



Change in Nonconforming Use to Another Nonconforming Use

Louisville Metro Planning & Design Services

Case No.: 21-NONCONFORM-0004 Intake Staff: (signature)

Date: 1/22/21 Fee: NO FEE

**Establishment of nonconforming rights must be determined by Planning & Design Services or the Board of Zoning Adjustment prior to the submittal of this form.*

Site Information:

Property Address(es): 6603 River Road, Prospect KY 40059

Property Parcel ID(s): 000600670000

Existing Zoning District: R-4 Existing Form District: Village

Previous Case No.(s)
(if known) _____

Description of Existing Nonconforming Use:

Please be as detailed as possible when describing the use and areas in which the use takes place

Pending the approval of "Application 1" (as defined below) applicant desires to change the nonconforming use of the subject property from Not For-Profit Club (Masonic Lodge) to Professional Office (WealthCare Investment & Insurance, LLC). This Change in Nonconforming Use to Another Nonconforming Use (referred to as "Application 2") is related to a Nonconforming Right Application for the same property submitted to Louisville Metro Planning and Design Services on Oct. 30, 2020 (referred to as "Application 1"), seeking nonconforming use rights for "fraternities, sororities, clubs and lodges excluding those the chief activity of which is a service customarily carried on as a business". On October 9, 2019, current owner Mark Mercurio and Lora Mercurio acquired the subject property in good faith from Charles E. and Rita G. Smith. Mr. Mercurio had been a former office space tenant for a period of 9 years. (See attached affidavit of Mark Mercurio.)

Description of Proposed Nonconforming Use:

Please be as detailed as possible when describing the use and areas in which the use takes place



Description of Proposed Nonconforming Use

- The subject property is zoned R4. The property has been in continuous nonconforming use from 1906 through the present day, first as a Masonic Lodge (1906-2006) and then as a professional office (2006 to present).
- A building permit was taken out when the building was remodeled from Masonic Lodge to professional office, but neither the size nor location of the building was modified. (See attached affidavit of Charles Smith.)
- The Land Development Code would require a zoning of OR-3 under 2.3.4 for "fraternities, sororities, clubs and lodges excluding those the chief activity of which is a service customarily carried on as a business", whereas only an OR would be required for "office, professional and business", under 2.3.1. This indicates that a profession office is less impactful to the community than are clubs and lodges, which stands-to-reason as the number of attendees, volume of traffic and parking requirement is far less for an office than for a club or a lodge.
- The use of the property has been continuous and non-residential since 1906.
- The subject property is not outfitted for residential use. (See attached interior photographs.)
- The property is bounded on its north and east sides by the Commonwealth of Kentucky (the East End Bridge), bounded by River Road on its west side and bounded by Creekside Landing Marina on its south side. (See affidavit of Steve Rauh, owner of Creekside Landing Marina, in support of our Applications.)
- Therefore the applicant respectfully requests that Application 1 be approved and that it be permitted to change the nonconforming use of the property from clubs and lodges to professional offices.



FORMER OWNER OF SUBJECT PROPERTY AT 6615 RIVER ROAD

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AFFIDAVIT OF MARK MERCURIO

CURRENT OWNER OF SUBJECT PROPERTY AT 6615 RIVER ROAD

COMES NOW Declarant, **Mark Mercurio**, and states under oath as follows:

- 1) Declarant is over the age of 18 years, is of sound mind and has direct knowledge about the property at 6603 River Road, Louisville, Kentucky ("Subject Property").
- 2) Declarant states that he and his wife Lora acquired the Subject Property from Charles E. and Rita G. Smith by deed dated October 9, 2019.
- 3) Declarant states that, prior to acquiring the Subject Property, he had been a professional office tenant in the Subject Property since 2011,
- 4) Declarant states that he had no knowledge of a zoning violation regarding the Subject Property until he was recently visited by an enforcement officer.
- 5) Declarant states that, in response to the visit from the enforcement officer, and after consultation with Develop Louisville, he is submitting two Applications for Non-Conforming Rights regarding the Subject Property. One is to establish non-conforming rights for a Masonic Lodge (clubs and lodges) on a historic basis and a second to modify the non-conforming right from clubs and lodges to profession office building.

Further, the Affiant sayeth not.



Mark Mercurio

COMMONWEALTH OF KENTUCKY)

COUNTY OF JEFFERSON) SS:
)

The foregoing instrument was subscribed, sworn to and acknowledged before me this 16 day of September, 2020, by **Mark Mercurio** to be his free act and voluntary deed.

My commission expires: 10/30/2021

[AFFIX SEAL]


Notary Public, State at Large



MEGAN GREGOR
Notary Public, Kentucky
State At Large
My Commission Expires
October 30, 2021
Notary ID# 589623



AFFIDAVIT OF STEPHEN W. RAUH, JR.

