

Board of Zoning Adjustment

Staff Report

October 7, 2019



Case No:	19-CUP-0139
Project Name:	The Gratitude House
Location:	2601 W. Chestnut St.
Owner(s):	Fed With Faith Inc.
Applicant:	Jean Manganaro
Representative:	Nick Pregliasco
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Chris French, AICP, Planning & Design

REQUEST(S)

Conditional Use Permit (CUP) to allow transitional housing in an R-6 zoning district

CASE SUMMARY/BACKGROUND

The property is located at the Northwest corner of West Chestnut Street and South 26th Street. The property is located within the R-6 Multifamily Residential Zoning District and the Traditional Neighborhood Form District. The property has two buildings that nearly extend from the front property line to the rear property line. The front structure located at the intersection of West Chestnut Street and South 26th Street is the location of the transitional housing use. The front building facing West Chestnut Street contains the transitional housing use, as well as an office for the operator an apartment used for long term rental. The rear structure contains eight residential dwelling units (appears to be nonconforming for density) used for long-term rental and is therefore not a part of the conditional use permit application (see proposed condition of approval 1).

The applicant is requesting a CUP for a transitional housing use, according to the applicant, the portion of the property not utilized as long-term rental of dwelling units would be used to transition men who suffer from substance use disorders after they leave detoxification centers. The applicant also states that the men (up to 17 individuals) will be provided single rooms with common areas, structure consistent with a recovery lifestyle and meetings as needed. In addition, the applicant states that the clients transitioning periods would last between 6 and 18 months.

STAFF FINDING / RECOMMENDATION

There are 10 specific standards to allow the Conditional Use Permit for transitional housing. The applicant will be seeking relief from item A.1., and A.5. Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

RELATED CASES

15PM8672 – Open zoning enforcement case for illegal boarding and lodging house

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

Two neighborhood meetings were held; one on August 24, 2019 and another on October 2, 2019. The meeting summary for the first meeting is included with the CUP application which is attached to the agenda item. The second meeting summary was not provided prior to the publishing of this report. Two comments were received on this request and are attached to the agenda item.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposal meets all applicable policies of the Comprehensive Plan.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The request includes the conversion of an existing structure; therefore, height, bulk, and scale are not applicable to the proposal. The Board must determine if the use of the property as transitional housing would be compatible to surrounding land uses and the general character of the area in regard to applicable issues such as intensity, traffic, noise, and appearance.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: The subject property is served by existing public utilities and facilities.

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

4.2.55 Transitional Housing may be allowed in any zoning district upon the granting of a conditional use permit and compliance with the listed requirements.

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 proposed transitional housing use will be located in an existing structure which is constructed to the property lines on three sides. The front of the structure is setback from West Chestnut Street approximately 9 feet from the front property line. The applicant is seeking relief from this requirement. Based on the location of the existing building staff believes there is sufficient justification to warrant relief from this standard.***

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. **Seven on-street parking spaces are adjacent to the property; therefore, the LDC would give the property credit for seven parking spaces. No off-street parking spaces exist on the property. The Board must determine whether there is sufficient parking for the transitional housing use.**

3. Signage for transitional housing shall be in accordance with chapter 8 of the LDC for nonresidential uses. **No signs are proposed at this time.**

4. The Board of Zoning Adjustments 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. **See map attached (attachment 4)**

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. **The applicant is asking for relief from this provision because the existing structure covers the majority of the lot. Staff believes there is sufficient justification to grant relief from this standard.**

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. **The applicant has provided a report from the Louisville Fire Department (attachment 5)**

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). **Items B.1-4, not applicable because the property is zoned R-6.**

