

19-APPEAL-0004
3744 Powell Avenue



Louisville Metro Board of Zoning Adjustment
Public Hearing

Jon E. Crumbie, Planning & Design Coordinator
February 17, 2020

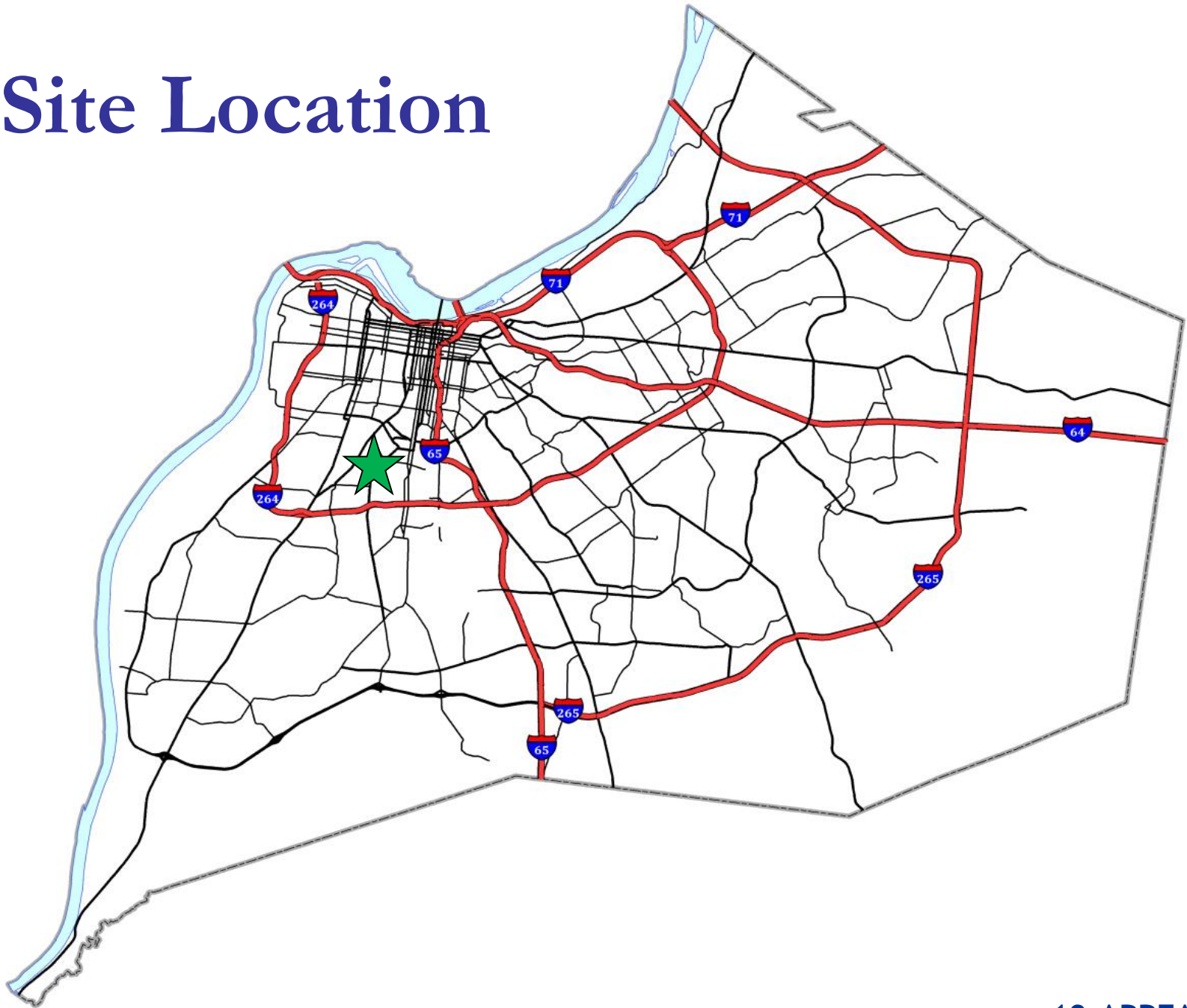
Request(s)

The Appellant submitted a nonconforming rights determination request on October 16, 2019. Staff conducted a review of the applicant's information and determined that there was insufficient information that the nonconforming use (dwelling, duplex) has been established in the R-5 Single Family Zoning district.

