

20-APPEAL-0001
7318 Dixie Highway



Louisville Metro Board of Zoning Adjustment
Public Hearing

Jon E. Crumbie, Planning & Design Coordinator
June 1, 2020

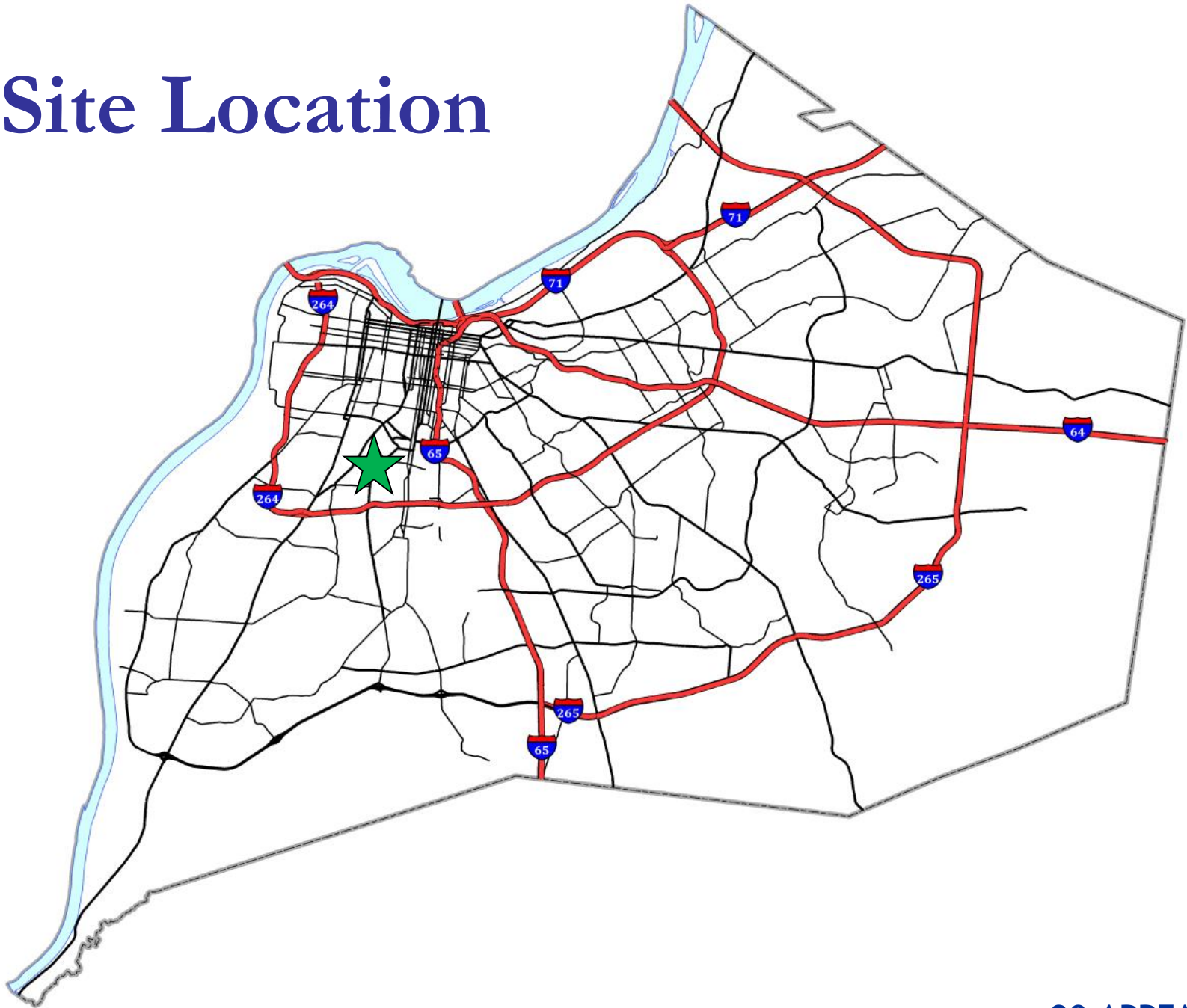
Request(s)

- Appeal of an administrative decision regarding nonconforming rights

Case Summary/Background

- Staff conducted a review of the applicant's information and determined that there was insufficient information that the nonconforming use (professional office) has been established in the M-2 Industrial Zoning District.
- The Appellant filed an Appeal of the administrative decision on March 2, 2020, which is within the 30-day appeal period. On March 30, 2020 due to the COVID-19 pandemic the Governor of the State of Kentucky signed SB 150 which tolled all KRS hearings. The Appellant submitted information with the Appeal application to support his basis of appeal.

