



Original Highlands Neighborhood Association  
PO Box 4194  
Louisville, KY. 40204

February 24, 2020

RE: Case# 19-Zone-0060

Land Development and Transportation Committee  
ATT: Dante St. Germain

On February 17, 2020 the Original Highlands Neighborhood Association Board of Directors unanimously voted to urge your commission deny an application to change the zoning of 1400 Hepburn from R5B to R8A, as requested by the owner/applicant.

Such a change would go against our neighborhood plan as approved in 2006 (as proposed by Louisville Metro Department of Planning and Design Services). The plan explicitly states that the area south of Morton Avenue should be exclusively zoned only to R5B. (page 39, ES-3) and remain single or two family residential

If you have any questions or concerns, please feel free to contact me at 502-821-6309 or at [jschorch@gmail.com](mailto:jschorch@gmail.com)

Sincerely,

Jim Schorch  
President  
Original Highlands Neighborhood Association

**St. Germain, Dante**

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**From:** Rick Sweeney <rickjsweeney@yahoo.com>  
**Sent:** Tuesday, February 18, 2020 8:23 AM  
**To:** St. Germain, Dante; Coan, Brandon  
**Subject:** Fw: 19-ZONE-0060 Question

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----- Forwarded Message -----

**From:** Jim Schorch <jschorch@gmail.com>  
**To:** Rick Sweeney <rickjsweeney@yahoo.com>  
**Sent:** Monday, February 17, 2020, 11:01:44 PM EST  
**Subject:** Fwd: Fw: 19-ZONE-0060 Question

----- Forwarded message -----

**From:** **Jim Schorch** <[jschorch@gmail.com](mailto:jschorch@gmail.com)>  
**Date:** Mon, Feb 17, 2020 at 10:52 PM  
**Subject:** Re: Fw: 19-ZONE-0060 Question  
**To:** Coan, Brandon <[Brandon.Coan@louisvilleky.gov](mailto:Brandon.Coan@louisvilleky.gov)>

Hi, Brandon. I apparently misspoke in stating that the OHNA Board was ok with the zoning change proposed by the owner at 1400 Hepburn. The Board tonight reasserted its opposition to any zoning change by a unanimous vote, as we took the position that such zoning changes would deviate from our Neighborhood Plan. I apologize for passing along information that was wrong. I do not know if any rep from our association will be present at the upcoming hearing. .

On Sat, Feb 1, 2020 at 9:48 AM Coan, Brandon <[Brandon.Coan@louisvilleky.gov](mailto:Brandon.Coan@louisvilleky.gov)> wrote:

Jim - just wanted to check in w/ you/OHNA on this case. You previously submitted a letter opposing rezoning to Office-Residential; but now that the request is a change to R-8A - and, as noted below, the limitation on # of units as a result will remain six (6) as exists today - I want to confirm the neighborhood is no longer in opposition. For me, the fact the # of units is capped at today's level and the change will simply bring the presently non-conforming zoning into compliance is dispositive. Am I missing anything? Thanks!

Brandon Coan

Metro Council District 8  
(502) 574-1108

601 W. Jefferson Street  
Louisville, KY 40202

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**From:** Fiechter, Travis J. <[Travis.Fiechter@louisvilleky.gov](mailto:Travis.Fiechter@louisvilleky.gov)>  
**Sent:** Wednesday, January 29, 2020 1:10 PM  
**To:** Coan, Brandon <[Brandon.Coan@louisvilleky.gov](mailto:Brandon.Coan@louisvilleky.gov)>  
**Cc:** Schadt, Kathi <[Kathi.Schadt@louisvilleky.gov](mailto:Kathi.Schadt@louisvilleky.gov)>  
**Subject:** 19-ZONE-0060 Question

CM Coan,

Thank you for taking my call on this. As I mentioned, my primary concern in reaching out is to ensure you will maintain your ability to vote at Metro Council on this matter. You can find a more detailed look into the case law and JCAO recommendations concerning Council participation in land use matters starting on Page 11 of the Metro Council And Land Use document that the office put out in December 2018.

As for your specific question, the short answer is that, if 1400 Hepburn Avenue were zoned R-8A, it could include a maximum of 6 units. Below I have explained how I arrived at that number with relevant code citations.

1400 Hepburn Ave. consists of 0.1152 acres per Lojic. Under LDC 2.2.13.E.2, the maximum density in R8-A is 58.08 dwelling units per acre.  $.01152 \times 58.08 = 6.690816$ . LDC 2.1.3.E.1 provides, in relevant part, that "When this calculation yields a fraction of a dwelling unit, the fractional part may not be considered." This circumstance does not meet the exception of LDC 2.1.3.E.2, so the maximum number of units is 6.

Best,



**Travis J. Fiechter**  
Assistant County Attorney  
**Office of Mike O'Connell - Jefferson County Attorney**  
(502) 574-1037  
531 Court Place, Suite 900  
Fiscal Court Building  
Louisville, KY 40202

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December 10, 2019

Zoning Board of Louisville  
Metro Development Center  
444 South 5<sup>th</sup> Street  
Louisville, KY 40202

Dear Sirs:

My brother, David Manning, has lived for several years in Apartment 6 of 1400 Hepburn. He loves it – despite the outdoor stairs, the tiny space, and other inconveniences. To him, it's perfect.

David is permanently disabled. His income from SSDI is very limited, so he's happy he's found an affordable apartment. He doesn't have a car, so he's happy he can walk to most services he needs. He can't take care of a large apartment, so he's happy with his tiny space. He has a companion cat, recommended by his psychologist, so he's relieved that the landlord is happy to have the cat. It happens that this apartment is in the same neighborhood where he grew up, which is beneficial to his mental health. And as his guardian, I'm so relieved that he's found a peaceful place with an understanding landlord.

Finding another suitable apartment would be very difficult, and the disruption would make David agitated. We're both hoping that he can remain in his space for a long time.

Sincerely,

Melinda Manning Carr  
1280 Deerwood Drive  
Frankfort, KY 40601

**St. Germain, Dante**

---

**From:** Joan Kallay <kallay214@gmail.com>  
**Sent:** Friday, December 13, 2019 12:39 PM  
**To:** St. Germain, Dante  
**Subject:** Case #10-ZONE-0060

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Joan Kállay  
1310 Highland Avenue  
Louisville, KY 40204 U.S.A.  
kallay214@gmail.com

---

December 13, 2019  
Dante St. Germain, Case Manager  
Louisville Metro Planning and Design Services  
444 South 5<sup>th</sup> Street  
Suite 300  
Louisville, KY 40202-4313

Case Number: 19-ZONE-0060  
Subject Property: 1400 Hepburn Avenue  
Zoning Change: R-5B to R-8A

Dear Ms. St. Germain,

At first blush I thought Alex Wilson's representative John Talbott was being flip when he reassured myself and fellow neighbors at the first informational meeting that this zoning change will go forward and will be approved. Possibly, someone told Mr. Wilson not to worry that the zoning code did not match the building use because it would easily be changed to fit his needs by the planning committee; or he did not do his due diligence prior to the handsome price he paid.

Either way, I do not believe this committee will require Mr. Wilson to change the number of rental units to reflect the zoning code now in place (R-5A)/two family residential.

The Original Highland Neighborhood Association created a neighborhood plan, placing a moratorium on dividing up the grand old homes within the Original Highlands area, which was forward thinking and in the best interest of the residents. The OHN Plan clearly states an expressed interest in ensuring the neighborhood remain primarily single-family or at most two-family neighborhood. As a point of interest, in the summary of Plan 2040 Comprehensive Plan for Louisville Metro it predicts a slight, but steady decline in residential population in the Southeast Core, tract #64.

Can OHN, at the very least, request that a 1400 Hepburn Avenue be brought to code and copies of building permits be presented to the OHN board for reassurances of Mr. Wilson's desire to be a good property owner/neighbor?

Capitalism can be good when held in moral check. It is my hope that this committee does not allow the way this zoning change took place set a precedent.

Sincerely,  
Joan Kállay

**St. Germain, Dante**

---

**From:** Nanci Dively <nsd@bardlaw.net>  
**Sent:** Wednesday, December 11, 2019 4:45 PM  
**To:** St. Germain, Dante  
**Cc:** Linette Breedlove  
**Subject:** Wilson/Hepburn #19-ZONE-0060

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Dante: Please see the below letter of support.

Many thanks!

Nanci S. Dively, CKP  
Certified Kentucky Paralegal

---

**From:** Linette Breedlove  
**Sent:** Wednesday, December 11, 2019 4:39 PM  
**To:** Nanci Dively  
**Subject:** FW: Letter for city zoning

John asked that I forward this to you and see if you can forward it to Dante? His email is not working (yet).  
Thanks!

**From:** alex wilson [mailto:alexgwilson@gmail.com]  
**Sent:** Wednesday, December 11, 2019 2:44 PM  
**To:** Linette Breedlove <linette@bardlaw.net>  
**Subject:** Fwd: Letter for city zoning

Linette,

Below is a letter from one of my renters at 1400 Hepburn for zoning. Can you please make sure that it makes its way into the file. We tried to email John and his email is full. I advised my renter to send the email to Dante as well. Thanks!

Alex

----- Forwarded message -----

**From:** Katie Barrette <kcbarrette@gmail.com>  
**Date:** Tue, Dec 10, 2019 at 8:25 PM  
**Subject:** Re: Letter for city zoning  
**To:** alex wilson <alexgwilson@gmail.com>  
**Cc:** John Talbott <john@bardlaw.net>

On behalf of myself and Watson Harding, I'm writing to voice support for the proposed zoning change of 1400 Hepburn Avenue.

We have been residents of the building for over 2 years and love our apartment for its location, charm, and affordable rent. We are respectful members of the neighborhood who cause no issues for other residents, and wish to continue living in our home.

Alex Wilson has proven a diligent and responsive landlord who we enjoy working with. I urge the board to approve the proposed zoning change.

Thank you,  
Katie Barrette

On Fri, Dec 6, 2019 at 1:21 PM alex wilson <[alexgwilson@gmail.com](mailto:alexgwilson@gmail.com)> wrote:

Katie,

Attached is John Talbots email. He had requested that all the tenants at Hepburn submit a letter to zoning. It doesn't need to be anything long winded. A basic email stating you enjoy living at Hepburn, don't cause any issues, rent is affordable, you want to stay, etc would be fine.

The hearing date is 12/19 @1pm. We will know a couple of days before what the agenda is and when the case will be heard. I would greatly appreciate you making your best effort to attend the meeting and telling zoning that you don't want to move.

