

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT**

APRIL 2, 2007

CASE NO. 8424 & DOCKET NO. B-203-01

Applicant/Owner:

Walter L. Smith, Sr.
Trinity House Child Care, Inc.
4106 Greenwood Avenue
Louisville, Kentucky 40211

Subject:

A modification of an approved Conditional Use Permit and a new Conditional Use Permit to allow a day care center in an R-5 zoning district.

Premises affected:

On property known as 4106 Greenwood Avenue and being in Louisville Metro.

Appearances for Applicant:

Samuel Bland, 5115 Rangoon Way, Ste. 1, Louisville, Kentucky 40218-4137.

Walter Smith, 4106 Greenwood Avenue, Louisville, Kentucky 40211.

Appearances- Interested Party:

No one.

Appearances Against Applicant:

No one.

Staff case manager, Jon Crumby, gave a brief presentation of the case to the Board.

On February 20, 2007, Trinity House Child Care, Inc., filed an application for a modification of an existing Conditional Use Permit and a new Conditional Use Permit to allow a day care center in an R-5 zoning district.

On April 2, 2007, at a meeting of the Board, a hearing was held on this case. A drawing showing the premises affected and the existing and/or proposed construction was presented to each Board member.

In accordance with the Board Bylaws, the staff report prepared for this case was incorporated into the record. The Board members had received this report in advance of the hearing and it was available to any interested party prior to the public hearing. See Addendum for staff report in full.

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT**

APRIL 2, 2007

CASE NO. 8424 & DOCKET NO. B-203-01

A PowerPoint presentation was presented by staff.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available in the Planning and Design Services Office.

The recording of this hearing will be found on the CD of the April 2, 2007 proceedings.

NEW CONDITIONAL USE PERMIT- CASE NO. 8424:

After the public hearing and further discussion of the case by the members of the Board in open business session, on a motion by Member Grisanti, seconded by Member Anderson, the following resolution was adopted:

WHEREAS, the Board finds, from the file of this case, the staff report, and the evidence and testimony submitted at the public hearing that the applicant is requesting a Conditional Use Permit to allow a day care facility expansion in an R-5 zoning district; and

WHEREAS, the Board finds that the property is within a Traditional Neighborhood Form District; and

WHEREAS, the Board finds that the request complies with Guideline 3.1 (Compatibility) because the building will remain residential in character and is compatible with the immediate residential neighborhood to the north and west; and

WHEREAS, the Board finds that the request complies with Guideline 3.8 (Lighting), because only security lighting will be added to the building; and

WHEREAS, the Board finds that the request complies with Guideline 3.28 (Signage) because the applicant will place a four square foot sign on the building; and

WHEREAS, the Board finds the proposal to be in conformance with the Comprehensive Plan because it complies with all applicable guidelines, principles and objectives of the Comprehensive Plan, as it has received preliminary approval from Transportation Review and Louisville and Jefferson County Metropolitan Sewer District;

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT**

APRIL 2, 2007

CASE NO. 8424 & DOCKET NO. B-203-01

NOW, THEREFORE, BE IT RESOLVED, that the Conditional Use Permit is hereby **APPROVED ON CONDITION**.

The conditions are as follows:

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 modification 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 day care center without further review and approval by the Board.
3. The maximum number of employees on any given shift shall be 4.
4. The maximum number of children on any given shift shall be 31.
5. The day care will operate 24 hours, 7 days a week and have the following shifts:
6:00 a.m. – 2:00 p.m., 2:00 p.m. – 10:00 p.m., and 10:00 p.m. – 6:00 a.m.

The vote was as follows:

YES: Members Rhodes, Grisanti, Anderson, Francis and Stewart.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: No one.

ABSTAINING: No one.

MODIFIED CUP – DOCKET NO. B-203-01

After the public hearing and further discussion of the case by the members of the Board in open business session, on a motion by Member Grisanti, seconded by Member Anderson, the following resolution was adopted:

WHEREAS, the Board finds, from the file of this case, the staff report, and the evidence and testimony submitted at the public hearing, that the applicant is

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT**

APRIL 2, 2007

CASE NO. 8424 & DOCKET NO. B-203-01

requesting a modification of a Conditional Use Permit to allow a day care in an R-5 zoning district; and

WHEREAS, the Board finds that the proposed day care center will be located in an existing building that has been in the neighborhood for more than 75 years; the day care will now operate 24 hours, 7 days a week and have the following shifts: 6:00 a.m. – 2:00 p.m., 2:00 p.m. – 10:00 p.m., 10:00 p.m. – 6:00 a.m.; the maximum number of children will be 69 with 11 employees; and

WHEREAS, the Board finds that the property is located within the Traditional Neighborhood Form Area; the structure is compatible with commercial buildings at the Greenwood Avenue/Cecil Avenue intersection; no additional lighting is proposed; the access will be from Greenwood Avenue; therefore, the proposal complies with plan elements and the goals and objectives of the Cornerstone 2020 Comprehensive Plan; and because the conditions attached to the permit will ensure compatibility with the surrounding neighborhood; and

WHEREAS, the Board finds that the proposal will promote and will not adversely affect the public health, safety or general welfare, as it has received preliminary approval from the Department of Inspections, Permits and Licenses and the Louisville Metro Metropolitan Sewer District;

NOW, THEREFORE, BE IT RESOLVED, that the modification of the Conditional Use Permit is hereby **APPROVED ON CONDITION** with changes to the previously approved conditions from October 1, 2001; changes to #2 and the addition of #6:

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on the site without prior review and approval by the Board.
2. The day care will operate 24 hours, 7 days a week and have the following shifts:
6:00 a.m. – 2:00 p.m., 2:00 p.m. – 10:00 p.m., 10:00 p.m. – 6:00 a.m.
3. The maximum number of clients shall be limited to 69.
4. The maximum number of staff shall be limited to 11.

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT**

APRIL 2, 2007

CASE NO. 8424 & DOCKET NO. B-203-01

5. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within one year 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 day care center without further review and approval by the Board.
6. Reduce the required parking from 10 to 8. Also, the location of the parking will change.

The vote was as follows:

YES: Members Rhodes, Grisanti, Anderson, Francis and Stewart.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: No one.

ABSTAINING: No one.