

Board of Zoning Adjustment
Staff Report
January 6, 2020



Case No:	19-NONCONFORM-0028
Project Name:	W. Woodlawn Change in Nonconformance
Location:	211 W. Woodlawn Avenue
Owner/Applicant:	Matthew Husted
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Nia Holt, Planner I

REQUEST(S)

- Change in nonconforming use from a Contractor’s Shop provided all operation are confined within a building to Catering Kitchen/Bakery preparing foods and meals for sale or consumption elsewhere.

CASE SUMMARY/BACKGROUND

The subject property is located within the R-5 zoning district and the Traditional Neighborhood form district.

The property owner received a nonconforming rights determination for a Contractor’s Shop, provided all operations are confined within a building, on this property from Planning and Design Services on October 7, 2019.

The property owner has submitted this request to change the use to Catering Kitchen/Bakery preparing foods and meals for sale or consumption elsewhere. The Catering Kitchen/Bakery will service Sunergos Coffee. The applicant has also indicated in their application that part of the space in the structure will be used as an office. This office will be accessory to the Catering Kitchen/Bakery. There will be an average of 4 employees on site who will park at the Sunergos Coffee across the street.

STAFF FINDING

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

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

One email in support of this proposal was received on December 30, 2019.

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 Catering Kitchen/Bakery preparing foods and meals for sale or consumption elsewhere, is in a more restrictive classification than the original nonconforming use. A Contractor's Shop with all operations confined within a building, the original nonconforming use, is permitted in the C-2 zoning district. A Catering Kitchen/Bakery is permitted in the C-1 zoning district.

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 is no more odious or offensive than the original nonconforming use that was granted in October. A Catering Kitchen/Bakery preparing foods and meals for sale or consumption elsewhere could potentially have less traffic than a Contractor's Shop. This type of Catering Kitchen/Bakery will not have outside parties coming to the establishment – the space will not be rented out nor will customers come by. A Contractor's Shop is more likely to have their clients stop by the place of business for consultations. Parking for the new use will not be an issue since employees will be parking at the Sunergos Coffee across the street.

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.

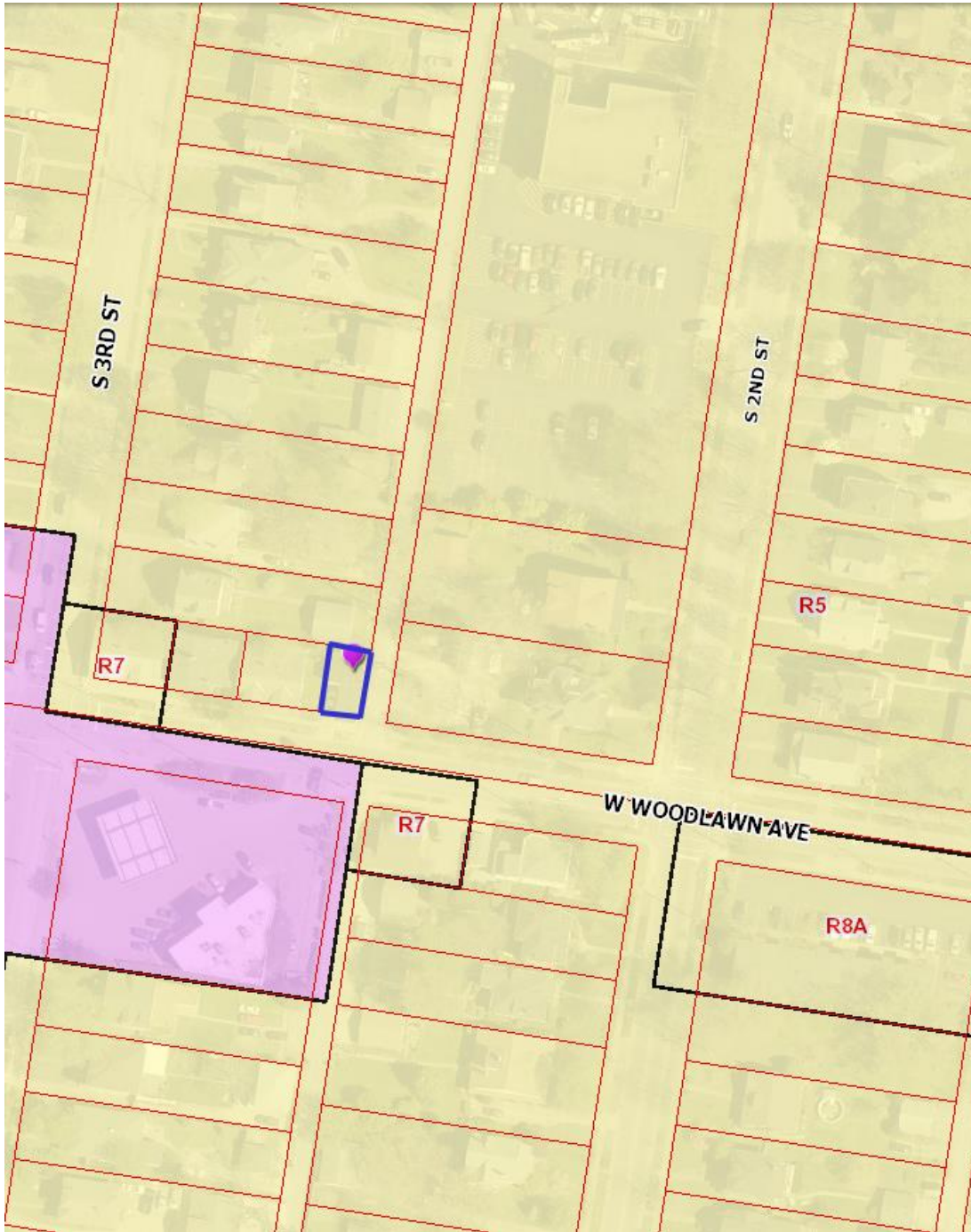
NOTIFICATION

Date	Purpose of Notice	Recipients
12/18/19	Hearing before Board of Zoning Adjustment	1 st and 2 nd 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

1. Zoning Map



2. Aerial Photograph

