

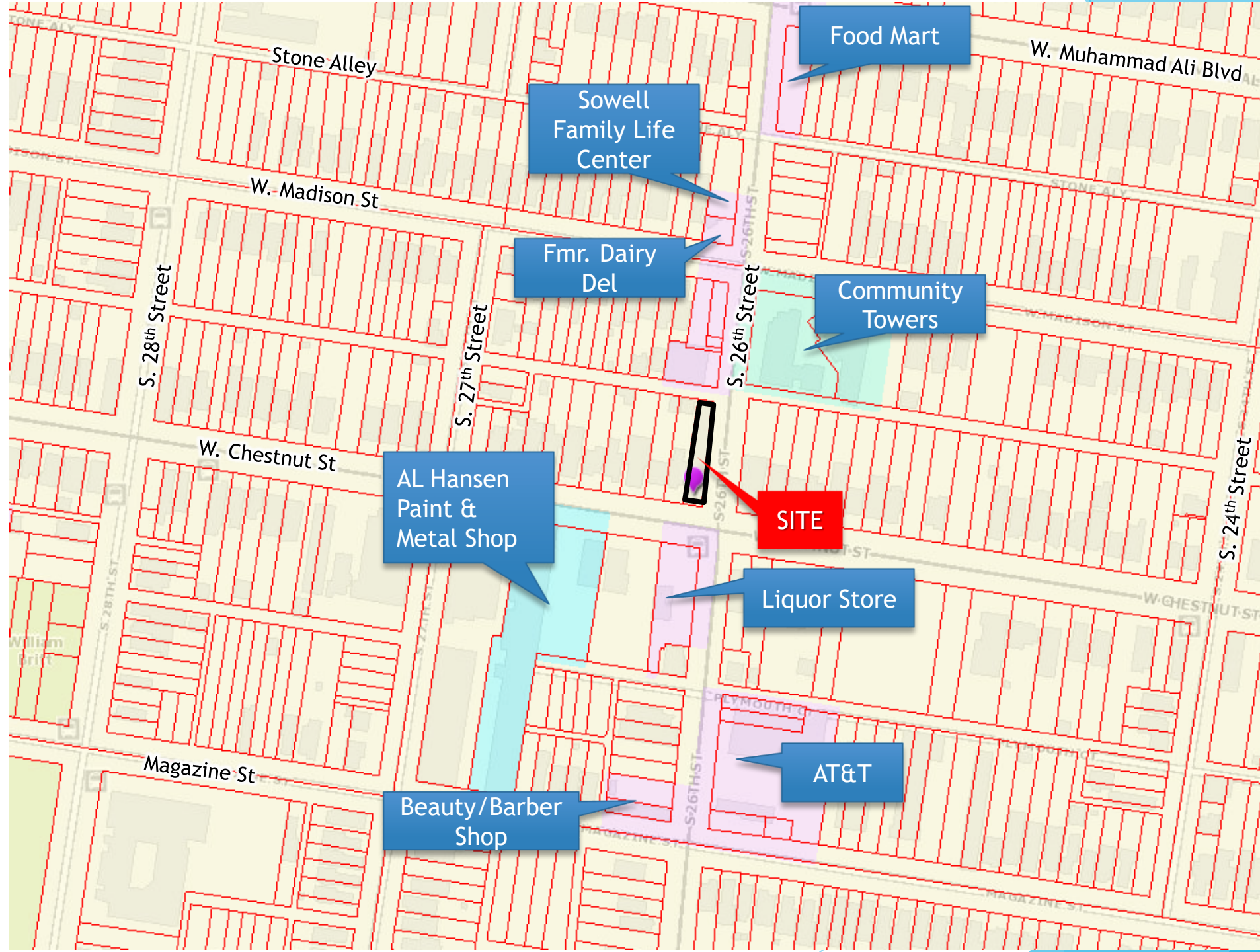
## Docket No. 20-Appeal-0009

Neighbor's appeal of staff's 11/18/20 approval of Non-Conforming Rights in #20-NONCONFORM-0031 regarding the 6 apartment units in the rear of the building located at 2601 W. Chestnut Street



c/o Jean Manganaro

Attorneys: Bardenwerper, Talbott & Roberts, PLLC







Search Parcel IDs



Site outlined in yellow

Community Towers

S 27th St S. 27th Street

S. 26th Street 6TH ST

W CHESTNUT ST

W. Chestnut St

W MADISON ST







NCU Rights for 6 Apartments in Rear Building Approved at Staff Level

Residential Space Requesting Determination of NCU Residential Units

S. 26<sup>th</sup> Street

Non-residential space - requesting OR-1 NCU Rights

Blue - 1<sup>st</sup> floor non-residential space requesting NCU rights (Denied by BOZA - 12/21/20)

