

Board of Zoning Adjustment

Staff Report

July 8, 2019



Case No:	19NONCONFORM1018
Project Name:	S. 3 rd Street Change in Nonconformance
Location:	3904-3906 S. 3 rd Street
Owner(s):	Backside Holdings, LLC
Applicant:	Daniel Brown
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Zach Schwager, Planner I

REQUEST(S)

- Change in nonconforming use

CASE SUMMARY/BACKGROUND

The subject property is located within the R6 zoning district and the Traditional Neighborhood form district.

The previous property owner received a nonconforming rights determination for automobile sales and repair on this property from Planning and Design Services on November 13, 2017.

The current property owners have submitted this request to change the use to a contractor's shop in which all the operations are confined within the building. The applicants propose that the existing structures will be used to store service trucks and equipment with two small offices associated with a plumbing contractor's shop. The offices will be approximately 280 sq ft. The applicants have also stated in their application that the subject property will only be used as a base of operations. Clients will not come to the site and sales will not take place on the property. The only vehicles parked on the property will be employees' personal vehicles.

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 all uses - auto sales, auto repair with two service bays and contractor's shop in which all operations are confined within the building - are permitted in the same zoning districts.

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 odious or offensive than the first nonconforming use. There be no vehicles stored or displayed outdoors which was the case in the previous nonconforming use. The equipment and vehicles associated with the contractor's shop will be stored within the existing 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.

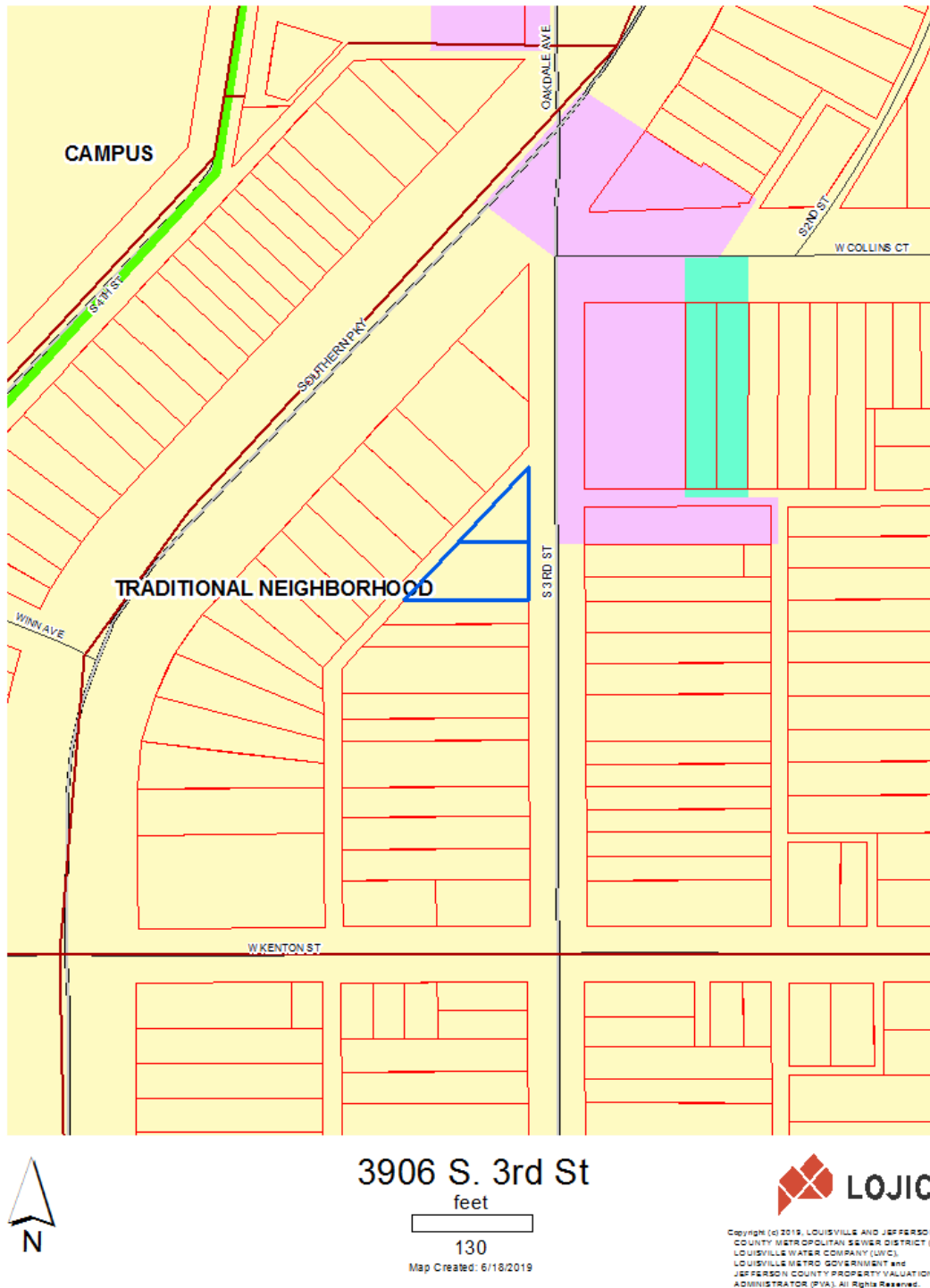
NOTIFICATION

Date	Purpose of Notice	Recipients
6/19/2019	Hearing before Board of Zoning Adjustment	1 st and 2 nd tier adjoining property owners
6/21/2019	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.



3906 S. 3rd St
feet

130



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