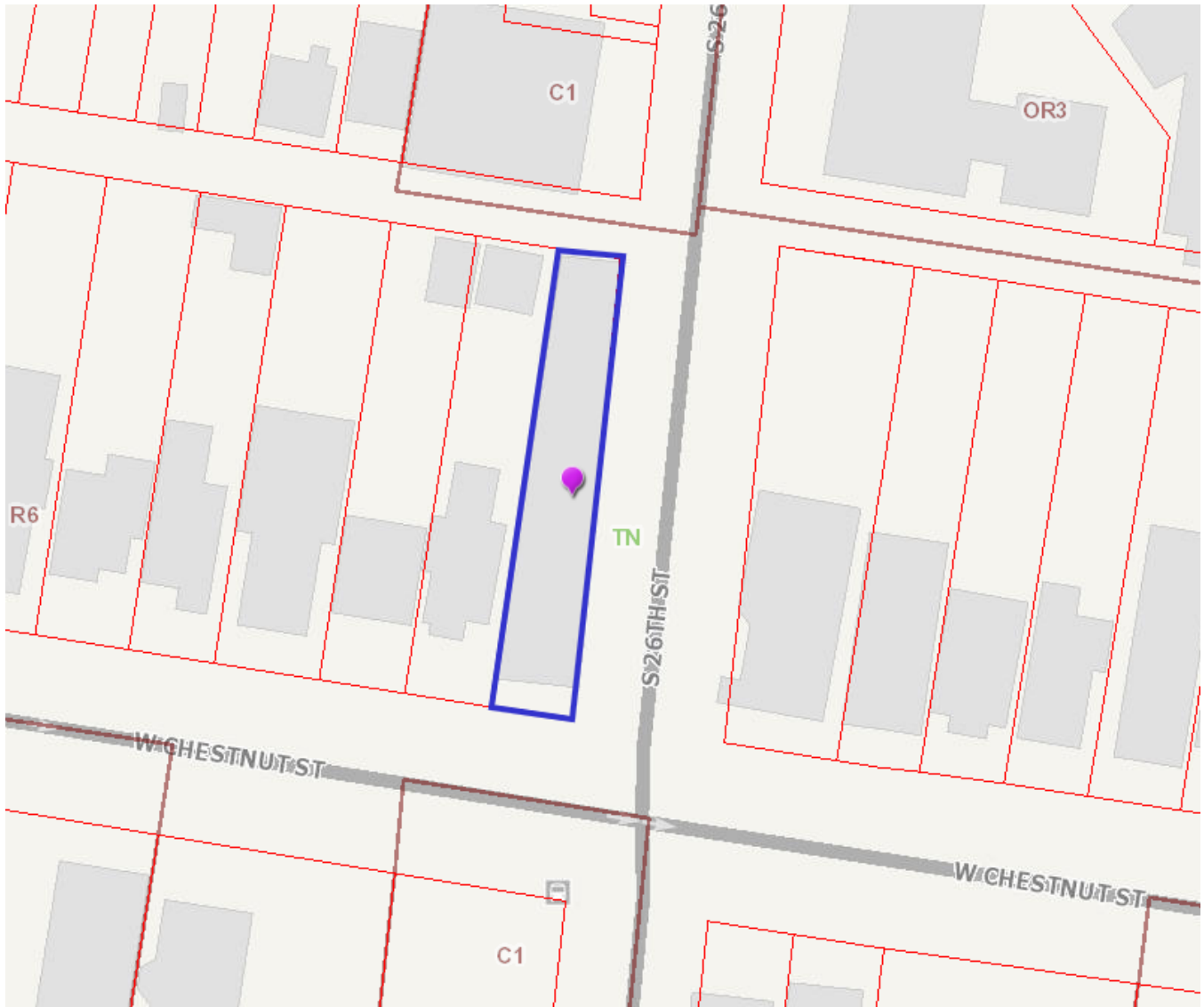
NOTIFICATION

Date	Purpose of Notice	Recipients
9/23/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 5
9/20/2019	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Photos
4. Plan 2040 Checklist
5. Proximity to Other Group Housing
6. Louisville Fire Dept. Report
7. Proposed Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Site Photos



Front of Building – adjacent to Chestnut Street



Adjacent Property to the West



Property Across 26th Street



Property Directly Across the Street



Property at Opposite Corner of Intersection

4. Plan 2040 Checklist

PLAN 2040 CHECKLIST

- + Meets policy
- Does not meet policy
- +/- Meets/does not meet some portion of policy
- NA Not applicable
- INS Addl information needed

