

# Board of Zoning Adjustment

## Staff Report

September 14, 2020



<b>Case No:</b>	20-APPEAL-0004
<b>Project Name:</b>	Crums Lane Appeal
<b>Location:</b>	1517 Crums Lane
<b>Appellant:</b>	Goodies Reality, Inc., Harbor Holdings, Inc., Cherosen Ventures, LLC.
<b>Representative:</b>	Michael A. Noll
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	3 – Keisha Dorsey
<b>Case Manager:</b>	Jon E. Crumbie, Planning & Design Coordinator

### REQUEST(S)

- Appeal of an administrative decision regarding nonconforming rights

### CASE SUMMARY/BACKGROUND

The Appellant submitted a nonconforming rights determination request on June 29, 2020. Staff conducted a review of the applicant's information and determined that there was not sufficient information that nonconforming use rights for a medical clinic have been established. Therefore, staff concluded that the property does not have nonconforming rights for a medical clinic and submitted a letter to the Appellant stating that decision on July 17, 2020.

The Appellant filed an appeal of the administrative decision on July 22, 2020, which is within the 30-day appeal period. The Appellant submitted documentation with the appeal application to support their basis of appeal concluding that there was a medical clinic present in 1986, and it remained as such for over 30 years. This documentation is part of the record and is available for the Board to review on the Louisville Metro Government Agenda & Meeting Portal (<http://louisville.legistar.com>).

### STAFF ANALYSIS/FINDINGS

The following sections of the LDC are applicable to this case:

Section 1.2.2 Definitions

Section 1.3.1 Use

As currently defined in LDC Sec. 1.2.2, the following definitions are relevant to the appeal:

*Nonconformity (or Nonconforming)* -An activity or a building, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

According to Jefferson County PVA records, the property classification is listed as Commercial Office and located in the M-2 Industrial Zoning District. The PVA lists the structure as built in 1967.

The Appellant provided documentation related to the use of the property as a blood plasma collection center. The property is in the original city and must be dated back to 1971. The property was not listed in city directories until 1975, where it was listed as United Electronics Institute – Allied Health Division. This was consistent until 1979, where it became Louisville Dental College. In 1985, it changed to Advanced Personnel Employment Agency. In 1993 it was listed as Plasma Alliance Blood Bank and was used consistently as a plasma donation center.

#### Directory Findings Timeline:

1971-1974: Not Listed  
1975-1978: United Electronics Institute: Allied Health  
1979-1984: Louisville Dental College  
1985-1992: Advanced Personnel Employment Agency  
1993-1998: Plasma Alliance Blood Bank  
1999-2002: Centeon Bio-Services: Health Allied Services  
2003-2005: Aventis Bio-Services Blood Banks and Centers  
2006-2010: ZLB Plasma SVC Blood Banks and Centers  
2011-2016: CSL Plasma

#### **Staff Conclusions**

Staff did not have sufficient information in the review of the nonconforming rights case that a medical clinic existed on the property in 1971. The Appellant has not submitted additional information to change staff's previous conclusion. Therefore, staff believes that the original decision was correct, and the property does not have established nonconforming rights for a medical clinic.

#### **Standard of Review**

Pursuant to LDC 11.7.3 and KRS 100.257, the Board of Adjustment shall have the power to hear and decide cases where it is alleged by the 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 a medical clinic 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, then the Board would concur with the applicant, and the approval of such 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.

#### **RELATED CASES**

**20-NONCONFORM-0011** – The administrative decision in this case is the subject of the appeal.

#### **INTERESTED PARTY COMMENTS**

No comments submitted.

