

Board of Zoning Adjustment Staff Report

July 6, 2015



Case No(s):	15CUP1008
Project Name:	Sober Living Home
Location:	918 South Shelby Street
Owner(s):	Jim Burkhead
Applicant(s):	Jim Burkhead
Representative(s):	Jim Burkhead
Project Area/Size:	0.88 acres
Existing Zoning District:	UN, Urban Neighborhood
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy
Case Manager:	Jon E. Crumbie, Planner II

REQUEST

- Conditional Use Permit to allow transitional housing in an UN Zoning District.

CASE SUMMARY/BACKGROUND

The applicant is proposing to operate a transitional house. The residence will have maximum number of 18 male residents who have completed a rehabilitation program from the state, county or personal admission. Some of the referrals will come from judges, attorneys, Our Lady of Peace, and Ten Brock. There will be one employee who will be present during the day and a house monitor during the evening and night.

SITE CONTEXT

The site is rectangular in shape and located on the west side of South Shelby Street. The site is surrounded by residential uses to the north, south, east, and west. The area is flat and has access from a rear alley.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential	UN	TN
Proposed	Residential	UN	TN
Surrounding Properties			
North	Residential	UN	TN
South	Residential	UN	TN
East	Residential	UN	TN
West	Residential	UN	TN

PREVIOUS CASES ON SITE

There are no previous cases on the site.

INTERESTED PARTY COMMENTS

Staff has talked and received emails from neighbors. The comments are attached on page 10 and 11.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS
FOR CONDITIONAL USE PERMITS**

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal will meet the Comprehensive Plan guidelines except for landscaping. The applicant would like to keep the landscaping as existing on the site. No additional lighting will be added except security lighting on the structure. There is an existing street light near the front of the property.

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 proposal is compatible with the general character of the surrounding neighborhoods in terms of height, scale, intensity, lighting, and appearance. The existing structure is being renovated.

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 Public Works and MSD and both have approved the plan. The Louisville Fire district #2 did comment on the proposal. Comments are attached on page 8.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

There are 6 items in the listed requirements under item A. for home for transitional housing. Item 3 will be met and item 6 has been submitted and is a part of your staff report. Item 1 will need to be modified. There are 4 requirements under item B. and all will be met.

- 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. **The existing structure is 2 feet from the south property line and 5 feet from the north property line.**
 - 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.
 - 3. Signage for transitional housing shall be in accordance with chapter 8 of the LDC for nonresidential uses. **No signage will be provided.**
 - 4. The Board of Zoning Adjustment 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. LOGIC map attached on page
 - 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.
 - 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.

- 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.
 - 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.
 - 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.
 - 4. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).

TECHNICAL REVIEW

There are no outstanding technical review items. The applicant will need to obtain the proper permits from IP&L.

