

# Board of Zoning Adjustment

## Staff Report

May 3, 2021



<b>Case No:</b>	21-CUP-0010
<b>Project Name:</b>	My Brother's Keeper Rehabilitation Home
<b>Location:</b>	220 South 23 <sup>rd</sup> Street
<b>Owner(s):</b>	220 South 23 <sup>rd</sup> , LLC
<b>Applicant:</b>	My Brother's Keeper
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Jecorey Arthur
<b>Case Manager:</b>	Jon Crumbie, Planning & Design Coordinator

### **REQUEST(S)**

Conditional Use Permit to allow a rehabilitation home

### **CASE SUMMARY/BACKGROUND**

The proposed rehabilitation home will provide a small residential treatment option for persons recovering from alcohol and drug dependency issues with 24 hour supervision by licensed professionals while undergoing recovery therapies. The home will contain 4 sleeping bedrooms, with a shared bath and kitchen.

### **STAFF FINDING / RECOMMENDATION**

There are five listed standards, and item A. and D. will be met. Item B. does not apply since there will be no new construction on site, and the applicant will be asking for relief of item C. since parking is not proposed on the site. 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**

None

## **TECHNICAL REVIEW**

None

## **INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on December 12, 2020 and at least two 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 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: When appropriately managed, the proposed use is compatible with surrounding development and land uses.

### **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. Transportation Planning and MSD have reviewed and approved the proposal.

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

#### **4.2.31 Rehabilitation Home**

Rehabilitation homes may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. If using an existing residential building constructed contemporaneously with the surrounding neighborhood, its exterior appearance shall not be substantially altered. ***The proposal is located in an existing residence within a larger residential and commercially zoned area and is compatible with the surrounding residential units with respect to style, size, and building setback.***

B. New construction within an area having an established front building setback shall be constructed at the average setback line or the minimum front yard of the form district, whichever is less. Structures adjacent to residential uses or zoning districts shall increase side yards by 10 feet for each story over two. ***No new construction is proposed.***

C. One parking space on site shall be provided for each staff person, plus two spaces for each five residents, or five clients served by the rehabilitation home. Parking shall be reduced to one space per five residents/clients if the rehabilitation home serves persons with disabilities that preclude operation of an automobile. ***Parking is not provided on site for staff, residents, or clients.***

D. One freestanding sign not to exceed 10 square feet and 4 feet in height shall be allowed. ***Signage is not proposed.***

E. The Board shall add any additional restrictions necessary to mitigate nuisances or adverse effects.

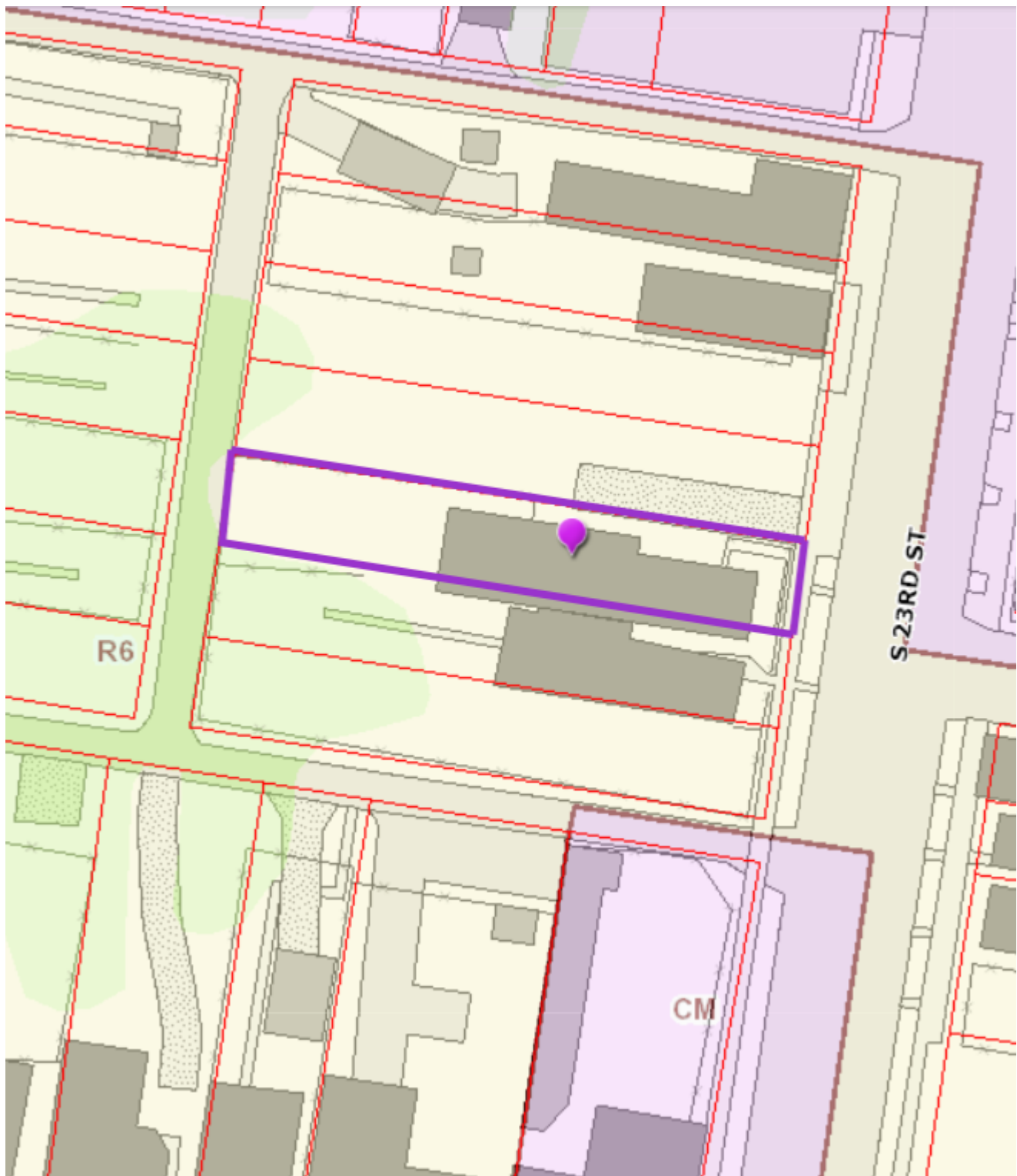
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
4/16/2021	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
4/20/2021	Hearing before BOZA	Sign Posting

#### **ATTACHMENTS**

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

#### **1. Zoning Map**



## 2. Aerial Photograph



### 3. 2040 Checklist

### Conditional Use Permit Checklist

+ Meet policy

- Does not meet policy

+/- Meets/Does not meet some portion of policy

NA – Not applicable

NIS – Information needed

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form – Goal 1			
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 applicant is proposing to use the existing structure.
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	The applicant is proposing to use the existing structure and the existing structure have been in place for several years.
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.	+	Transportation Planning has reviewed and approved the proposal.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
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 not proposed.
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.	+	The proposal will follow the noise ordinance requirements.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	+	Lighting will be Land Development Code compliant.
Goal 2 Community Facilities			
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).	+	MSD has reviewed and approved the proposal.

#### 4. 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 a rehabilitation home until further review and approval by the Board.
3. Prior to lawful commencement of the rehabilitation home 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.