

Board of Zoning Adjustment

Staff Report

June 15, 2020



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| Case No: | 20-NONCONFORM-0008 |
| Project Name: | Beechwood Change in Nonconformance |
| Location: | 702 Beechwood Rd |
| Owner/Applicant: | Sean Sinnott |
| Jurisdiction: | Louisville Metro |
| Council District: | 7– Paula McCraney |
| Case Manager: | Heather Pollock, Associate Planner |

REQUEST(S)

- Change in nonconforming use from a contractor's shop and storage yard to a greenhouse, wholesale.

CASE SUMMARY/BACKGROUND

The subject property is located within the R-4 zoning district and the Neighborhood form district.

The property owner received a nonconforming rights determination for a contractor's shop and storage yard for 2 buildings on 2 parcels from Planning and Design Services on September 27, 2019.

The property owner has submitted this request to change the use to a greenhouse, wholesale for one of the buildings located at 702 Beechwood Rd.

STAFF FINDING

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

TECHNICAL REVIEW

No technical review required.

RELATED CASES

19-NONCONFORM-0021

INTERESTED PARTY COMMENTS

No comments received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CHANGE IN NONCONFORMING USE

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 greenhouse, is in a more restrictive classification than the original nonconforming use. A contractor's shop and storage yard, the original nonconforming use, is permitted in the M-2 zoning. A greenhouse, wholesale is permitted in the M-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 proposed nonconforming use is no more odious or offensive to surrounding properties than the previous nonconforming use. The original use, a contractor's shop and storage yard, permitted outdoor storage of material and equipment, (outdoor storage not permitted within the setbacks when adjacent to residential use) and was not directly accessible to the general public. The proposed use will not expand on this.

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.

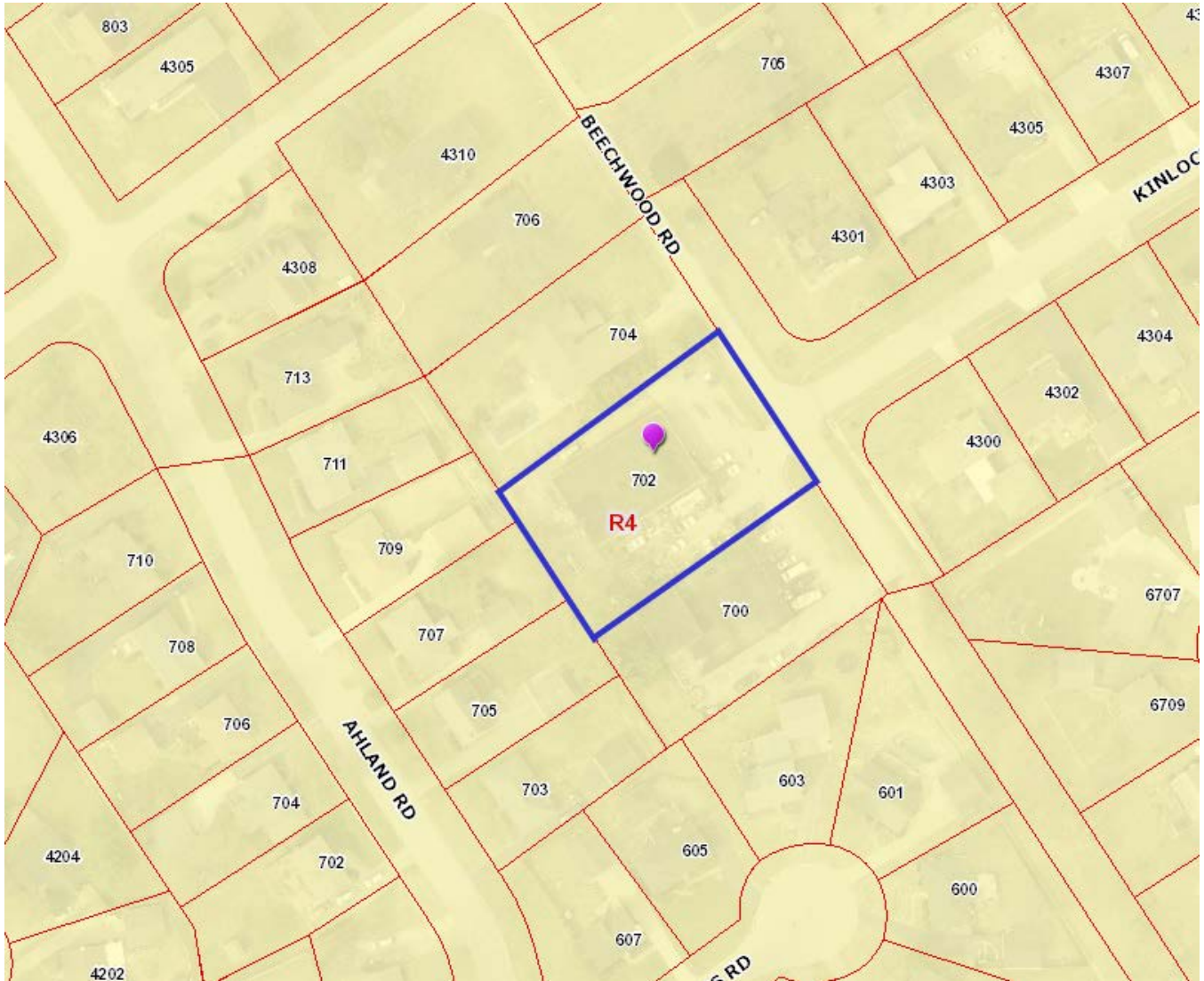
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|----------|-------------------------------------------|--------------------------------------------------------------------------------------------------------|
| 6/1/2020 | Hearing before Board of Zoning Adjustment | 1 st tier adjoining property owners Registered Neighborhood Groups in Council District 7 |
| 6/3/2020 | Hearing before Board of Zoning Adjustment | Sign Posting |