Green - residential space requesting NCU rights (Denied by BOZA - 12/21/20)

Red - residential space NCU rights approved (Approved by Staff - 11/18/20)



Blue - 1<sup>st</sup> floor non-residential space requesting NCU rights (Denied by BOZA - 12/21/20)  
Green - residential space requesting NCU rights (Denied by BOZA - 12/21/20)  
Red - residential space, NCU rights approved (Approved by Staff - 11/18/20)

NCU Rights for 6 Apartments in Rear Building Approved at Staff Level



Residential Space Requesting Determination of NCU Residential Units

Existing Residential Apts Requesting Determination of NCU Rights

Non-residential space

S. 26<sup>th</sup> Street

Side door to non-residential space

Door to 2<sup>nd</sup> and 3<sup>rd</sup> fl residential

Exterior doors to existing 1<sup>st</sup> fl apts



**Blue** - 1<sup>st</sup> floor non-residential space requesting NCU rights (Denied by BOZA - 12/21/20)

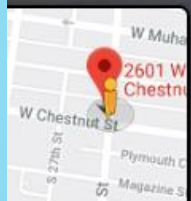
**Green** - residential space requesting NCU rights (Denied by BOZA - 12/21/20)

**Red** - residential space, NCU rights approved (Approved by Staff - 11/18/20)



Existing Residential Apts Requesting  
Determination of NCU Rights

NCU Rights for 6 Apartments in Rear  
Building Approved at Staff Level





Residential Space Requesting  
Determination of NCU Residential Units

Existing Residential Apts Requesting  
Determination of NCU Rights



Non-residential space

NCU Rights for 6 Apartments in Rear  
Building Approved at Staff Level

Blue - 1<sup>st</sup> floor non-residential space requesting NCU rights (Denied by BOZA - 12/21/20)

Green - residential space requesting NCU rights (Denied by BOZA - 12/21/20)

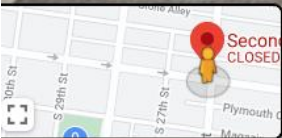
Red - residential space, NCU rights approved (Approved by Staff - 11/18/20)





2605 W.  
Chestnut St.

2601 W.  
Chestnut St.





## BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
[502] 426-6688 • WWW.BARDLAW.NET

Nicholas R. Pregliasco  
Mobile: 502.777.8831  
Email: NRP@BARDLAW.NET

November 16, 2020

Heather Pollock, Case Manager  
Louisville Metro Planning & Design Services  
444 S. 5<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Louisville, KY 40202

Re: Non-Conforming Use ("NCU") Determination for 6 apartments on property located at  
2601 W. Chestnut (the "Property") – zoned R-6

Dear Heather:

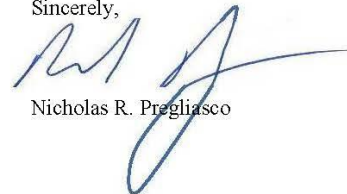
We are herewith requesting a NCU determination to allow the existing 6 apartments on this R-6 zoned property to remain as a valid non-conforming use. The Property is approximately 0.09 acres, which with the existing R-6 zoning allowing 17.42 d/u/a, would allow 1.56 dwelling units. The 12,000 square foot building was constructed in the late 1800's (the front portion with the lighter color) as a corner grocery. This first floor of the front portion of the Property has been used commercially ever since and is not part of this request, but rather a separate non-conforming request for a determination of non-conforming OR-1 use (while this first floor of the front of the building has been retail most of the time, the least intensive use has been office).

The remainder of the building is the subject of this non-conforming request. The existing 6 studio apartments with exterior entrances off of 26<sup>th</sup> Street as shown on Exhibit A attached hereto. Each of these apartments has an exterior entrance and are labeled as such. Apartments 4-9 in the rear portion of the building were constructed after the front portion of the building.

We look forward to answering any questions you may have regarding this development.

Many thanks.

Sincerely,



Nicholas R. Pregliasco



# The Planning and Design staff level approval letter



OFFICE OF PLANNING & DESIGN SERVICES  
DEVELOP LOUISVILLE  
LOUISVILLE, KENTUCKY

GREG FISCHER  
MAYOR

YU "EMILY" LIU, AICP  
DIRECTOR

November 18, 2020

Jean Manganero  
2601 W. Chestnut St.  
Louisville, KY 40211

Re: 20-NONCONFORM-0031  
2601 W. Chestnut St.  
Multiple Addresses  
Louisville, Kentucky 40211

The subject property lies within the R-6 Residential Multi Family zoning district, which can permit apartments with multiple dwelling units; however, the subject property in this case is not large enough to permit more than one dwelling unit. This letter will serve notice that nonconforming use rights for an apartment building with 6 residential units have been established for the rear building located on the property known as 2601 W. Chestnut Street. This decision is based upon information provided in the application and Develop Louisville files.

