

Board of Zoning Adjustment

Staff Report

August 31, 2020



Case No:	20-APPEAL-0002
Project Name:	7 th Street Appeal
Location:	1141 South 7 th Street
Appellant:	SSC1147, LLC
Representative:	Joseph C. Pierson
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

This case was moved to August 31, 2020 because the Appellant did not complete the required legal notification

REQUEST(S)

- Appeal of a Zoning Violation Notice

CASE SUMMARY/BACKGROUND

Pursuant to KRS 100.257 and 100.261 the Board of Zoning Adjustment shall hear appeals of an official action, order, requirement, interpretation, grant, refusal or decision of an administrative official, zoning enforcement officer or code enforcement officer. Appeals must be taken within 30 days of the official action. Action in this case is deemed to be April 23, 2020, when the Code Enforcement Officer issued the Zoning Violation Notice. The appellant submitted the completed appeal on June 17, 2020.

A Code Enforcement Officer, Steven Bodner, issued the Zoning Violation Notice (ENF-ZON-20-000597) on April 23, 2020, based on a complaint that the appellant removed a structure and expanded the parking area without a primary use and no plan approval or permits were obtained.

The appeal letter asserts that the Zoning Violation Notice is invalid because the appellant did not expand or create any new parking areas. No structure has been located at on the site since 2014, when the previous owner wrecked the existing improvements on the site, leaving the entire parcel covered in concrete and asphalt.

This documentation is part of the record and is available for the Board to review on the Louisville Metro Government Agenda & Meeting Portal (<http://louisville.legistar.com>).

STAFF ANALYSIS/FINDINGS

The following sections of the LDC are applicable to this case:

2.7.4 Traditional Neighborhood Zoning District

The TNZD is designed to promote diversity and integration of uses and structures in an existing traditional neighborhood through flexible design standards that:

- a. Regulate the use of structures on a structure-by-structure basis which stabilizes and protects the urban residential character of the area;
- b. Maintain traditional neighborhoods that are livable, diverse, and sustainable;

- c. Promote uses of land that are appropriate to the distinctive characteristics of existing traditional neighborhoods;
- d. Respect and reinforce existing traditional neighborhoods, integrating new development with existing development to ensure compatibility;
- e. Provide flexibility to meet changing needs, technologies, economics, and consumer preferences;
- f. Promote development patterns and land uses which reduce transportation needs and which conserve energy and natural resources;
- g. Protect and enhance historic and natural resources;
- h. Encourage the provision of adequate parks and open spaces to serve the needs of residents of traditional neighborhoods.
- i. Encourage a variety of compatible architectural styles, building forms, and building relationships within existing traditional neighborhoods.

The Traditional Neighborhood Zoning District does not allow off-street parking without a primary use. Furthermore, the site is in the Neighborhood Center Transition: Edge Transition which does not allow off-street parking as a conditional use permit (see table below). There had been a building on site until at least 2012, but staff does not know the exact time frame concerning the demolition of the building.

Table 2.7.18 Uses Permitted as Conditional Uses in the Neighborhood Center Transition: Edge Transition

Land Use Category	Description of Uses Permitted as Conditional Uses
Residential	
Homeless Shelter	Homeless shelters as permitted by Section 4.3.13 of the Land Development Code.
Transitional Housing	Transitional housing as permitted by Section 4.3.14 of the Land Development Code.
Other Uses	
Bed & Breakfast Inns	Bed and breakfasts as permitted by Section 4.2.9 of the Land Development Code.
Community Service Facility	Community service facility as permitted by Section 4.2.54 of the Land Development Code.
Historic House Museums	Historic house museums as permitted by Section 11.5A.1.B of the Land Development Code. In addition, review shall include a minimum: an analysis of nearby residential uses and potential impacts, screening and buffering needed to protect adjacent residential uses, and limited hours of operation.

The Appellant’s representative states the response in the next two paragraphs:

The current owner did not remove a building and did not expand or create any new parking areas. No building has been located at 1145 South 7th Street since at least 2014, when the previous owner wrecked whatever improvements that existed on site, leaving the entire parcel covered in a patchwork of concrete and asphalt, which was deteriorating rapidly. Access was most commonly from the alley parallel to Oak Street. The alley parallel to South 7th Street had a full length chain-link fence with a single gated entrance. The rest of the parking lot extended to the buildings to the south and west, as well as to the sidewalk along South 7th Street.

