

Case # 16Appeal 1008



Louisville Metro Board of Zoning Adjustment Public Hearing

Steve Hendrix, Planning Supervisor
September 12, 2016

Request

Appeal of a Notice of Refusal concerning the establishment of a nonconforming use (heating and air conditioning shop) and the change to another nonconforming use, (beauty shop) in an R- 7 zoning district.

Zoning/Form Districts

- **Subject Property:**

Existing: Vacant Heating &
Air shop
Apartments

Proposed: Beauty Shop
Apartments

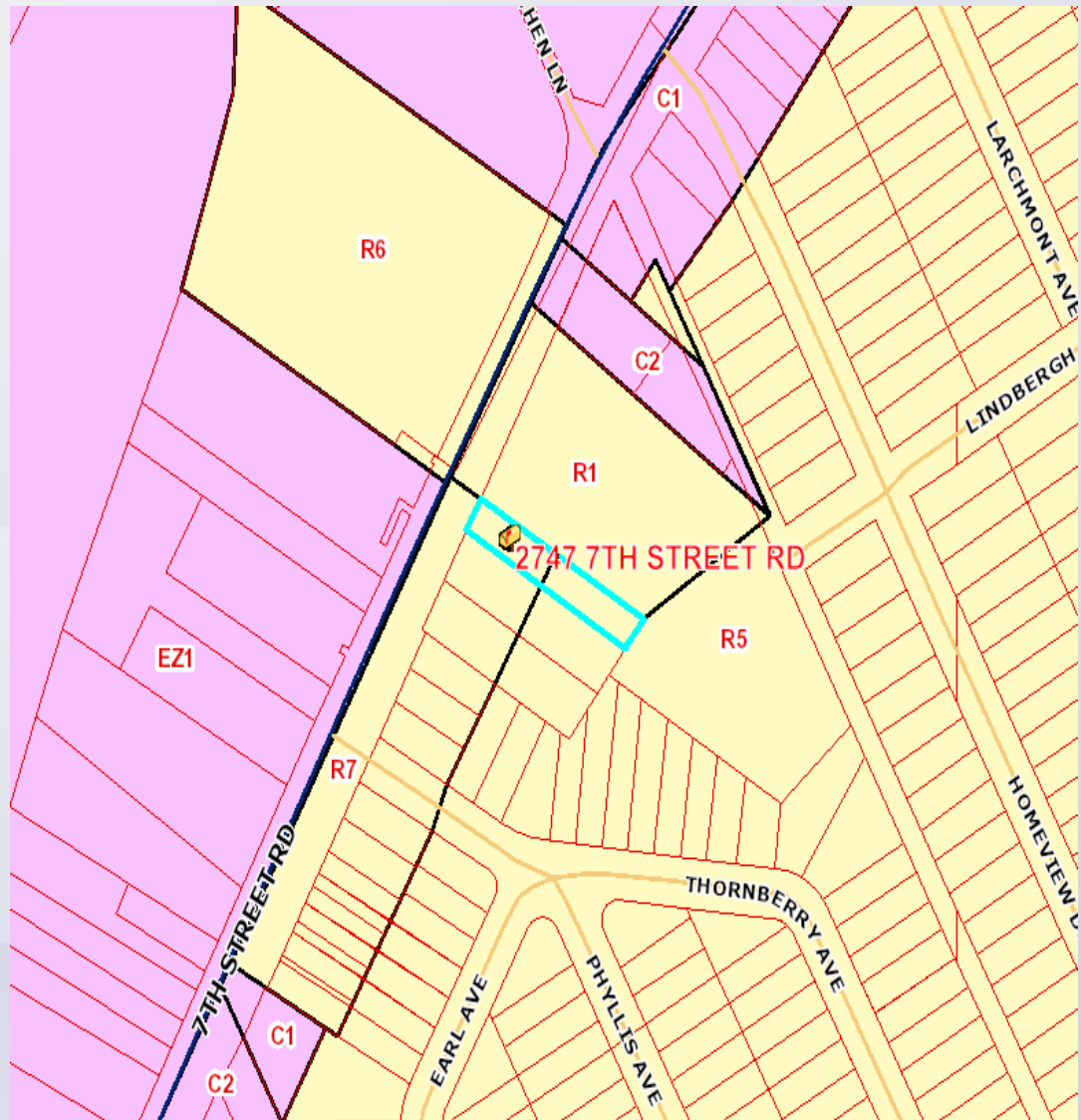
- **Adjacent Properties:**

North: R-1, TN

South: R-7, TN

East: R-1, R-5, TN

West: EZ-1, R-6, TW



Aerial Photo/Land Use

- Subject Property:

