

**21-CUP-0094**  
**Toyland Play**  
**Palace Childcare**



**Louisville Metro Board of Zoning Adjustment**  
**Public Hearing**

**Zach Schwager, Planner I**  
**August 2, 2021**

# Request

- Conditional Use Permit to allow a day care facility in the R-6 Residential Multi-Family zoning district Land Development Code (LDC) 4.2.19 and a Landscape Waiver to not provide the perimeter landscape buffer areas.

# Case Summary/Background

- The subject property is located on the south side of W. Chestnut Street in between S. 24th Street and S. 26th Street and is 0.3958 acres.
- It is zoned R-6 Residential Multi-Family and is in the Traditional Neighborhood Form District.
- The structure is 2 ½ stories and has 2,892 sq. ft. of finished space according to PVA.

# Case Summary/Background

- The applicant is proposing to operate a day care facility for more than six children.
- The applicant lives on the subject property and currently has a registered home occupation for a day care under case 15CERT1356.
- There will be one other employee that also lives on site and a maximum of 20 children. The hours of operation will be from 6 AM to 6 PM.

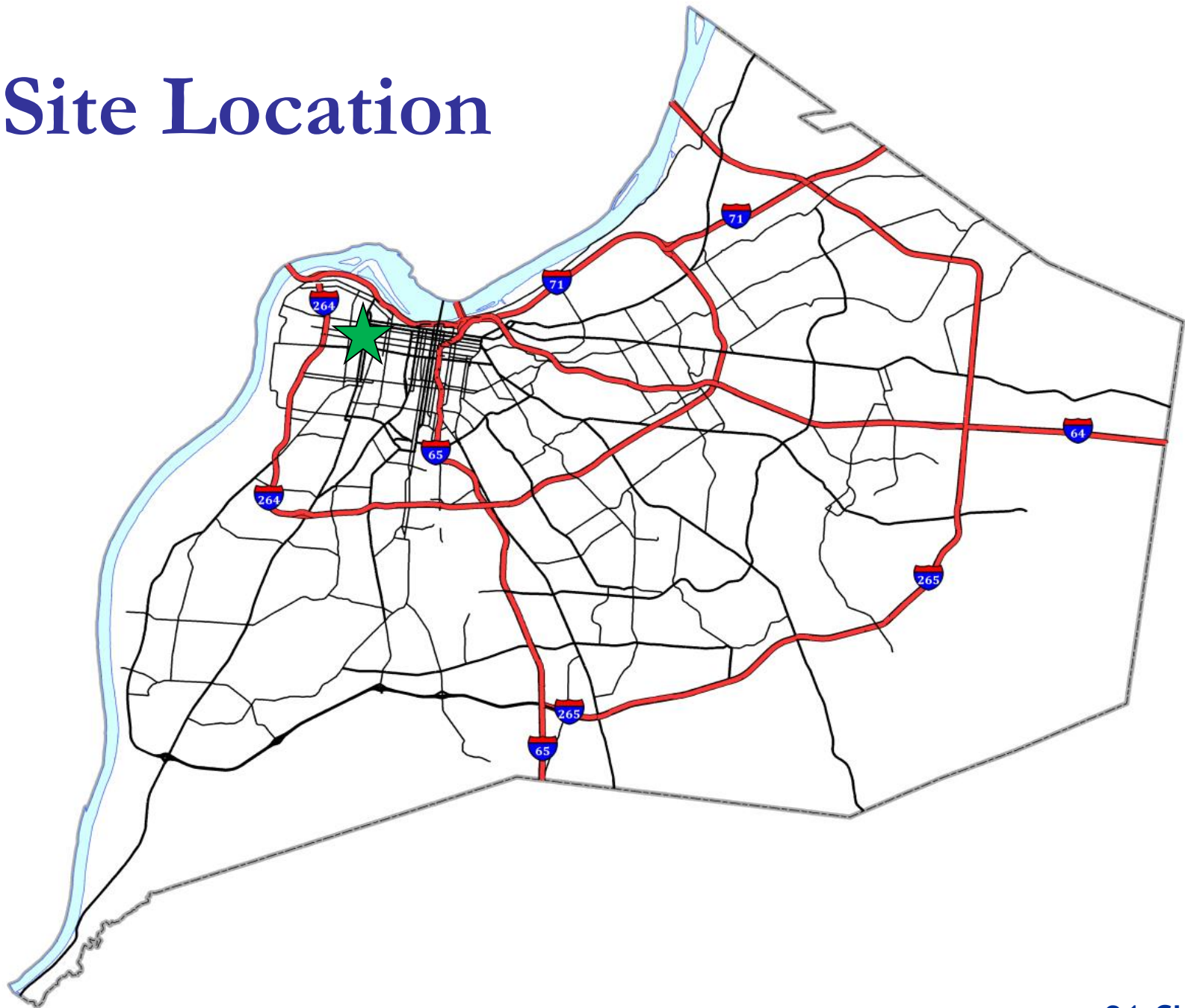
# Case Summary/Background

- There are no proposed additions to the existing structure and the applicant will need to have a designated drop off and pick up area approved and installed by Public Works along W. Chestnut Street.
- The landscape waiver is for section 10.2.4, which requires a perimeter landscape buffer and screening.

