

Zoning Case Information Sheet

Case No: ENF-ZON-21-000198

Open Date: 03/22/2021

Case Status: Closed

Site Visits:

Location: 4740 S RUTLAND AVE, LOUISVILLE, KY 40215

Owner:

Record

Charged

Payments

Balance

Site Visit: ENF-ZON-21-000198-3 INSP RESULT: Closed Date: 05/27/2021 \$0.00

Occupancy Status: Occupied Structure

No violations or new complaints from council office. Building enforcement case open five months ago and still no inspection. Closing out zoning inspection.

-ZV_034- -Unlawful Or Noncompliant Home Occupation- -There is and/or has been a prohibited or noncompliant home occupation on the property. Home occupations must meet all standards and requirements set forth in the Land Development Code. (Louisville Metro Land Development Code Section 4.4.5)

STATUS: New Violation

Origination Date: 03/23/2021

Due Date:

Responsibility:

Daycare operating in an accessory structure.

Site Visit: ENF-ZON-21-000198-2 INSP RESULT: Closed Date: 04/23/2021 \$0.00

Occupancy Status: Occupied Structure

Last inspection the owner was instructed to keep the children in the house pending a building department inspection of the accessory structure that the daycare was approved to operate from. According to planner notes a CUP is required. Email in comments of main case. Building inspector assigned is Mark Speed. Marking up to monitor before closing zoning case.

-ZV_034- -Unlawful Or Noncompliant Home Occupation- -There is and/or has been a prohibited or noncompliant home occupation on the property. Home occupations must meet all standards and requirements set forth in the Land Development Code. (Louisville Metro Land Development Code Section 4.4.5)

STATUS: New Violation

Origination Date: 03/23/2021

Due Date:

Responsibility:

Daycare operating in an accessory structure.

Site Visit: ENF-ZON-21-000198-1 INSP RESULT: Hold Date: 03/23/2021 \$0.00

Occupancy Status: Occupied Structure

A daycare is operating out of an accessory structure in the rear yard in violation of the approved home occupation permit. . Marking up to research.

-ZV_034- -Unlawful Or Noncompliant Home Occupation- -There is and/or has been a prohibited or noncompliant home occupation on the property. Home occupations must meet all standards and requirements set forth in the Land Development Code. (Louisville Metro Land Development Code Section 4.4.5)

STATUS: New Violation

Origination Date: 03/23/2021

Due Date:

Responsibility:

Daycare operating in an accessory structure.

<u>Type</u>	<u>DATE</u>	<u>USER</u>
Site Visit-ENF-ZON-21-000198-3 <i>No violations or new complaints from council office. Building enforcement case open five months ago and still no inspection. Closing out zoning inspection.</i>	05/27/2021	SBODNER
Site Visit-ENF-ZON-21-000198-2 <i>Last inspection the owner was instructed to keep the children in the house pending a building department inspection of the accessory structure that the daycare was approved to operate from. According to planner notes a CUP is required. Email in comments of main case. Building inspector assigned is Mark Speed. Marking up to monitor before closing zoning case.</i>	04/23/2021	SBODNER
Record-ENF-ZON-21-000198 <i>Email concerning Permit for the daycare. J Mattingly</i>	03/24/2021	SBODNER

Hello All,

I apologize if this response is not coming from the last email in the chain. This issue can be slightly confusing, and based on conversations with other staff members, rare.

*4740 South Rutland Avenue obtained a Home Occupation Permit on 01/29/2021. The rules and regulations were provided to the property owner. A conditional use permit is not required. The Home Occupation Permit allows the property owner to provide care for up to 6 children plus 4 individuals related to the operator. 922 KAR 2:100 defines "related" as child, grandchild, niece, nephew, sibling, step-child, or child in legal custody of the provider. In-Home Daycare operations are allowed to operate 24 hours a day, with the rule that outdoor operations are not conducted between 09:00 PM – 07:00 AM *Unless that activity is for the pick-up or drop-off of children. It may be worth mentioning that the Home Occupation Permit application does not require an inspection, photos, or a complete check of past permits to be issued by Planning and Design Staff.*

In-Home Daycare operations can take place in an accessory structure. The only problem applicable to the complaint received from the Council Office is that no permits were obtained for this accessory structure. I have attached a photo taken on 03/23/2021 by Zoning Officer Steven Bodner.

A Building Permit Enforcement Case was opened in late January, but as yet to be inspected. I believe it was assigned to Mark Speed. The logical approach to me would be to get this property inspected by the proper party, determine if it is even up to code, and then have the property owner file for a building permit. ENF-BLD-21-00523

If they are able to obtain a building permit for the accessory structure, they will appear to be in compliance.

Thank you,

Jude Mattingly
Associate Planner
Develop Louisville
Office of Planning & Design Services
444 S 5th Street, Suite 300
Louisville, KY 40202
Email: Jude.Mattingly@louisvilleky.gov
(502)574-1300

Site Visit-ENF-ZON-21-000198-1 <i>A daycare is operating out of an accessory structure in the rear yard in violation of the approved home occupation permit. . Marking up to research.</i>	03/23/2021	SBODNER
Record-ENF-ZON-21-000198	03/22/2021	SBODNER

Email concerning Home occupation permit violation - New case - 3/22/21

New zoning case opened. The home occupation permit is for an in-home daycare. It does not allow a daycare to operate in a non-permitted garage/structure.

Mike

From: Bodner, Steven M. <Steven.Bodner@louisvilleky.gov>

Sent: Monday, March 22, 2021 3:08 PM

To: Wilcher, Michael <Michael.Wilcher@louisvilleky.gov>

Cc: Roarx, Rachel G. <Rachel.Roarx@louisvilleky.gov>; Mattingly, Jude A <Jude.Mattingly@louisvilleky.gov>; Haberman, Joseph E <Joseph.Haberman@louisvilleky.gov>

Subject: RE: Building and Zoning Violation- *SR-ZONI-21-009104, *SR-BLDC-21-009105

Not finding an open case for 4740 Rutland. Do you want me to go ahead and do a follow up on the permit?