Thanks  
Alex



To whom it may concern,

My name is India, I'm a single mother and I live at 1400 Hepburn Ave and have been for the past few years. It's a great place all around. I'm absolutely in love with it. By far, the best apartment AND landlord I've ever had in my life. In the past I've had a lot of trouble even finding decent apartments with decent people to rent from. Alex is so great with keeping up with everything and I even love my neighbors. As long as I've lived here it's always been 6 apartments and from what I've heard from the previous owner, it's been this way for a long time. I would be devastated if I ever had to move for other reasons other than my personal choice, my plan is to stay as long as possible here and to even think I could be forced out is scary. I do not want to leave, I love it here!!

Thanks India



Original Highlands Neighborhood Association  
PO Box 4194  
Louisville, KY. 40204

October 21, 2019

RE: Case# 19-Zone-0060

Land Development and Transportation Committee

This evening the Original Highlands Neighborhood Association Board of Directors unanimously voted to urge your commission deny an application to change the zoning of 1400 Hepburn to OR-2 Office Residential.

Such a change would go against our neighborhood plan as approved in 2006 (as proposed by Louisville Metro Department of Planning and Design Services). It would also open the door to future commercial encroachment. The plan explicitly states that the area south of Morton Avenue should be exclusively zoned only to R5B. (page 39, ES-3)

If you have any questions or concerns, please feel free to contact me at 502-821-6309 or at [jschorch@gmail.com](mailto:jschorch@gmail.com)

Sincerely,

Jim Schorch  
President  
Original Highlands Neighborhood Association

RECEIVED  
OCT 23 2019  
PLANNING & DESIGN  
SERVICES

OPPOSE 19-ZONE-0060

(A)

from: Joan Kallay  
homeowner  
1310 Highland Avenue  
Louisville, KY 40204  
Kallay214@gmail.com  
(406) 407.1156

October 16, 2019

to: Louisville Metro Department of  
Planning + Design Services  
Dante St. Germain  
Case manager  
444 South 5<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Louisville, KY 40202

RE: Case #: 19-ZONE-0060  
Location: 1400 Hepburn  
Louisville, KY 40204  
Jefferson County

applicant: owner: Alex Wilson  
representative: j. talbot

Dear Dante St. Germain,

I am writing to document my opposition to the re-zoning of 1400 Hepburn/Louisville to OR-2.

The Original Highlands Neighborhood Association (OHNA) prepared a neighborhood land use plan for Louisville Metro Department of Planning + Design. Within the agreed plan it clearly states:

- a) maintain / encourage neighborhood residential use on East/West streets
- b) Keep businesses on the North/South streets i.e. Barrett Ave,  
Baxter Ave,  
Bardstown Rd.

As recently reported the N/S corridor of OHN is in need of vibrant, steady, diverse businesses. It makes sense to drive + keep the land use agreement keeping offices out of <sup>FW</sup>residential corridors.

Mr. Wilson purchased 1400 Hepburn for a handsome price, but failed to do any discovery prior to his purchase regarding the desired character of the neighborhood; i.e. how the homeowners would like to preserve the charm of our traditional urban neighborhood.

A legitimate fear as a homeowner is to see the zoning change thus opening the flood gate for more offices/businesses to infiltrate the residential streets. — changing the (I ~~contest~~ destroying) the make-up of our unique neighborhood — (this has already been seen with the unchecked AirBnB businesses in OHHN.)

- ✓ Can anyone guarantee that property values will not decrease if this zoning change is approved? Shouldn't land value be paramount?
- ✓ How do we keep to traditional urban neighborhood values if the <sup>OR 2</sup> zoning is approved.

Neighborhood: by definition

diverse people/families, activities

"seen, known, with shared values"

- ✓ Just because you can — doesn't mean you should.

OPPOSE '19-ZONE 0060

(D)

In conclusion, we did not choose to buy a home in the Original Highlands neighborhood thinking they, wouldn't it be great to have businesses mixed into the residential area = NO we thought the Highlands was regarded by Louisville Metro Planning + Design and by the Councilman as scared, unique, beloved and well worth keeping in fact as a true neighborhood.

\* Please decline the zone change to  
1400 Hepburn  
Louisville, KY  
Jefferson County  
U.S.A.  
The Original Highlands

Respectfully,  
Joan Kallay  
1310 Highland Ave.  
Louisville, KY



Original Highlands Neighborhood Association  
PO Box 4194  
Louisville, KY. 40204

October 21, 2019

RE: Case# 19-Zone-0060

Land Development and Transportation Committee

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If you have any questions or concerns, please feel free to contact me at 502-821-6309 or at [jschorch@gmail.com](mailto:jschorch@gmail.com)

Sincerely,

Jim Schorch  
President  
Original Highlands Neighborhood Association

## St. Germain, Dante

---

**From:** Elizabeth Jones Brown <ejonesbrown@bellsouth.net>  
**Sent:** Saturday, October 05, 2019 2:27 PM  
**To:** St. Germain, Dante  
**Subject:** 1400 Hepburn Avenue

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Ms. St. Germain, I am writing to express my opposition to the zoning change application for 1400 Hepburn Avenue. I am aware that you have received information from other neighbors regarding the Neighborhood Plan and the appraisal for the property, so I won't waste your time. I will just summarize by saying that the neighborhood has intentionally down-zoned over the past few decades with the approval of elected officials, that the property is zoned R5B, and that it appears the previous owner carved it up in violation of the existing zoning. This is something that would have been apparent to the new purchaser. In fact, I looked at the property when it was on the market and decided not to pursue it because it was clearly in violation of its zoning. The purchaser went ahead and is now trying to argue that he should get to zone it for a higher density because of the unauthorized activity of the previous owner. There is not enough parking in the area as it is; it would not be advisable to add more units to a crowded corner. One of my neighbors has discussed that R-7 would not be inappropriate, in order to allow 4 units. Given the specific conformation of the building, I can see that argument. Anything more dense than R-7 would not be appropriate, however.

Thank you,  
Elizabeth Jones Brown  
1408 Highland Avenue (one block away)



**St. Germain, Dante**

---

**From:** Rick Sweeney <rickjsweeney@yahoo.com>  
**Sent:** Friday, October 04, 2019 4:32 PM  
**To:** St. Germain, Dante  
**Subject:** Re: 1400 Hepburn Ave Fw: 19-ZONEPA-0042\_08.03.2019\_960 Vine St.\_Neighborhood Meeting Notice

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---

Thanks, Dante.  
I am opposed to any zoning change to allow 6 units on that property (1400 Hepburn).

Rick Sweeney  
1328 Hepburn Ave

On Thursday, September 26, 2019, 09:25:41 AM EDT, St. Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

Mr. Sweeney,

I will add your comments to the case file and make sure they are provided to the Planning Commission if the case advances to that point.

Dante St. Germain, AICP

Planner II

Planning & Design Services

Department of Develop Louisville

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---

**From:** Rick Sweeney [mailto:rickjsweeney@yahoo.com]

**Sent:** Thursday, September 26, 2019 9:19 AM

**To:** St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>

**Subject:** Re: 1400 Hepburn Ave Fw: 19-ZONEPA-0042\_08.03.2019\_960 Vine St.\_Neighborhood Meeting Notice

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Thanks.

John Talbott made repeated claims during the Neighborhood Meeting that the property has had six units for 30 years.

I present to the record the attached documents from Docket B-86-91 that makes it clear the property had only three units at the time this appeal was approved. This allowed changing business non-conforming use for one of the units to residential non-conforming use, for a total of three residential units.

Contrary to what John Talbott suggests, I do not believe a full occupancy of six units has been rented out at once on that property until recently, if at all (it may have never had a continuing full, occupancy of six units.)

Thanks,

Rick Sweeney

On Thursday, September 26, 2019, 07:59:56 AM EDT, St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)> wrote:

Mr. Sweeney,

The formal filing application says OR-2.

**Dante St. Germain, AICP**

Planner II

Planning & Design Services

Department of Develop Louisville

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Louisville, KY 40202

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---

**From:** Rick Sweeney [<mailto:rickjsweeney@yahoo.com>]

**Sent:** Wednesday, September 25, 2019 5:12 PM

**To:** St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)>

**Subject:** Re: 1400 Hepburn Ave Fw: 19-ZONEPA-0042\_08.03.2019\_960 Vine St.\_Neighborhood Meeting Notice

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---

Thanks. So was the formal application a request for R-8A zoning, as suggested in the minutes, or did they proceed with a request for OR-2?

Rick Sweeney

On Wednesday, September 25, 2019, 03:22:30 PM EDT, St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)> wrote:

Mr. Sweeney,

I have attached a scan of what was provided with the formal application.

**Dante St. Germain, AICP**

Planner II

Planning & Design Services

Department of Develop Louisville

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---

**From:** Rick Sweeney [<mailto:rickjsweeney@yahoo.com>]

**Sent:** Wednesday, September 25, 2019 3:17 PM

**To:** St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)>

**Subject:** Re: 1400 Hepburn Ave Fw: 19-ZONEPA-0042\_08.03.2019\_960 Vine St.\_Neighborhood Meeting Notice

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Hi, Dante

Could you please forward me a copy of the minutes of the Sept 3 Neighborhood Meeting?

Thanks,

Rick

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## St. Germain, Dante

---

**From:** Bob Hanna <bh124yah@yahoo.com>  
**Sent:** Thursday, October 03, 2019 10:49 AM  
**To:** St. Germain, Dante  
**Subject:** 1400 Hepburn Ave.

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Hi,  
I'm a resident of the 1400 block of Hepburn Ave. I encourage you to deny any zoning request that allows business use or 6 residences at 1400 Hepburn. The business use is certainly not in keeping with the residential nature of this block. Please stick with the neighborhood plan.

