

**Board of Zoning Adjustment  
Staff Report**  
February 17, 2020



<b>Case No.</b>	19-CUP-0253
<b>Project Name</b>	The Bradford House
<b>Location</b>	2639 Virginia Avenue
<b>Owner</b>	Everett R. Bradford
<b>Applicant</b>	Everett R. Bradford
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	1 – Jessica Green
<b>Case Manager</b>	Jon E. Crumbie, Planning & Design Coordinator

**REQUEST**

Conditional Use Permit for Transitional Housing

**CASE SUMMARY / BACKGROUND**

The applicant proposes to convert an existing single-family residential structure to transitional housing. No exterior construction or alterations to the structure appear to be proposed. The applicant states that the transitional house has six bedrooms and will accommodate eleven men. The parking will be on Virginia Avenue.

The 0.27-acre site is located on the north side of Virginia Avenue between S. 28th and Cypress Streets. It and all adjoining properties are zoned R-7 within a Traditional Neighborhood (TN) form district.

The applicant justification mentions “providing services”, but there does not appear to be any affiliation with any organization through which residents are referred and no formal program for residents. More information is needed.

The applicant is requesting relief from several CUP conditions in order to accommodate the existing residential development. Relief is requested from LDC 4.2.55.1., which requires at least 30 ft along both side property lines. Relief from LDC 4.2.55.5. is also being requested to permit a maximum TN building height in excess of 45 ft and a 30 ft front setback exceeding the maximum TN front setback of 25 ft.

**STAFF FINDINGS**

There are six listed requirements for transitional housing. The applicant is requesting relief from several CUP conditions in order to accommodate the existing residential development. Relief is requested from LDC 4.2.55.1., which requires at least 30 ft along both side property lines. Relief from LDC 4.2.55.5. is also being requested to permit a maximum TN building height in excess of 45 ft and a 30 ft front setback exceeding the maximum TN front setback of 25 ft. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a Conditional Use Permit as established by the Land Development Code.

## **RELATED CASES**

**18PM3787** Operation of a transitional house without the proper permits located at 2639 Virginia Avenue. The case has been referred to court.

## **TECHNICAL REVIEW**

There are no outstanding technical review items to be addressed.

## **INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on August 29, 2019 and at least six people attended not including the applicants.

## **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 is consistent with the Comprehensive Plan in that it is a reuse of an existing historic structure and is not expected to create significant additional burdens on public infrastructure.

### 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 and appearance?

STAFF: The proposal will require no exterior additions or significant alterations to the site or its existing structures.

### 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: Public facilities appear to be adequate to serve the site.

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

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.

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. ***Relief is requested to accommodate existing site development.***
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. ***The applicant will need to discuss.***
3. Signage for transitional housing shall be in accordance with Chapter 8 of the LDC for nonresidential uses. ***The applicant has removed several signs following a Code Enforcement inspection. Any new signage must meet these requirements.***
4. The Board of Zoning Adjustment shall take into account the location of other transitional housing, homeless shelters or rehabilitation homes in its analysis of conditional use permit application for transitional housing. ***No facilities of this type are located within a 1/2-mile radius of the subject site.***

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. ***Relief is being requested to accommodate existing site development. Relief from LDC 4.2.55.5. is requested to permit a maximum TN building height in excess of 45 ft and a 30 ft front setback exceeding the maximum TN front setback of 25 ft.***
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 been informed of this requirement. This report may be obtained from the Fire Marshal representative in Construction Review.***

