

19-APPEAL-0003

**Appeal of an Administrative Decision
1337 South Fourth Street**



Board of Zoning Adjustment Public Hearing

Jon E. Crumbie, Planning & Design Coordinator

January 27, 2020

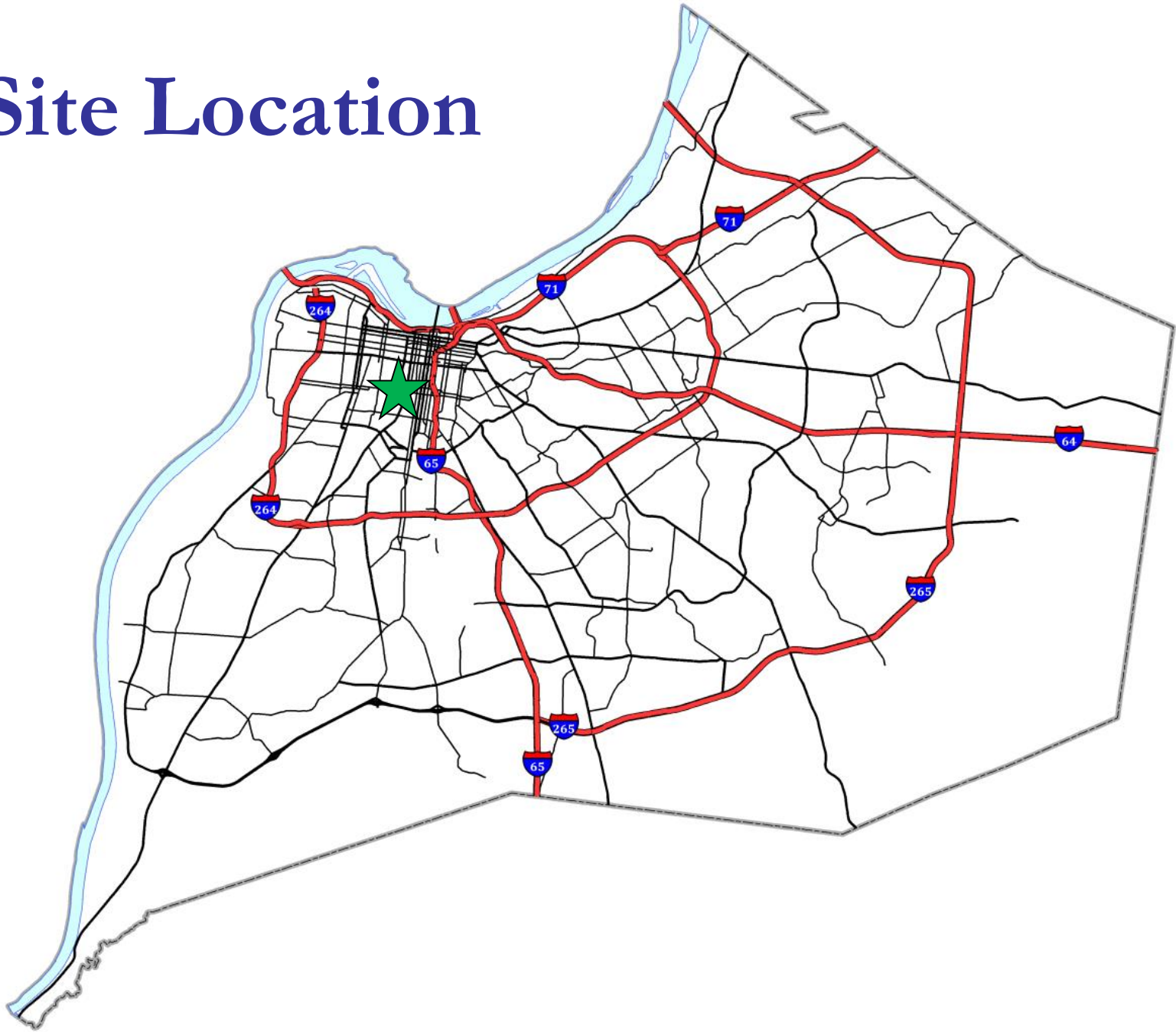
Request(s)

- The Appellant submitted a nonconforming rights determination request on September 16, 2019. Staff conducted a review of the applicant's information and determined that there was insufficient information that the nonconforming use (dwelling, multi-family) has (9) nine units.

