

Board of Zoning Adjustment

Staff Report

June 3, 2024



| | |
|--------------------------|---------------------------|
| Case No: | 23-CUP-0241 |
| Project Name: | Transitional Home |
| Location: | 122 S Longworth Avenue |
| Owner(s): | SFR Workforce Owner, LLC. |
| Applicant: | Aaric Napoleon |
| Jurisdiction: | Louisville Metro |
| Council District: | 5 – Donna Purvis |
| Case Manager: | Molly Clark, Planner II |

REQUEST(S)

- **Conditional Use Permit** to allow a transitional housing (LDC 4.2.55).

CASE SUMMARY

The applicant is requesting approval for a transitional housing within a 1.5 story single-family home near the intersection of S Longworth Avenue and W Market Street. The subject site is zoned R-5, single-family residential in the Traditional Neighborhood Form District. The proposed transitional home will have a maximum of 7 men. The existing home has 4 bedrooms. Residents are required to attend outpatient services, individual and group therapy, case management, peer support services, community support services, meditation, career building and abide by house rules such as a curfew and daily chores.

STAFF FINDING

The conditional use permit is adequately justified for approval based on the staff's analysis contained in the standard of review. The applicant is requesting relief from item F to allow the existing structure to be closer than 30 feet to the property lines and relief is adequately justified within staff's analysis of the conditional use permit. The requested conditional use permit meets all other requirements for a transitional housing.

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.

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 proposed use is compatible with surrounding development and land uses. The proposed structure will be residential in character and will not negatively impact compatibility with the area. The proposed land use provides residential accommodation for men participating in a transitional housing program. Parking is available on the street for guests, staff, and any vehicles that residents may own.

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. Transit service is available, and the subject property is in a walkable area.

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

4.2.55 Transitional Housing may be allowed in any zoning district upon granting of a conditional use permit and compliance with the listed requirements. This section does not apply to any Transitional Housing that may be permitted with special standards pursuant to Section 4.3.14 of this Land Development Code.

A. All Bedrooms and sleeping areas shall meet the current occupancy limitation required by 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 II.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 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. The proposed transitional housing will be within a 1.5 story single-family home near the intersection of S Longworth Avenue and W Market Street. The subject site is zoned R-5, single-family in the Traditional Neighborhood Form District. The proposed transitional home will have a maximum of 7 men. The existing home has 4 bedrooms. Residents are required to attend outpatient services, individual and group therapy, case management, peer support services, community support services, meditation, career building and abide by house rules such as a curfew and daily chores. There is on-street parking available on S Longworth Avenue. There are no other group housing facilities approve by conditional use permit within 1000 feet. The existing structure is located within 30' to the property lines. Relief to the strict application of this provision is appropriate since this application involves the reuse of an existing structure and complies with all other standards of the conditional use permit.

REQUIRED ACTION:

- **APPROVE** or **DENY** the **CONDITIONAL USE PERMIT** to allow a Transitional Home (LDC 4.2.55).

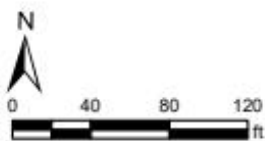
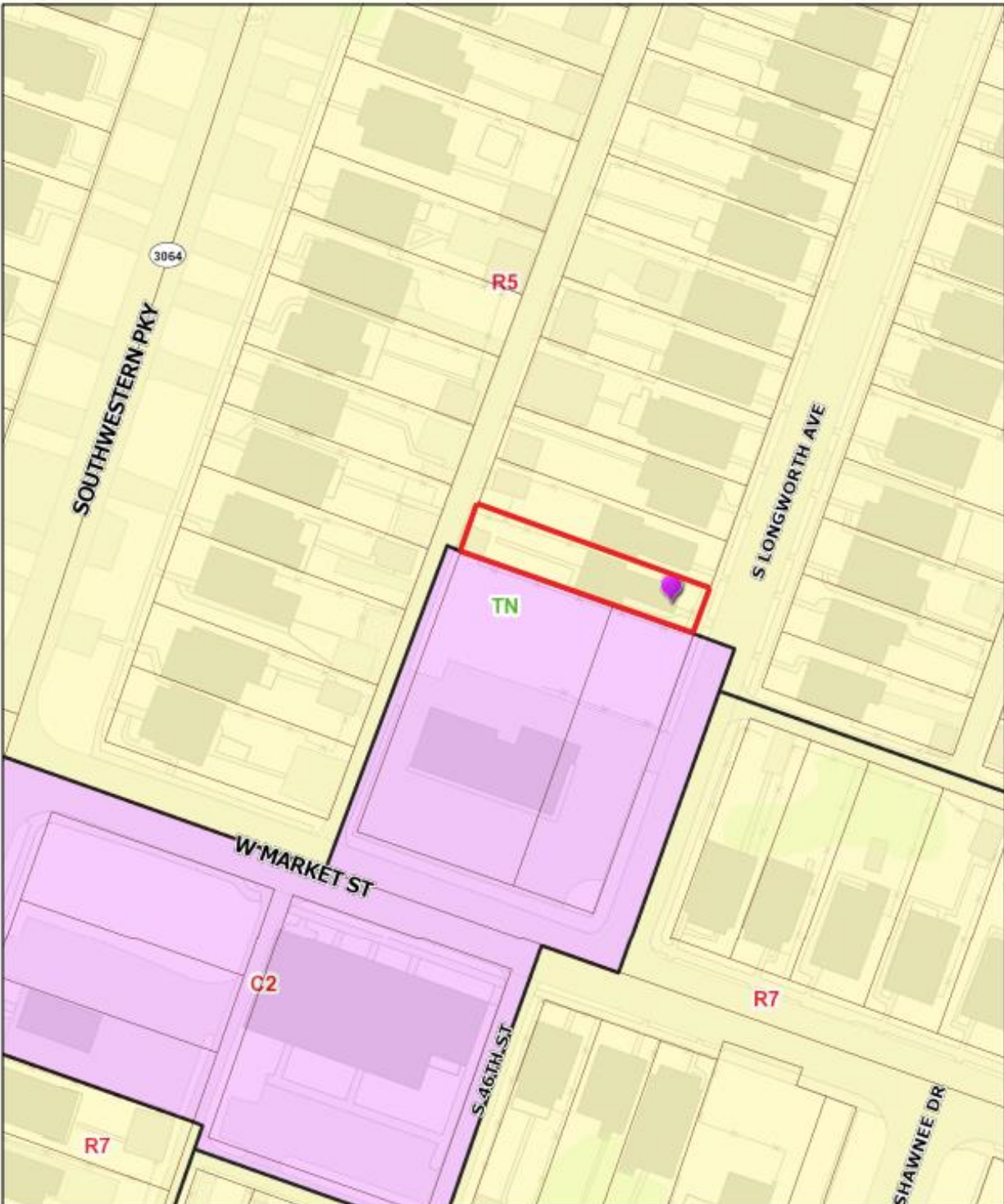
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-----------|---------------------|--|
| 5/15/2024 | Hearing before BOZA | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 5 |
| 5/22/2024 | Hearing before BOZA | Sign Posting |

ATTACHMENTS

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

1. Zoning Map



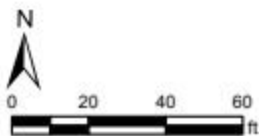
Friday, May 24, 2024 | 12:13 PM



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

2. Aerial Photograph



Friday, May 24, 2024 | 12:12 PM



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

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.