

**Board of Zoning Adjustment  
Staff Report**  
August 31, 2020



|                         |   |
|-------------------------|---|
| <b>Case No.</b>         | 20-CUP-0090                               |
| <b>Project Name</b>     | E. Breckinridge Street Transitional House |
| <b>Location</b>         | 532 E. Breckinridge Street                |
| <b>Owner</b>            | Young Adult Development In Action, Inc.   |
| <b>Applicant</b>        | Young Adult Development In Action         |
| <b>Jurisdiction</b>     | Louisville Metro                          |
| <b>Council District</b> | 4 – Barbara Sexton Smith                  |
| <b>Case Manager</b>     | Zach Schwager, Planner I                  |

**REQUEST**

Conditional Use Permit for Transitional Housing, Land Development Code (LDC) 4.2.55

**CASE SUMMARY / BACKGROUND**

The applicant proposes to operate a transitional house that will provide residence for six participants and an on-site supervisor. There is an existing two-story structure on site and the applicant is proposing to add a 492 sq. ft. two-story addition on the rear.

The subject property is located on the south side of E. Breckinridge Street between S. Jackson Street and S. Hancock Street. The subject property and all adjoining properties are currently zoned U-N Urban Neighborhood, except for some C-1 Commercial properties to the east, and all are within a Traditional Neighborhood Form District. The adjoining property immediately to the east is a part of a proposed rezoning from U-N to C-1 and is related to the proposed transitional house. This change in zoning received a recommendation for approval by Planning Commission on July 30, 2020 and is awaiting Metro Council approval.

LDC standards credit the site with one on-street parking space. Additional parking for two vehicles will be provided off the alley at the rear of the property.

**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 transitional house 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**

None.

## **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 has an addition to the rear of the existing structure that will be the same in height, bulk, and scale.

### 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**

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: The applicant has requested relief from this standard.

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 Board must determine if the parking provided is adequate based upon the applicant's testimony.

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

STAFF: The applicant is not proposing any signage.

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

STAFF: The map showing the location of other transitional housing, homeless shelters, and rehabilitation homes has been attached to the agenda item.

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: The applicant is requesting relief from item A.1 for the 30 ft. setback. The landscape buffer area between the CUP area and the single-family zoned property to the west is not required due to the size of the proposed addition. All other LDC requirements are met.

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: This will be required during the building permit process.

#### 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 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 design will remain residential in character.

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: The proposed addition will be residential in design and will not prevent the structure from being used as a single-family residence at a later time.

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 one on-street parking space and two parking spaces at the rear of the building.

