

Board of Zoning Adjustment
Staff Report
September 23, 2019



Case No:	19-NONCONFORM-0007
Project Name:	Preston Hwy Change in Nonconformance
Location:	3803 Preston Highway
Owner(s):	Steven Smith
Applicant:	Steven Smith
Jurisdiction:	Louisville Metro
Council District:	10 – Patrick Mulvihill
Case Manager:	Zach Schwager, Planner I

REQUEST(S)

Change in nonconforming use from Doctor’s Office to Office, Professional and Business.

CASE SUMMARY/BACKGROUND

The subject property is located within the R5 zoning district and the Neighborhood form district.

The property owner received a nonconforming rights determination for doctor’s office from the Department of Planning and Design Services on June 20, 2019.

The property owner has submitted this request to change the use to Office, Professional and Business.

STAFF FINDING

The proposed change in nonconforming use meets the standard of review.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No comments received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

Subject to the limitations and restrictions imposed by items A through C of Chapter 1 Part 3, the Board of Zoning Adjustment may permit a change in the nonconforming use to another nonconforming use only if the new nonconforming use is in the same or more restrictive

classification and upon finding that the new nonconforming use will be no more odious or offensive to surrounding properties than the first nonconforming use. When the Board of Zoning Adjustment permits a change from one nonconforming use to another nonconforming use pursuant to this paragraph, it may impose such conditions upon such new nonconforming use as it finds are necessary to preserve the character of the neighborhood, to minimize nuisances to surrounding properties, and to protect the value of surrounding properties.

1. Is the new nonconforming use in the same or more restrictive classification of the first nonconforming use?

Staff Finding: The proposed nonconforming uses are in the same classification as the first nonconforming use.

2. Is the new nonconforming use no more odious or offensive to surrounding properties than the first nonconforming use?

Staff Finding: The proposed nonconforming use is no more odious or offensive to surrounding properties than the previous nonconforming use.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Change in nonconforming use**

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustments must determine if the proposal is in conformance with the Land Development Code Section 1.3.1 paragraph D.

NOTIFICATION

Date	Purpose of Notice	Recipients
9/06/2019	Hearing before Board of Zoning Adjustment	1 st and 2 nd tier adjoining property owners
9/11/2019	Hearing before Board of Zoning Adjustment	Registered Neighborhood Groups in Council District Sign Posting

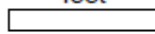
ATTACHMENTS

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

1. Zoning Map



3803 Preston Highway
feet



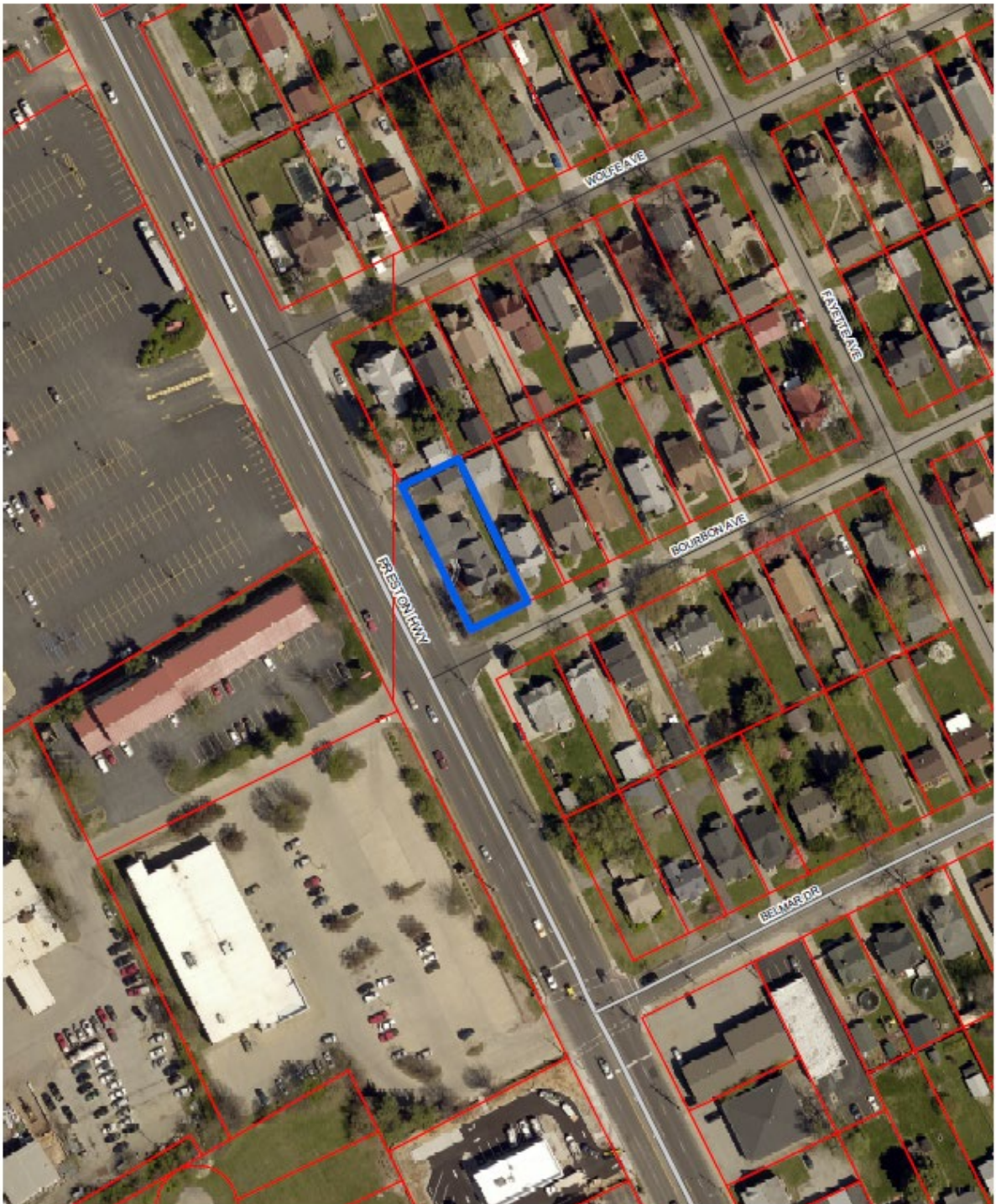
120

Map Created: 1/9/2019

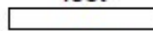


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2. Aerial Photograph



3803 Preston Highway
feet



120

Map Created: 1/9/2019



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3. Site Photos



Front of subject property, facing Preston Hwy.



Front of subject property



South side of subject property, facing Bourbon Ave.



Adjacent property



Across Preston Hwy from subject property



Notice of Public Hearing