

Board of Zoning Adjustment

Staff Report

January 9, 2017



Case No:	15CUP1007
Project Name:	None
Location:	2733 West Market Street
Owner:	Willie Jordan
Applicant:	Willie Jordan
Representative(s):	Willie Jordan
Project Area/Size:	0.12 acres
Existing Zoning District:	R-6, Residential Multi-Family
Existing Form District:	TN, Traditional Neighborhood
Council District:	5 – Cheri Bryant Hamilton
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

This case was continued from the November 21, 2016 public hearing docket to allow the applicant time to hold a new neighborhood meeting, which would provide contact information for neighbors if the owner/applicant needed to be reached. Pictures of the interior will be provided at the January 9, 2017 public hearing. Also existing code violations will be discussed.

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. The residence will have five bedrooms and one person per room. All residents will have their private sleeping area, which is supplied with a bed, local and long distance phone service, cable, microwave, and mini refrigerator. They will share the kitchen, laundry, and two full bathrooms. There will be one staff member that stays in the residence to enforce the house rules such as no drugs on premises. The manager will clean the kitchen, hallway, and bathrooms daily. Also the manager will be responsible for cutting grass and snow removal as needed.

SITE CONTEXT

The site is rectangular in shape and located on the north side of Market Street near the intersection of Market Street and 28th Street. Residential uses are located to the north, east, and west. A commercial use is directly across the street.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

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

PREVIOUS CASES ON SITE

There are no previous cases on the site.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on May 16, 2015 and no one attended 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 10 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.

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.

