

Board of Zoning Adjustment

Staff Report

April 22, 2024



Case No:	24-CUP-0088
Project Name:	Second Hope House Transitional Housing
Location:	4734 Southern Pky
Owner:	Potters Wheel Inc.
Applicant:	Joe Donaldson
Jurisdiction:	Louisville Metro
Council District:	21-Betsy Ruhe
Case Manager:	Amy Brooks, Planner II

REQUEST

- **Conditional Use Permit** to allow a transitional home in the R-5 Single-Family zoning district with relief from item 'F' (LDC 4.2.55).

CASE SUMMARY

The applicant has requested a conditional use permit (CUP) for transitional housing to allow a maximum of eight (8) occupants in the R-5, single-family residential zoning district and Traditional Neighborhood form district. Located on Southern Parkway, the subject property is currently developed with a two story, single-family structure that contains five (5) bedrooms. The conditional use permit is requested because the maximum occupancy allowed by the special standards of the Land Development Code, Section 4.3.14 does not allow for more than 3 occupants in single-family districts. There will be an employee who will act as the house manager. Five bedrooms will be available and are the following sizes:

- Bedroom 1: 160 sq. ft.
- Bedroom 2: 144 sq. ft.
- Bedroom 3: 108sq. ft.
- Bedroom 4: 192 sq ft.
- Bedroom 5: 192 sq. ft.

The CUP standards require that each room meet the minimum dimensional and occupancy limitations established by LMCO, Chapter 156. Each sleeping room meets the minimum occupancy limitations of 70 sq. ft. for each room and 50 sq. ft. for each occupant. The existing building is located closer than 30 feet to the property lines. This will require relief from item 'F' of the CUP standards.

Related Cases:

ENF-ZON-23-001631: operating a group housing facility without prior approval.

STAFF FINDING

The proposal is adequately justified for approval, including relief, and appears to meet all other standards of the conditional use permit.

TECHNICAL REVIEW

- Transitional Housing - A temporary residential living arrangement for persons participating in a program that provides supportive services (such as counseling, education, training, etc.) to help

them achieve personal independence. Staff is available as needed. Transitional Housing is not a Boarding House, Family Care Home, Homeless Shelter, Rehabilitation Home, Residential Care Facility, or any other use more specifically defined in this Land Development Code. These facilities are not subject to the Uniform Residential Landlord and Tenant Act as set forth in KRS Chapter 383.

INTERESTED PARTY COMMENTS

- All comments received have been placed in the record and made available to the Board in advance of the public hearing.

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 applicable policies of the Comprehensive Plan, Plan 2040

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 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.

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: All necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation are adequate to serve the proposed use are available or will be provided.

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

A. All bedrooms and sleeping areas shall meet the current occupancy limitations required in LMCO and any applicable building, fire, or life safety code.

B. Transitional Housing shall be a temporary housing arrangement for its residents, with stays generally being less than two (2) years. Such housing is intended to serve residents as they transition into permanent housing.

C. Transitional Housing shall have supervision of its residents, as well as structure and support services for its residents. Nonresidential uses and services that are not accessory to the Transitional Housing use shall not be carried out unless otherwise permitted and approved as a separate use. Transitional housing that serves as recovery housing should follow best practice industry standards and operational rules such as the National Alliance for Recovery Residences (NARR) standards.

D. When reviewing a conditional use permit application for Transitional Housing, the BOZA shall, to the best of its abilities, find that the establishment of the use will not result in harm to the health, safety, or general welfare of the surrounding neighborhood. The property on which a Transitional Housing is situated shall not be located closer than 1,000 feet (measured in a straight line from

nearest property line to nearest property line) to any property on which another Commercial Boarding House, Rehabilitation Home, or Transitional Housing use that has been approved by a conditional use permit is situated.

E. Transitional Housing shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.

F. 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.

G. The parking requirements for the use are set forth in Chapter 9 of this Land Development Code. The BOZA may require additional or restrict parking if warranted.

H. Signage for the use is permitted in accordance with Chapter 8 of this Land Development Code. The BOZA may further restrict signage if warranted.

I. Additional Single-Family Residential Zoning District Standards (R-R, R-E, R-1, R-2, R-3, R-4, R-5, or U-N):

1. Any building shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with other residential architecture in the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.

2. 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.

3. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).

J. For a complete application submittal for any Transitional Housing conditional use permit, in addition to the documentation required of all conditional use permit applications, the following additional information shall be provided:

1. Type of resident population to be served, if any;

2. The proposed maximum number of residents/beds and maximum number of employees;

3. Floor plans of any building subject to the use (showing the location and dimensions of all bedrooms and sleeping areas);

4. A written statement, plans, and/or permits indicating how any building subject to the application meets or will adapted to meet all applicable building codes for the use if approved; and

5. Rules of conduct and management plan.

In the event a conditional use permit for a Transitional Housing is approved, any change to the foregoing information must be approved by the BOZA as a modification pursuant to Section 11.5A.1 of this Land Development Code.

K. If Transitional Housing with an approved conditional use permit is subject to two (2) or more substantiated civil and/or criminal complaints within a 12 month period, the Planning Director may request that the BOZA revoke the conditional use permit in accordance with Section 11.5A.6 of this

Land Development Code. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

- L. An active license of the Transitional Housing, as required by LMCO Chapter 115, shall be maintained. No transitional housing may take place unless the license is active and in the name of the current operator and property owner. If the license is not renewed and lapses for six (6) months, or in the event of a change of ownership and/or operator, a new license is not issued within six (6) months from the date of the change, the conditional use permit shall become null and void. In order to recommence any Transitional Housing use, a new conditional use permit must be granted if required.

STAFF: The applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit, except where relief is requested from item 'F' of the CUP standards. The home is located closer than 30 feet to the abutting properties; however, this is an existing site condition, and the applicant is not proposing any new construction. Furthermore, the proposed transitional housing will not be located closer than 1000 feet to any other group housing with an approved conditional use permit. The applicant is proposing to provide supportive housing to men who are re-entering the community after being incarcerated and/or recovering from substance abuse issues. The program will be a duration of six to nine months. As part of the applicant's management plan, the transitional home will be structured around an approach that emphasizes personal accountability while helping those residents connect with needed social services, employment opportunities, and recovery programs. The house will be managed by the program's Ministry Director who will have an office within the house. Additionally, there will be a resident designated as a Resident Manager; that individual will be on-site to oversee the implementation of the house rules. There are parking spaces within an existing driveway that will be available for resident use to minimize the impact of increased parking demand that may be generated. Moreover, the site is located in a very walkable neighborhood with close proximity to public transportation infrastructure with established TARC bus stops located along Woodlawn Avenue and South 3rd St.

REQUIRED ACTION

- **APPROVE** or **DENY** the **CONDITIONAL USE PERMIT** to allow a transitional home in the R-5 Residential Single-Family zoning district Land Development Code with relief from item 'F' (LDC 4.2.55).

NOTIFICATION

Date	Purpose of Notice	Recipients
04/18/2024	Hearing before BOZA	1 st and 2 nd tier adjoining property owners and residents
04/22/2024		Registered Neighborhood Groups in Council District 21
04/24/2024	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. 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 transitional home until further review and approval by the Board.
3. The maximum number of occupants shall not exceed 8, unless prior approval is received by the Board of Zoning Adjustment
4. An active license for the Boarding House, as required by LMCO Chapter 115, shall be maintained.