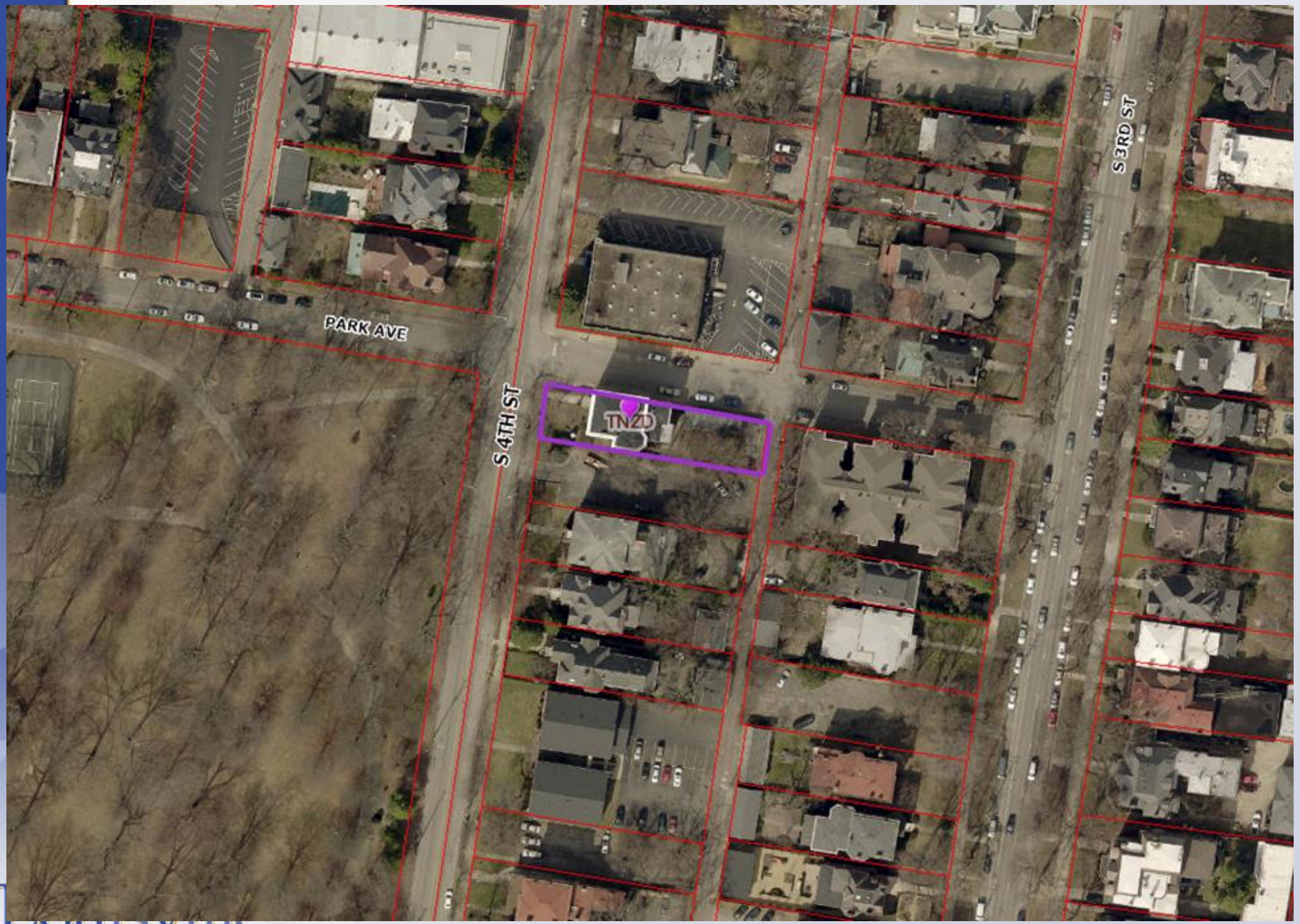
Case Summary/Background

- Appeal filed on December 6, 2019
- Nonconforming use requested:
 - The structure has (9) units
- Appellant information insufficient for staff to grant nonconforming rights

Site Location









S 4th St

01/10/2020 11:01



01/10/2020 11:02



01/10/2020 11:04



01/10/2020 11:02

Staff Analysis

- As set forth in Louisville Metro Land Development Code (LDC) Sec. 11.7.3, pursuant to Kentucky Revised Statutes (KRS) 100.257 and 100.261, the Board shall hear an appeal of a decision of an administrative official.
- As part of an appeal case it is the Appellant that must prove that an error was made
- An analysis by staff of the Appellant's basis of appeal and submitted evidence is provided within the staff report
- Staff does not believe that the Appellant has provided sufficient evidence that staff erred in declining to approve nonconforming rights for the property

Standards of Review

KRS 100.257 - The board of adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation.

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. Did the residential use (dwelling, multi-family) (9) nine units exist on the property in 1971?
2. If yes to question 1, did this use of the property continue to the present day?

If the Board answers yes to both questions, the Board will need to determine the area of the property utilized for these activities in its motion, and the approval of such a motion would overturn staff's decision.

If the Board answers no to any of the two questions listed above, then an approval of such a motion would affirm staff's decision.