Board of Zoning Adjustment
Staff Report
January 6, 2020

Case No:	19-NONCONFORM-0030
Project Name:	Breckinridge Change in Nonconformance
Location:	500-508 E. Breckinridge Street
Owner/Applicant:	Samuel Ellis
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Nia Holt, Planner I

REQUEST(S)

- Change in nonconforming use from an Auto Repair Shop to a Contractor's Shop provided all operations are confined within a building (508 E. Breckinridge St).

CASE SUMMARY/BACKGROUND

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

The property owner received a nonconforming rights determination for an Auto Repair Shop and Off-Street Parking on the two subject properties from Planning and Design Services on October 10, 2019.

The property owner has submitted this request to change the use to a Contractor's Shop with all operations confined within a building on the lot known as 508 E. Breckinridge St. The Auto Repair Shop used the lot known as 500 E. Breckinridge St. to temporarily store inoperable vehicles. The current property owner plans to continue to use the second lot for accessory storage and off-street parking.

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, a Contractor's Shop with all operation confined within a building, is in the same classification as the original nonconforming use. An Auto Repair Shop and the proposed use are both permitted in the C-2 zoning district.

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 is no more offense or odious than an Auto Repair with accessory storage if it is well managed. A Contractor's Shop with all operation confined within a building will have a similar impact on the surrounding community as an Auto Repair Shop. The applicant is an Asphalt contractor and will need to temporarily store some of their equipment for a current project on the second lot. Additionally, the property owner will park vehicles associated with the Contractor's Shop. Based on standard parking space standards the second lot will permit 8 parking spaces with a one-way aisle. During the applicant's slower season, he will be able to store more equipment and vehicles in the building on 508 E. Breckinridge St.

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.

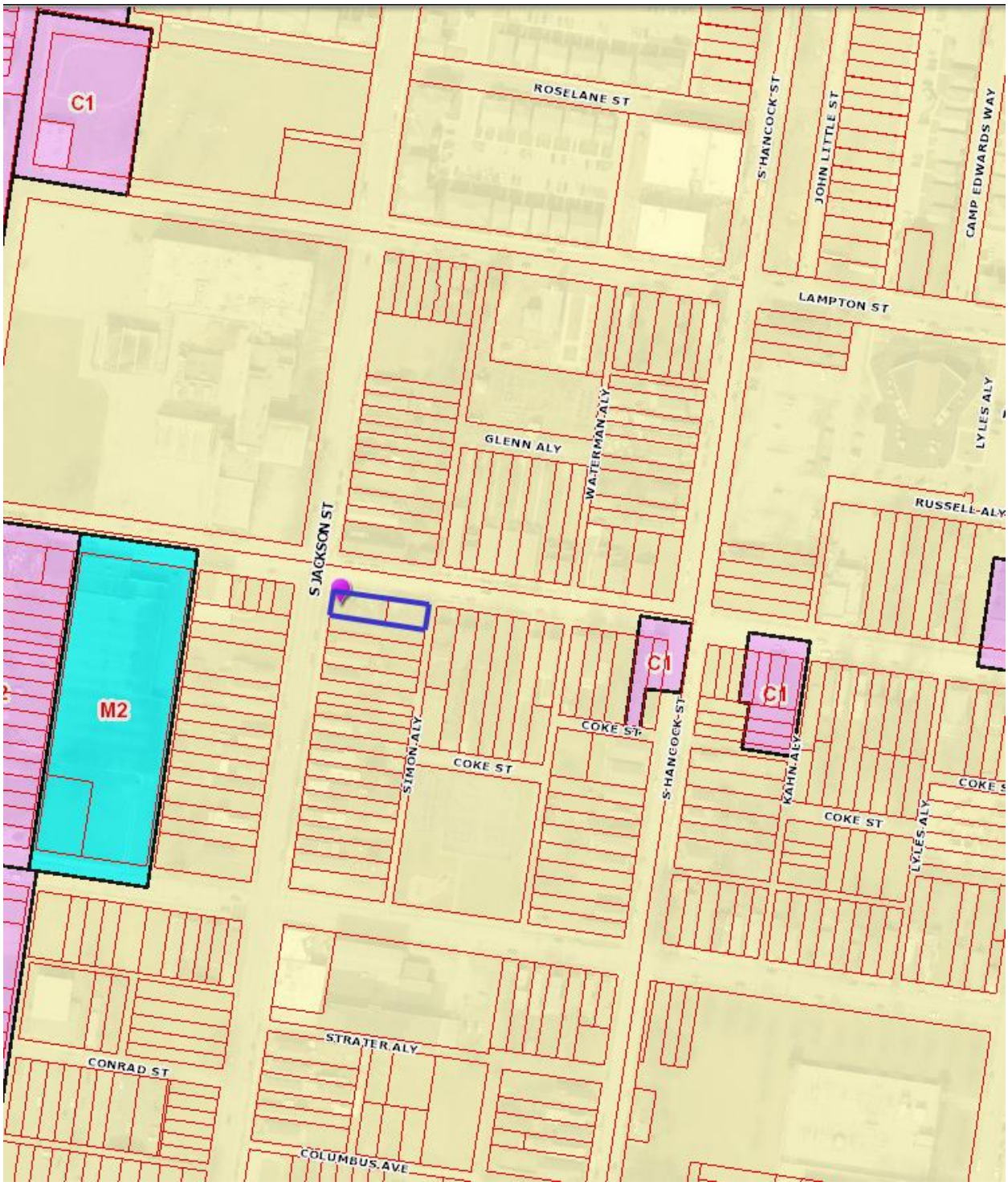
NOTIFICATION

Date	Purpose of Notice	Recipients
12/17/2019	Hearing before Board of Zoning Adjustment	1st and 2nd tier adjoining property owners
12/19/2019	Hearing before Board of Zoning Adjustment	Registered Neighborhood Groups in Council District
		Sign Posting