Existing: Vacant Building
Apartments

Proposed: Beauty Salon
Apartments

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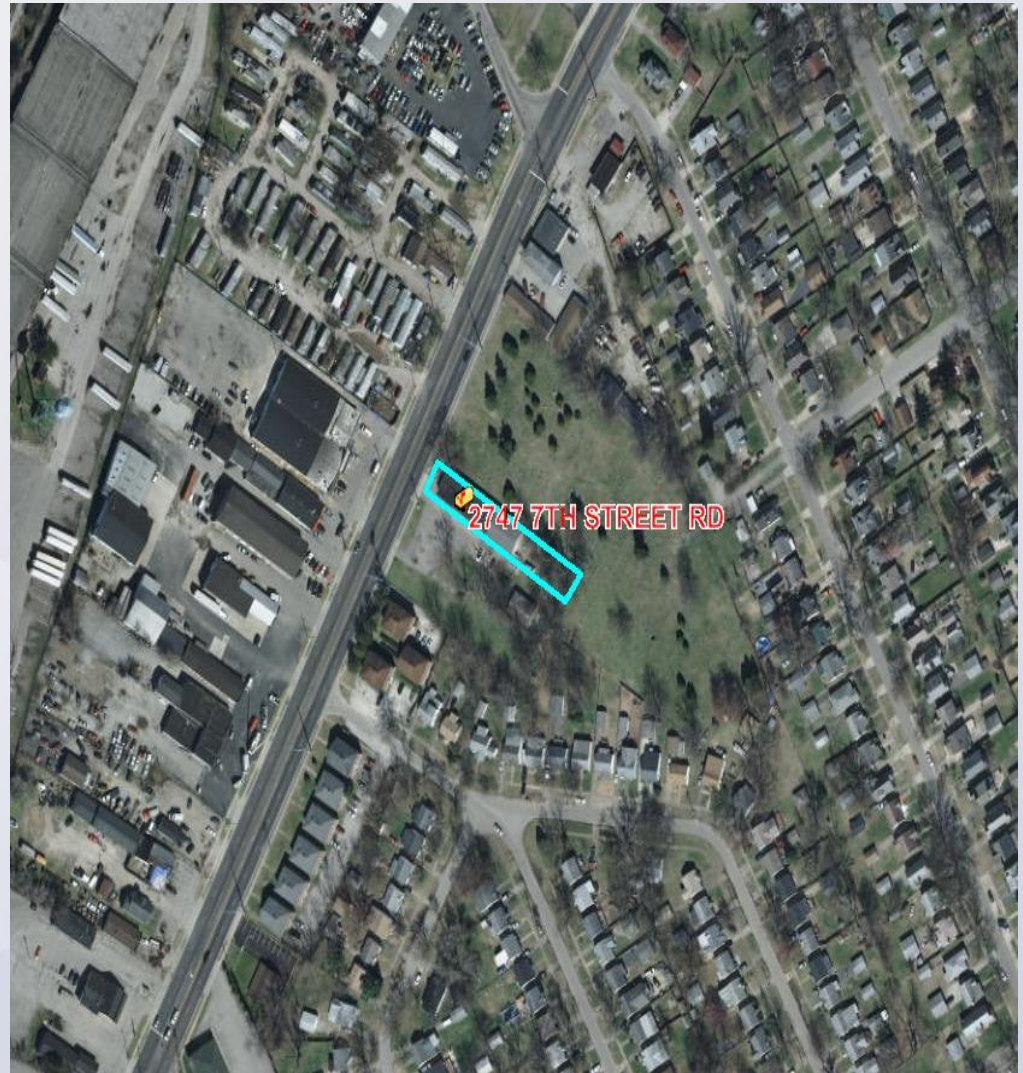
- Adjacent Properties:

- North: Cemetery

- South: Apartments

- East: Cemetery

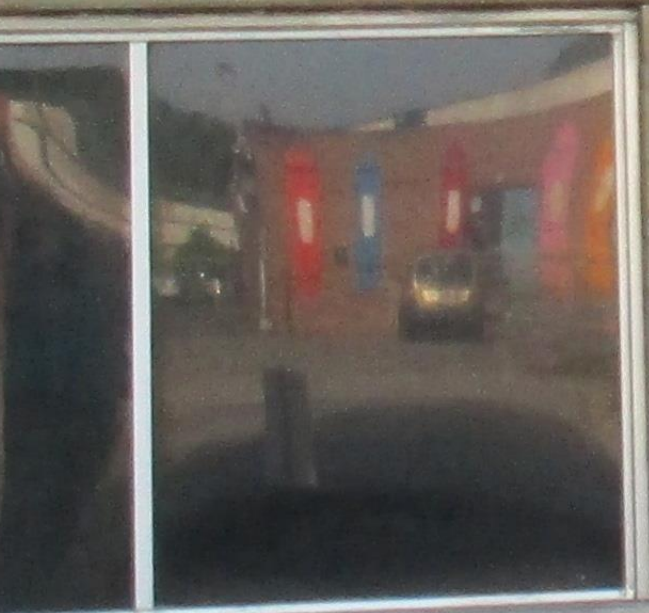
- West: Day Care,
• Mobile Home
• Park



TEMPSTAR

Heating and
Cooling Products

ADVANTAGE
HEATING & COOLING
637-4904



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Case Summary / Background

From 1971---2015-----Birkhead or Advantage Heating/Air
Conditioning has been listed along with
apartments

Beauty shop ---OR-1, Heating/Air Conditioning shop---C-2

Beauty shop less odious or offensive than contractor's shop—intensity,
noise,

Required Actions

- Based upon the file of this case, this staff report, and the evidence and testimony submitted at the public hearing, the Board must determine:
 - 1. Do nonconforming rights exist for the heating & air conditioning shop?
 - 2. If so, is the change from one nonconforming use (heating and air conditioning shop), to another nonconforming use (beauty shop) in the same or more restrictive classification?

Required Actions

3. Is the change from one nonconforming use (heating and air conditioning shop) to another nonconforming use (beauty salon) no more odious or offensive to surrounding properties than the first nonconforming use?
 - 4. The Board will need to determine the size and location of the beauty salon.
 - 5. If the Notice of Refusal issued by Planning & Design Services was proper?