Thank you,  
Bob Hanna



## St. Germain, Dante

---

**From:** Rick Sweeney <rickjsweeney@yahoo.com>  
**Sent:** Thursday, September 26, 2019 9:19 AM  
**To:** St. Germain, Dante  
**Subject:** Re: 1400 Hepburn Ave Fw: 19-ZONEPA-0042\_08.03.2019\_960 Vine St\_Neighborhood Meeting Notice  
**Attachments:** 1400 Hepburn, June 1991 - only three units - approval of changing unit from business use to residential.pdf

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**Dante St. Germain, AICP**

Planner II

Planning & Design Services

Department of Develop Louisville

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**To:** St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)>

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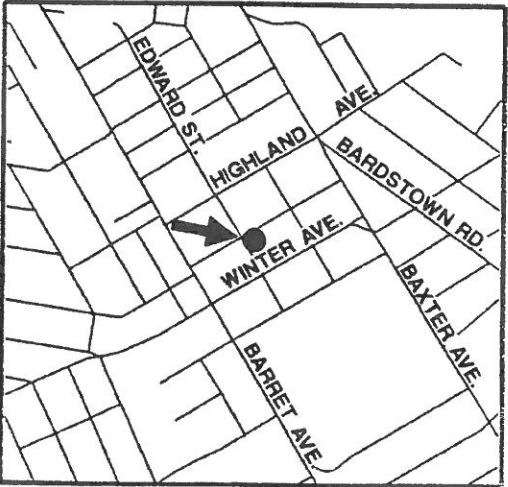
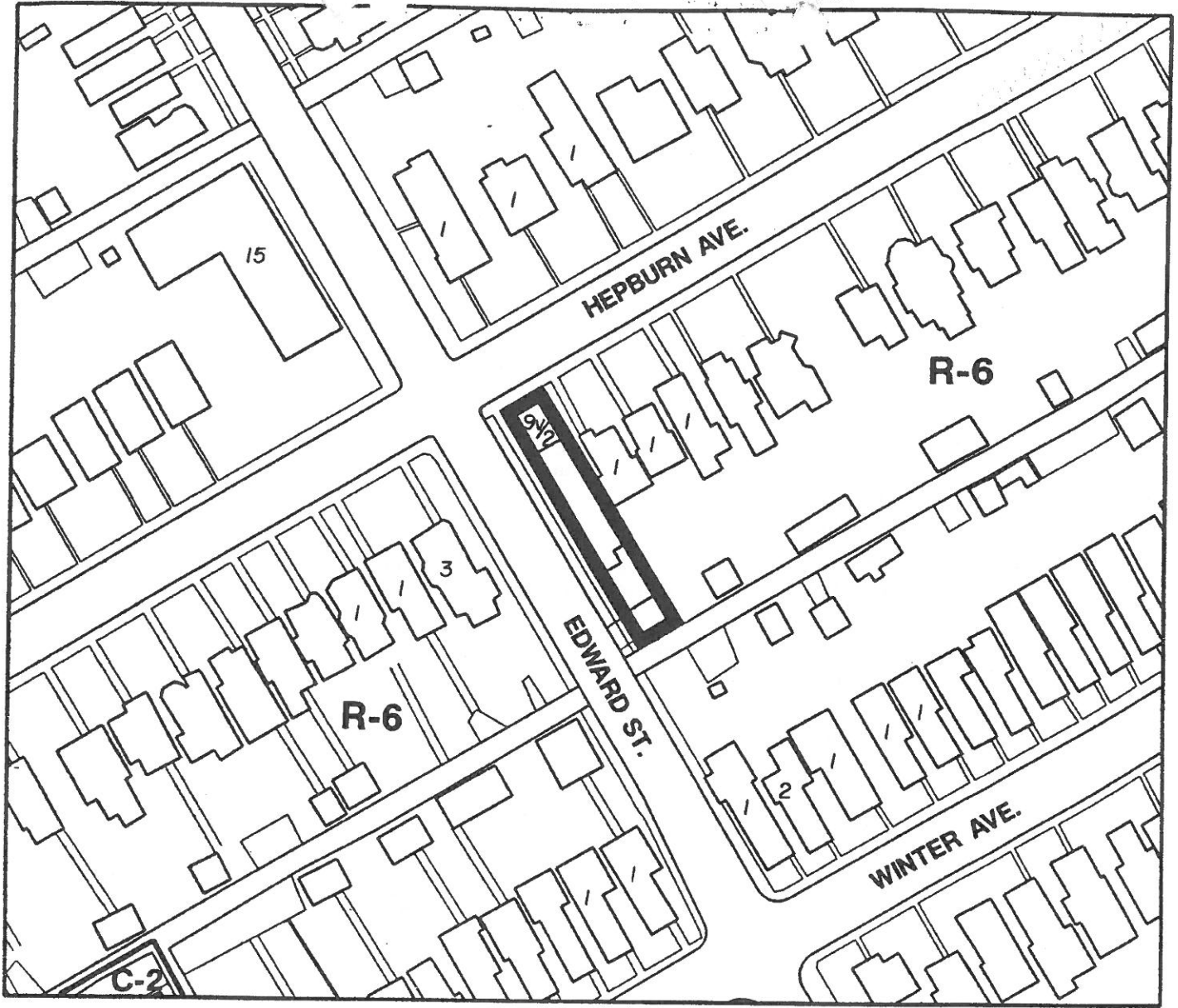
Hi, Dante

Could you please forward me a copy of the minutes of the Sept 3 Neighborhood Meeting?

Thanks,

Rick

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.



- |                        |                             |
|------------------------|-----------------------------|
| 1 Single Family        | 12 Governmental             |
| 2 Two-Family           | 13 Medical                  |
| 3 Other Residential    | 14 Educational              |
| 4 Light Industrial     | 15 Religious                |
| 5 Heavy Industrial     | 16 Recreational             |
| 6 Transportation       | 17 Other Public/Semi-Public |
| 7 Utility              | 18 Cemetery                 |
| 8 Wholesale            | V Vacant or Unimproved      |
| 9 Retail               | P Parking                   |
| 10 General Commercial  | UC Under Construction       |
| 11 Professional Office |                             |

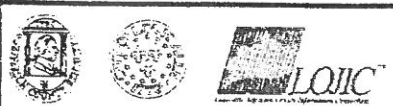
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Sheet No. 24



LAND USE MAP

APPEAL



(c) Copyright MSD 1991

LOUISVILLE Board  
of Zoning Adjustment

B-86-91

LOUISVILLE BOARD OF ZONING ADJUSTMENT MINUTES

JUNE 17, 1991

DOCKET NO. B-86-91

Appellant: Cynthia Lawson

Subject: An appeal of an Order to Stop Use issued by the City of Louisville Department of Inspections, Permits and Licenses concerning the change of a commercial non-conforming use to a residential non-conforming use in an R-6 Residential zone.

Premises affected: On property known as 1400 Hepburn Avenue and being in the City of Louisville.

Appearances-Interested:

Maurice Wolford, Code Enforcement Officer, City of Louisville Department of Inspections, Permits and Licenses, 609 W. Jefferson Street, Louisville, Kentucky 40202.

Appearances For Appellant:

Cynthia Lawson, 3015 Sherbrook, Louisville, Kentucky 40205, who submitted slides, petitions with 40 signatures in support, and a tax block and lot number map.

James E. Martin, Captain of Block Watch, 1316 Hepburn Avenue, Louisville, Kentucky 40204.

Appearances Against Appellant:

No one.

On April 26, 1991, the City of Louisville Department of Inspections, Permits and Licenses issued an Order to Stop Use concerning the change of a commercial non-conforming use to a residential non-conforming use in an R-6 Residential zone.

On May 23, 1991, Cynthia Lawson filed an appeal of an Order to Stop Use issued by the City of Louisville Department of Inspections, Permits and Licenses upon the basis that the residential use is less obnoxious and in keeping with the character of the neighborhood.

On June 17, 1991, at a meeting of the Board, a hearing was held on this case. A drawing showing the premises affected and the existing and proposed construction was presented to each Board member.

By general consensus and with the consent of all those present for the hearing of this case, the Board voted unanimously to waive the reading of the staff report. The Board members had received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. See Addendum for staff report in full.

A map of the site and surrounding area was shown.

Shari Cooper, Court Reporter, recorded the testimony given in the public hearing.

After the public hearing and a further discussion of the case by the members of the Board in open executive session, on a motion by Member Janes, seconded by Member Crawford, the following resolution was unanimously adopted:

WHEREAS, the Board finds that the subject site is zoned R-6 Residential Multi-Family, that two residential units and one commercial unit are presently located on the site, and that the appellant is requesting approval to change the existing commercial use to residential, which is permitted in the R-6 zone, and

CITY OF LOUISVILLE BOARD

PRELIMINARY STAFF REPORT                      Public Hearing Date: June 17, 1991

DOCKET NUMBER:                      B-86-91

Applicant:                              Cynthia Lawson

Subject of Request: An appeal of an Order to Stop Use issued by the City of Louisville Department of Inspections, Permits and Licenses concerning the change of a commercial non-conforming use to a residential non-conforming use in an R-6 Residential zone.

Premises Affected: On property known as 1400 Hepburn Avenue and being in the City of Louisville.

Existing Use and Zoning:

Vacant commercial, two family residential; R-6

Surrounding Land Uses and Zoning:

North - Single family residential; R-6

South - Single family residential, two family residential; R-6

East - Single family residential; R-6

West - Multi-family residential; R-6

(See attached land use map for specific location and uses).

Related cases:

B-24-89: An appeal of a refusal issued by the City of Louisville Department of Inspections, Permits and Licenses of a Certificate of Occupancy for a change from one alleged non-conforming use (photographic shop) to another non-conforming use (grocery) on the subject site. The Board denied the appeal on March 20, 1989.

\* \* \* \* \*

This is an appeal of an Order to Stop Use issued by the City of Louisville Department of Inspections, Permits and Licenses concerning the change of a commercial non-conforming use to a residential non-conforming use in an R-6 Residential zone on property known as 1400 Hepburn Avenue.

The subject property is a rectangle located at the southeast corner of Hepburn Avenue and Edward Street, fronting on the south side of Hepburn Avenue for 30 feet and fronting on the east side of Edward Street for approximately 171 feet.



LOUISVILLE BOARD OF ZONING ADJUSTMENT STAFF REPORT

JUNE 17, 1991

DOCKET NO. B-86-91 (continued)

On April 26, 1991, the City of Louisville Department of Inspections, Permits and Licenses issued an Order to Stop Use to the appellant concerning the change of a non-conforming use on the subject site without the approval of the Board of Zoning Adjustment.

The appellant's grounds for this appeal are as follows: "Changing non-conforming use to residential use is less obnoxious, is in keeping with the character of the neighborhood and has always been three distinct units since 1920's, i.e., two residential units and one commercial unit. Approval for the commercial unit to be a residential unit will further stabilize the neighborhood's residential character. Parking at Hepburn has never been a problem since there is 30 feet plus 170 feet of street frontage equalling about 200 feet of frontage. There is also a two car garage in back built by modern standards. This plan for 1400 Hepburn is very much in keeping with the Highlands Community Development Association goals of:

1. Reinforcing the Highlands area as a vital in-town residential community.
2. Achieving a pattern of compatible and supportive land uses with appropriate transitions from one use to another.
3. Maintaining the integrity of the traditional housing and compatible renovation.
4. Improving and upgrading and be in line with resolving land use conflict of a commercial unit in a residential area.

The population of the area dropped 23% between 1970 and 1980. My goal is to revitalize property in Victorian style elegance with modern conveniences to attract the young urban professionals. We intend to occupy the building by Fall so the property will also benefit by being 'owner occupied'. This too, is in keeping with neighborhood trends described by the Highlands Community Development Association who point out neighborhood deterioration will continue in blocks with land use conflicts."