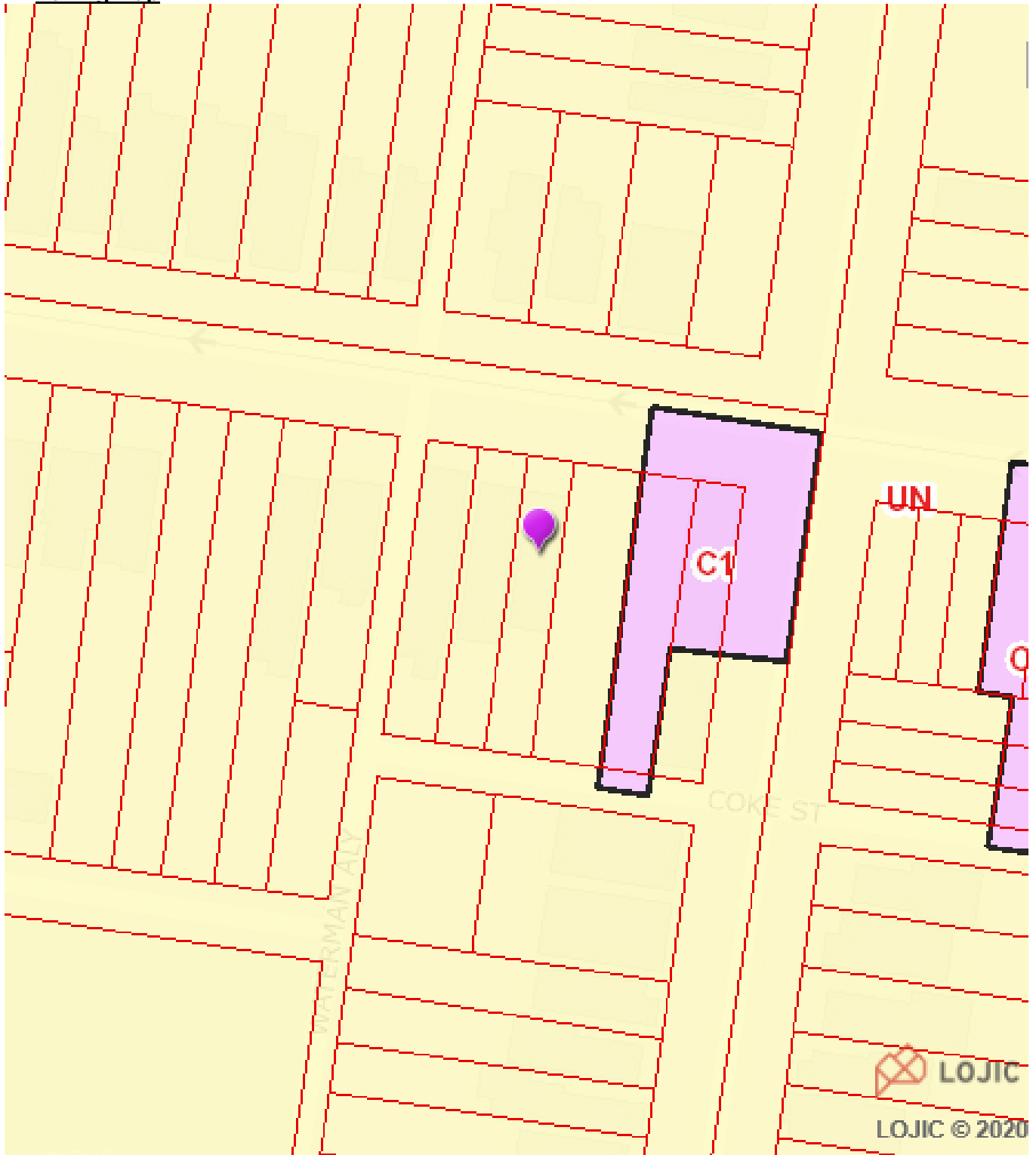
**NOTIFICATIONS**

| Date      | Purpose of Notice    | Recipients  |
|-----------|----------------------|---|
| 6/3/2020  | Neighborhood Meeting | 1st and 2nd tier adjoining property owners<br>Registered Neighborhood Groups for Council District 4 |
| 8/14/2020 | Hearing before BOZA  | 1st and 2nd tier adjoining property owners<br>Registered Neighborhood Groups for Council District 4 |
|           |                      | Sign Posting  |

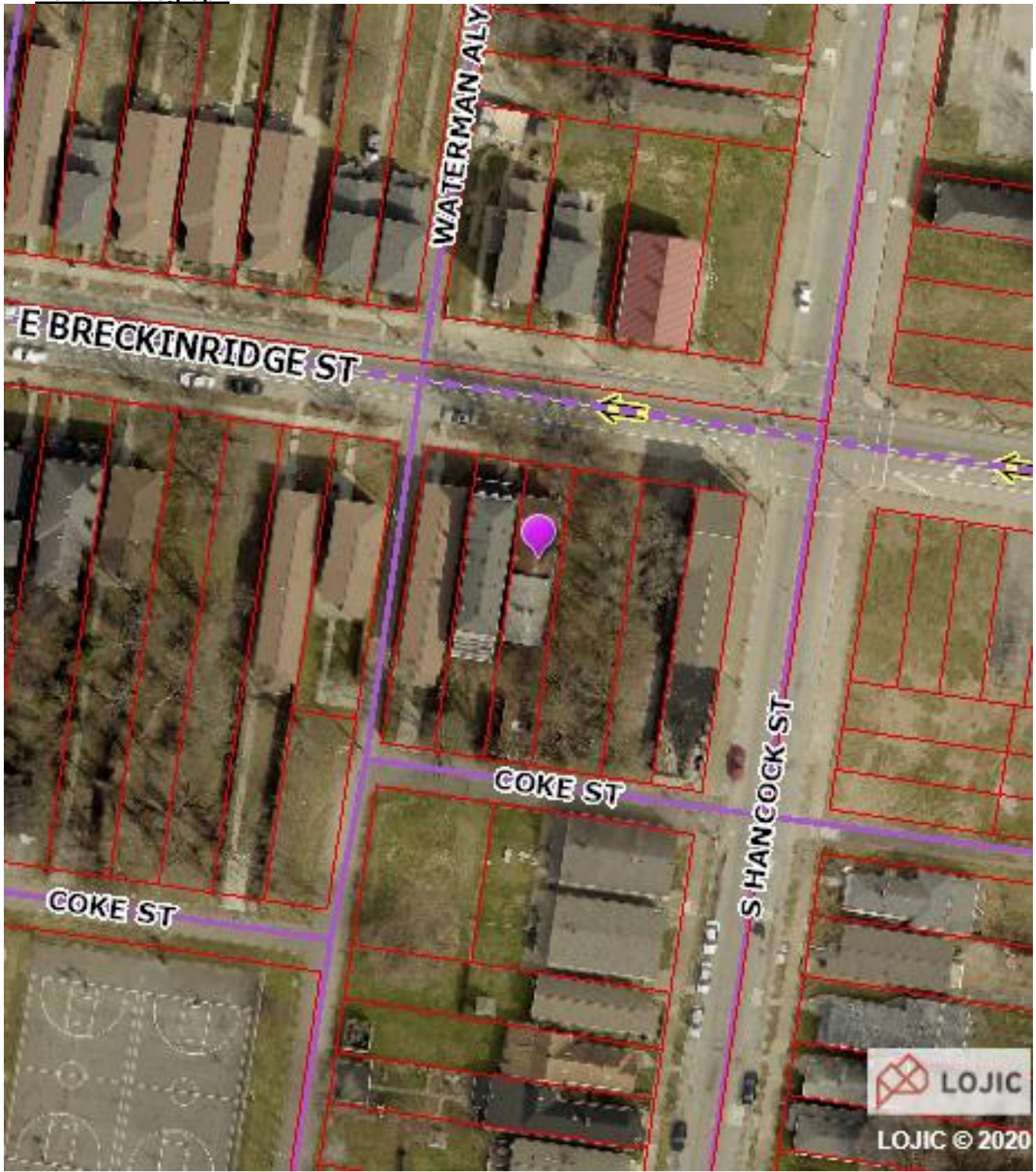
**ATTACHMENTS**

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 transitional 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.