

21-APPEAL-0001

5801 River Road



**Louisville Metro Board of Zoning Adjustment
Public Hearing**

Jon E. Crumbie, Planning & Design Coordinator

March 15, 2021

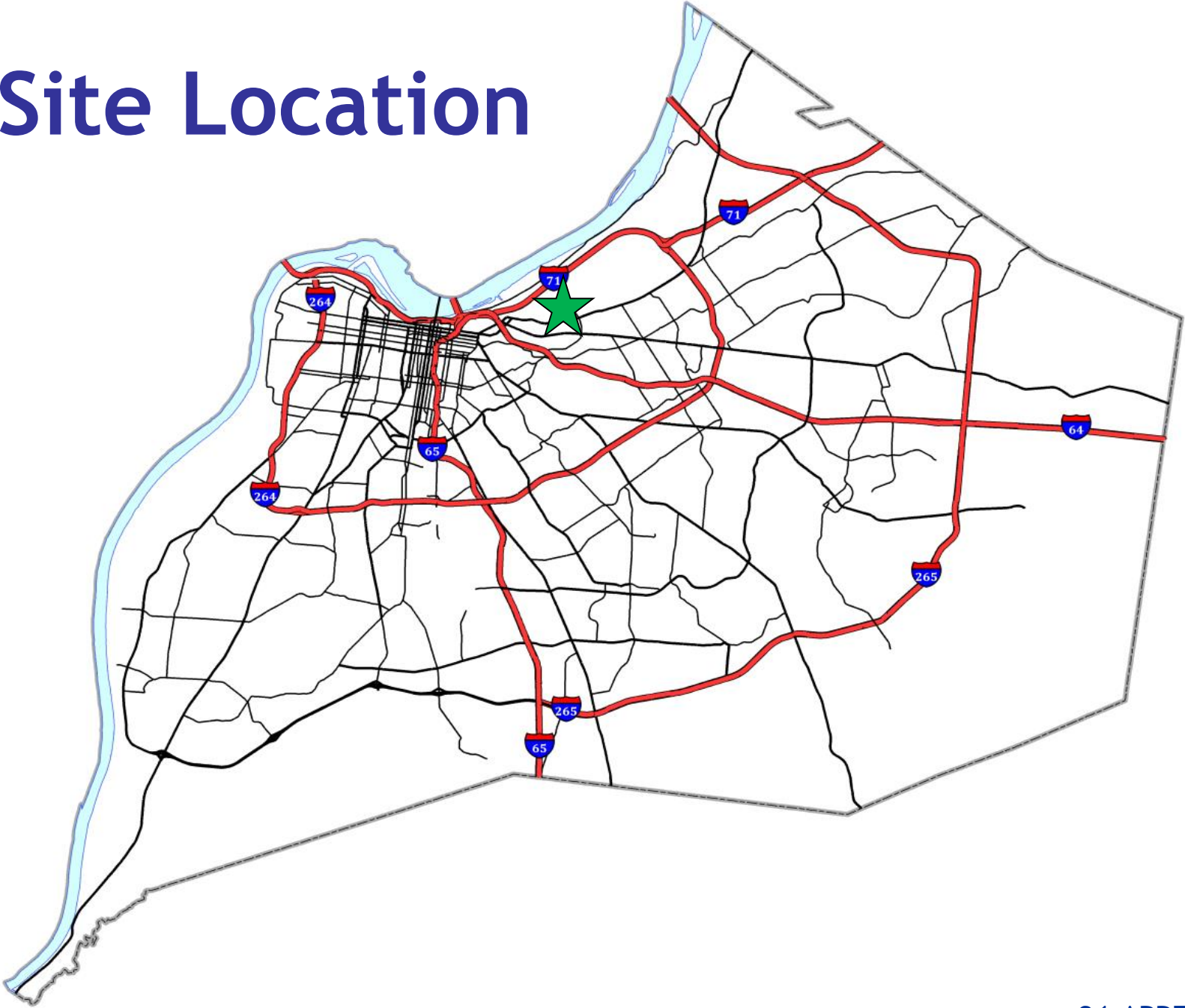
Request(s)

- Appeal of a Land Development Code Citation and \$100 fine

Case Summary/Background

- A Zoning Enforcement Officer, Steven Bodner, issued the Citation (#ENF-ZON-20-000873) on December 11, 2020, following an investigation after receipt of a complaint that a clubhouse was operating unlawfully as a restaurant in violation of an approved Conditions Use Permit. In accordance with KRS Sections 100.991 and 431.015 and LDC Section 11.10.2, the subject Citation was issued after a written Notice of Violation was issued on August 4, 2020. An appeal to the Board of Zoning Adjustment was not filed within 30 days of the Notice.