STAFF CONCLUSIONS

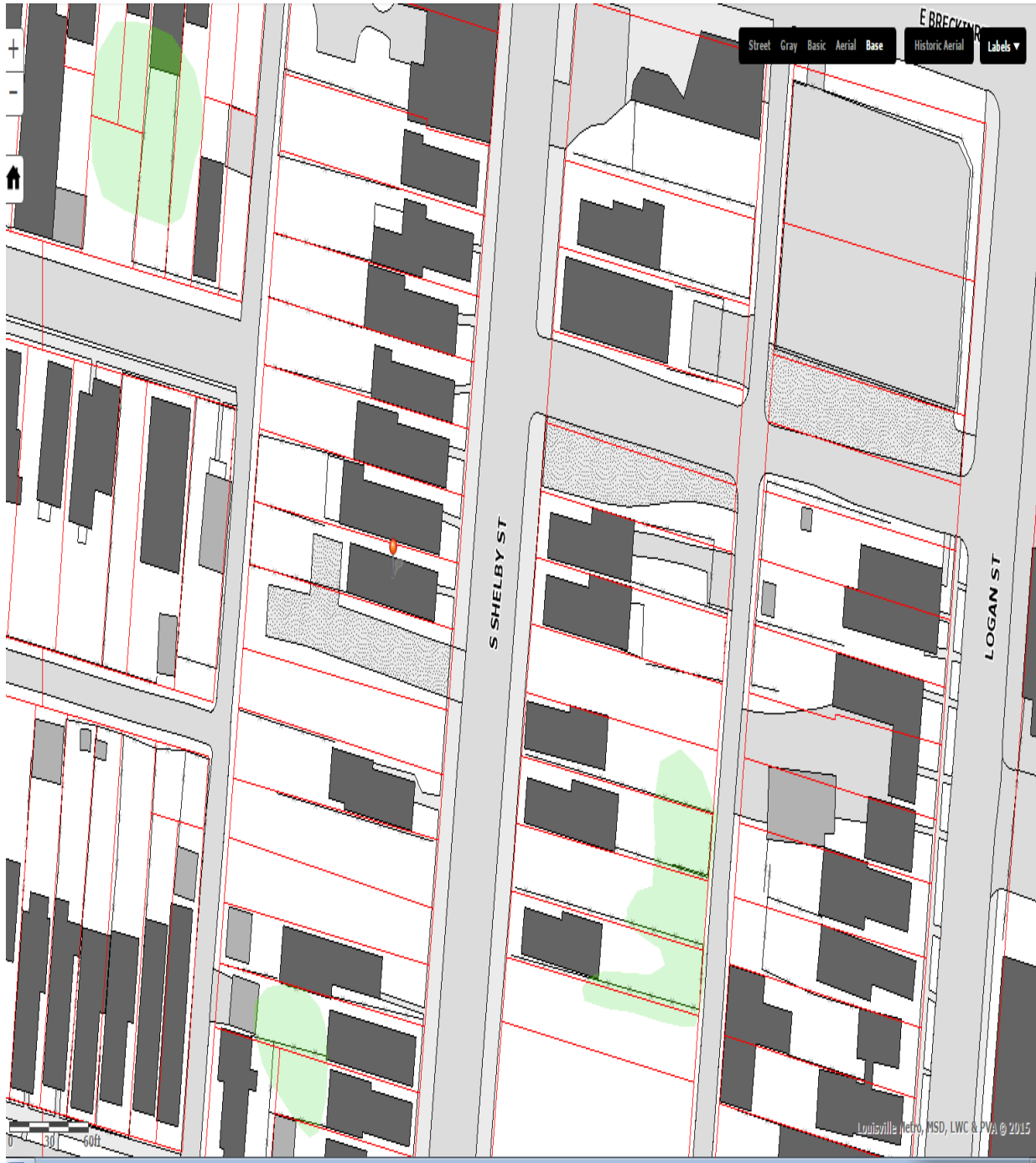
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, BOZA must determine if the proposal meets the standards for granting the Conditional Use Permit as established in the LDC.

NOTIFICATION

Date	Purpose of Notice	Recipients
6/18/15	APO Notice	First tier adjoining property owners Neighborhood notification recipients
6/19/15	Sign Posting	Subject Property

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Applicant's Justification Statement and Proposed Findings of Fact

RECEIVED

APR 29 2015

PLANNING &
DESIGN SERVICES

January 12, 2015

RE: Request for Proposal for the Development and Operation of a Transitional Residence for Adult Males recovering from Addiction and or Alcoholism

The primary purpose is to convert the property located at 918 S. Shelby St. Louisville KY from its former state as a 3-apartment unit residence to a quality Transitional Housing Facility for sober living.

It is our goal and belief that this facility will be designed to be the first step in a continuum of assistance to proactively able adult males who have struggled with dependent addiction and alcoholism to move toward independent living and also will allocate prevention activities.

The Transitional House will allow them an affordable weekly place to rent with no long term contract, they can rent week to week based on testing free of drugs and alcohol (randomly).

The terms of the rent will be the male tenants must be employed, working daily to pay their rent, they must test weekly to prove they are free of drugs and alcohol.

In a sober living home is designed to assist in the development of practical life skills, and cognitive strategies, to help avoid relapse as well as to help a person in recovery to build a new network of friends that can be counted on to be supportive of sobriety because that is the life path they are traveling as well.

The Transitional house will supply to potential adult males who have completed a rehab program from the state, county or personal admission.

The Transitional House will meet and comply with local safety and sanitary standards.

The current state of the house is being remodeled to bring the facility up to standard codes, with energy saving heating and air, new appliances etc.

We ARE having open house MARCH 21st
From 2-6 To ANSWER ANY Questions OR
CONCERNS.

Fell Free to call me

SEAN BOWMAN 502 287-7660

SEAN

Meeting sheet for 918
S. Shelby St.

- 1-
- 2-
- 3-
- 4-
- 5-
- 6-
- 7-
- 8-
- 9-
- 10-

No One Showed up for
Meeting.

