

# Board of Zoning Adjustment

## Staff Report

September 23, 2024



|                          |                        |
|--------------------------|------------------------|
| <b>Case No:</b>          | 24-CUP-0181            |
| <b>Project Name:</b>     | The Pressell House     |
| <b>Location:</b>         | 1034 S. Brook St       |
| <b>Applicant:</b>        | Pressell House, LLC    |
| <b>Representative:</b>   | Where We Began, LLC    |
| <b>Jurisdiction:</b>     | Louisville Metro       |
| <b>Council District:</b> | 6 – Phillip Baker      |
| <b>Case Manager:</b>     | Amy Brooks, Planner II |

### REQUEST

- **Conditional Use Permit** to allow a transitional home in the Traditional Neighborhood Zoning District (TNZD) with relief from items 'D' and 'F' (LDC 4.2.55).

### CASE SUMMARY

The applicant has requested a conditional use permit (CUP) for transitional housing to allow a maximum of twelve (12) occupants in the TNZD. Located along S. Brook Street near the intersection with East St. Catherine Street, the subject property is currently developed with a 2.5 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 would be exceeded. Qualified staff will be on site 24 hours per day, seven (7) days per week. Five (5) bedrooms will be available and are the following sizes:

- Bedroom 1: 168 sq. ft.
- Bedroom 2: 143 sq. ft.
- Bedroom 3: 294 sq. ft.
- Bedroom 4: 143 sq. ft.
- Bedroom 5: 216 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.

There is one other group home that has an approved conditional use permit within 1000 ft of this site. Therefore, the applicant has requested relief from item 'D' of the transitional home CUP standards that require a 1,000-foot separation between group housing uses. Additionally, the existing building is located closer than 30 feet to the property lines. This will require relief from item 'F' of the CUP standards.

### 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. Plan 2040 emphasizes the need for locating housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. The proposed transitional home is located near a wide variety of services and amenities.

### **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. The applicant is not proposing any exterior changes that would change the home's compatibility within the historic preservation district where it is located.

### **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. There is an existing sidewalk network along S. Brook Street and public transportation infrastructure that is established near the site. Transportation and MSD have also preliminarily approved the proposal.

### **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 be 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 II.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 items 'D' and 'F' of the CUP standards. The group housing CUP within 1,000 feet was approved under case #16CUP1022 for a rehabilitation home. For residents, transitional homes serve as a diverse and affordable housing choice with supportive services for individuals in recovery. Transitional housing is a less intensive environment designed to bridge the gap between inpatient rehabilitation treatment programs and fully independent living. Rehabilitation centers provide around-the clock supervision due to issues like medical detoxification and restrict patients' freedom to leave and return to the site, at will. Because a rehabilitation home and transitional home are separate, providing relief to the 1,000-foot separation requirement is justified and will not lead to an overconcentration of group housing within the area. Furthermore, the subject site is separated from the rehabilitation home with an approved CUP by both an arterial roadway and expressway exit ramp. These features provide a clear demarcation between the group homes. The proposed transitional 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. The applicant is proposing to provide supportive housing to women who are recovering from substance abuse. The program will have an initial commitment of no less than 90 days. Most residents will live at the site for 3-6 months. As part of the applicant's management plan, the transitional home will be structured around the social model approach that emphasizes involving residents in the decision-making process and facility governance while helping these at-risk populations connect with needed social services, employment opportunities, and recovery programs. There are parking spaces available at the rear of the property that will be available to minimize the impact of increased parking demand that may be generated. Moreover, the site is in a neighborhood with multimodal options, including infrastructure that supports a wide range of transportation modes, from public transit to pedestrian traffic. A TARC stop located near the site, sidewalks, and bike lanes extending along S. Brook St would empower residents with the personal mobility to access services and employment opportunities.

## **REQUIRED ACTION**

- **APPROVE** or **DENY** the **CONDITIONAL USE PERMIT** to allow a transitional home in the Traditional Neighborhood Zoning District (TNZD) with relief from item 'F' (LDC 4.2.55).