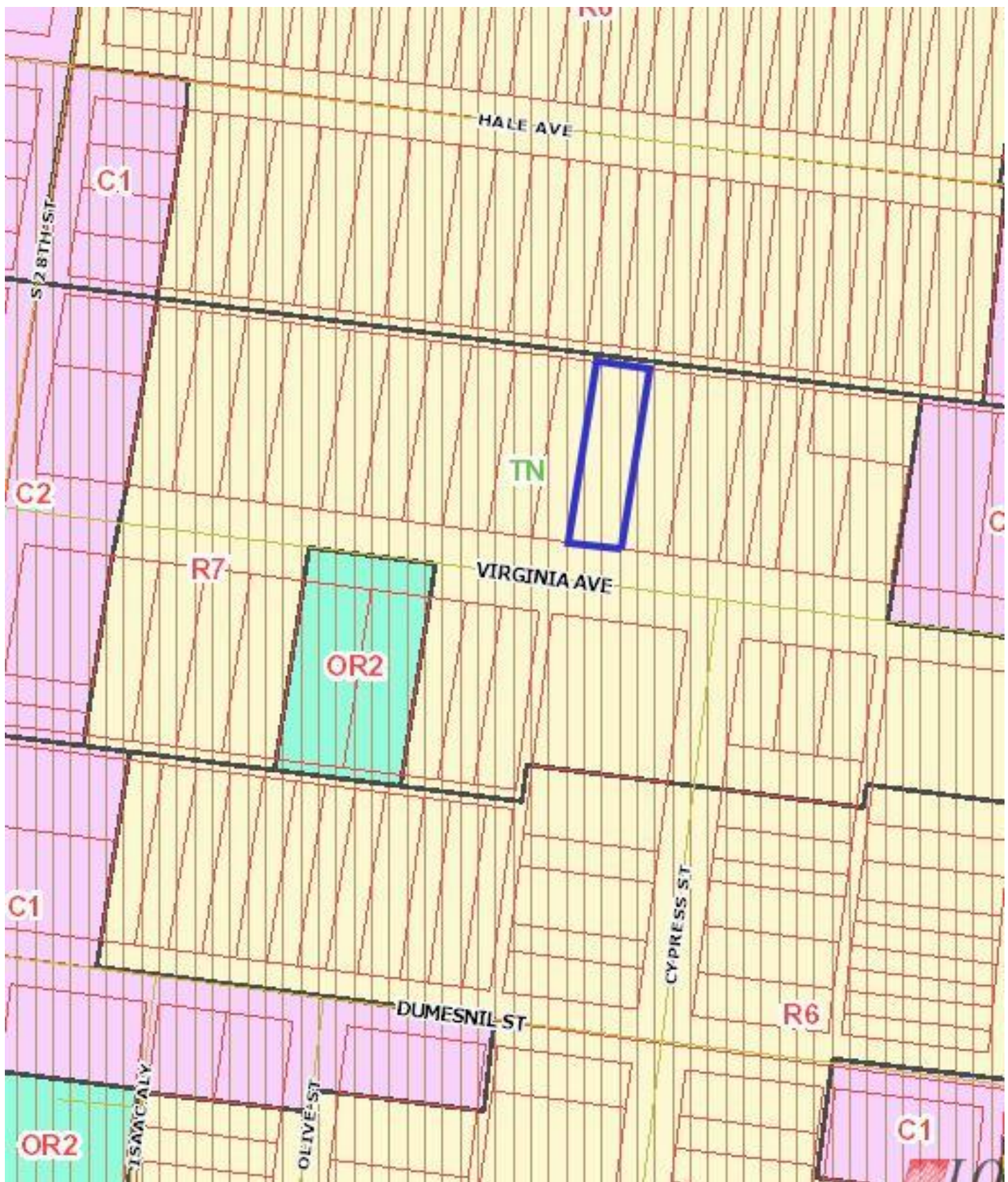
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
1/31/2020	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 1
2/7/2020	Hearing before BOZA	Sign Posting

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Similar Uses Map
4. 2040 Checklist
5. Conditions of Approval