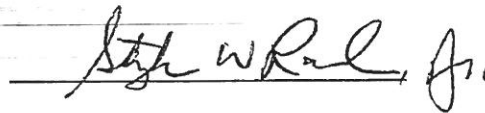
OWNER OF 6615 RIVER ROAD

NEXT DOOR TO SUBJECT PROPERTY AT 6603 RIVER ROAD

COMES NOW Declarant, **Stephen W. Rauh, Jr.**, and states under oath as follows:

- 1) Declarant is over the age of 18 years, is of sound mind and has direct knowledge about the property at 6603 River Road, Louisville, Kentucky ("Subject Property").
- 2) Declarant states that he has resided next door to the Subject Property since 1967.
- 3) Declarant states, to the best of his recollection, that the Subject Property was operated as a Masonic Lodge, in a continuous manner, from the time that Declarant moved next door to the Subject Property until it was sold to Mr. Smith in 2006.
- 4) Declarant states, to the best of his recollection, that after Mr. Smith acquired the Subject Property in 2011, that it was operated, in a continuous manner, as an office building.
- 5) Declarant states that the building on the Subject Property is in the same location that it has always been, and, to the best judgment of the Declarant, it is the same size as it always was.
- 6) Delcarant states that he supports and endorses Mr. Mercurio's Non-Conforming Rights Application on the Subject Property and hopes that it is approved.

Further, the Affiant sayeth not.



Stephen W. Rauh, Jr.

COMMONWEALTH OF KENTUCKY)

) SS:

COUNTY OF JEFFERSON)

The foregoing instrument was subscribed, sworn to and acknowledged before me this 17 day of September, 2020, by **Stephen W. Rauh, Jr.** to be his free act and voluntary deed.

My commission expires: 4-1-2024

[AFFIX SEAL]




Notary Public, State at Large

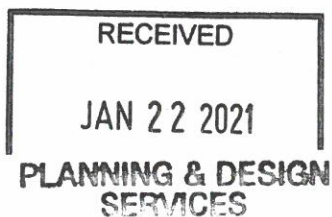


From: [Mark Mercurio](#)
To: [Pollock, Heather M.](#)
Cc: [Herre Bob](#)
Subject: 6603 River Road / 20-NONCONFORM-0022
Date: Thursday, January 21, 2021 1:47:25 PM
Attachments: [pastedGraphic.png](#)
[pastedGraphic_1.png](#)

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Heather

Below are the pictures of the offices in our building. There are 3 bathrooms and none have ever had a shower or bathtub. And there is no place for laundry hook ups either. We are working the other application and will get it to you later today. Thanks for your help!





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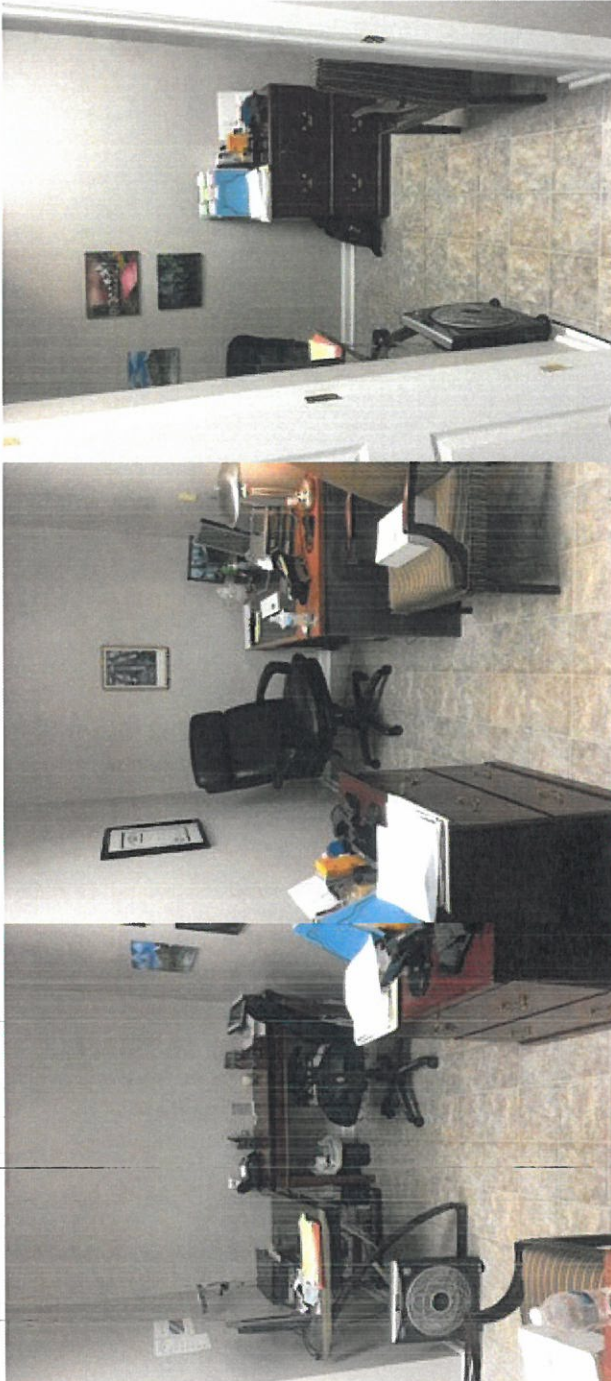
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[15 Minute Phone Meeting](#)

[Face to Face Meeting at Office](#)

Mark A Mercurio,
Registered Representative
Financial Planner/Agency Owner



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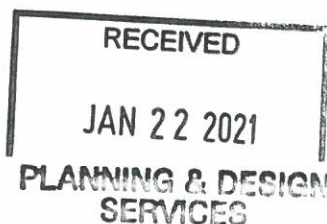


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