

# Board of Zoning Adjustment

## Staff Report

September 14, 2020



<b>Case No:</b>	20-NONCONFORM-0020
<b>Project Name:</b>	Dixie Change in Nonconformance
<b>Location:</b>	7135 Dixie Highway
<b>Owner:</b>	Cannon Carpet Inc.
<b>Applicant:</b>	Melanie Cannon
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	12 – Rick Blackwell
<b>Case Manager:</b>	Nia Holt, Planner I

### **REQUEST(S)**

- Change in nonconforming use from a Variety Store (flooring) to a Furniture Store.

### **CASE SUMMARY/BACKGROUND**

The subject property is located within the M-2 zoning district and the Suburban Marketplace Corridor form district.

The property owner received a nonconforming rights determination for a Variety Store (flooring), on this property from Planning and Design Services on August 14, 2020.

The property owner has submitted this request to change the use to a Furniture Store.

### **STAFF FINDING**

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

### **TECHNICAL REVIEW**

No technical review required.

### **INTERESTED PARTY COMMENTS**

None.

### **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, a Furniture Store, is in the same classification as the original nonconforming use; both are permitted in the C-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 new nonconforming use is no more odious or offensive than the original nonconforming use that was granted in August. The parking and operations will be similar to the flooring/carpet store that existed at this property for 55 years. There are similar businesses in the general vicinity.

### **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.

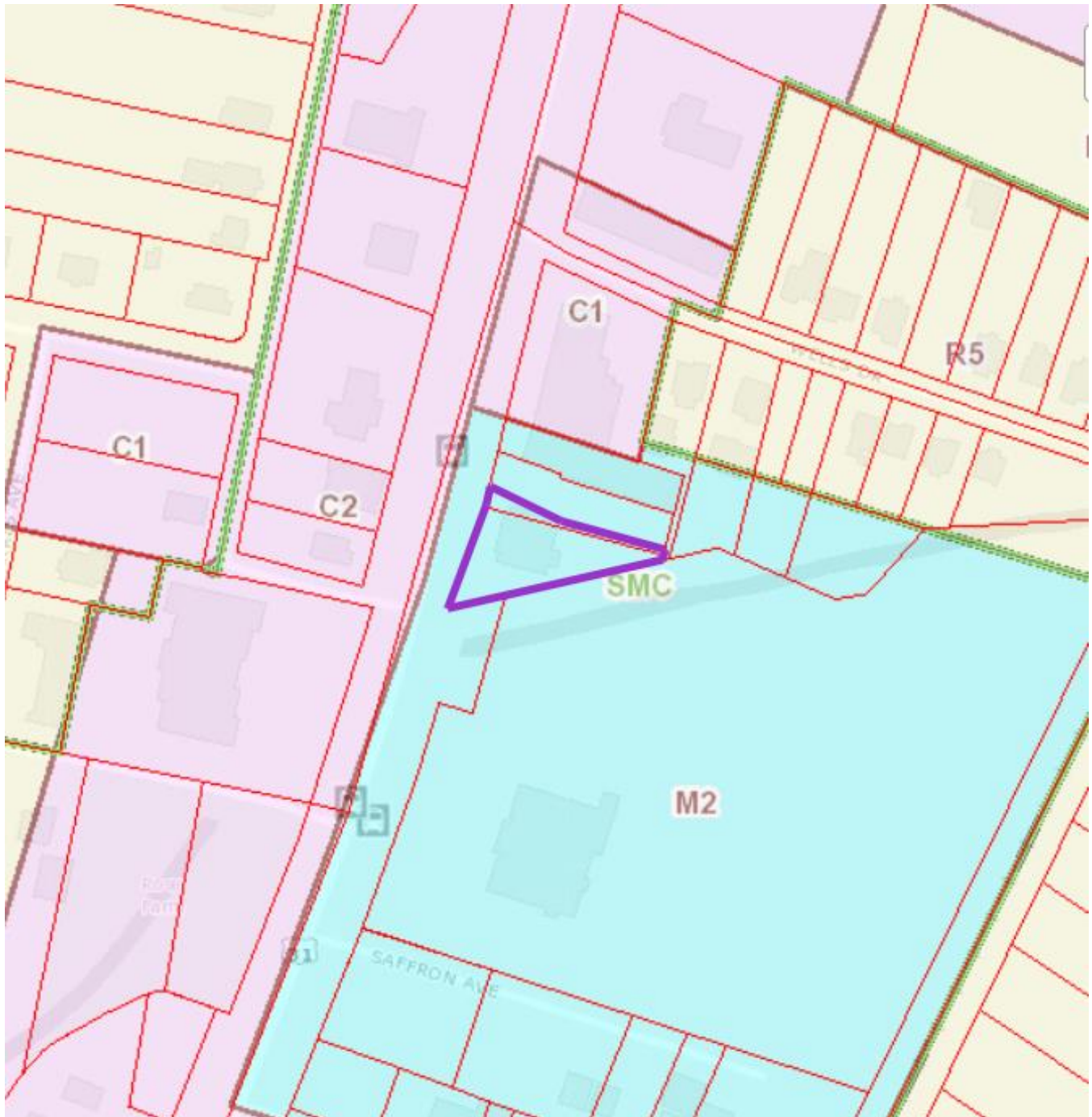
### **NOTIFICATION**

Date	Purpose of Notice	Recipients
8/27/2020	Hearing before Board of Zoning Adjustment	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners
8/31/2020	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. Aerial Photograph