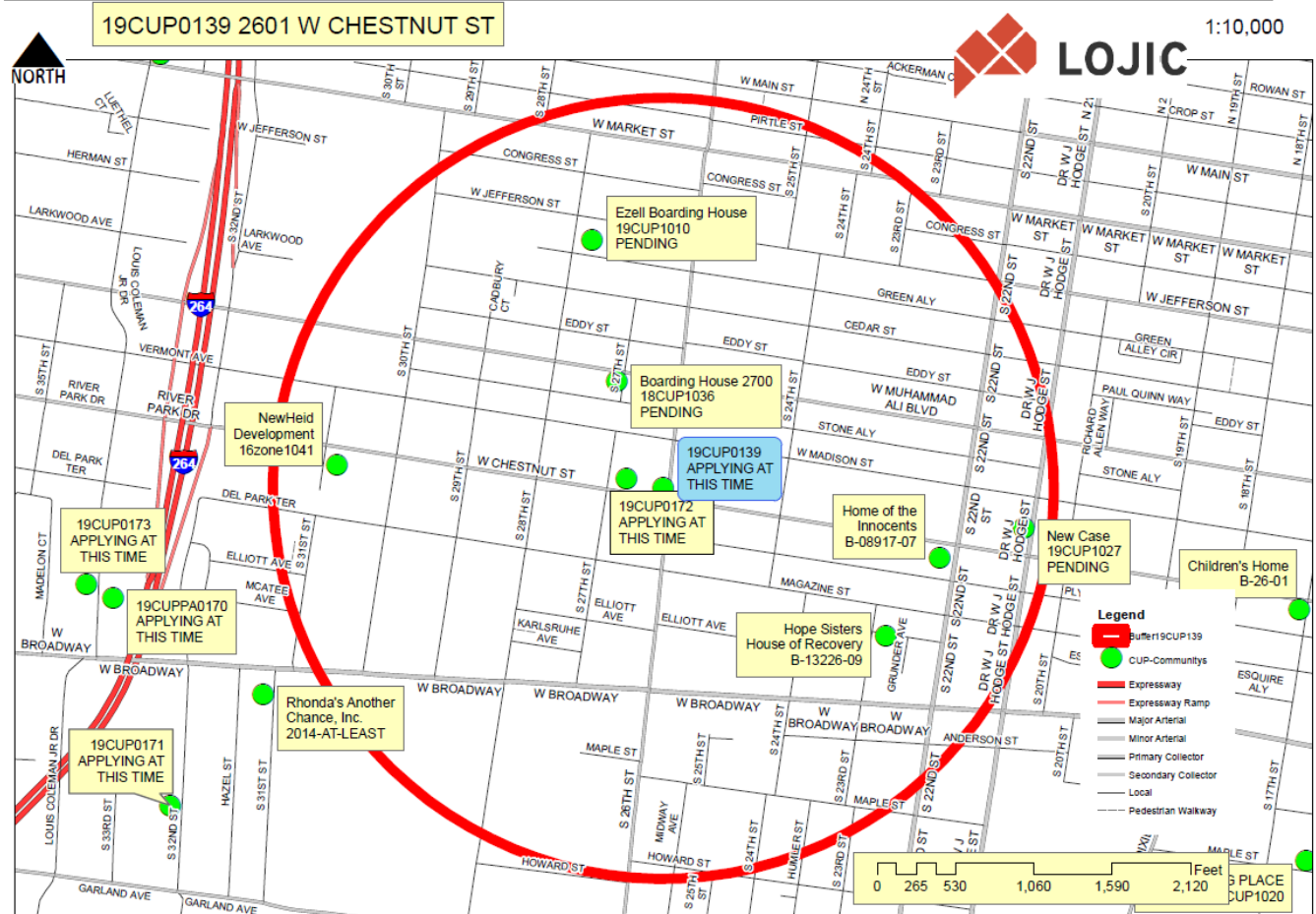
Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form: Goal 1			
3.1.2	Traditional Neighborhood (1.3.1.2, page 40-41)	+	
Community Form: Goal 4			
2.	Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	+	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
3.	Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.	+	
Mobility: Goal 1			
6.	For developments meeting established thresholds, provide facilities that support an efficient public transportation system such as convenient access to and across pedestrian, bicycle and roadway facilities. Provide transit amenities such as boarding areas, benches, shelters, park and ride facilities, and lighting in accordance with the Transit Design Standards Manual.	NA	
Community Facilities: Goal 2			
1.	Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	NA	
2.	Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	+	
3.	Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	+	
Housing: Goal 1			
1.	Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and cohousing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.	+	
2.	Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.	NA	
3.	Develop a variety of housing types that meet the needs of all residents including an adequate supply of affordable housing and physically accessible housing.	+	
Housing: Goal 2			
1.	Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	NA	
2.	Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.	NA	
3.	Encourage the inclusion of residential uses above retail and office uses in mixed-use, multi-story buildings. Provide flexibility to allow live-work units.	NA	
Housing: Goal 3			
1.	Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.	NA	
3.	Encourage the use of innovative methods such as clustering, mixed use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.	+	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
4.	Provide safe and affordable housing opportunities and related supportive services throughout Louisville Metro to serve the homeless population and those in need of housing, including but not limited to, rent assistance, transitional housing, and shelters. Allow for supportive housing to be available for individuals entering or re-entering society upon their exit from residential care facilities, correctional facilities, foster care or similar institutions.	+	
5.	Promote and encourage the inclusion of design features that make housing safer and/or are known to help reduce crime (i.e. lighting, fences, front porches).	NA	