Site Location



Zoning/Form Districts



Aerial Photo/Land Use





Car and Warehouse
 ADDRESS: 107 E D
 ZONING: COMMERCIAL
 BY: *Frank P. Bell*

LOCATION MAP
NO SCALE

DATA

TOTAL AREA	11.37 ACRES
EXISTING ZONING	R-4
USE	MARINA / PRIVATE CLUB
PARKING REQUIRED	
MARINA (177 SLIPS)	89 SPACES
1 RESIDENTIAL UNIT (834 SQ.FT.)	1 SPACE
CLUBHOUSE (3500 SQ.FT.)	35 SPACES
(INC. OUTDOOR EATING AREA)	
TOTAL REQUIRED	125 SPACES
PARKING PROVIDED	229 SPACES
(INC. 8 HANDICAP SPACES)	

PRELIMINARY APPROVAL
 Condition of Approval: *As Shown*
 No Modification of Exit
 Drive to gateway to
 Harbortown area
 Stationary Water
Matthews *Shapiro*
 Since Water Station
 DATE: _____
 BY: _____
 SOUTHWESTLAND & JEFFERSON COUNTY
 METROPOLITAN WATER UTILITY

GENERAL NOTES:

1. ALL IMPROVEMENTS EXIST UNLESS OTHERWISE NOTED
2. PARKING SPACES LOCATED WITHIN THE RIGHT-OF-WAY OF HARBORTOWN ROAD EXISTED PRIOR TO DEDICATION OF THE ROADWAY. MAINTENANCE OF THE PARKING AREA IS THE RESPONSIBILITY OF LIMESTONE BAY YACHT CLUB
3. ALL IMPROVEMENTS ARE LOCATED WITHIN THE 100 YEAR FLOOD PLAIN OF THE OHIO RIVER.
4. DRAINAGE PATTERN DEPICTED BY ARROWS (→).
5. DIVISION OF WATER APPROVAL REQUIRED PRIOR TO ANY NEW CONSTRUCTION.
6. SUBJECT TO HEALTH DEPARTMENT APPROVAL PRIOR TO ANY NEW CONSTRUCTION.
7. SUBJECT TO PLAN REVIEW FEES.

PRELIMINARY APPROVAL
DEVELOPMENT PLAN
 SHALL COMPLY WITH ORDINANCE 67
 ALL WORKS SHALL BE DONE
 BY: *Robt S. Wilson*
 DATE: *9-2-96*
 JEFFERSON COUNTY
 DEPT. OF PUBLIC WORKS

RECEIVED
 MAY 29 1996
 PLANNING &
 DEVELOPMENT SERVICES



Robt S. Wilson Robt S. Wilson

REVISED
CONDITIONAL USE PERMIT PLAN

TAX BLOCK W-7 LOTS 1, 2, 3, 29, & 159
 DOCKET NO. 9-46-90
 OWNER/DEVELOPER
 LIMESTONE BAY YACHT CLUB, INC.
 P.O. BOX 709
 HARRODS CREEK, KENTUCKY 40027

B-118-96
 FILE 7-5
 1
 Sheets in Set: 1



TYPICAL PARKING SPACES
NO SCALE

SCALE 1" = 50'
 DATE 9-2-96
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

Existing Structure



Existing Structure



Existing Structure



Staff Findings

- In conclusion, only effecting annual dues or a membership fee does not establish a Private Proprietary Club use. While staff acknowledges the business meets some elements of the Clubhouse and Private Proprietary Club definitions, it is more consistent with the definition of Restaurant. Therefore, finding that the particular shall control the general, staff interprets and concludes that the use is a Restaurant.

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:

- Affirm or overturn, in part or in whole, the decision that subject property is in violation of the zoning requirements for the R-4 zoning district and the provisions of the approved Conditional Use Permit. If the Board affirms one or both of the violations, it may also consider whether or not the \$100 fine associated with the Citation was appropriate (a fine associated with a violation of the Land Development may be between \$10 and \$500).