RECEIVED
MAY 07 2015
PLANNING &
DESIGN SERVICES

Crumbie, Jon

From: Williams, Bill J
Sent: Thursday, February 19, 2015 11:19 AM
To: Crumbie, Jon
Subject: Docket No. 15CUP1008

Jon,

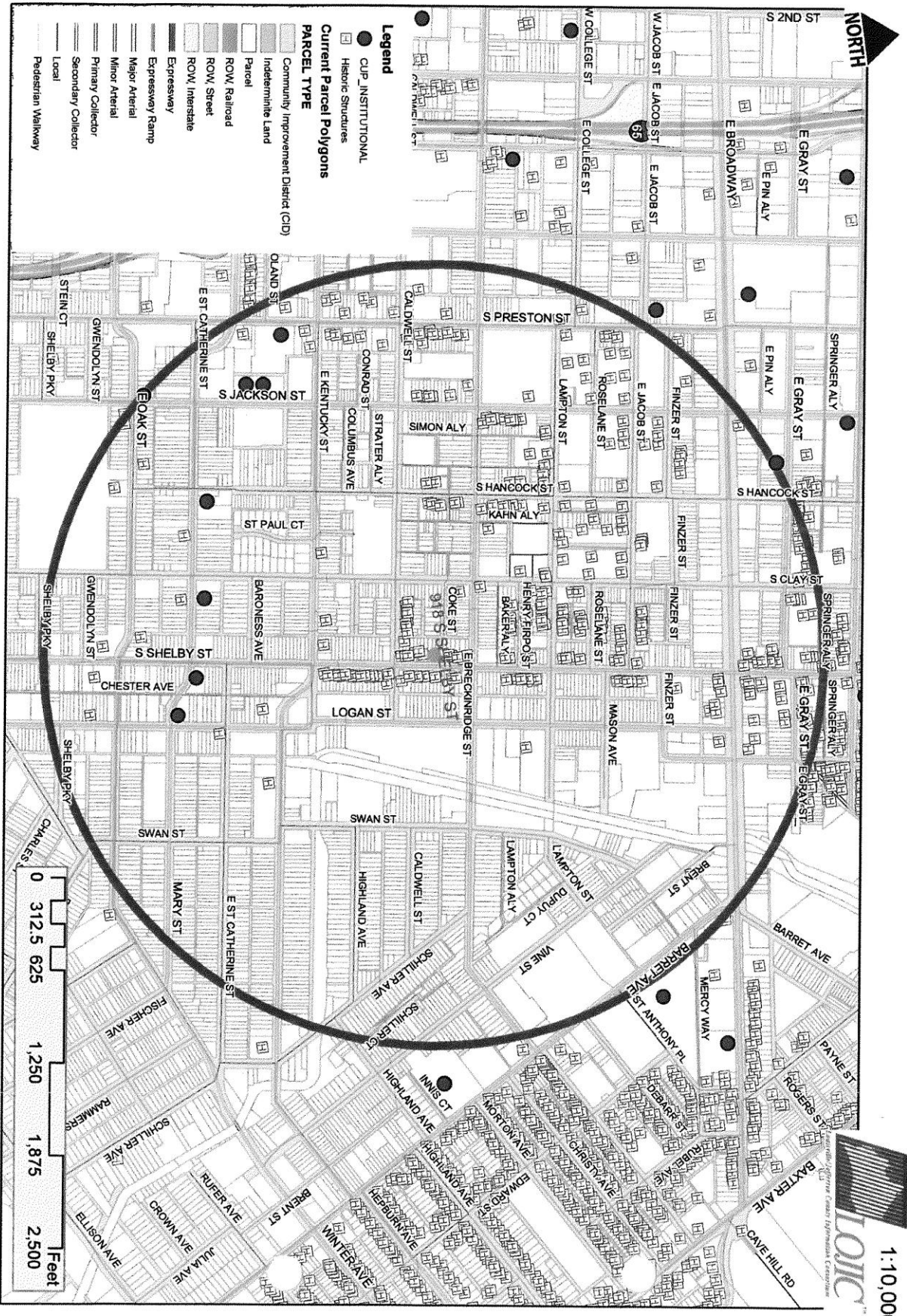
Regarding Docket No. 15CUP1008, in addition to the CUP the applicant will also need to obtain a building permit for a change of use from a 3-unit apartment to a Residential Group R1 *Boarding house (transient)* with more than 10 occupants; and meet the 2013 Kentucky Building Code Section 420 requirements for said Occupancy classification. Please let me know if you require anything further.