The Appellant acquired the property in January of 2020. To improve the safety, durability, and appearance of the parking area it was resurfaced with concrete and the chain-link fence with razor-wire topping was removed. Today the parking lot can be accessed from either alley and the parking lot extends to the buildings to the south and west, as well as to the sidewalk along South 7th Street. There has been no additional space devoted to parking and no additional entrances created. The parking area has the same dimensions, layout, and function as it did previously.

STAFF CONCLUSIONS

The Appellant did not file a nonconforming rights request neither did they provide any documentation that identifies the extent of parking on the site or how the parking area may have changed after the demolition of the building on the property. Staff did not have sufficient information and documentation in the review of the case to conclude that the property has a primary use. Based upon the file of this case, this staff report, and the evidence and testimony submitted at the public hearing, BOZA must:

- Affirm or reverse, in part or in whole, the Zoning Notice of Violation that states that the appellant is in violation of Land Development Code Section 2.7.4 and Table 2.7.18 which does not allow off-street parking as a primary use or conditional use permit.

RELATED CASES

ENF-ZON-20-000597 Notice of Violation – Land Development Code

INTERESTED PARTY COMMENTS

Received an email from an property owner who wanted to know what the notice was associated with. Once they were told they had no comment.

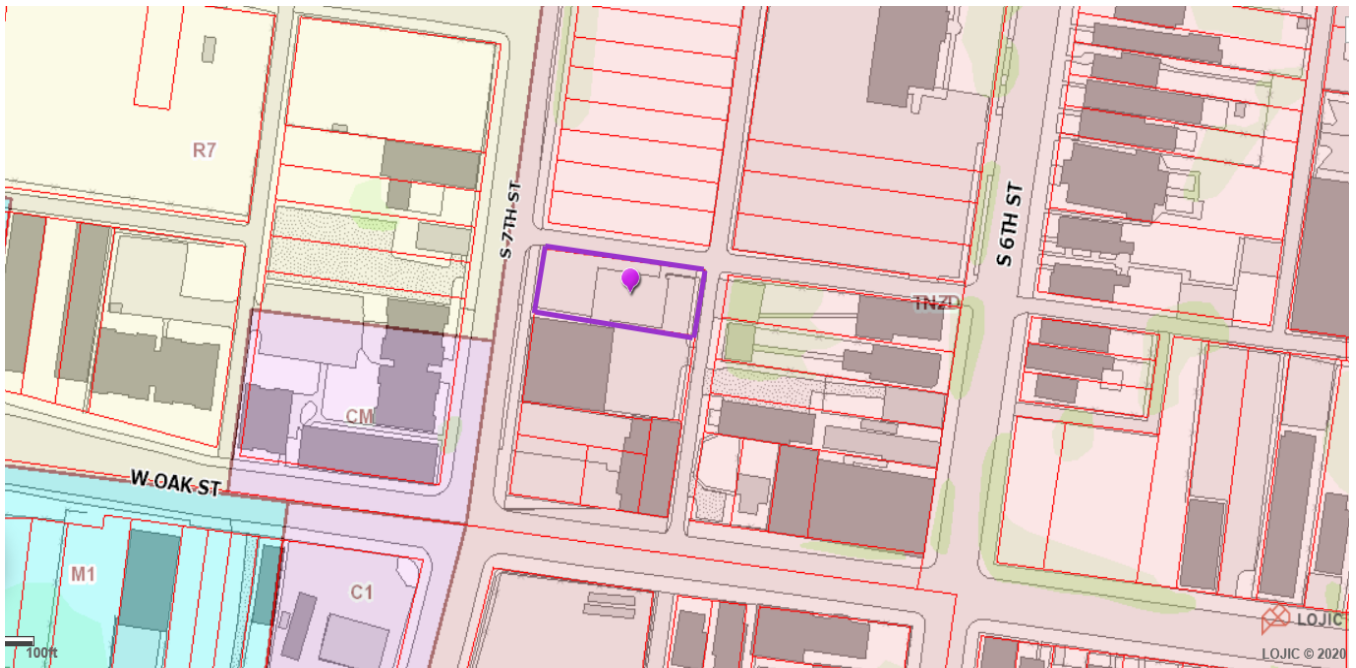
NOTIFICATION

Date	Purpose of Notice	Recipients
7/15/2020	Notification of appeal of an administrative decision	Adjoining property owners, Appellant, and PDS staff GovDelivery District
	Legal ad for notification of appeal of an administrative decision	Courier Journal - published in paper by Appellant or Representative

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Photos

1. **Zoning Map**



2. Aerial Photograph



3. Site Photos



Jul 21, 2020 at 1:57:23 PM
1141 S Seventh St
Louisville KY 40203
United States

