

**Board of Zoning Adjustment**  
**Staff Report Addendum**  
July 2, 2018



<b>Case No:</b>	18APPEAL1003
<b>Project Name:</b>	Henry Avenue Appeal
<b>Location:</b>	3599 Henry Avenue
<b>Owner:</b>	Launch Intl. LLC
<b>Appellant:</b>	James Wright
<b>Representative:</b>	Dustin Robinson
<b>Existing Zoning District:</b>	R-4
<b>Existing Form District:</b>	Traditional Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	15 – Butler
<b>Case Manager:</b>	Chris French, AICP

**ADDITIONAL INFORMATION RECEIVED**

On June 27, 2018, the Appellant’s representative submitted information regarding a second address at 1135 Whitney Avenue, which was not a part of the original nonconforming rights application (18NONCONFORM1012). The appeal application does show this address but the address is not discussed in the basis of appeal. Staff reviewed similar city directory years as researched in regards to 3599 Henry Avenue. It was found that there were several years where there was no resident listing (1982, 1987, 2007, 2012, 2016, and 2017). In addition, the research that staff conducted for 3599 Henry Avenue showed no resident listing for the years, 1997, 2002, 2016, and 2017. I must also point out that staff did not conduct an exhaustive review of the city directories for every year from 1971 to the present; therefore, there could be additional years where there was no resident listing for one or both of the addresses. The additional researched directories (for Whitney Avenue) have been included in the agenda packet for this case.

In addition, the Appellant’s representative submitted a newspaper article date April 28, 1968, that refers to an individual living at 1135 Whitney Avenue, which is the second address on the property. This evidence does relate to the duplex potentially existing in 1968.

In 1971, the resident listings did show a resident for both addresses. Therefore, staff does concede that it appears that the duplex use was in existence in 1971 and would potentially be nonconforming for that year and for some years afterward. However, with the lack of evidence for continuous use for every year from 1971 to the present, staff could not make a determination that the property had current nonconforming rights to a duplex.

Pursuant to LDC 11.7.3 and KRS 100.257, the Board of Zoning 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. If the duplex was lawfully in existence on June 18, 1971.
2. And if so, has it been continuously used as duplex from June 18, 1971 to present.