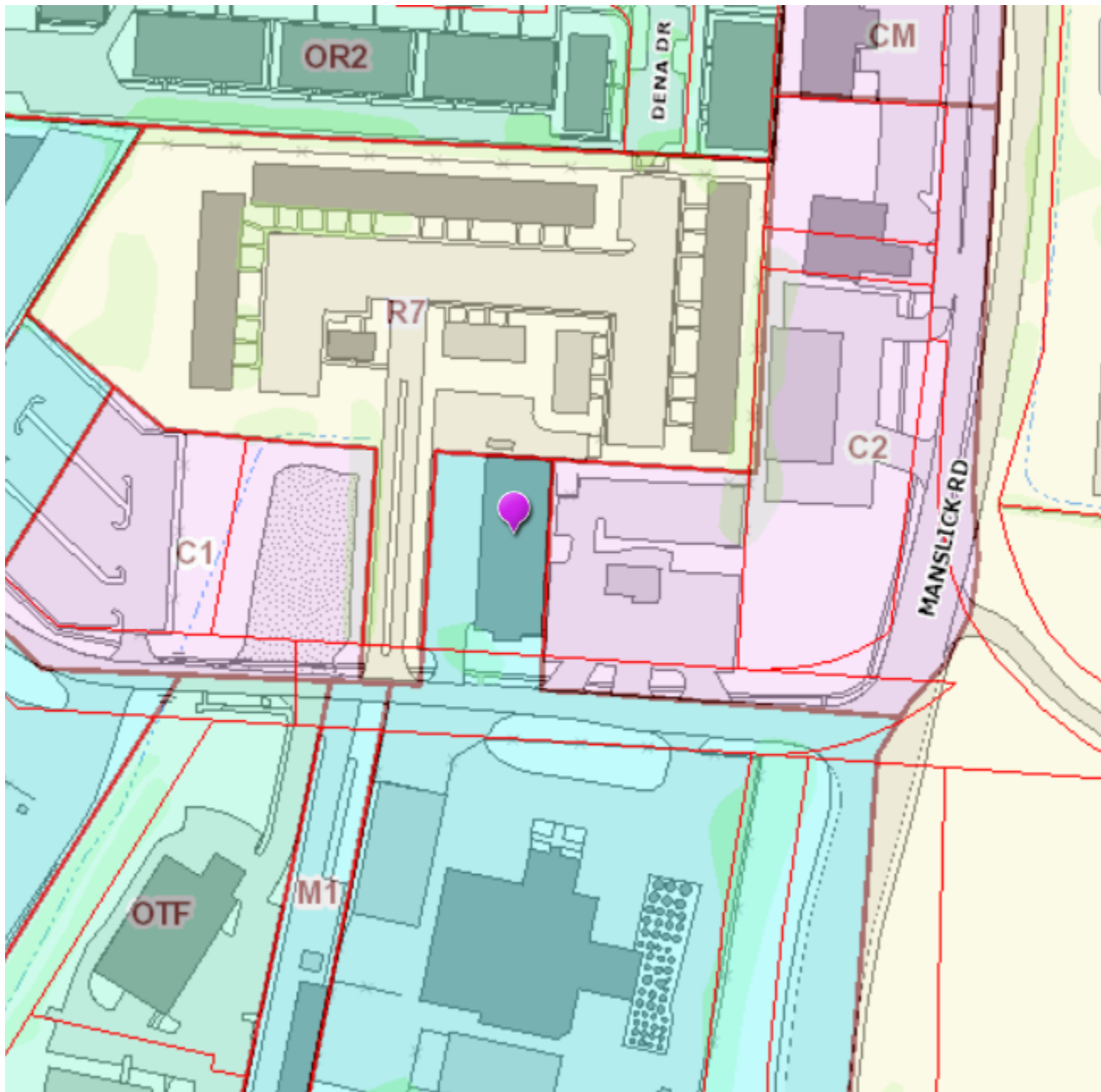
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
8/26/2020	Notification of appeal of an administrative decision	Adjoining property owners, Appellant, and PDS staff GovDelivery District
9/2/2020	Legal ad for notification of appeal of an administrative decision	Courier Journal - published in paper by Appellant or Representative