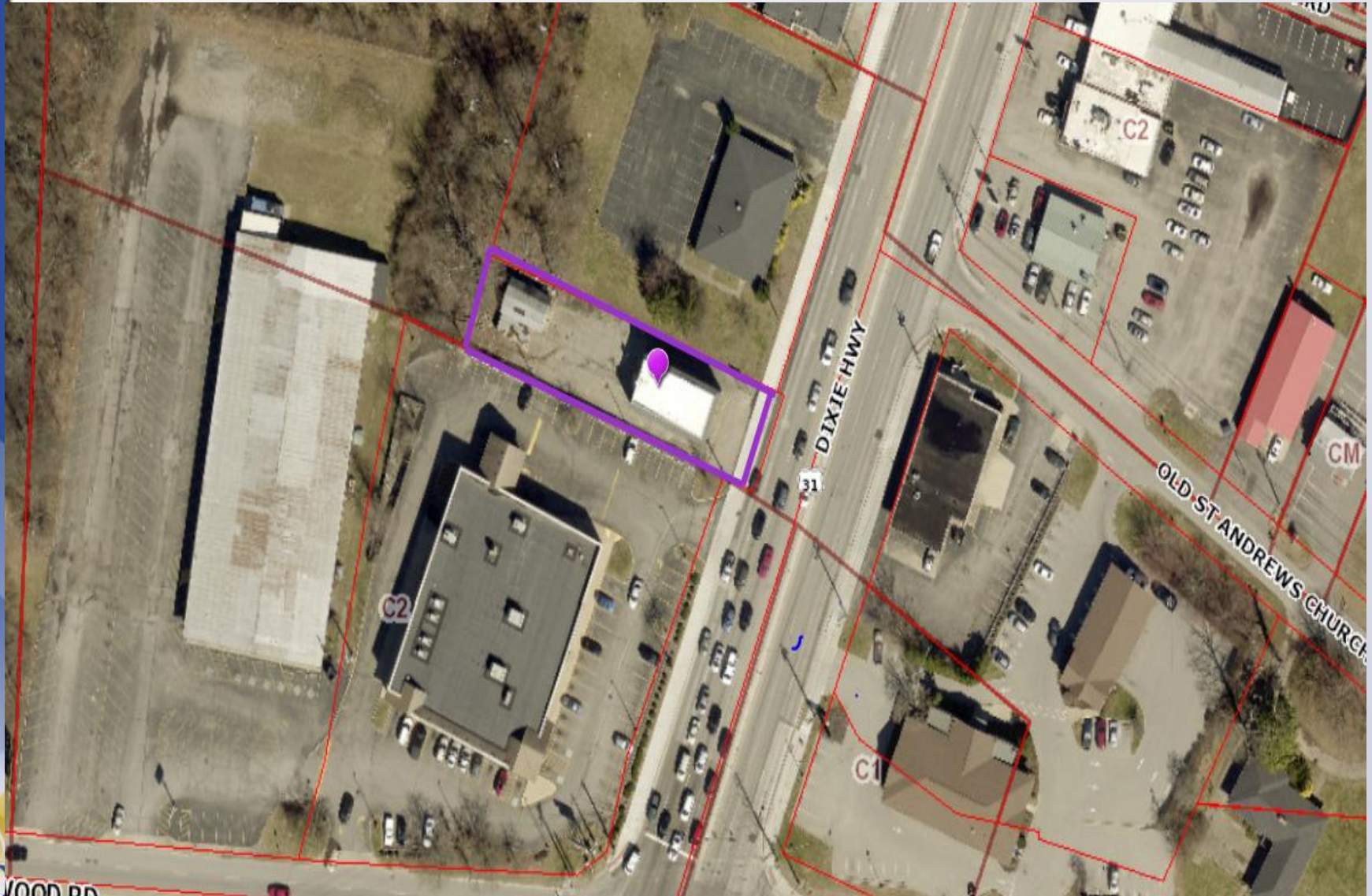
Site Location



Zoning/Form Districts



Aerial Photo/Land Use



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Front



Across Dixie Highway



Driveway Leading to Rear



Rear of Property



Rear of 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

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 commercial use (professional office) exist on the property in 1963?
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.