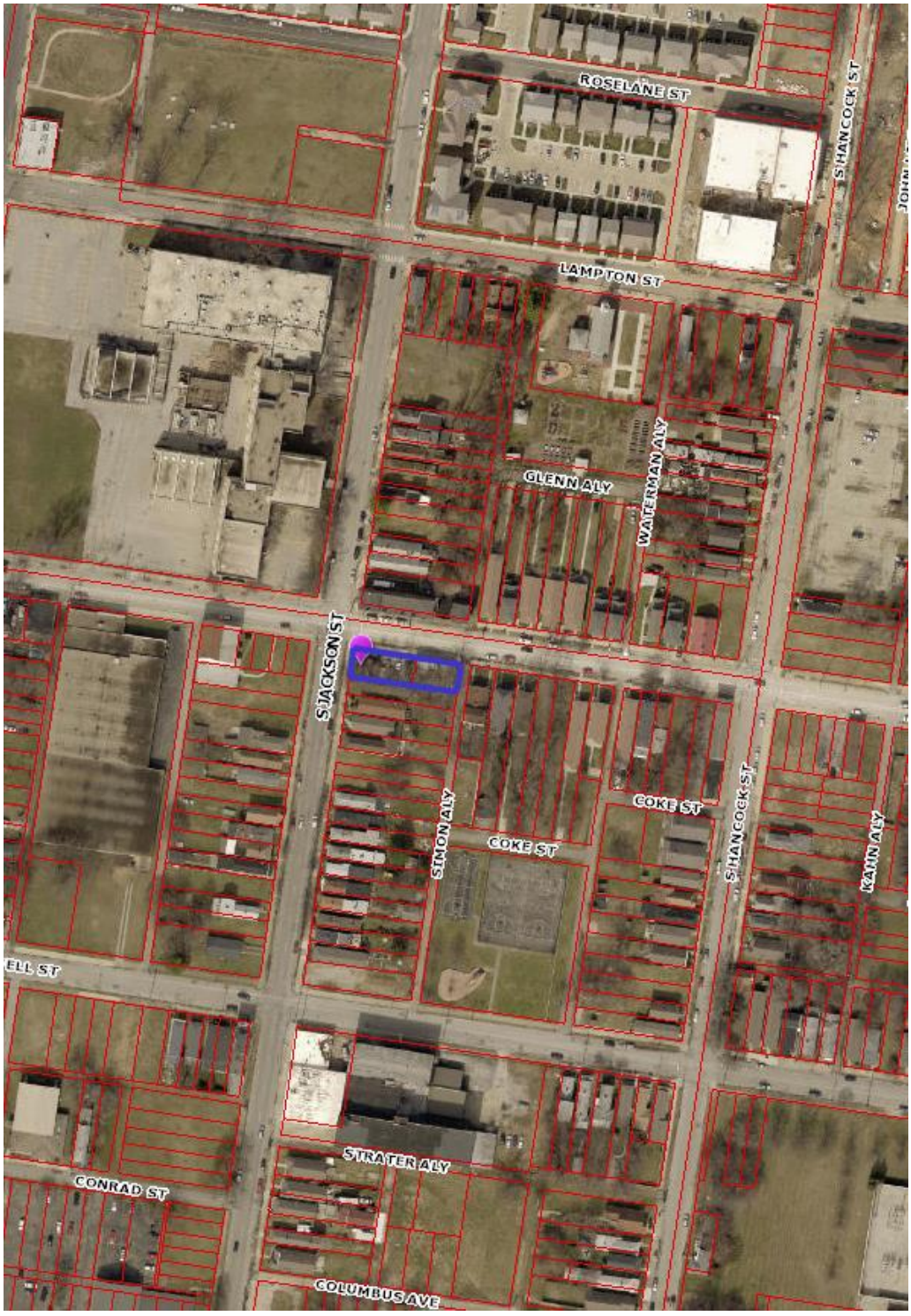
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Condition of Approval

1. Zoning Map


C1
ROSELANE ST
S HANCOCK ST
JOHN LITTLE ST
CAMP EDWARDS WAY
LAMPTON ST
LYLES ALY
GLENN ALY
WATERMAN ALY
RUSSELL ALY
S JACKSON ST
M2
C1
C1
COKE ST
COKE ST
SIMON ALY
S HANCOCK ST
KAHN ALY
COKE ST
COKE S
LYLES ALY
STRATER ALY
CONRAD ST
COLUMBUS AVE

2. Aerial Photograph



3. Condition of Approval

The 500 E. Breckinridge Street property has nonconforming rights for off-street parking. This lot is used for parking by the use located on 508 E. Breckenridge Street. The parking lot (500 E. Breckenridge Street) may be used for accessory equipment storage as long as the equipment storage occupies no more than 3 parking spaces.