STAFF ANALYSIS: The following sections of the Louisville and Jefferson County Zoning District Regulations appear to be applicable to this case. The full text of these sections may be found within the Louisville and Jefferson County Zoning District Regulations.

Article 3, Zoning District Rules, C., 1. and 2., a. and c.

Section 4.6, R-4 Residential District, A. Permitted Uses and C., 1. and 4., b..

Section 6.2, C-1 Commercial, A. Permitted Uses.

Section 8.3, Non-Conformance, A. Use and G. Abandonment.

LOUISVILLE BOARD OF ZONING ADJUSTMENT STAFF REPORT

JUNE 17, 1991

DOCKET NO. B-86-91 (continued)

In addition, KRS 100.253 is the State statute which deals with non-conforming uses.

The subject property is zoned R-6 Residential Multi-Family which permits among other uses churches, schools, playgrounds, parks, multi-family dwellings, and single family dwellings.

The site is currently occupied by a vacant photographic shop and two residential units. The photographic shop is located on a large portion of the first floor, and the two dwelling units make up the rest of the first floor and the second floor. The appellant contends that the photographic shop was a non-conforming use and wishes to change from that non-conforming use to a third dwelling unit. There is sufficient land area to allow only two dwelling units on this lot at the allowed R-6 density.

The Zoning District Regulations and State law indicate that a non-conforming use is any legally established activity existing at the time of enactment of any zoning regulation which would not permit such activity. Further, a non-conforming use may continue as then established. However, there shall be no change of the non-conforming activity beyond that existing at the time the non-conformity began. In addition, a non-conforming use may not be changed to any other non-conforming use except that, with the approval of the appropriate Board of Zoning Adjustment, a non-conforming use may be changed to another non-conforming use of the same or a more restrictive classification provided such change will not, in the opinion of the Board of Zoning Adjustment, change the character of the neighborhood or detract from the enjoyment or value of other property in such neighborhood.

The site is zoned R-6 Residential Multi-Family. The site has been zoned for two-family residential or multi-family residential use since 1931, the date of the adoption of the zoning regulations in the City of Louisville. Therefore, in order for any non-conforming use rights to exist on the site for the photographic shop, this use or a similar use would have to have been established on the site since prior to 1931 and would have had to have remained continuous since that date.

The staff has reviewed the Caron's Directories available in the offices of the Planning Commission. Beginning in 1930, the available directories indicate the site was used for a grocery in addition to residential use until 1954. The directories from 1955 to 1958 identified the site as being used residentially. From 1959 until 1963, the directories identify a furniture company as occupying the site in addition to residential uses. The 1964 and 1965 directories indicate residential use at the site, and the 1966 directory identifies the site as vacant. From 1967 until 1976, the

LOUISVILLE BOARD OF ZONING ADJUSTMENT STAFF REPORT

JUNE 17, 1991

DOCKET NO. B-86-91 (continued)

directories identify the site as being occupied by a clothing store and residential uses. The 1977 Directory identifies the site as vacant; the 1978 Directory identifies the site as being used residentially; the 1979 Directory identifies the site as being occupied by the "Best Buy Shop" and residential uses. From 1981 until the present the directories indicate the site has been occupied by a commercial photography shop and residential uses.

It appears to the staff that the current situation on the site consisting of two dwelling units in conformance with the R-6 zoning. In addition, there appears to have been a commercial activity in a portion of the building, which commercial activity was not in conformance with the R-6 zone. Whether or not that commercial activity was a legally non-conforming activity is a matter for the Board to determine.

If the Board finds that the prior commercial activity was a legal non-conforming use, the Board must then decide if the change from the commercial activity to an additional dwelling unit, which dwelling unit causes a violation of the maximum number of units allowed on a lot of this size in the R-6 zone, constitutes a non-conforming activity permitted in the same or more restrictive classification than the prior non-conforming activity.

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. If any non-conforming rights existed on the site for the operation of a photographic shop.
2. If the proposed change in use to a third dwelling unit in violation of the maximum allowed density in the R-6 zone constitutes a change to a non-conforming use of the same or a more restrictive classification.
3. If the Order to Stop Use issued by the City of Louisville Department of Inspections, Permits and Licenses of a Certificate of Occupancy was proper.



JEFFERSON COUNTY, KENTUCKY  
ENVIRONMENTAL & COMMUNITY DEVELOPMENT DEPARTMENT  
LOUISVILLE & JEFFERSON COUNTY PLANNING COMMISSION

DAVID L. ARMSTRONG  
County Judge/Executive

EVELYN L. WALDROP  
Department Director

PAUL BERGMANN, AICP, A  
Commission Director

LETTER OF TRANSMITTAL

DATE: July 1, 1991

Mike Duffy  
City of Louisville  
Department of Inspections, Permits  
and Licenses  
2nd Floor - 609 W. Jefferson Street  
Louisville, Kentucky 40202

To Whom It May Concern:

The Louisville Board of Zoning Adjustment, meeting in executive session took the following action.

DOCKET NO: B-86-91 DATE ACTION WAS TAKEN: June 17, 1991

Variance \_\_\_\_\_ Conditional Use Permit \_\_\_\_\_ Appeal  Modification \_\_\_\_\_

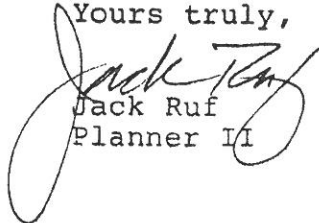
ACTION TAKEN: Approved  Approved On Condition \_\_\_\_\_ Approved In Part \_\_\_\_\_ Denied \_\_\_\_\_ Denied In Part \_\_\_\_\_

PLANS ENCLOSED: Yes  No

MINUTES: Enclosed:  Will follow upon approval: \_\_\_\_\_

A copy of this transmittal letter has been sent to the applicant. If you need any further information, please do not hesitate to contact me.

Yours truly,

  
Jack Ruf  
Planner II

cc: Russ Segraves  
Plan Review Officer  
617 W. Jefferson Street  
Louisville, Ky. 40202

531 COURT PLACE • SUITE 900  
LOUISVILLE, KENTUCKY 40202-3396  
(502) 625-6230

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PUBLIC NOTICE

The Louisville Board of Zoning Adjustment will hold a public hearing on Monday, June 17, 1991, at 1:00 P.M. in the Fiscal Court Room, Room 402, Court House, Louisville, Kentucky on the following cases:

B-44-91: An application for a variance from the Zoning District Regulations to permit proposed off-street parking spaces to encroach into required front and side yards based upon a revised plan on property known as 4632 South Third Street and being in the City of Louisville.

B-77-91: An appeal of an Order to Stop Use issued by the City of Louisville Department of Inspection, Permits and Licenses regarding the existence of a wall which exceeds 7 feet in height in required yards on property known as 900 Highwood Drive and being in the City of Louisville.

B-82-91: An appeal of a refusal of a Certificate of Occupancy issued by the City of Louisville Department of Inspections, Permits and Licenses concerning the operation of a beauty salon in an R-7 Residential zone on property known as 516 West Breckinridge Street and being in the City of Louisville.

B-85-91: An application for a variance from the Zoning District Regulations to permit a proposed addition to encroach into the required street side yard on property known as 135 North Crestmoor Avenue and being in the City of Louisville.

B-86-91: An appeal of an Order to Stop Use issued by the City of Louisville Department of Inspections, Permits and Licenses concerning the change of a commercial non-conforming use to a residential non-conforming use in an R-6 Residential zone on property known as 1400 Hepburn Avenue and being in the City of Louisville.

The application may be inspected in the office of the Board, 900 Fiscal Court Building, Louisville, Kentucky.  
Jack Ruf, Planner II

THE COURIER JOURNAL and LOUISVILLE TIMES  
Incorporated

STATE of KENTUCKY  
County of Jefferson

Affidavit of Publication

I, Geraldine Eiden  
of THE COURIER-JOURNAL AND LOUISVILLE TIMES COMPANY, publisher  
of The COURIER-JOURNAL, a newspaper of general circulation  
printed and published at Louisville, Kentucky, do solemnly swear  
that from my own personal knowledge, and reference to the files  
of said publication, the advertisement of

LEGAL 105 B-44-91

was inserted in THE COURIER-JOURNAL as follows:

Date	Lines	Date	Lines
06/07/91	127		
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JUN 14 1991  
LOUISVILLE & JEFFERSON COUNTY  
PLANNING COMMISSION

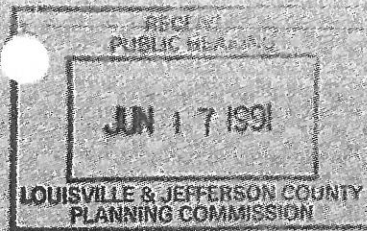
*Geraldine Eiden*

(Signature of person making proof)

Subscribed and sworn to before me this 11 day of June, 1991.

My commission expires Jan. 29, 1995  
*Mary Ann Harlow*

Mary Ann Harlow (Notary Public)



B.86-5  
Lawson May 26, 1991

Dear Neighbor:

We, Cynthia and Frank Lawson, owners of 1400 Hepburn have filed a Board of Zoning Adjustment Appeal to gain nonconforming rights for this property (having 2 apartments and 1 commercial unit (of 1000 sq ft)) converting the commercial units to residential for a total of 3 units to further enhance the residential character of the neighborhood - the ORIGINAL HIGHLANDS.