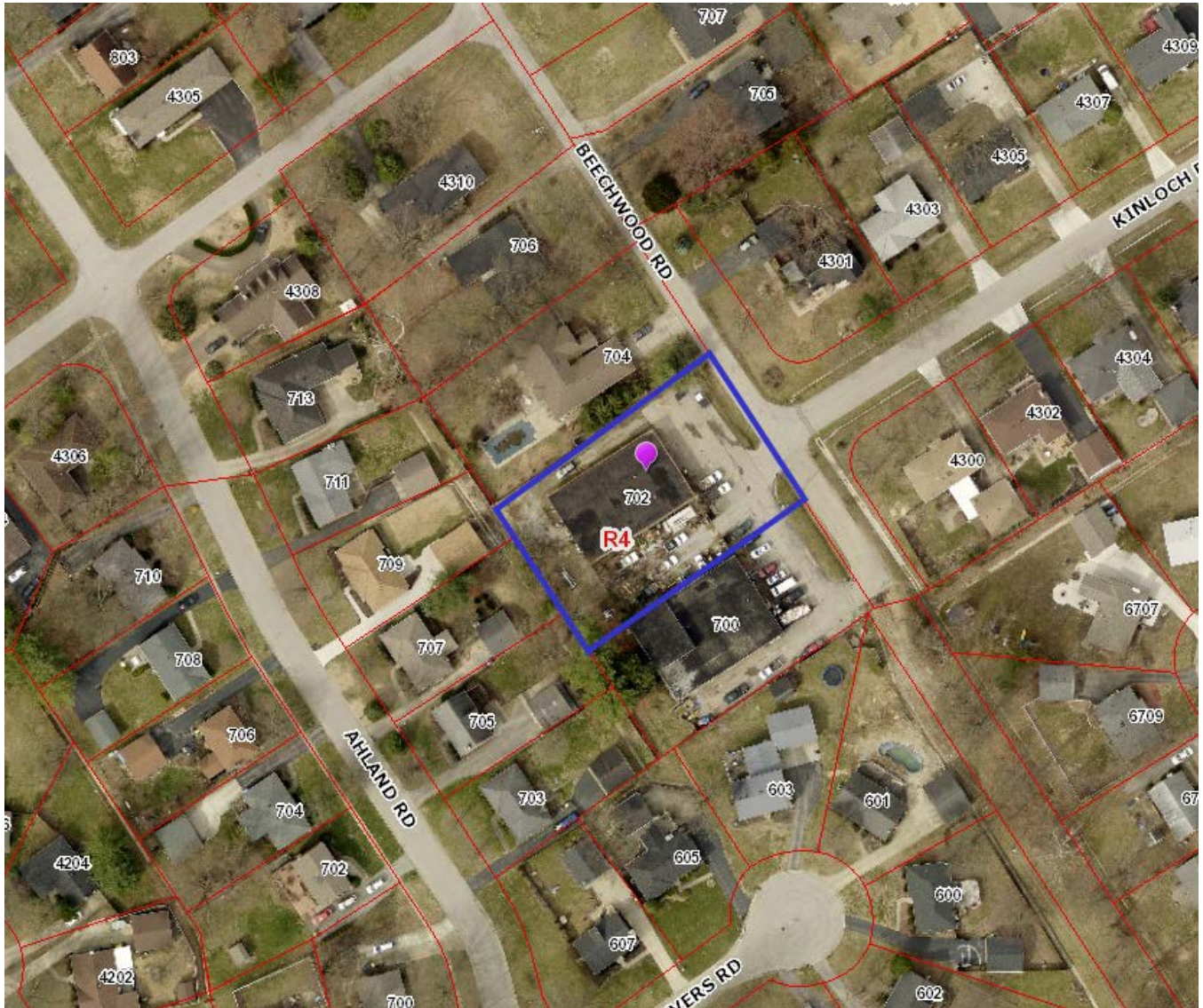
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan

1. **Zoning Map**



2. Aerial Photograph



Site Plan

