



Nonconforming Rights Application

Louisville Metro Planning & Design Services

Case No: 23-NONCONFORM-0008

Intake Staff: QL

Date: 022723

Fee: _____ NO FEE _____

STAFF USE ONLY ABOVE THIS LINE

Site Information

Property Address / Parcel ID: 2052 Midland Ave. Louisville, KY 40204 (075F00370000)

Current Zoning District: R5B Current Form District: Traditional Neighborhood

→ Search the address in LOJIC: <https://www.lojic.org/lojic-online>. Click the  to view the Land Development Report

Description of Nonconforming Use: Please be as detailed as possible when describing the use and areas in which the use takes place

This Multifamily property has been used as a 4-5 unit property since before 1970 & it is evident by the multiple sources of data confirming this and the sweeping rezoning of the area in the early 70s. There are currently 4 apartment units in the structure building, as we have demolished the previous carriage house in the rear (with permission from Louisville Metro). The property was even sold/advertised as a 4 unit apartment building in 1961 Courier Journal in the "Investment Specials" classified section and has had continuous use as a multifamily property since then, as evidenced by supporting documentation.

Provide evidence proving each of the following:

The use lawfully existed on the property prior to adoption, or amendment, of the zoning regulation that makes the use nonconforming:

Yes. See supporting documents and directories (Caron's & Criss Cross) evidencing that multiple families/individuals lived in the property, whereas there were concurrent marriage licenses issued, obituaries listed, and names listed on aforementioned directories. While there are gaps in documentation in the directories, it is obvious that these directories did not have every renter/tenant listed as new tenants/residents moved in/out on a regular/yearly basis, as is typical for a multi-family property. The apartment building also had concurrent advertising of multiple units available for rent at the same time as well. evidencing further that this was at least a 4-5 unit apartment building

The use existed continuously on the property since the time it became nonconforming, without an interruption of more than twelve (12) consecutive months:

Yes, This apartment building has been used at least a 4-5 unit apartment building as previously mentioned data and has continued to be used as a multifamily property.

The use has not been expanded, or relocated, on the property since the adoption of the zoning regulation that makes it nonconforming:

Yes, the use has remained stable since the 1960s, see previous data/evidence

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Contact Information

Print and use a second copy of this page if additional contacts are needed.

Owner:

Name: 3105 Hunsinger LLC

Company: 3105 Hunsinger LLC

Address: PO Box 166

City: Eastwood State: KY Zip: 40018

Primary Phone: 502-553-3302

Alternate Phone: n/a

Email: timbowman2@gmail.com

Applicant / Contact:

Name: Timothy Bowman

Company: 3105 Hunsinger LLC

Address: PO Box 166

City: Eastwood State: KY Zip: 40018

Primary Phone: 502-553-3302

Alternate Phone: n/a

Email: timbowman2@gmail.com

Owner Signature (required):

 2/27/23

Certification Statement

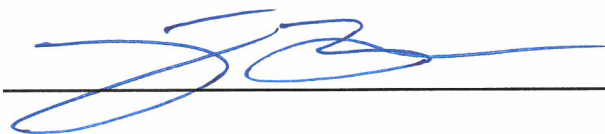
A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, Timothy Bowman, in my capacity as authorized agent, hereby
representative/authorized agent/other

certify 3105 Hunsinger LLC is (are) the owner(s) of the property which
name of LLC/corporation/partnership/association/etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature:



Date: 2/27/23

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a materially false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

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Checklist

Please submit the completed application along with the following documents



Applications will not be accepted without the following items:

- ☒ **Mailing Labels:** You are required to notify the OWNERS and RESIDENTS of neighboring properties of this application. If the owner does not occupy the property, you must also send notice addressed to the "current resident" at the property address. You must create mailing labels of 1st tier adjoining property RESIDENTS and OWNERS, and to your Case Manager (ask customer service for a "HOW-TO: USER GUIDE" for instructions). Applicant is responsible for mailing.
- ☒ **Copy of Mailing Labels:** Make a copy of the mailing label sheet(s) mentioned above.

To meet the listed requirements, the applicant must provide documentation to substantiate the claim of nonconforming rights. Documentation includes, but is not limited to:

- **Zoning maps** from the time of commencement of the use to the present
- A copy of the **zoning regulations** in effect at the time the use began (selected regulations from 1931 onward are available at <https://louisvilleky.gov/government/planning-design/land-development-code>);
- A copy of official documents for each year of the use's operation including, but not limited to, the following:
 - The **Certificate of Compliance** from the Revenue Commission for each year of the use's operation showing the business name, or otherwise demonstrating on its face the existence of the use-continuous ownership of the property is not sufficient to demonstrate the existence of nonconforming rights*
 - Copies of **utility bills** showing billing information for the use
 - Copies of **tax bills** showing billing information for the use
- Copies of **directory listings** for each year of the use's operation (including telephone directories, Caron's/Polk's Directories, business association directories, Criss-Cross Directories, etc.)**
- **Property Valuation Administration (PVA) records**
- **Three notarized affidavits** from individuals attesting to their personal knowledge of the continuous, uninterrupted use of the property for the particular use in question. Affidavits, by themselves, will not suffice as the only evidence of existence for a nonconforming use; in other words, the applicant should submit other evidence along with notarized affidavits. Affidavits must contain specific information as to the affiant's knowledge of the use, and the basis for that knowledge.
- **Other documents** that substantiate the existence of a specific use, or structure on the property, such as newspaper articles or photographs
- Documentations should be provided back to the following year:
 - **1971** for property located within the original boundaries of the City of Louisville prior to merger.
 - **1943** for the remainder of Jefferson County prior to merger.

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Planning & Design Services shall determine one of the following three conclusions:

1. **The nonconforming use rights have been established for the property.** If this is the conclusion, the property owner, or prospective property owner, is advised that any changes made to the use, or structure, shall result in a loss of nonconforming status. Any interested party can appeal the Planning & Design Services' determination to the Board of Zoning Adjustment pursuant to Kentucky Revised Statutes, Section 100.257.
2. **The nonconforming use rights have not been established for the property.** If this is the conclusion, the property owner, or prospective property owner, can appeal to the Board of Zoning Adjustment pursuant to KRS 100.257.
3. **No conclusion has been reached because of insufficient, or conflicting, evidence.** If this is the conclusion, the property owner, or prospective property owner, can provide additional documentation, or appeal the determination to the Board of Zoning Adjustment pursuant to KRS 100.257.

If staff concludes that nonconforming rights exist, the property owner, or prospective property owner, Planning & Design Services shall issue a statement outlining the nonconforming rights. This statement must be recorded in the chain of title in the Office of the Clerk of Jefferson County, Kentucky to put others on notice of the establishment of nonconforming use.

* In no case will official documents be accepted as proof where those documents do not specifically reference the use, either through the inclusion of a business name or type, or some other reference that identifies the actual use of the property. Continuous ownership of property does not imply continuous nonconforming use of the property.

** It is acknowledged that these directories are often compiled through voluntary participation, and that this often results in incomplete or incorrect information.