40 signatures

names

<del>L.B. Hester</del>	<del>1326 Hepburn Ave</del>	<del>LOU. KY 40204</del>
Amy Karn Turner	(Amy Karn Turner) 1336 Hepburn Ave #1	LOU, KY 40202
Ami Smith	(Ami Louise Smith) 1336 Hepburn Ave #3	LOU. KY 40204

Mary Beth Fisher 1336 Hepburn Ave. #4, Lou, Ky. 40204

Wm. Kit Taylor 1336 HEPBURN AVE #4 LOU. KY 40204

Andy Smith 1326 Hepburn Ave #1 Lou. Ky. 40204

Beth Peterson 1326 Hepburn Ave. #2 Lou. Ky. 40204

James E. Martin 1316 Hepburn Ave. Lou. Ky. 40204

Kevin D. Cook 1309 Hepburn Ave LOU, KY 40204

H.B. Depter 1306 Hepburn Ave . . . 40204

Delma Depter 1306 Hepburn Ave Lou, Ky 40204

Charles J. Krumm 1317 Hepburn Ave. Louisville, Ky 40204

Michael H. Depter 1328 Hepburn Ave. Lou. Ky 40204

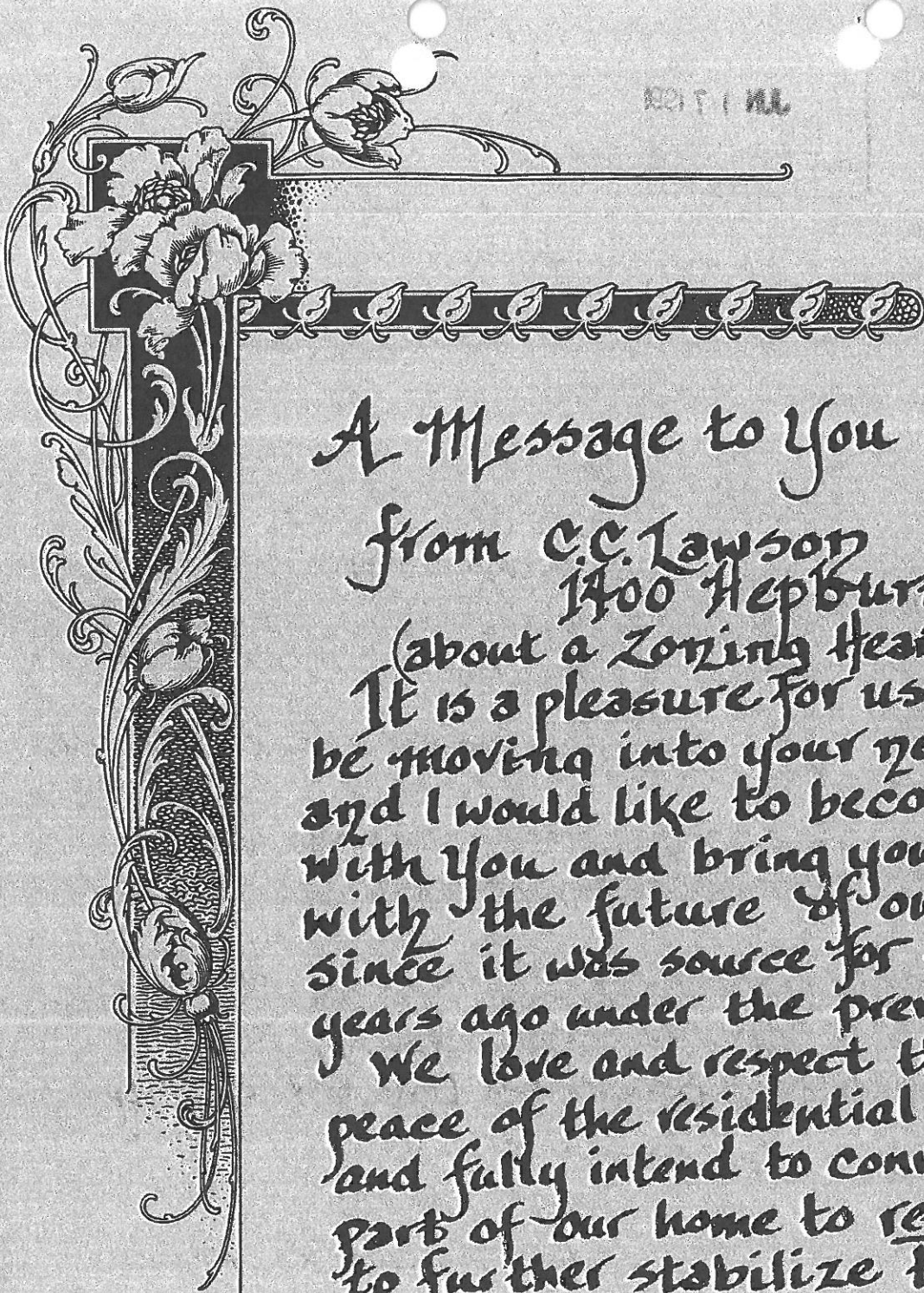
Yulee J. Schaefer 1328 Hepburn Ave Lou. KY 40204

Mary Kirt Brunck 1308 Hepburn Ave Lou. KY 40204

David Howarth 1308 Hepburn Ave Lou Ky 40204.

Rudney A. Wright 1312 Hepburn Ave. Lou. Ky. 40204

Jarvis S. Martin 1316 Hepburn Ave. Lou. Ky. 40204



# A Message to You

from C.C. Lawson

1400 Hepburn

(about a Zoning Hearing)

It is a pleasure for us to soon be moving into your neighborhood and I would like to become acquainted with you and bring you up to date with the future of our home since it was source for stress a few years ago under the previous owners.

We love and respect the beauty and peace of the residential Highlands and fully intend to convert the 'store' part of our home to residential, to further stabilize the residential character of the street. If there is any problem or concern about this, please call me at 4580160. I appreciate your time and thought,

C.C. Lawson

May 28, 1991

Dear Neighbor

We, Cynthia and Frank Lawson, owners of 1700 Hepburn have filed a Board of Zoning Adjustment Appeal to gain nonconforming rights for this property (having 2 apartments and 1 commercial unit (of 11000 sq ft) converting the commercial unit to residential for a total of 3 residential units to further enhance the residential character of the neighborhood

names addresses

- Bob's Island 1325 Hepburn Av, Louisville 40204
- Theresa Onger 1329 Hepburn Ave. Louisville 40205
- Carol Oyster 1329 Hepburn Ave. Lou Ky 40204
- Rosie Lusman 1401 Hepburn Ave. Lou Ky 40204
- J. Rosalinda Hursey 1409 Hepburn Ave 40204
- Owner of 1421 Hepburn 40204
- Pat Passmore 1432 Hepburn Ave 40204
- Pat Carver 1438 Hepburn Ave #2 40204
- R. Dennis Freeman MD 1428 HEPBURN AVE. # 3 40204
- Pat Carver 1424 Hepburn Ave
- Bumper 1418 Hepburn Ave 40204
- Guy Bank 1406 Hepburn Ave. 40204
- Louis Greenwell 1402 Hepburn 40204
- Dominica Walker 1404 Hepburn Ave 40204
- Leona Barrett 1412 Hepburn Ave 40204
- South Park 1336 Hepburn Ave 40204
- Rebecca Benz Kaler 1336 Hepburn Ave. 40204
- Diane Cass 1400 Hepburn Ave 40204
- Alonzo Brock 1400 Hepburn Ave 40204
- Joe Dumas 1437 Highland Ave. 40204





A Message to You

from C.C. Lawson  
1400 Hepburn

(about a Zoning Hearing)

It is a pleasure for us to soon be moving into your neighborhood and I would like to become acquainted with you and bring you up to date with the future of our home since it was source for stress a few years ago under the previous owners.

We love and respect the beauty and peace of the residential Highlands and fully intend to convert the 'store' part of our home to residential, to further stabilize the residential character of the street. If there is any problem or concern about this, please call me at 4580160. I appreciate your time and thought,

C.C. Lawson

LOUISVILLE BOARD OF ZONING ADJUSTMENT

900 FISCAL COURT BUILDING  
LOUISVILLE, KENTUCKY 40202

NOTICE OF HEARING

June 7, 1991

Cynthia Lawson  
2237 Paris Drive  
Louisville, KY 40218

Date of Public Hearing: June 17, 1991

Re: Docket No.: B-86-91

Subject of Hearing: An appeal of an Order to Stop Use issued  
by the City of Louisville Department of Inspections, Permits and  
Licenses concerning the change of a commercial non-conforming use  
to a residential non-conforming use in an R-6 Residential zone.

Premises affected: On property known as 1400 Hepburn Avenue  
and being in the City of Louisville.

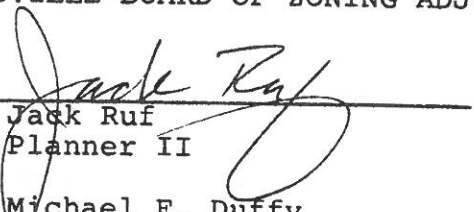
Dear Applicant:

A public hearing on this case will be held Monday, June 17, 1991, at 1:00 P.M. in the Fiscal Court Room, Room 402, Courthouse, Louisville, Kentucky.

The applicant or their representative must be present at the hearing to present the case to the Board and to answer any questions which may arise. All interested parties will be given an opportunity to be heard with reference to the above case.

LOUISVILLE BOARD OF ZONING ADJUSTMENT

By

  
Jack Ruf  
Planner II

cc: Michael F. Duffy  
Zoning Enforcement Officer

J

Kurtz, McCarty & Associates, Inc.

November 26, 1990

Mr. John Beckman  
2328 Sycamore Street  
Louisville, KY 40206

RE: Appraisal reports on:  
1400 Hepburn Avenue and  
2328 Sycamore Street

Dear Mr. Beckman:

I have enclosed the two appraisal reports you requested. The appraisal on the Hepburn Avenue property would not typically be accepted for a conventional mortgage loan due to the presence of the office space included in the subject property. It is advised that you seek a portfolio loan for this property.

We appreciate you selecting our firm for these assignments. If you have any questions about the appraisals, please contact our office.

Sincerely,

*Lindsey Logan*

Lindsey Logan, Appraiser

*J.S. McCarty*  
John S. McCarty, Jr., MAI, SRA

LL:mid  
Attachments

**RECEIVED**

MAY 23 1991  
B-86-91  
LOUISVILLE & JEFFERSON COUNTY  
PLANNING COMMISSION

COMMENTS ON IMPROVEMENT

The subject improvement includes a duplex and approximately 1,500 square feet of office space. The owner of the subject improvement, John Beckman, advised the appraiser that he has a non-conforming use certificate for the office space.

The residential rental units include a townhouse unit located in the rear of the subject improvement and a second floor one bedroom unit. Mr. Beckman advised the appraiser that the townhouse unit currently rents for \$420 per month and the second floor unit rents for \$380 per month. These rental values include utilities which are paid by the owner. Based upon the market data for the neighborhood of which the subject property is a member, the appraiser believes that a reasonable market rent for each of the duplex units is \$420 or a total of \$840 per month.

The office space of the subject improvement current rents for \$350 per month or \$.23 per square foot, according to Mr. Beckman. If this space were rented as a residential unit, it is estimated that the market rent would be approximately \$450 per month. Multiplying this monthly income figure by the gross rent multiplier of 90, gives an indicated value of \$40,500 for the office space if it was rented as a residential unit. The appraiser estimates that it would cost approximately \$15 per square foot or approximately \$22,500, to convert the office space to a residential unit. Subtracting this \$22,500 figure from the \$40,500 gives an indicated market value for the office space of \$18,000. This figure was used in both the cost and sales comparison analysis sections of this report.

COMMENTS ON SALES COMPARISON APPROACH

All sales used in connection with this appraisal assignment possess similar highest and best use characteristics as those of the subject property. Comparable sale three possesses superior locational amenities as compared to the subject property and the appraiser made a downward locational adjustment of approximately ten percent to reflect this difference.

