

**Board of Zoning Adjustment**  
**Staff Report**  
May 17, 2021



<b>Case No:</b>	21-CUP-0020
<b>Project Name:</b>	Kaylyn's House of Joy
<b>Location:</b>	645 Lyndell Avenue
<b>Owner(s):</b>	Kathy Malone
<b>Applicant:</b>	Kathy Malone
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	5 – Donna Purvis
<b>Case Manager:</b>	Jon Crumbie, Planning & Design Coordinator

**This case was continued from the April 19 meeting to allow the applicant time to submit additional information on the operation of the transitional house.**

**REQUEST(S)**

- Conditional Use Permit to allow transitional housing

**CASE SUMMARY/BACKGROUND**

The applicant is proposing to use the existing residence as transitional housing for up to eight teenage girls in foster care.

**STAFF FINDING / RECOMMENDATION**

There are six listed requirements for a transitional home use and the applicant will be asking for relief for item A. Section B. of the listed requirements does not apply since the site is zoned R-6 residential multi-family. 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 January 27, 2021 and no one attended except the applicant.

## **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 proposal 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?

### **4.2.55 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. ***It would be impractical to move the existing residential structure 30 feet from any property line. The minimum side yard requirement in an R-6, Traditional Neighborhood Form District is 3 feet. The existing residence will meet that requirement.***

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 states that there are at least four parking spaces along the existing driveway.***

3. Signage for transitional housing shall be in accordance with chapter 8 of the LDC for nonresidential uses. ***The applicant states that there will be no signage.***

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. ***There are two approved transitional homes and one approved rehabilitation home within ½ mile 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. ***The proposal is located in an existing residence within a larger residential area and is compatible with the surrounding residential units with respect to size and building setback.***

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 Fire Marshal inspection report is included in the Board members packet.***

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).

## **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 proposal will be in an existing structure.
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	Setbacks, lot dimensions and building heights are compatible with nearby developments.
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).	+	No signage is 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.
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.

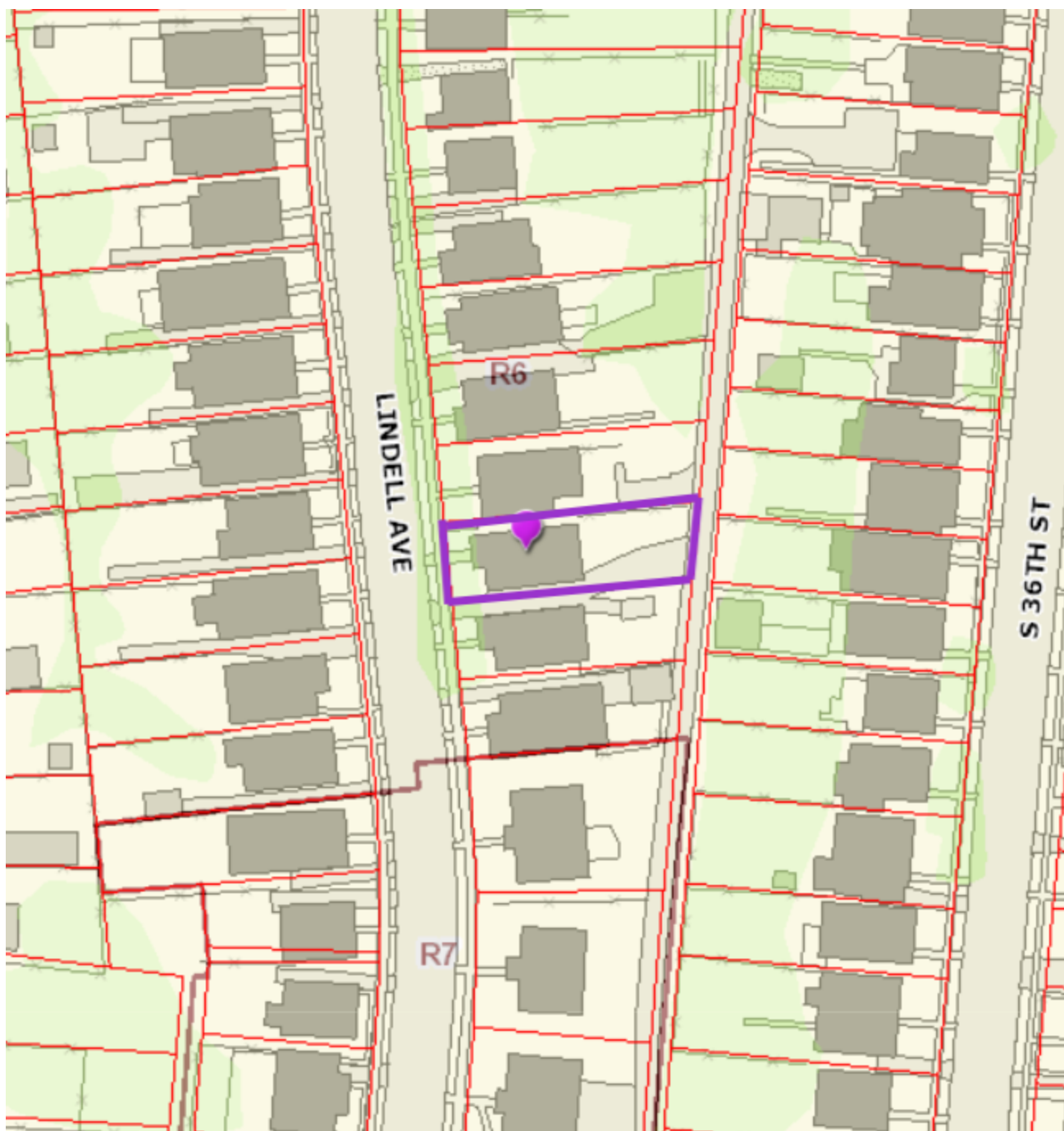
**NOTIFICATION**

Date	Purpose of Notice	Recipients
4/1/2021	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 5
4/7/2021	Hearing before BOZA	Sign Posting