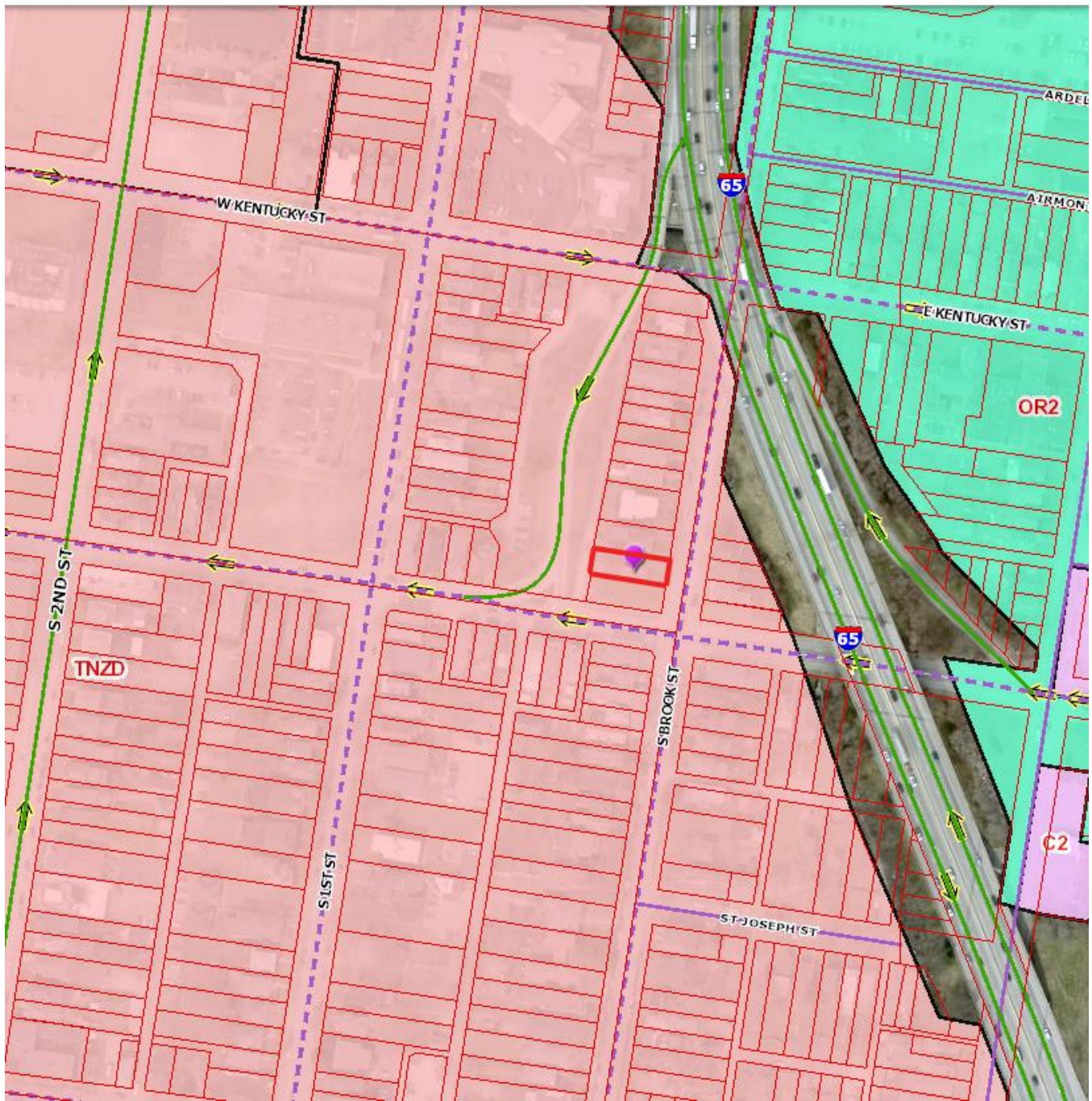
## **NOTIFICATION**

| Date       | Purpose of Notice   | Recipients   |
|------------|---------------------|--|
| 09/04/2024 | Hearing before BOZA | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and residents |
| 09/09/2024 |                     | Registered Neighborhood Groups in Council District 6                             |
| 09/06/2024 | Hearing before BOZA | Sign Posting   |