Comparable sale one is located one street from the subject property. It required downward adjustments for its extra bathroom, larger size and central air conditioning. Upward adjustments were made for its lack of a basement and lack of a garage. An upward adjustment was made to each of the sales used in this report to reflect the contributing value of the office space of the subject improvement which the sales used in this report do not possess.

Comparable sale two required downward adjustments for its superior condition and separate utilities. Upward adjustments were made to reflect its inferior exterior construction, smaller size and lack of a garage.

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MAY 23 1991  
B.86.91  
LOUISVILLE & JEFFERSON COUNTY  
PLANNING COMMISSION

Kurtz, McCarty & Associates, Inc.  
Real Estate Appraisers - Consultants

In addition to the downward locational adjustment, comparable sale three required another downward adjustment for its two heating systems. Upward adjustments were made to reflect its inferior exterior construction, smaller size and lack of a garage.

The adjusted market data indicates a range in value from \$93,400 to \$98,250 for the subject property. All sales reasonably support the final value estimate.

Based upon the cost, income and sales comparison analysis sections of this report, it is my opinion that the "as is" market value of the subject is \$95,000 as of November 16, 1990.

Please be advised that no items of personal property were included in this value estimate.

It should be noted that this appraisal report would not typically be accepted for conventional loan purposes. It is advised that the borrowers seek a portfolio loan on the subject property.

**RECEIVED**

MAY 23 1991  
B. 86.91  
LOUISVILLE & JEFFERSON COUNTY  
PLANNING COMMISSION

**Kurtz, McCarty & Associates, Inc.**  
Real Estate Appraisers - Consultants

1017 Barrett Avenue  
Re: Late Economics & Business Consulting  
Market & Economic Feasibility, Appraising,  
Market Research, Counseling,  
Business & Equipment Valuation

I

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Louisville, Kentucky 40220  
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Commercial/Industrial  
(502) 452-1586  
Single Family Residential

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May 21, 1987

Liberty National Bank  
Commercial Loan Department  
P.O. Box 32500  
Louisville, Kentucky 40232

Re: John Beckman and Theodore Wathen  
1400 Hepburn Avenue  
Louisville, Kentucky 40204

To whom it may concern:

As requested, we have inspected and appraised the above referenced property.

The subject property is located at the corner of Hepburn Avenue and Edward Avenue in an area presently zoned R-6, Apartment District. At this time, the owner uses part of the first floor for an office (commercial use). However, the most probable legal use is considered to be the use as a three-plex without commercial use. The cost to convert Unit 1 for apartment use is estimated at \$5,000 and includes the cost to convert the half bath to a full bath, remove the plumbing from the dark room and convert it to a bedroom, convert the studio area to a living room-kitchen combination and purchase appliances.

The property does suffer some functional obsolescence due to the unit sizes being larger than typical. Typically, one bedroom units in the area range from 700 - 800 square feet in size. Unit 1 and 3 are considerably larger than 700 - 800 square feet presenting some superadequacy. Please

RECEIVED

MAY 23 1987  
B-86-91  
LOUISVILLE & JEFFERSON COUNTY  
PLANNING COMMISSION

Partners  
George M. Chapman, M.A.I., S.R.P.A.  
Lin E. Bell, M.A.I., S.R.P.A.  
Charles R. Mills, Jr., M.A.I., S.R.P.A.  
Linda J. Adcock, Manager  
C. Edward Allgeier  
Jim Biggs  
Greg N. Carnes  
William R. Cox  
Linda S. English  
M. Charlotte Goodman  
Ed Haire  
Mary Ann Maier  
Greg A. McCartin  
C. Marty Michals  
W. Steve Stone, R.M.  
Charles A. Williams

note that Unit 3 has a small room that is presently used for storage space that could be used as a small nursery or study. Unit 2 is considered to have two bedrooms although you must pass through one bedroom to get to the second bedroom. This is not an uncommon situation in the area of the subject property.

In the market approach, most consideration has been given to the gross rent multiplier as an indicator of value because it best reflects the value of the three units and the two car garage which is leased separately. The other approaches in the market data analysis do not adequately address the value of the garage.

A tri-plex is not considered an economic entity and is not a true investor property. Many owners of these properties will occupy a portion of the building indicating an amenity beyond the true economic value as outlined in a normal income approach, however, expenses were analyzed. If the net income were capitalized at 8.5% to 9.0% the value from this analysis would be approximately \$60,000. The market sales indicated a premium above the economic value as previously explained.

In the final reconciliation, the market value of the subject property has been adjusted to reflect the cost to convert Unit 1 for apartment use. The property is being valued in its "as is" condition.

If we may be of any further assistance, please do not hesitate to contact our office.

Respectfully submitted,

*Lin E Bell*

Lin E. Bell, M.A.I., S.R.A.

*Lucinda E. Matlock*

Lucinda E. Matlock

LEM/das

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LOUISVILLE & JEFFERSON COUNTY  
PLANNING COMMISSION

Chapman & Co.

Deed History-1400 Hepburn

Sisters, Fox & Finn-promissory note to Bierly-\$24,900 @ 8½%.

-Deed Book 4073 p. 206 Oct. 13, (1966), Eliz. A. Aboud, unmarried to Bierly. Assumed mortgage, orig. \$8,000. Mort. book 635, p.301 in clerks' office.

-Deed Book 4029, p. 415 Apr. 1, (1966), Howard & Rouie Dye to Aboud. Assume \$6,892.29

-Deed book 3871 p.394, Jan. 16, (1964), executors of will of Frances Schultz & Louis Bischoff.

-Deed book 1683 p.611, given to Frances Schultz, Sept. 12, (1938)

-Deed book 1683 p.611 Teresa Ruffra & Joseph Ruffra to Frances Schultz, wife of Lee Schultz, 1400 Hepburn

-Deed book 1508 p.127 Joseph Ruffra to Teresa Ruffra, July 28, (1932).

-Deed book 1351 p.50 Edward Ruffra to Joe & Teresa, unmarried, Aug. 8, (1928)

-Deed book 994 p.639 Wm. Oldiges, executor of will of Elizabeth Oldiges to Ruffra, Feb. (1922)

-Deed book 431 p.537 Mary M. Todd to Conrad Oldiges, June 14, (1894);

For \$1,050, + \$550 note(6%), Oldiges must build a two story brick or frame business house & dwelling.

-Deed book 153 p.283, Sidney Rogers & wife to Jas. Todd, Preston's Eastern Enlargement, (1871), part of 17 acre lot allotted to Rogers by court. Wm. Preston res. M.P. Pope

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-Deed book 4983 p.817, 30x171 Imedla Fox & Marjorie Finn, 1400  
Hepburn for \$34,950, Dec. 15, 1977

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G



CITY OF LOUISVILLE  
KENTUCKY

DEPARTMENT OF BUILDING  
AND HOUSING INSPECTION

H. Paul Berleju

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FEB 27 1989

CERTIFICATE OF OCCUPANCY

NUMBER 2632

LOUISVILLE & JEFFERSON  
COUNTY PLANNING COMMISSION

This is to certify that John Beckman  
has made application on the 23 day of July, 19 79 to  
the Department of Building and Housing Inspection of the City  
of Louisville, Kentucky for a Certificate of Occupancy for the  
land/premises/building at 1400 Hepburn Avenue  
which lies within a(n) R-6 zoning district.

Documents submitted with this application show that  
a clothing store, a use now permitted  
in the C-1 zoning district, has continuously occupied  
the property since before June 18, 1971.

If such building or premises shall conform in all other  
respects to the Building Code and the other ordinances of the  
City of Louisville, then the use of the building/land/premises  
for the purpose of a photographic shop  
is permissible as a nonconforming use under the  
provisions of Chapter 100.253 of Kentucky Revised Statutes.

Joseph H. Wathen  
Joseph Wathen,  
Chief Zoning Enforcement Officer

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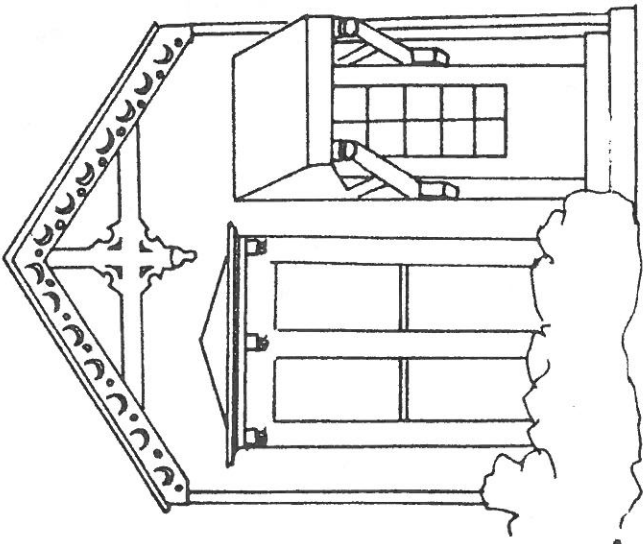
MAY 23 1991

LOUISVILLE & JEFFERSON COUNTY  
PLANNING COMMISSION

"An Equal Opportunity Employer"

B 24-89

File B-86-91

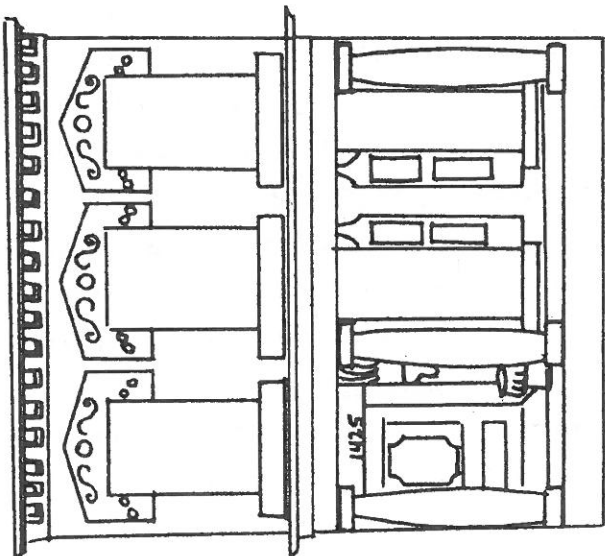


### 1409 Winter Avenue

It is perhaps surprising to discover that this handsome but modest frame shotgun was first owned and occupied by Herman Dolle, who was, at that time, proprietor of the Falls City Brewery, a seemingly prestigious position. The house was built in 1887 and remained in the Dolle family until about 1905.