William J. Williams, Sergeant
Louisville Fire Department
Fire Inspector I
Office: (502) 574-2957
Cell: (502) 817-2456
bill.williams@louisvilleky.gov
1135 W. Jefferson St.
Louisville, KY 40203

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Crumbie, Jon

From: dancub71@gmail.com
Sent: Tuesday, March 24, 2015 7:41 AM
To: Crumbie, Jon; nharris@louhomeless.org
Subject: 918 S Shelby St. Louisville KY 40203

Dear Mr. Crumbie:

I am writing today because I have just become aware that a home three doors down from me has requested a Condition Use Permit to increase the number of allowable beds from 3 to 18 and for the building to serve as transitional housing.

I have grave concerns regarding this change. While I have not been in the building, it is my understanding it is currently three, one unit apartments. I do not believe a building so designed could safely and sanitarly house 18 people.

Additionally, it appears the new owner is an individual and not an organization which has experience and expertise in housing people in transition. Will the residents of this building be provided any support services from trained social workers? Will they be given the tools they need to transition into permanent, sustainable housing? Or will they simply be given a place to sleep for a period of time? I think these questions need to be answered by Mr. Burkhead before any waivers should be granted to him. I would like to be notified of any public hearings where this matter will be addressed.

I am also copying Natalie Harris, Executive Director of the Coalition for the Homeless to make her aware of the plans for this building as I am sure at this point, they do not meet the standards for care our community believes people in transition should receive.

Sincerely,

Daniel Gilvin

Crumbie, Jon

From: Natalie Harris <nharris@louhomeless.org>
Sent: Tuesday, March 24, 2015 8:10 AM
To: dancub71@gmail.com
Cc: Crumbie, Jon; Mary Frances Schafer
Subject: Re: 918 S Shelby St. Louisville KY 40203

Dear Mr. Gilvin,

As you indicate, I have never heard of this group or individual but we do help to coordinate homeless services in the community. If they are really interested in serving the homeless (most groups are more interested in serving as half way houses where they can get a fee) and helping to move folks to permanent housing, we'd love to have them join us at our monthly meeting and help them be successful. Please have them contact us to learn more!

Natalie Harris

On Tue, Mar 24, 2015 at 7:40 AM, <dancub71@gmail.com> wrote:
Dear Mr. Crumbie:

I am writing today because I have just become aware that a home three doors down from me has requested a Condition Use Permit to increase the number of allowable beds from 3 to 18 and for the building to serve as transitional housing.

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Sincerely,

Daniel Gilvin

--

Natalie Harris

The Coalition for the Homeless

Executive Director

1300 S. 4th St., Ste. 250, Louisville, KY 40208

502-636-9550 x 11

502-636-9950 fax

www.louhomeless.org

<https://www.facebook.com/LouHomeless>



1503 Indiana Ave
Lou, Ky 40213
MAILING Address
728 Coke St
Physician

VACANT Lot

Caldwell
Coke
MAP
Shelby
Breckenridge

ALLEY 20' right of way

38° 14' 22"

2 Parking spaces

Two story Brick Existing Residence

918 S. Shelby St.

side pool

68' side walk

PROPERTY LINE

Front 18' of House

Front yard 25' 7"

MAILING Address
Neighbor
Louisville Metro Housing
480 S 5th St
Lou, Ky 40203

Physician Address
920 S Shelby St

Deed # 9876 (0821)

W 85° 44' 26"

E 95°

SCALE 1" = 10'

Legend
Site smoke tower
Property Class 510 Rest
Deed # 10343 (0561)
old Dist # 09
Acreage 0.0874

Neighbor
11313 VANDELDR.
Louisville, Ky 40223

Physician
916 S Shelby St

Deed # 10354 (0077)

PRELIMINARY APPROVAL
DEVELOPMENT PLAN
CONDITIONS

BY: *Amy Mallot*
DATE: 6-3-15
LOUISVILLE & JEFFERSON COUNTY
METRO PUBLIC WORKS

PRELIMINARY APPROVAL
Condition of Approval: _____

Al Bay 6/3/15
Development Review Date
LOUISVILLE & JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT

RECEIVED

MAY 28 2015
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NOTE: Parking spaces are 9x18. Two on site, one on Shel will be gravel and bounded per Codes and Regulations policy.

Bus stop

Side walk

Street Parking 25'

Shelby Street



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APR 28 2015
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15CUP1008

15CUP1008

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 transitional housing without further review and approval by the Board.