Case Summary/Background

- Appeal filed on December 31, 2019
- Nonconforming use requested:
 - Duplex
- Appellant information insufficient for staff to grant nonconforming rights

Site Location

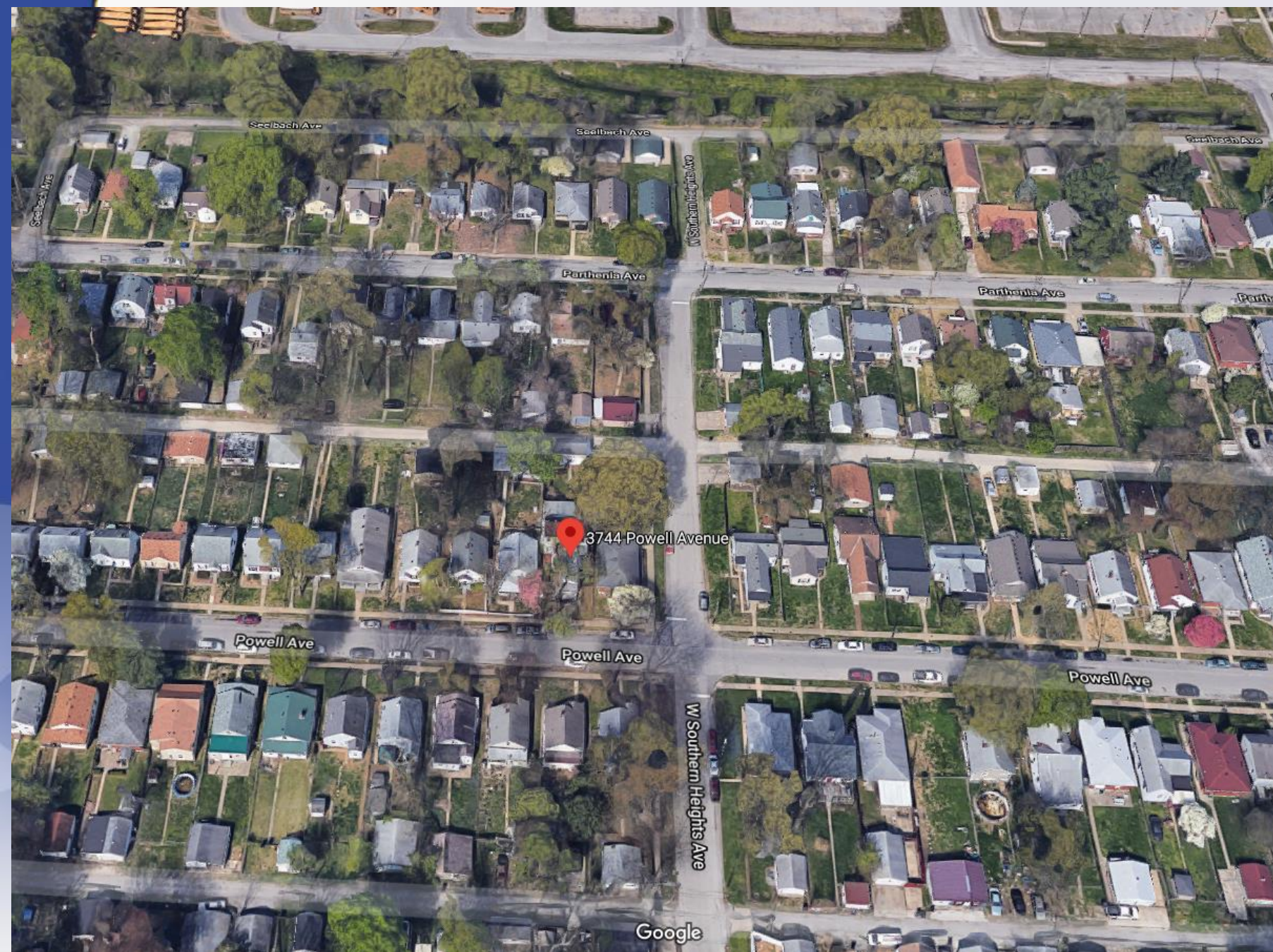


Zoning/Form Districts



Aerial Photo/Land Use





Front



Front



Rear of Residence



Accessory Structure



Staff Findings

- As set forth in Louisville Metro Land Development Code (LDC) Sec. 11.7.3, pursuant to Kentucky Revised Statutes (KRS) 100.257 and 100.261, the Board shall hear an appeal of a decision of an administrative official.
- As part of an appeal case it is the Appellant that must prove that an error was made
- An analysis by staff of the Appellant's basis of appeal and submitted evidence is provided within the staff report
- Staff does not believe that the Appellant has provided sufficient evidence that staff erred in declining to approve nonconforming rights for the property

Required Actions

KRS 100.257 - The board of adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation.

Based upon the file of this case, this staff report, and the evidence and testimony submitted at the public hearing, the Board must determine:

- 1. Did the residential use (dwelling, duplex) exist on the property in 1971?
- 2. If yes to question 1, did this use of the property continue to the present day?

If the Board answers yes to both questions, the Board will need to determine the area of the property utilized for these activities in its motion, and the approval of such a motion would overturn staff's decision.

If the Board answers no to any of the two questions listed above, then an approval of such a motion would affirm staff's decision.