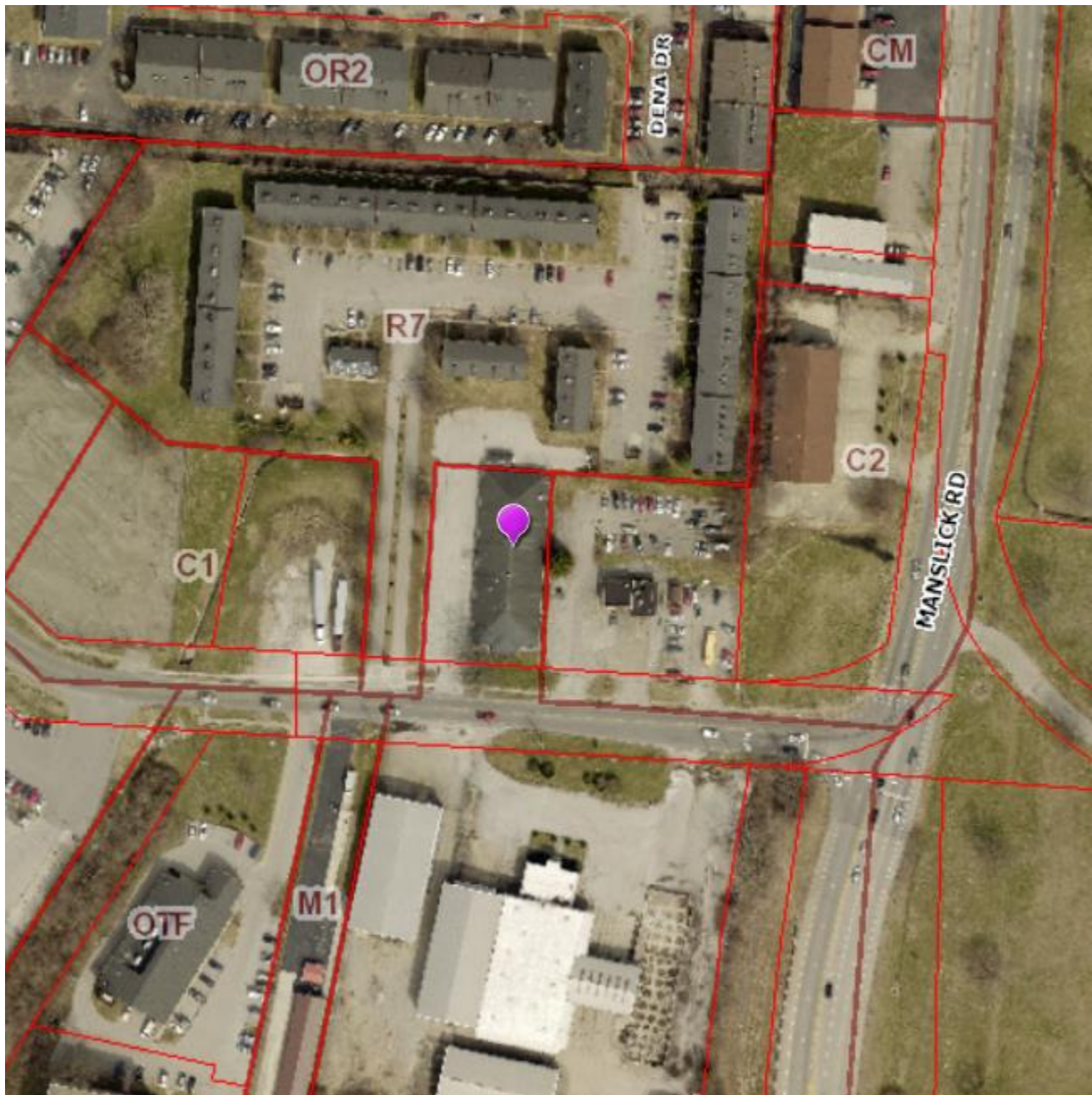
**ATTACHMENTS**

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

1. **Zoning Map**



2. Aerial Photograph



3. Site Photos