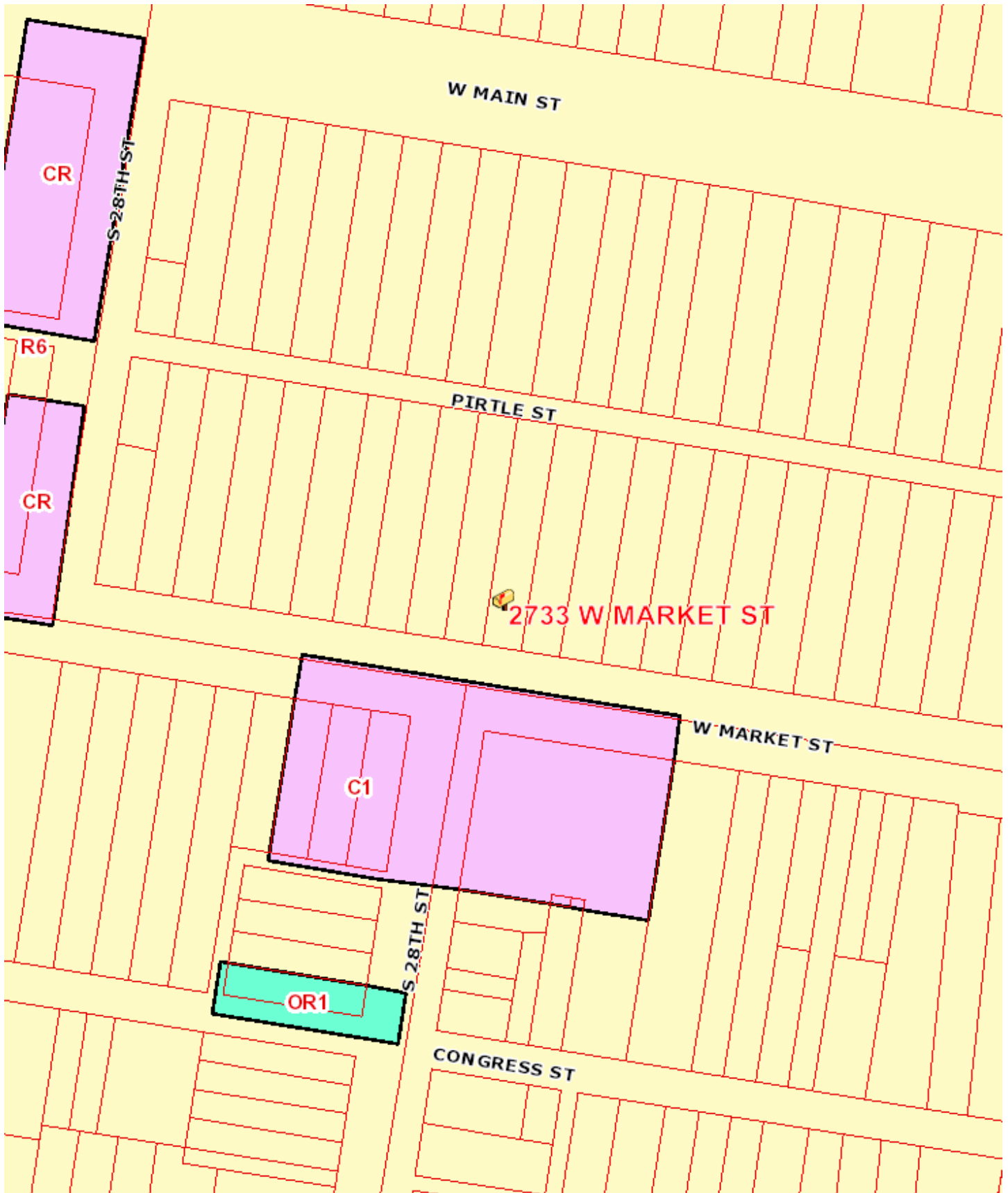
NOTIFICATION

Date	Purpose of Notice	Recipients
11/3/16	APO Notice	First tier adjoining property owners Neighborhood notification recipients