1409 Winter is another example of the versatility of the shotgun style. Here the facade is gabled and that gable is decorated by a jig-saw detailed bargeboard and a lovely central spindle. Even the small vents to the attic have highly decorative grills. The facade windows and door are capped with simple hoods.

B-86-91



### 1425 Winter Avenue

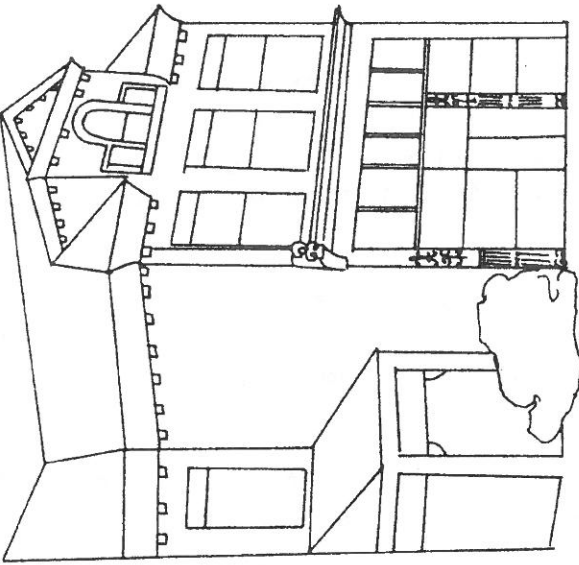
1425 Winter Avenue is a two story brick Italianate residence with lintels incised with floral motifs. The entrance is recessed, which originally provided shelter to the guest. A handsome porch has since been added, with sleek classical pillars. The original door hood has subsequently been removed, and the lintels of the first floor windows can hardly be detected.

This residence was built in 1889 for Herman G. Schmitt, a traveling agent for Cannon and Byers. The house remained in the Schmitt family well into this century.

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WILLE & JEFFERSON COUNTY  
ANNING COMMISSION



### 1400 Hepburn Avenue

Common to older neighborhoods was the corner grocery. 1400 Hepburn Avenue is the most handsome of these corner stores in the Highland Neighborhood, and is virtually unaltered from its original condition. Built as a grocery and residence combined, Conrad Oldiges first opened shop in 1893, and lived in the second floor residence. Oldiges Grocery served this neighborhood until 1924, when ownership changed hands and it became Ruffra Brothers Grocery.

The design of 1400 is a simple, Victorian design. Many elements of detail, such as the cornice work, are seen on many nearby residences. The facade is basically symmetrical with a central entrance flanked by large display windows, culminating on the third level with a central gabled dormer with triple window. This substantial, brick and stone design is off set to the left, however, with a comparatively frail, recessed porch and entrance. Delicate spindles and posts provide a porch to the entrance of the second floor residence. The dual use of the building, therefore, is addressed in its design.



KENTUCKY HISTORIC RESOURCES INVENTORY

Site No. L-E-H 667

E

1. Historic Name(s) 1400 Hepburn Avenue

2. Present Name 1400 Hepburn Avenue

3. Owner's Name John W. Beckman & Carolyn Vetter

4. Owner's Address 1400 Hepburn Avenue / Lou., KY 40204

5. Location 1400 Hepburn Avenue

22. ADD/County JF 056

23. Zoning Classification Magisterial District

24. U.S.G. S. Quadrant (15°/75') Louisville East 087

25. UTM Reference 16 613000 4232000

Zone Easting Northing

6. Open to Public Yes  No

7. Visible from road Yes  No

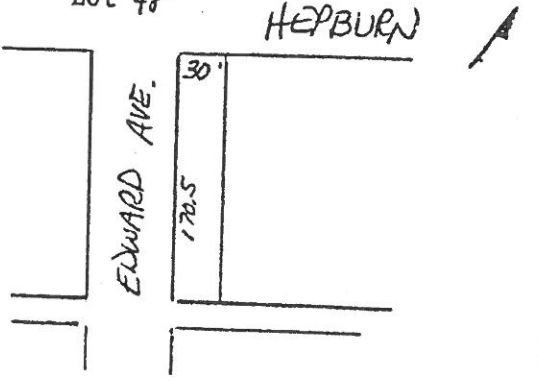
8. Ownership Private  Local  State  Federal

9. Local Contact/Organization Louisville Landmarks Commission 727 W. Main St. / Lou., KY 40202

26. Prehistoric Site Historic Site Building  Object Structure

27. District Name: Highlands 029

10. Site Plan with North Arrow Block 27B Lot 48



11. Architect

12. Builder

13. Date 1893 5

14. Style A. Victorian 22 B. vernacular

15. Original Use commercial/res. 5

16. Present Use commercial/res.

17. Condition excellent 1

28. Significance Evaluation contributing element h

29. Status National Landmark National Register Landmark Certificate Kentucky Survey Local Landmark HABS/HAER

30. Theme Primary architecture 03 Secondary Other

31. Endangered Yes No

18. Description This 2½ story brick building has a central entrance to the commercial space with flanking display windows and segmented transoms. The second floor has three windows with stone lintels and the third floor central dormer has a Paladian window. The cornice between the first and second floor is layered and the posts on the first are fluted and decorated. The cornice at the roof is denticulated. An Eastlake porch is located on the east side of the house.

No. Stories 2½ c

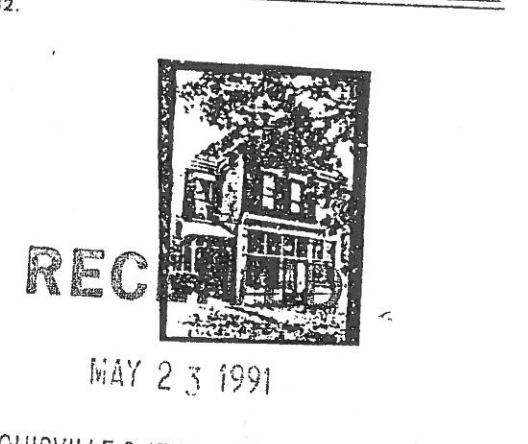
Single Pile NA  Double Pile

Floor Plan d

Structural Fabric brick c

Decorative Fabric A. wood q B.

Roof Form gabled



REC MAY 23 1991

LOUISVILLE & JEFFERSON COUNTY PLANNING COMMISSION

This building was the place of business and residence of Conrad Oldiges, a grocery store owner.

20. Significance Few intact corner stores remain in the Highland Neighborhood.

21. Source of Information Caron Annual Directories of the City of Louisville

32.

33. Tape No. Negative No.

34. Prepared by: M. A. Allgeier Researcher

35. Organization Louisville Landmarks Commission

36. Date 5-10-81

37. Revision Dates 38. Staff Review

B. 86. 91



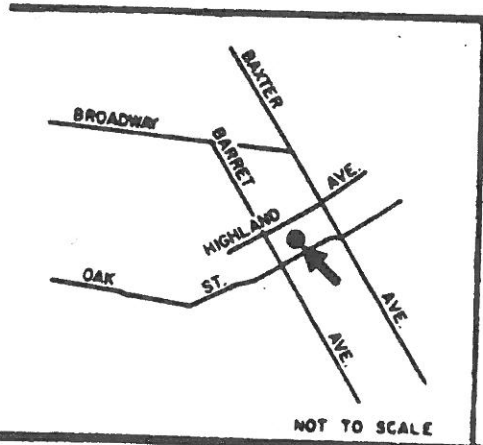
HIGHLANDS HISTORIC DISTRICT  
February 11, 1983

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B-86-91



NOT TO SCALE

MAY 23 1991

LOUISVILLE & JEFFERSON COUNTY  
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- 1 = Single Family
- 2 = Two Family
- 3 = Other Residential
- 9 = Retail
- 15 = Religious

SHEET 24

<p>SCALE 1"=200' </p>	<p>Louisville Board of Zoning Adjustment</p>	<p>LAND USE MAP APPEAL</p>	<p>Docket No. B-24-89</p>
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File B.86.91

RECEIVED

JEFFERSON COUNTY  
LOUISVILLE  
BOARD OF ZONING ADJUSTMENT

MAY 23 1991

DOCKET NO. B-86-91

LOUISVILLE & JEFFERSON COUNTY  
PLANNING COMMISSION  
DATE MAY 23 1991  
FEE 300.00

APPLICATION FOR APPEAL

APPELLANT: CYNTHIA LAWSON SITE: 1400 HEPBURN AVE  
(name and address) 2237 PARIS DR (ORIGINAL HIGHLANDS)  
VS. LOUISVILLE KY 40218  
458-0160  
APPELLEE: MAURICE WOLFORD CITY OF LOU. IPL  
(name of individual or department whose decision or action is being appealed from)

1. THE APPELLANT HEREBY APPEALS TO THE BOARD OF ZONING ADJUSTMENT FROM A DECISION OR ACTION OF THE APPELLEE ACTING ON BEHALF OF DEPT INSPECTIONS PERMITS LICENSES (State name of governmental unit employing the Appellee.)

2. THE ACTION OR DECISION APPEALED FROM IS: CHANGING A NON-CONFORMING COMMERCIAL USE TO A RESIDENTIAL-APARTMENT USE W/O BOARD OF ZONING APPROVAL IN R-6 AREA. (If such action or decision is reflected by a writing signed by the Appellee, attach a copy as exhibit A. Otherwise explain the action or decision in detail.)

3. THE DATE THAT THE ACTION OR DECISION WAS TAKEN: APRIL 26, 1991.

4. A LEGAL DESCRIPTION AND A PROPER DRAWING DEFINING PROPERTY INVOLVED IN THE ACTION OR DECISION ARE ATTACHED AS EXHIBITS B AND C, RESPECTIVELY. (Locate property in terms of street address or distance from nearest cross street.)

5. THE GROUNDS FOR THIS APPEAL AND THE LAWS, REGULATIONS AND EVIDENCE SUBSTANTIATING IT, ARE AS FOLLOWS: CHANGING NON-CONFORMING USE TO RESIDENTIAL USE IS LESS OBNOXIOUS, IS IN-KEEPING WITH THE CHARACTER OF THE NEIGHBORHOOD AND HAS ALWAYS BEEN 3 DISTINCT UNITS SINCE 1980 (State in detail the reasons that the action or decision appealed from is believed to be erroneous, citing any laws or regulations involved and attaching any items of evidence which may be relied upon such as, photographs, affidavits, etc.) (SECTION 8.3 A, B, C, D (k AB))

6. THE UNDERSIGNED CERTIFIES THAT A COPY OF THIS APPLICATION FOR APPEAL HAS BEEN MAILED TO THE APPELLEE.

\*ie. 2 RESIDENTIAL UNITS AND 1 COMMERCIAL UNIT. APPROVAL FOR THE COMMERCIAL UNIT TO BE A RESIDENTIAL UNIT WOULD FURTHER STABILIZE THE NEIGHBORHOOD'S RESIDENTIAL CHARACTER. PARKING AT HEPBURN HAS NEVER BEEN A PROBLEM SINCE THERE IS 30' + 170' OF STREET FRONTAGE EQUALLING ABOUT 200' OF FRONTAGE. THERE IS ALSO A 2 CAR GARAGE IN BACKBUILT BY MODERN STANDARDS. THIS PLAN FOR 1400 HEPBURN IS VERY MUCH IN KEEPING WITH THE HIGHLANDS COMMUNITY DEV.