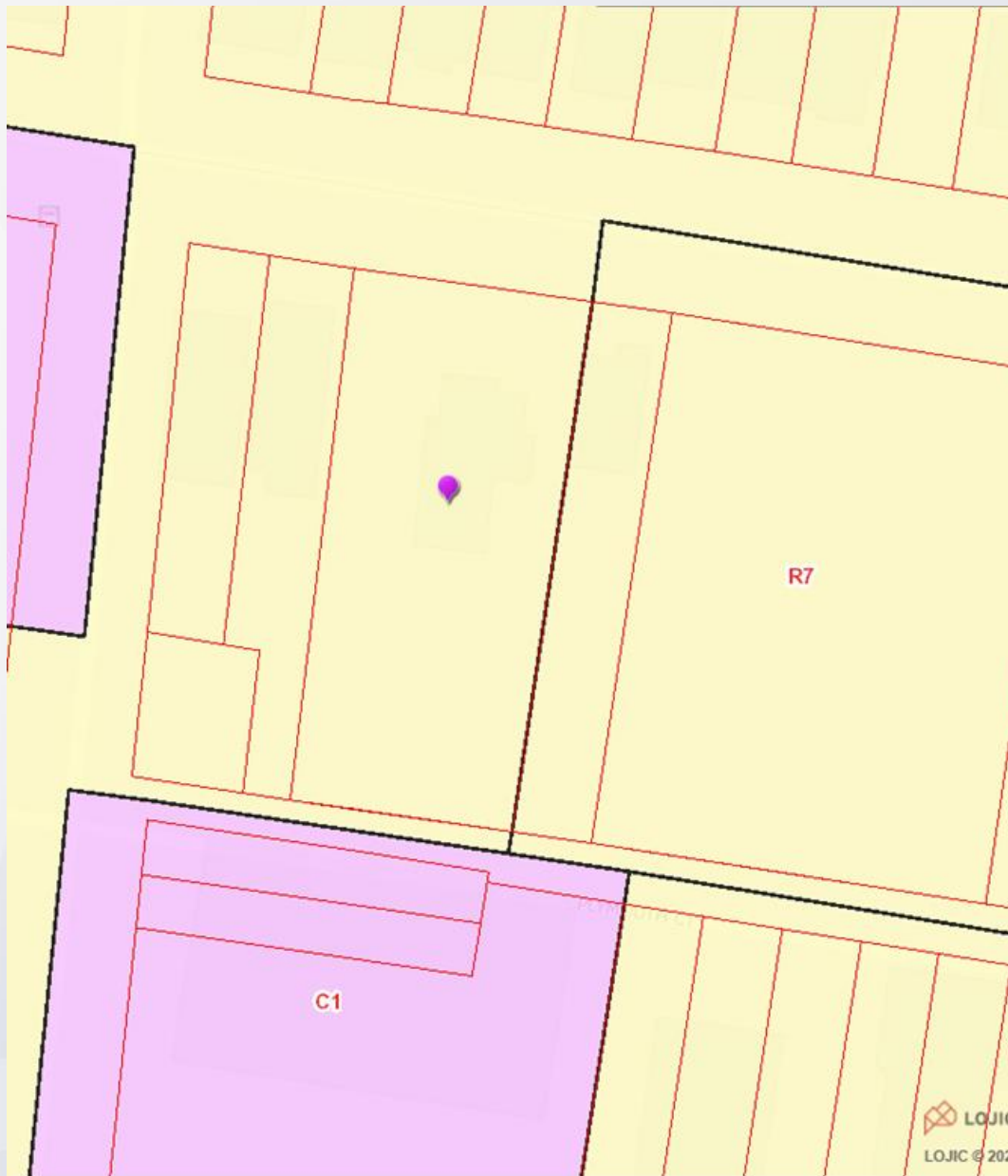
# Case Summary/Background

- Staff is supportive of the landscape waiver but recommends installation of a six-foot privacy fence around the private yard area for enclosure purposes and to partially address the screening requirement.

# Site Location











# Site Plan



**2516 W Chestnut Ave** Street

Tuesday, March 2, 2021 | 2:21:38 PM

LOJIC  
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This map is not a legal document and should only be used for general reference and identification.

Note: No site work proposed with the conditional use permit.

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# Site Photos-Subject Property





# Site Photos-Subject Property





# Site Photos-Subject Property





# Site Photos-Subject Property





# Site Photos-Subject Property





# Site Photos-Subject Property



# Staff Findings

- There are ten listed requirements and the applicant will either meet them or they do not apply. 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 and a Landscape Waiver.

# Required Actions

## Approve or Deny:

- Conditional Use Permit to allow a day care facility in the R-6 Residential Multi-Family zoning district Land Development Code (LDC) 4.2.19 and a Landscape Waiver to not provide the perimeter landscape buffer areas.

# 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 private institution until further review and approval by the Board.

# Conditions of Approval

3. The applicant shall show the location of the outdoor play area on the plan prior to operation of the day care facility.

4. The applicant shall install a six-foot privacy fence to enclose the rear of the property. The fence shall be shown on the approved conditional use permit plan. The fence shall be installed prior to operation of the day care facility.