

Board of Zoning Adjustment

Staff Report

January 9, 2023



Case No:	22-NONCONFORM-0031
Project Name:	Camp St. Change in Nonconformance
Location:	701 Camp St.
Owner:	Opportunity Louisville
Applicant:	Rachel Harman
Jurisdiction:	Louisville Metro
Council District:	6– Vacant
Case Manager:	Amy Brooks, Planner I

REQUEST(S)

- Change in nonconforming use from a tavern/bar and convenience grocery to an office.

CASE SUMMARY/BACKGROUND

The subject property is zoned R6 Multi-Family Residential in the Traditional Neighborhood form district. The primary structure, on the lot, was constructed in 1900.

The property owner received a nonconforming rights determination for a tavern/bar and convenience grocery for the first floor of the primary structure from Planning and Design Services on February 24, 2022 .

The property owner has submitted a request to change the nonconforming use from a tavern/bar and convenience grocery to an office (located on the first floor) for the existing building located at 701 Camp Street. The second floor contains two dwelling units which is an allowable use in this zoning and meets density requirements. Furthermore, the applicant states that the accessory building on the lot will remain as a garage.

STAFF FINDING

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

TECHNICAL REVIEW

Per the Land Development Code, parking is not required for buildings 50 years of age or older.

RELATED CASES

22-NONCONFORM-0001. Nonconforming rights were established for a tavern/bar and convenience store in R-6 Residential Multi-Family Zoning.

INTERESTED PARTY COMMENTS

No comments received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CHANGE IN NONCONFORMING USE

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: Tavern/bar uses are allowed in C2, C3, CM, and EZ1 zoning districts. They are also permitted with special standards in M-1, M-2, and M-3. Business and Professional Office uses are allowed in OR, OR1, OR2, OR3, OTF, CN, CR, C1, C2, C3, CM, EZ1, PRO, and W2 and is allowed as an accessory use in M1, M2, M3, and PEC. While professional and business offices are permitted in several of the same commercial zones as a tavern/ bar/convenience grocery use, they are also located in the more restrictive classifications of OR, OR1, OR2, OR3, OTF, CN, CR, C1.

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

Staff Finding: The new nonconforming use would be no more odious or offensive to surrounding properties than the tavern/bar and convenience grocery usage on this site. The new proposed use would generate less traffic and noise than a tavern bar/convenience grocery. In fact, the proposed usage is typically located in less intensive zoning classifications than the tavern/bar and convenience grocery.

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.

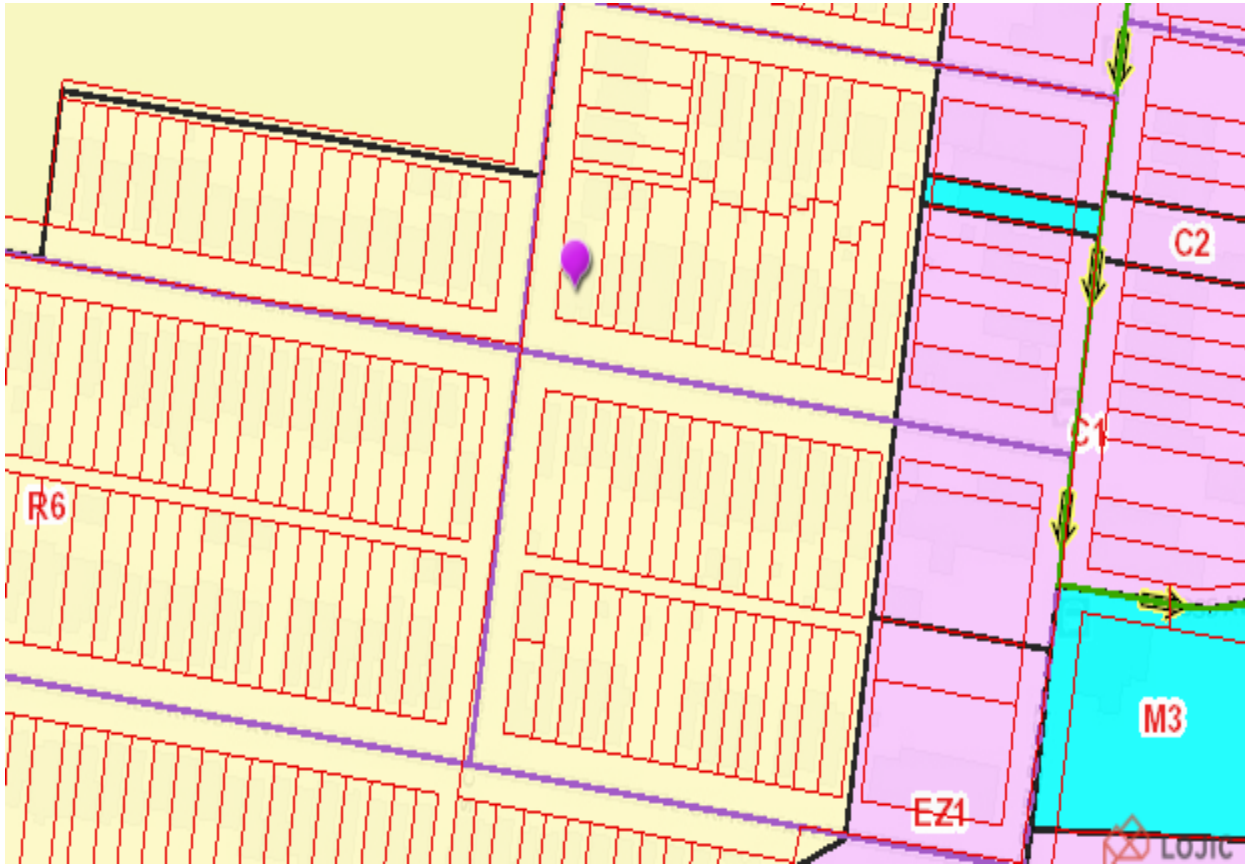
NOTIFICATION

Date	Purpose of Notice	Recipients
12/21/2022	Hearing before Board of Zoning Adjustment	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 6
12/28/2022	Hearing before Board of Zoning Adjustment	Sign Posting

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Site Photos



Front of Subject Property.



Right of the subject property.



To the left of subject property.



Across the street from subject property.