1. Zoning Map

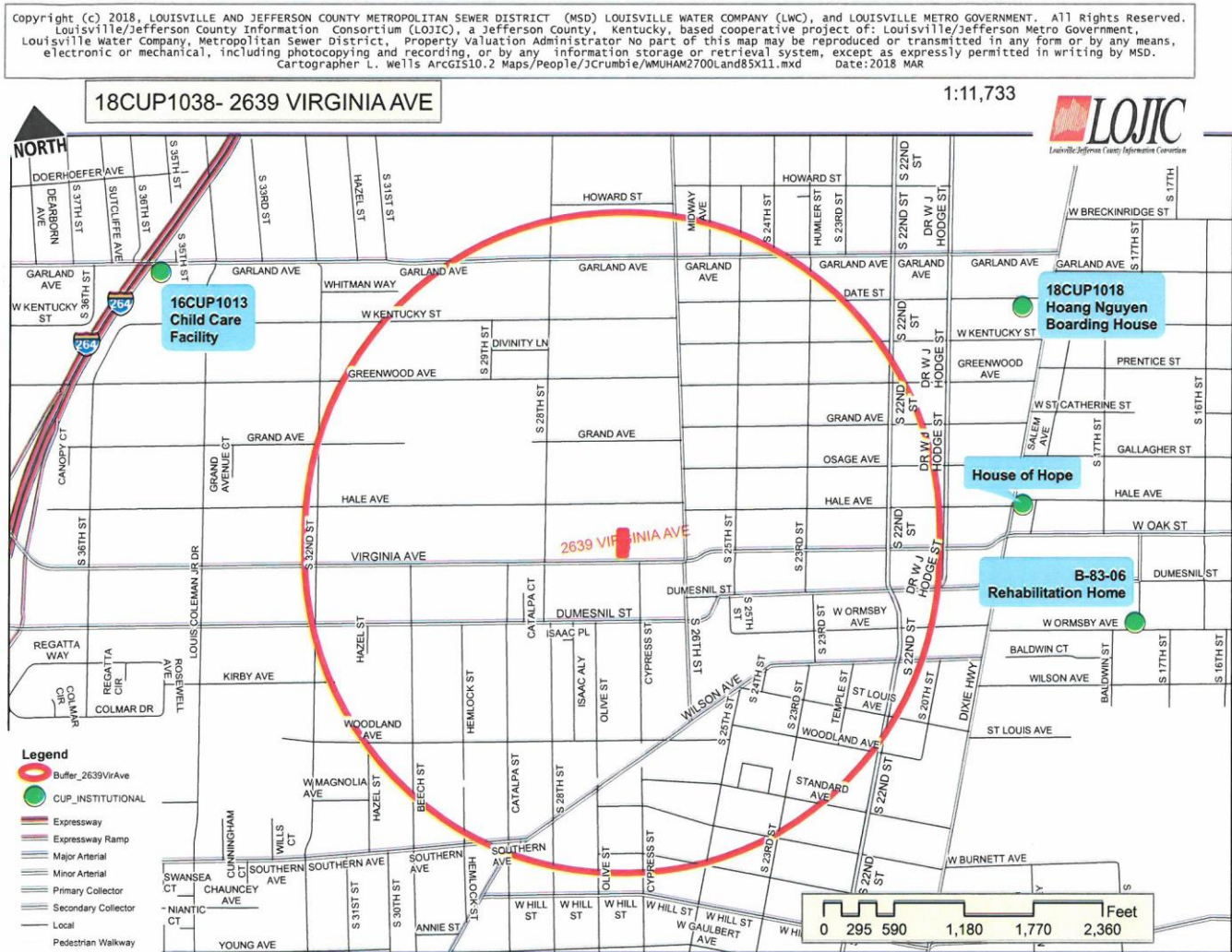




2. Aerial Photograph



### 3. Similar Uses Map



### 4. 2040 Checklist

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

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form: Goal 1			

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
2.1	Evaluate the appropriateness of a land development proposal in the context of: 2.1.1. the description, character and function of the Form District designated for the area in which the subject site is located; 2.1.2. the intensity and density of the proposed land use or mixture of land uses; 2.1.3. the effect of the proposed development on the movement of people and goods; and 2.1.4. the compatibility of the proposed use or uses with surrounding uses including the relationship of the use, mass, scale, height, materials, building footprint, orientation, setback and design of the proposed building or buildings with that of surrounding buildings.	+	The proposed use will be in an existing structure and primary residential area.
3.1.3			
4.	Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.	+	The proposed use will be in an existing structure and primary residential area.
10.			
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	The structure is existing, so the setbacks are well established.
12.	Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes.	-	Staff does not know where off-street parking will be located.
14.	Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials).	+	Signage is code compliant.
16.			
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	+	Transportation Planning has reviewed and approved the proposal.
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	+	Proposal will follow the Louisville Metro Noise Ordinance.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	+	Lighting will be Land Development Code compliant

## 5. Proposed 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 by and approval of 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 by and approval of 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.
4. The number of occupants in the residence shall be 1 person per 50 feet in each bedroom that meets code.