## **ATTACHMENTS**

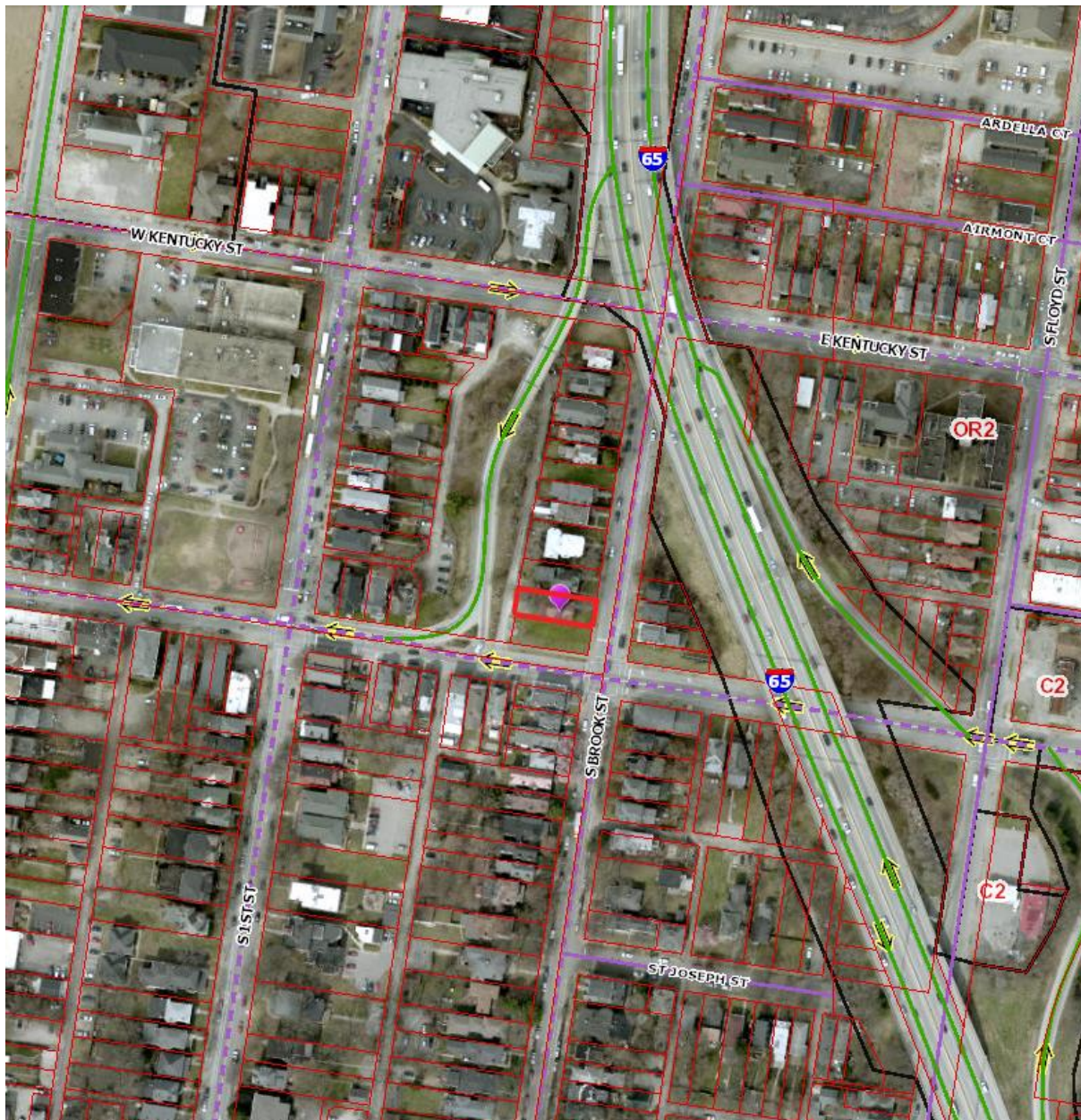
1. Zoning Map
2. Aerial Photograph
3. Group Housing Map
4. Conditions of Approval

