

JANUARY 3, 1978

MINUTES

Docket No. B-17-77 (continued)

application that now involves only yard variances as the zoning on the subject property has been changed. The Board denied the application that involved the request for variance to the maximum floor area ratio, but agreed to rehear the application for yard variances under the same docket number on January 3, 1978.

On January 3, 1978, at a meeting of the Board, a hearing was held on this case. A drawing showing the premises affected and the construction proposed was presented to each Board member.

A staff member read the staff report. See Addendum for staff report in full.

The Secretary presented photographs of the subject property and the surrounding area. Slides of the site and the area were also shown.

Rose Mary Spath, Court Reporter, recorded the testimony given in the public hearing.

After the public hearing and a further discussion of the case by the members of the Board in open executive session, on a motion duly made and seconded, the following resolution was unanimously adopted:

WHEREAS, the Board finds that the granting of variances for the existing building in 1969 is a condition unique to the applicant's land and does not exist on other land in the same zone, and

WHEREAS, the Board finds that the strict application of the provisions of the regulations would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone because the subject property could not be reasonably developed for residential use because of the surrounding development, and

WHEREAS, the Board finds that the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Zoning District Regulations because this is an extension of an existing building with the same

variances previously granted by the Board, and

WHEREAS, the Board finds that the variance will preserve not harm the public safety and welfare and will not alter the essential character of the neighborhood because it is merely an extension of the existing use which has existed in the neighborhood for years,

NOW, THEREFORE BE IT RESOLVED, that this application be and is hereby APPROVED.

BE IT FURTHER RESOLVED, that this action is effective immediately.

The variances allow an addition to a building to encroach into a required front, side and rear yards and to be 5 feet from the front property line on Iowa Avenue, zero feet from the east property line and 5 feet from the rear property line.

DOCKET NO. B-150-77

Applicant: Best Personal Care, Inc.

Owner: Windsor Investment Co., Inc.

Subject: An application for a Conditional Use Permit for a nursing home.

Premises affected: On property located on the west side of Lambourne Boulevard, 800 feet more or less south of Third Street Road, Jefferson County, Kentucky.

Appearances For Applicant:

John Sabak, Engineer, 300 W. Main Street, Louisville, Kentucky, who submitted 2 development plans and a plot and floor plan.

Appearances Against Applicant:

None

On November 30, 1977, Louis Best, Best Personal Care, Inc. applied for a Conditional Use Permit for a nursing home.

On January 3, 1978, at a meeting of the Board, a hearing was held on this case. A drawing showing the premises affected and the construction proposed was presented to each Board member.

JANUARY 3, 1978

MINUTES

Docket No. B-150-77 (continued)

A staff member read the staff report. See Addendum for staff report in full.

The Secretary presented photographs of the subject property and the surrounding area. Slides of the site and the area were also shown.

Rose Mary Spath, Court Reporter, recorded the testimony given in the public hearing.

After the public hearing and a further discussion of the case by the members of the Board in open executive session, on a motion duly made and seconded, the following resolution was unanimously adopted:

WHEREAS, this proposal is in conformance with the mapped portion of the Comprehensive Plan which shows medium density residential use to be appropriate and institutional uses are appropriate in any zone with the granting of a Conditional Use Permit, and

WHEREAS, the Board finds that this proposal will not adversely affect the neighboring property because screening and landscaping will be provided, and

WHEREAS, the Board finds that this proposal will not have an adverse effect upon the public health, safety or general welfare and will provide needed health care facilities for the community,

NOW, THEREFORE, BE IT RESOLVED, that this application be and is hereby APPROVED.

DOCKET NO. B-151-77

Applicant:

The Kentucky Humane Society - Animal Rescue League

Subject: An application for a Conditional Use Permit for an addition to a animal shelter (kennel).

Premises affected: On property known as 241 Steedley Drive in the City of Louisville.

Appearances For Applicant:

J. P. Hancock, Attorney, Kentucky Home Life Building, Louisville, Kentucky.

Appearances Interested:

Alderman David Banks, 539 Forum Avenue, Louisville, Kentucky, who submitted a copy of his statement.

Appearances Against Applicant:

Joseph T. Miller, 6335 Strawberry Lane, Louisville, Kentucky.

Robert Massey, 3005 Piedmont Drive, Louisville, Kentucky, representing the owners of the duplexes across the street from the subject site.

Art Schultz, 229 Steedley Drive, Louisville, Kentucky.

Dr. George R. Bierly, Medical Arts Building, Louisville, Kentucky.

Rev. Charles Holland, 734 Palatka Road, Louisville, Kentucky, who submitted a tax map and a letter from Olen Givens, Jr.

Mrs. William Clary, 223 Steedley Drive, Louisville, Kentucky.

Mr. Robert Miller, Attorney, President Kentucky Humane Society, 730 Starks Building, Louisville, Kentucky, spoke in rebuttal.

Petitions were circulated and signed by 14 people present in opposition and 5 people present in support.

On November 30, 1977, Kentucky Humane Society - Animal Rescue League applied for a Conditional Use Permit for an addition to a animal shelter (kennel).

On January 3, 1978, at a meeting of the Board, a hearing was held on this case. A drawing showing the premises affected the construction proposed was presented to each Board member.

A staff member read the staff report. See Addendum for staff report in full.

The Secretary presented photographs of the subject property and the surrounding area. Slides of the site and the area were also shown.

Rose Mary Spath, Court Reporter, recorded the testimony given in the public hearing.

After the public hearing and a further discussion of the case by the members of the Board in open executive session, on a motion duly made and seconded, the following resolution was unanimously adopted:

Docket No.

B-150-77

Applicant:

Best Personal
Care, Incorporated
by Louis E. Best

Owner:

Windsor Investment
Company, Incorporated by Jack
Farley

Subject of Request: An application
for a Conditional Use Permit for a
nursing home.

Public Hearing Date: January 3, 1978

Premises affected: On property
located on the west side of Lambourne
Boulevard, 800 feet more or less south
of Third Street Road, Jefferson County,
Kentucky.

Related Cases: None

STAFF REPORT

This is an application for a Conditional Use Permit for a nursing home on property located on the west side of Lambourne Boulevard, 800 feet, more or less, south of Third Street Road in an R-6 Apartment zone.

The development plan submitted by the applicant shows a 128 bed facility and 54 parking spaces.

The applicant has applied for a "Certificate of Need" from the Department for Human Resources.

Section 30 (Hospitals, Institutions, Nursing Homes and Homes for the Infirm and Aged) of the Zoning District Regulations permits the proposed use in an R-6 zone after a public hearing before the Board and after the Board finds that the use will not have an adverse effect on the neighboring property, is not in conflict with elements and objectives of the Comprehensive Plan, and will not adversely affect the public health, safety and the general welfare.

Section 30 lists four (4) items which must be met.

All requirements appear to be met.

In addition, the development plan has received preliminary approval from the Water Management Engineer and the Louisville-Jefferson County Department of Traffic Engineering.

The mapped portion of the Comprehensive Plan shows the site to be suited for medium density residential development.

It does not appear that the proposed use would adversely effect neighboring property because screening and landscaping will be provided. Also it does not appear that the proposed use would adversely affect the public health, safety and general welfare, but in fact will improve it by providing a residential setting for the care and treatment of the aged or infirm near their homes.

In addition, it appears the proposed use is in agreement with the Comprehensive Plan, as the mapped portion shows the area to be suited for medium density development.