5. Proximity to Other Group Housing

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6. Louisville Fire Dept. Report

Inspection No:	INSP170149
Inspection Date:	01/05/2017
Inspection Time:	0
Inspected By:	JAGGERS, MELINDA

LOUISVILLE FIRE DEPARTMENT FIRE INSPECTION REPORT



Inspection and Compliance Orders			
Facility:	Boarding Rooms -19-Plex	Address:	2601 CHESTNUT
Phone:			
Fax:		City:	Louisville
Email:		State:	Kentucky
		Postal Code:	40211
Primary Contact			
Contact:	Manganaro, Jean	Work:	
Email:		Cell:	502-269-1027
Inspection Type:	Inspection - General		

Violation Code	Days to Correct*	Violation	Notes	Location
13.6.9.3.1.1.1	31	Fire extinguishers shall be subjected to maintenance at intervals of not more than 1 year, at the time of hydrostatic test, or when specifically indicated by an inspection or electronic notification.[10:7.3.1.1.1]	Have inspected annually	
14.13.1.1*	31	Emergency lighting facilities for means of egress shall be provided in accordance with Section 14.13 for the following: (1) Buildings or structures where required in Chapters 11 through 43 of (2) Underground and limited access structures as addressed in Section 11.7 of (3) High-rise buildings as required by (4) Doors equipped with delayed-egress locks (5) Stair shaft and vestibule of smoke proof enclosures, for which the following also apply: (6) New access-controlled egress doors in accordance with 14.5.3.2 [10:7.9.1.1]	Ensure that battery backup power is working when test button is pressed on the emergency light	
14.5.4.1*	31	A door leaf normally required to be kept closed shall not be secured in the open position at any time and shall be self-closing or automatic-closing in accordance with 14.5.4.2, unless otherwise permitted by 14.5.4.3.[10:7.2.1.8.1]	Ensure that all exit corridor doors have a self closing device	
11.1.10	31	Covers - All panelboard and switchboards, pull boxes, junction boxes, switches, receptacles, and conduit bodies shall be provided with covers compatible with the box or conduit body construction and suitable for the conditions of use.	Replace all missing electrical covers and install blanks in electrical panels	
13.7.4.4.1	31	The inspection, testing, and maintenance for fire alarm and fire detection systems shall be in accordance with Chapter 10 of NFPA 72.	Have inspected annually, make repairs noted and provide report	

Inspection Notes:

Inspector :

A handwritten signature in black ink, appearing to be 'MJ' or similar, is centered within a large rectangular box.

* Number of days to correct from date inspected.

Immediate correction of these violations is ordered under provisions of the Louisville Metro Codified Ordinances Chapter 94, and Kentucky Revised Statutes 198B & 227. Failure to comply with this order renders all parties to penalties should they fail to correct the violations in the timeframe stated.

7. Proposed Conditions of Approval

1. This transitional housing use shall not include the rear building which is used for long-term rental of residential dwelling units.
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.
3. Prior to lawful commencement of the transitional housing use the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies.