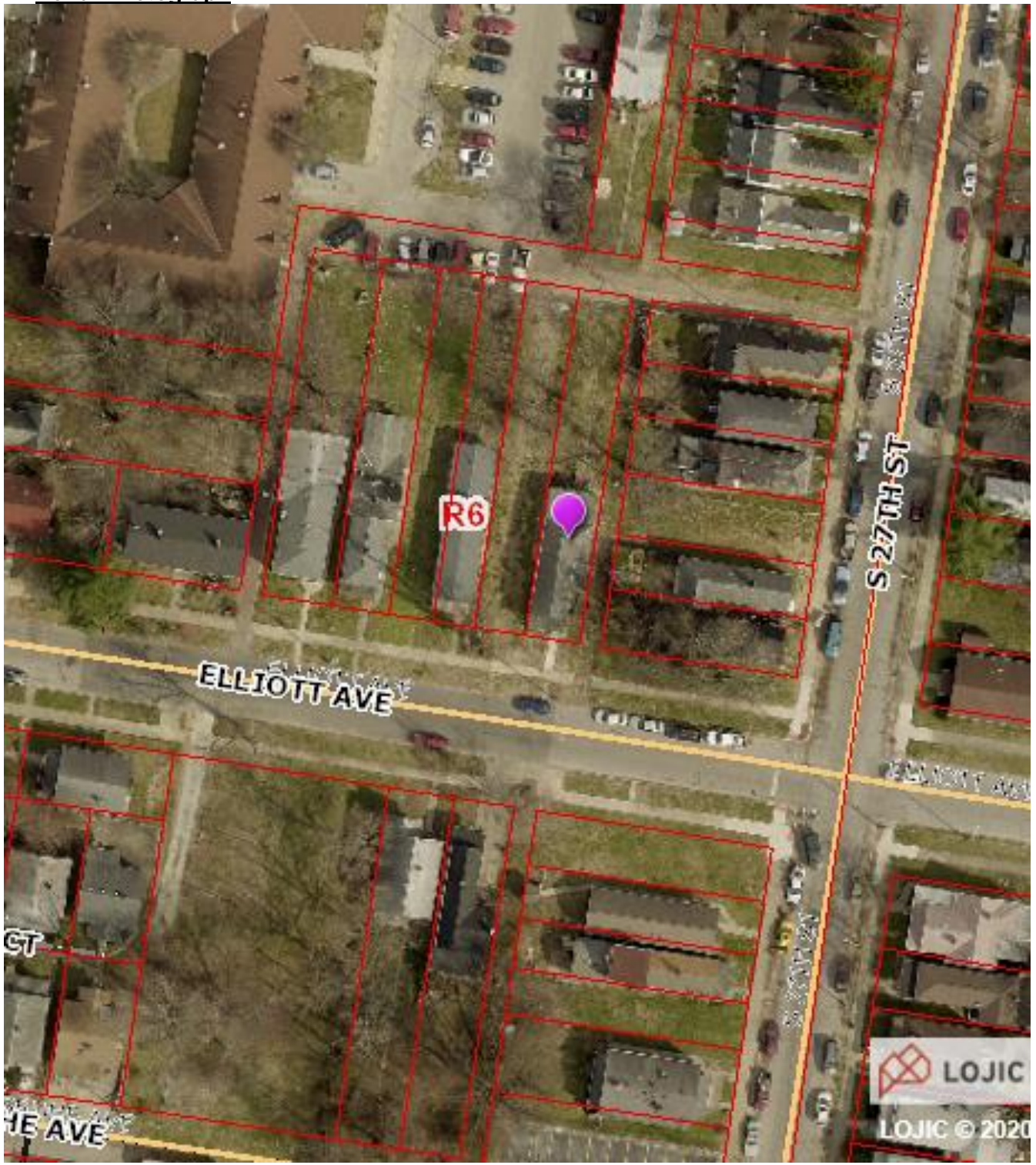
**ATTACHMENTS**

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 for a Boarding or Lodging House without further review by and approval of the Board.
3. 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 and other governmental agencies.
4. The boarding house shall be limited to three boarders at a time. In order to increase the number of boarders permitted at a time the applicant shall apply for a modification to this Conditional Use Permit.