

# Board of Zoning Adjustment

## Staff Report

May 20, 2019



<b>Case No:</b>	19NONCONFORM1012
<b>Project Name:</b>	Bonnycastle Avenue Change in Nonconformance
<b>Location:</b>	2014 Bonnycastle Avenue
<b>Owner(s):</b>	Glenn and Christy Nash
<b>Applicant:</b>	Glenn and Christy Nash
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	Chris French, AICP, Planning Supervisor

### **REQUEST(S)**

- Change in nonconforming use

### **CASE SUMMARY/BACKGROUND**

The subject property is located within the R5A zoning district and the Traditional Neighborhood form district.

The previous property owner received a nonconforming rights determination for three dwelling units on this property from Planning and Design Services on December 12, 2017.

The current property owners have submitted this request to change the configuration of the three units on the lot. The current configuration is three units within the principal structure. The applicants propose that the existing accessory structure be demolished, and a new accessory structure be built. This new accessory structure would have one dwelling unit, while the principal structure would be remodeled and changed from three to two units. The total number of units on the property would remain same.

The applicants submitted a variance request under Case No. 19VARIANCE1031, which is a variance to reduce the private yard area from 2,655 sq. ft. to 2,250 sq. ft. This case is scheduled for the May 20, 2019 meeting and will precede this case on the agenda.

### **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 use is in the same classification since the number of residential dwelling units is not proposed to change.

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 configuration is no more odious or offensive to surrounding property owners because the intensity of the use is not proposed to change only the configuration of the use; two units in the principal structure and one unit in the accessory structure instead of three units within the principal structure.

### **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.

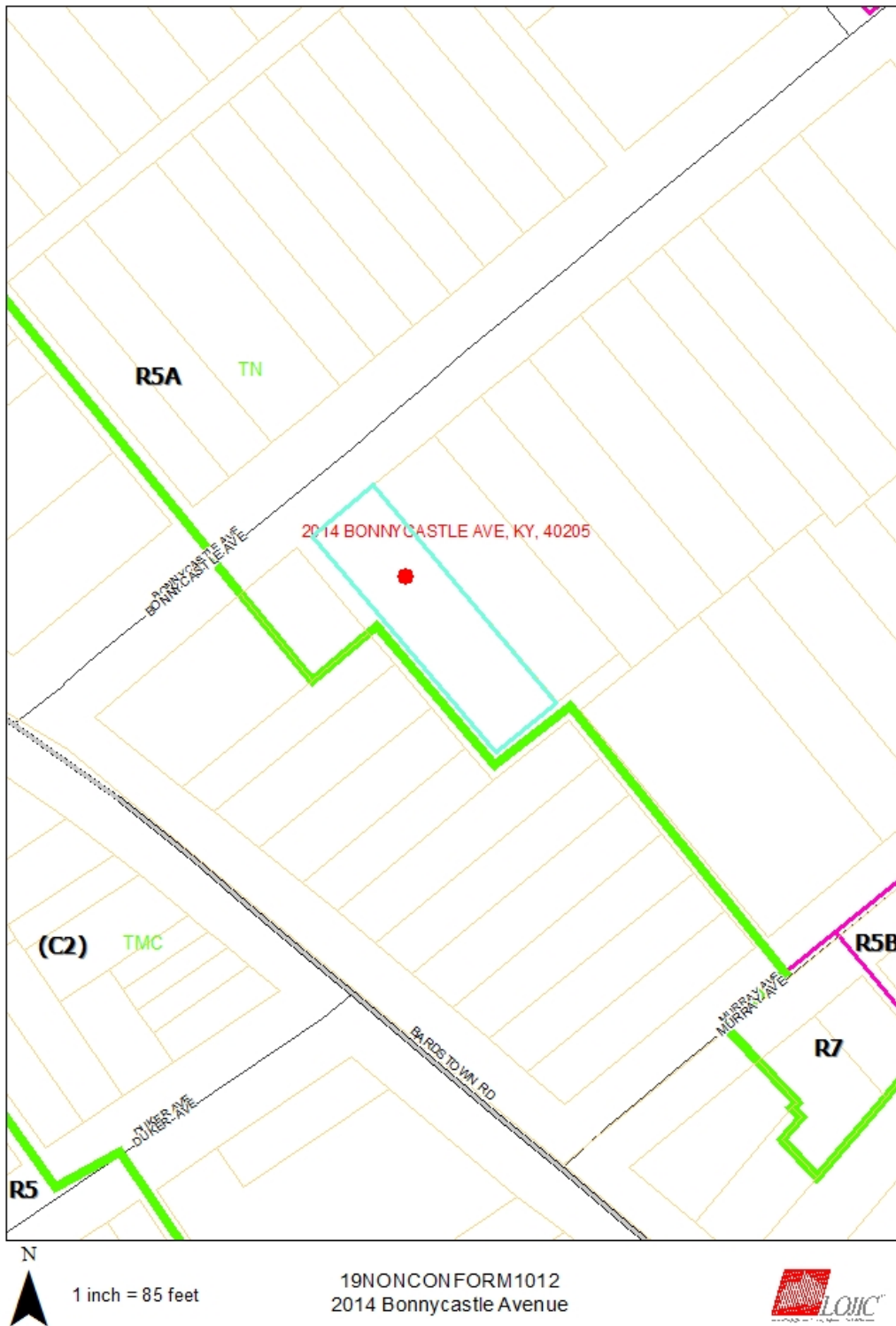
### **NOTIFICATION**

Date	Purpose of Notice	Recipients
4/13/2019	Hearing before Board of Zoning Adjustment	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners
4/15/2019	Hearing before Board of Zoning Adjustment	Registered Neighborhood Groups in Council District

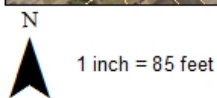
### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph



19NONCONFORM1012  
2014 Bonnycastle Avenue