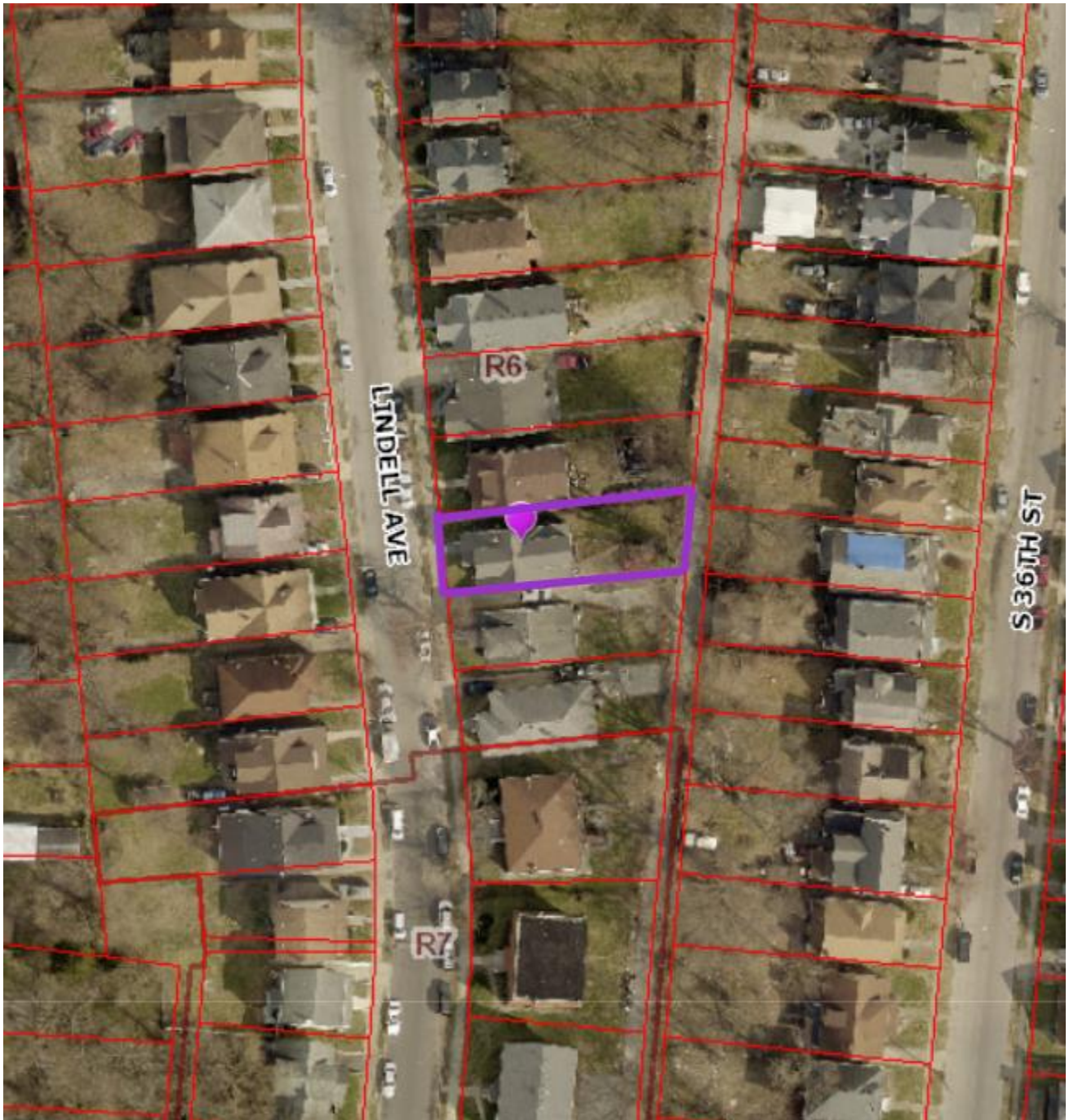
**ATTACHMENTS**

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

**1. Zoning Map**



## 2. Aerial Photograph



### 3. Similar Uses Map

Map Created: 11/20/2020







This map includes boarding and lodging houses, transitional housing, rehabilitation homes, and homeless shelters that have an approved conditional use permit. This map does not include transitional houses that are nonconforming uses, exist by right, pending applications, or unlawful uses.

### Legend

☐ 1/2 Mile Buffer

## CUP Types

-  Transitional Home, Subject Site
-  Transitional Home, Approved
-  Boarding House, Approved
-  Rehabilitation, Approved
-  Homeless Shelter, Approved

20-CUPPA-0151  
645 Lindell Ave

feet

790



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JEFFERSON COUNTY PROPERTY VALUATION  
ADMINISTRATOR (PVA). All Rights Reserved.

This map is subject to change upon the Board of Zoning Adjustment granting approvals to other Group Housing Conditional Use Permits.

**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 boarding and lodging use until further review and approval by the Board.
3. Prior to lawful commencement of the transitional home use the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies.
4. Maximum full time occupancy shall be limited to the lesser of eight persons or the maximum allowed by the building code.