Cynthia Lawson  
(signature of Appellant or his attorney followed by the typed name, address and telephone number of the signer.) See Above

ASSOCIATION GOALS OF: (Highlands Community Plan) Dec 1984  
1. Reinforcing the Highlands area as a vital in-town residential community  
2. Achieving a pattern of compatible and supportive land uses with appropriate transitions from one use to another  
3. Maintaining the integrity of the traditional housing & compatible renovation

PLEASE KEY ITEMS ATTACHED TO APPLICABLE PARAGRAPH NUMBER ABOVE. 4. Improving & upgrading AND BE IN LINE WITH RESOLVING LAND USE CONFLICT OF A COMMERCIAL UNIT IN A RESIDENTIAL AREA. THE POPULATION OF THE AREA DROPPED 23% BETWEEN 1970 & 1980. MY GOAL IS TO REVITALIZE PROPERTY IN VICTORIAN STYLE ELEGANCE WITH MODERN CONVENIENCES TO ATTRACT THE YOUNG URBAN PROFESSIONALS. WE INTEND TO OCCUPY THE BUILDING BY FALL SO THE PROPERTY WILL ALSO BENEFIT BY BEING "OWNER OCCUPIED". THIS, TOO, IS IN KEEPING WITH NEIGHBORHOOD TRENDS DESCRIBED BY THE HIGHLANDS COM. DEV. ASSOC. WHO POINT OUT NEIGHBORHOOD DETERIORATION WILL CONTINUE IN BLOCKS WITH LAND USE CONFLICTS.

A = Notice of Violation  
B = LAND USE MAP OF PROPERTY  
C = DEED  
D = FLOOR PLAN  
E = KY HISTORIC RES. INV. LISTING  
F = ENTRY FROM HIGHLAND NEIGHBORHOOD HISTORY Researched by M. A. Allgeier, 1978  
G = Certificate  
H = Deed History  
I = Chapman Appraisal  
J = Kurtz McCarty Appraisal

124



# City of Louisville

## DEPARTMENT OF INSPECTIONS, PERMITS & LICENSES

JERRY E. ABRAMSON  
MAYOR

WILLIAM P. SCHRECK  
DIRECTOR

ZONING DIVISION  
609 West Jefferson Street • Louisville, KY 40202-2714

### NOTICE OF VIOLATION AND ORDER TO STOP USE

April 26, 1991

Walter and Cynthia Cooke Lawson  
2237 Paris Drive  
Louisville, KY 40218

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Dear Mr. and Mrs. Lawson:

An investigation reveals that you have changed and/or allowed the change of a non-conforming use on property at 1400 Hepburn being lot(s) 48 of City Block 27-B which lies within an R-6 Zoning District. Such a use is a violation of the Development Code for all Jefferson County.

The Development Code states the following: "... but a non-conforming use shall not be enlarge, expanded or changed except as expressly permitted by KRS 100.253 and by this Section 8.3 A. (Article 8.6 Non-Conforming, <sup>ence</sup> Section 8.3 A. 2.)

The Development Code does not allow the change of a non-conforming use without the Board of Zoning approval in the R-6 zoning district.

Therefore, you shall cease immediate using property in violation of City of Louisville Ordinances. Failure to comply with this notice is a misdemeanor punishable as prescribed by Article 17 of the Development Code for the City of Louisville, (Ordinance 135, Series 1987).

Sincerely,

*Maurice Wolford*  
\_\_\_\_\_  
Zoning Enforcement Officer  
Maurice Wolford 625-3804

**NOTE:** Any person or entity claiming to be injuriously affected or aggrieved by this action may appeal to the Board of Zoning Adjustment. Such appeal shall be taken within 30 days of receipt of this letter and the appeal shall be filed with this office as well as the Board. (KRS 100.261)

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c: Jack Ruf, Planning Commission

MAY 23 1991

LOUISVILLE & JEFFERSON COUNTY  
PLANNING COMMISSION

B. 86. 91



## St. Germain, Dante

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**From:** Coan, Brandon  
**Sent:** Friday, September 13, 2019 1:11 PM  
**To:** Rick Sweeney; St. Germain, Dante  
**Cc:** Weatherby, Jasmine  
**Subject:** RE: 1400 Hepburn rezoning request

Thanks, Rick. Adding case manager Dante St. Germain who will include your comments in the record.

Brandon

**From:** Rick Sweeney <rickjsweeney@yahoo.com>  
**Sent:** Friday, September 13, 2019 12:34 PM  
**To:** Coan, Brandon <Brandon.Coan@louisvilleky.gov>; Weatherby, Jasmine <Jasmine.Weatherby@louisvilleky.gov>  
**Subject:** 1400 Hepburn rezoning request

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Some quick thoughts regarding this request and my own opposition.

The request to change zoning to either OR-2 or R-8A are both contrary to the vision of the Neighborhood Plan, which changed the zoning from R-6 (which allows 2 units on a lot of that side, not considering existing non-conforming rights that allows three) to R-5B, which allows two units total, regardless of lot size. In 1991 the previous owner's request to convert the pre-existing non-conforming use rights of a first floor units from business use (photography studio) to residential use was approved. [ see attachment] It had three units total, two residential and one business. It has remained entirely residential ever since, and all non-conforming rights to allow a business use for that unit have long since been lost.

The request to change zoning to R-8A doesn't revert back to old zoning prior to the Neighborhood Plan, it actually moves in the extreme opposite direction of the rezoning. If a rezoning were to be allowed, it should certainly be no more than R-7, which would allow the lot four residential units. The owner claims that 6 units have always been in place, yet looking through city directories, I find only one listing for a unit #5 or #6 and that is this year. An appraisal done in June of this year that is in the case file shows 6 units, one of which is only 168 square feet. [see attachment] . I asked what the smallest unit size was in the meeting by the way, and the owner said it was around 400 square feet-- not the case. As I said, this kind of dicing up of properties is a reversal of the vision of encouraging more family ownership in the neighborhood by protecting those that do buy and fix up these old houses as single family or duplexes from having properties near them diced up (as back in the Seventies). This is not the trend we want to reestablish. If a triplex is purchased in R-5B for example, the owner has the option of continuing non-conforming use, or convert it into a duplex and give up the non-conforming use, which is the direction the neighborhood plan promotes. Giving up non-conforming rights to seek a rezoning to an R-7 or R-8A is not the direction the neighborhood plan seeks to promote. Buyers should hang on to their existing non-conforming rights or else find another property if they want to have more units.

The powerpoint presentation in the neighborhood meeting by the owner's lawyer, John Talbott, show a comparison between R-5A, R-8A and OR-2 as if R-5A is the existing zoning. It is not-- it is currently zoned R-5B. The presentation shows uses for OR-2, but only shows those that are in addition to the uses allowed by OR and OR-1. He does not present OR and OR-1 uses, all of which are also cumulatively allowed in OR-2.

All the time was spent between neighbors arguing against OR-2 use and none on what kind of R zoning use would be approved of (ie, current R-5B, previous R-6, R-7, or the R-8A which the owner wishes to have if is denied OR-2).

The current diagram of the lot in the case file shows parking spaces along the property, but does not include the dimensions of those spaces that demonstrate they are indeed of legitimate size.

If a buyer intentionally puts himself in a position of needing to prove non-conforming rights and cannot do so, and then seeks a rezoning out of sympathy, an approval of this would just become the template to be used for seeking rezoning of any other properties in the neighborhood, and a defacto dismantling of the progress made with the Neighborhood Plan

Thanks,  
Rick Sweeney  
1328 Hepburn Ave

## St. Germain, Dante

---

**From:** Rick Sweeney <rickjsweeney@yahoo.com>  
**Sent:** Monday, September 09, 2019 3:16 PM  
**To:** St. Germain, Dante  
**Subject:** 1400 Hepburn neighborhood meeting.  
**Attachments:** 09 03 19 NM.pdf

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FYI I've attached the power point presentation that John Talbott used in the meeting. I recorded the meeting and am creating my own minutes/transcription of what was discussed, since I know Planning & Design only gets minutes from John Talbott.

For some reason John did all his comparisons with R-5A, when it is zone R-5B, which only allows 2 units. The question, though is how many units we can reasonably say have been active and how long, but I believe it was the previous owner that expanded to 6 units, if not the current one, and it would have been done contrary to the R-6 or R-5B zoning of the property. I really think at least that the 5th and 6th units are recent, and I'm not sure the building has ever been fully rented out (unless it was also under-the-table rented as AirBnB at times). But I will have more to say on this as far as my own thoughts go. I think a pull of the Fire Dept records would not show 6 units.

Thanks  
Rick

## St. Germain, Dante

---

**From:** Hope Daniels <hdaniels@semonin.com>  
**Sent:** Thursday, September 05, 2019 12:58 PM  
**To:** St. Germain, Dante  
**Subject:** 1400 Hepburn Ave

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Hello,

I wanted to express my opinion as a neighbor; I live at 1430 Hepburn Ave for 3 years now. Since moving to Louisville in 1996, I have always lived in the Highlands and appreciate the diversity and urban climate. I bought on this street because of its stately homes and knew there were rentals on the block--mine having been a duplex itself. Therefore, I agree with 1400 having 4 rentals because of the history . Parking is an issue so too many habitants could be problematic. As for a business being located there, I oppose the idea. I appreciate walking to the main streets for services but do not want to live on a street with more than what is here now. Walgreens pulls traffic through our street as well as it being a cut through during rush hour. This is a neighborhood. We have get together, gather at holidays with one another, walk in the evenings, kids ride bikes and draw with chalk in the alley, we share gardening tips and harvests just like in suburbia. A business more than that of the rentals, and even that, seems out of place. I would recommend the owner purchasing on a major thoroughfare instead for that business endeavor.

Thanks for your time, Hope

Hope Daniels, REALTOR  
Semonin Realtors  
600 N. Hurstbourne Pkwy, Ste. 200  
Louisville, KY 40222  
cell 502-931-3434  
fax 502-471-5252  
email [hdaniels@semonin.com](mailto:hdaniels@semonin.com)  
website [hopedaniels.semonin.com](http://hopedaniels.semonin.com)

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