11/4/16	Sign Posting	Subject Property

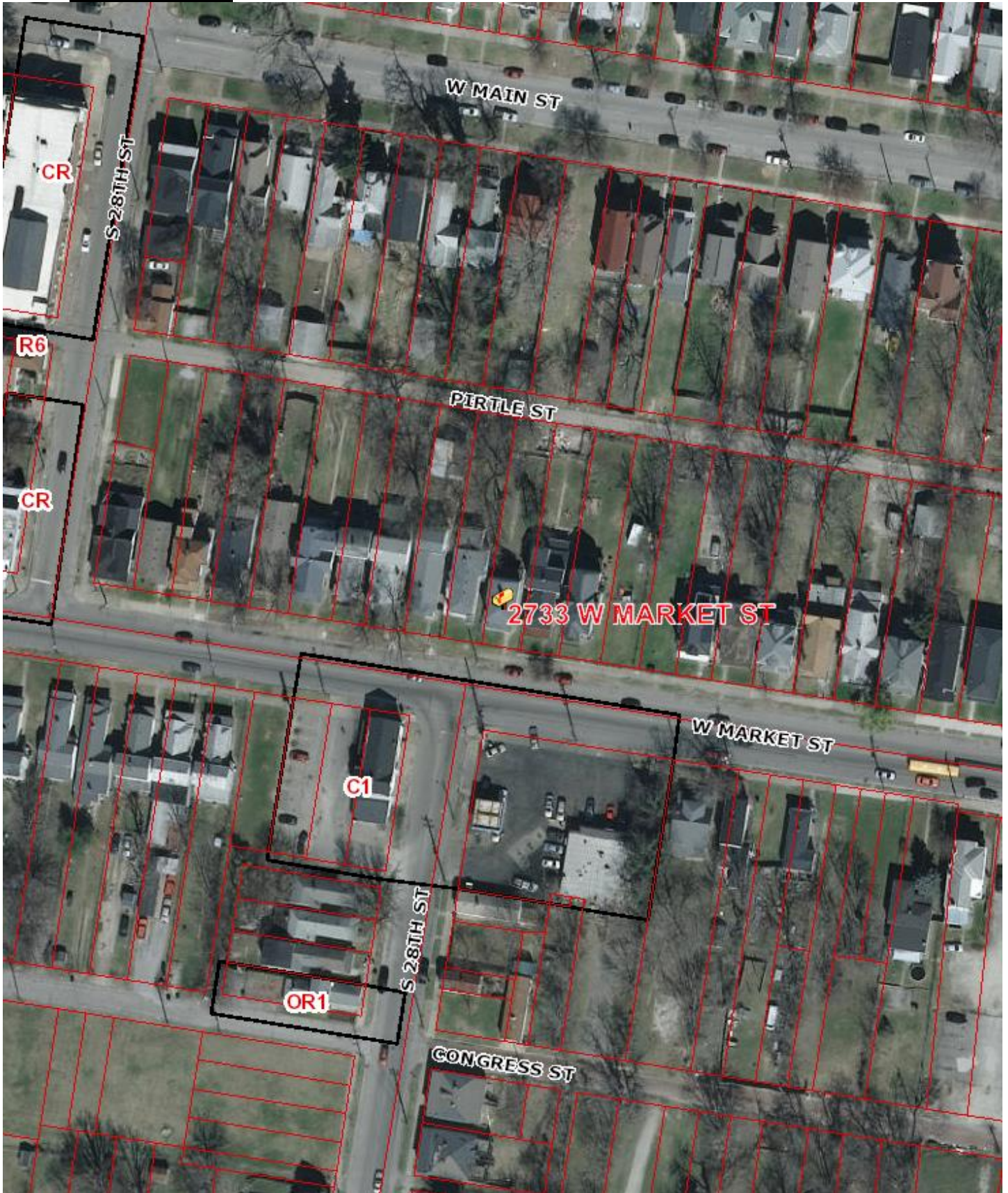
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph

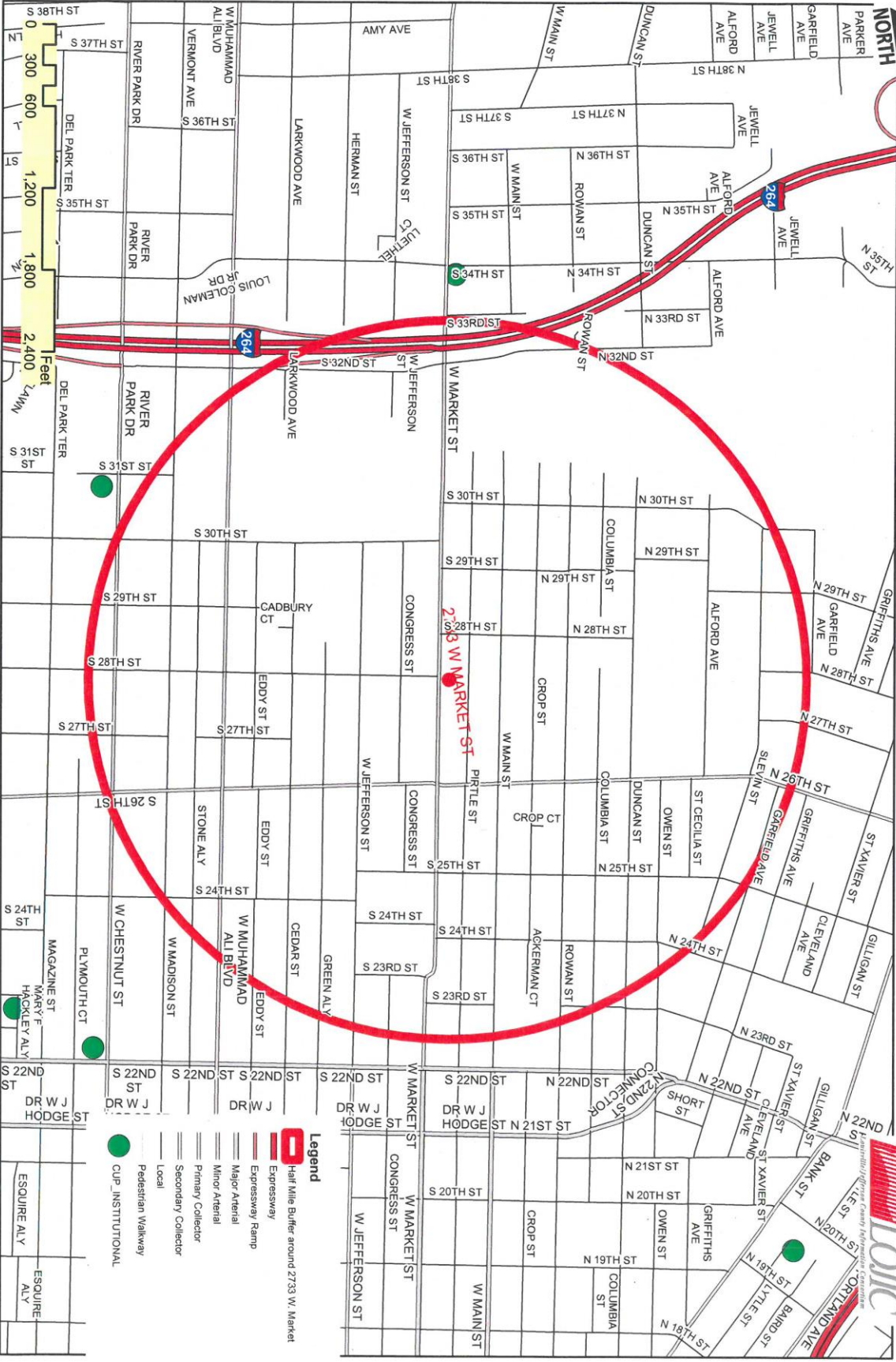


3. Map showing institutional uses in area

Copyright (C) 2016, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), and LOUISVILLE METRO GOVERNMENT. All Rights Reserved.
 Louisville/Jefferson County Information Consortium (LOIC) a Jefferson County, Kentucky based cooperative project of: Louisville/Jefferson Metro Government, Louisville Water Company, Metropolitan Sewer District, Property Valuation Administrator. No part of this map may be reproduced in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system, without express permission in writing by MSD. Cartographer: L. Wells ArcGIS10.2 Maps/People/3Crumbie/shelbyland85x11.mxd Date: 2016 March

15CUP1007 (2733 W. Market Street)

1:11,319



Legend

- Half Mile Buffer around 2733 W. Market
- Expressway
- Expressway Ramp
- Major Arterial
- Minor Arterial
- Primary Collector
- Secondary Collector
- Local
- Pedestrian Walkway
- CUP_INSTIUTIONAL

4. 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.

Subject Property: **2733 West Markets Street**

Case Number: **15CUP1007**

Meeting Type: **Neighborhood Meeting**

Date: **December 17, 2016**

Time: **1200pm**

Location: **2733 W. Market Street, Louisville Kentucky 40212**

Minutes

The meeting came to order at 12:05

Q: Marie Person (lives in the rear of 2733 W. Market) wanted to know the type of people that will be living in the building?

A: Mr. Jordan informed her that it will be men and woman that need a place to stay, and that he would do a crime report on them.

Q: Suzanne Bernard: stated her concerns about having another boarding house in the area, by informing me that she has people doing street clean up and they refuse to come on this side of the street, because the sale of spice and crack. Ms. Bernard also wanted to know what of kind of security system will I be using to monitor the home.

A: Mr. Jordan informed her that he will have someone in the home at night. During the day light hours he will have someone cleaning and checking on the property. Each room has a phone and every resident have my number and the manager number. The manager is five minutes away.

Q: Myra Friend: Touched on the same topics Ms. Bernard did, but she also added that there are too many boarding homes in the area and they do not need another one. Ms. Friend also stated that the neighborhood is not a good place to have a rooming home. Ms. Friend informed me about some programs (The Healing Place) that would be useful to me.

The end of the meeting the 4 individuals that attended said they did not want another boarding home and the area.

Meeting Sign-In Sheet

Meeting: 2733 W. Market St.

Date: Dec 16, 2016

Name (please print)	Email	Phone	Address
Marie Person	—	693-0354	2732 W. Main St
Suzanne Bernert	suzib@iglou.com		518 N. 27th St
Bob Kuffner		963-5951	2741 W MAIN ST
MYRA FRIEND		574-3905	- Dist 5