## 1. Zoning Map



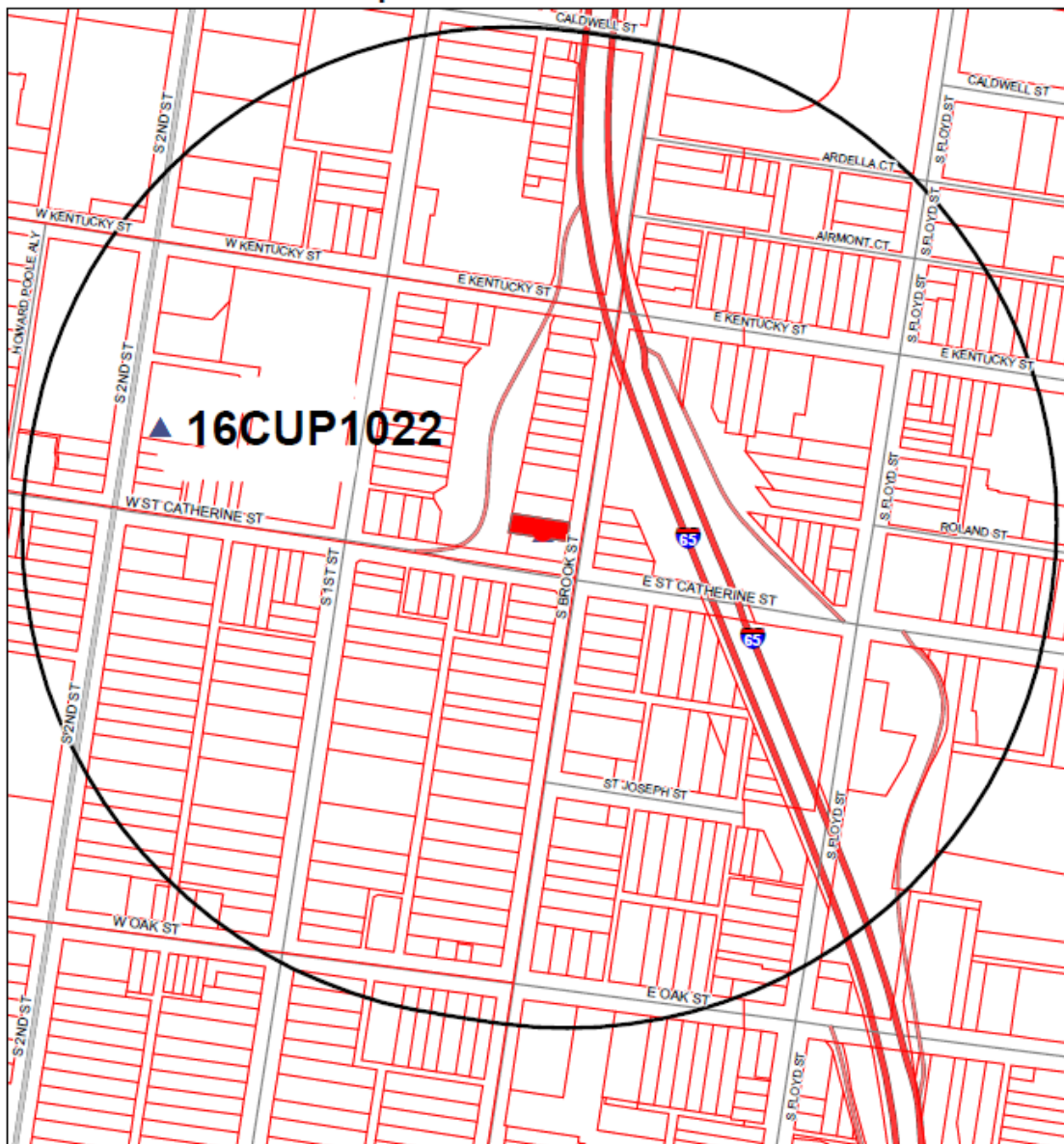


## 2. Aerial Photograph



### 3. Group Housing Map

Map Created: 09/12/2024



This map includes boarding houses, transitional housing and rehabilitation homes 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

##### Subject Site

- Subject Site
- 1,000-ft Buffer
- ▲ Rehabilitation Home

1034 S. Brook St  
24-CUP-0181

feet

280



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This map is subject to change upon the Board of Zoning Adjustment granting approvals to other





#### **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 transitional home until further review and approval by the Board.
3. The maximum number of occupants shall not exceed 12, unless prior approval is received by the Board of Zoning Adjustment
4. An active license for the Transitional Home, as required by LMCO Chapter 115, shall be maintained.