The property owner is advised that changes to the use of property could result in a loss of any nonconforming rights that exist.

Copies of this letter will be sent to adjacent property owners.

Staff's conclusion can be appealed to the Louisville Metro Board of Zoning Adjustment pursuant to Kentucky Revised Statutes, Section 100.257 within 30 days of receipt of letter.

The statement must be recorded in the chain of title, "Miscellaneous Book" in the Office of the Clerk of Jefferson County, Kentucky, to put others on notice of the establishment of nonconforming use.

Sincerely,



Chris French  
Planning & Design Supervisor

LOUISVILLE FORWARD  
[www.louisvilleky.gov](http://www.louisvilleky.gov)

METRO DEVELOPMENT CENTER 444 S. FIFTH STREET, STE 300, LOUISVILLE, KENTUCKY 40202 502.574.6230 FAX 502. 574.8129



JEFFERSON COUNTY PVA

2601 W CHESTNUT ST

Mailing Address	9007 HAVILAND AVE, LOUISVILLE, KY 40220-1616
Owner	KELLEY CAROLYN A
Parcel ID	001B00640000
Land Value	\$3,000
Improvements Value	\$162,440
Assessed Value	\$165,440
Approximate Acreage	0.0946
Property Class	405 APARTMENTS
Deed Book/Page	9528 0563
District Number	100023
Old District	02
Fire District	CITY OF LOUISVILLE
School District	Jefferson County
Neighborhood	12 / COM WESTEND 22ND ST TO RIVER
Satellite City	Urban Service District
Sheriff's Tax Info	<a href="#">View Tax Information</a>
County Clerk	<a href="#">Delinquent Taxes</a>



Details & Photos



APARTMENTS - MULTI-RES



Property Details

Use Description	APARTMENTS - MULTI-RES
Year Built	1890
Basement Area	0 sq. ft.
Basement Finished?	No
Construction Frame	Fire Resistant
Stories	3.00
Above Grade Sq Ft.	9,832 sq. ft.

Photos





# Summary of Residential Zone Standards

R-5A through R-8A allow multifamily, but these zones apply to **only about 6%** of Jefferson County.

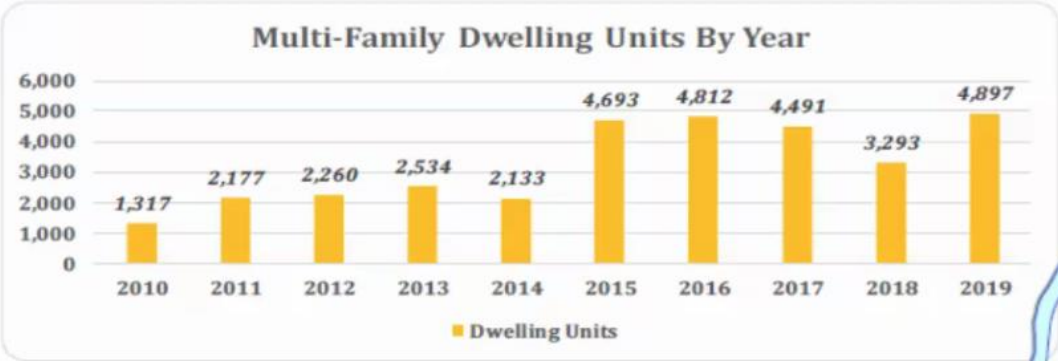
Densities in zones that allow MF are generally too low, except for R-8A which only applies to 0.02% of land.

 **Red indicates potential barriers**  
to production of Missing Middle Housing and affordability.

Zone	Use	Max FAR	Max Density	% of County Mapped
R-4	SF	0.5 (1.5 ADI; additional for CS)	4.84 (6.05 MRDI)	53.50
R-5	SF	0.5 (1.5 ADI; additional for CS)	7.26 (9.07 MRDI)	10.51
UN	SF	0.75 (3.0 with PD option)	1 per lot (58.08 with PD option)	0.08
R-5A	MF	.5	12.01	1.32
R-5B	Duplex	.5	2 per lot	0.08
R-6	MF	.75	17.42	3.12
R-7	MF	1	34.8	1.53
R-8A	MF	3	58.08	0.02



# Multi-Family Development - Louisville Metro - 2010-2019



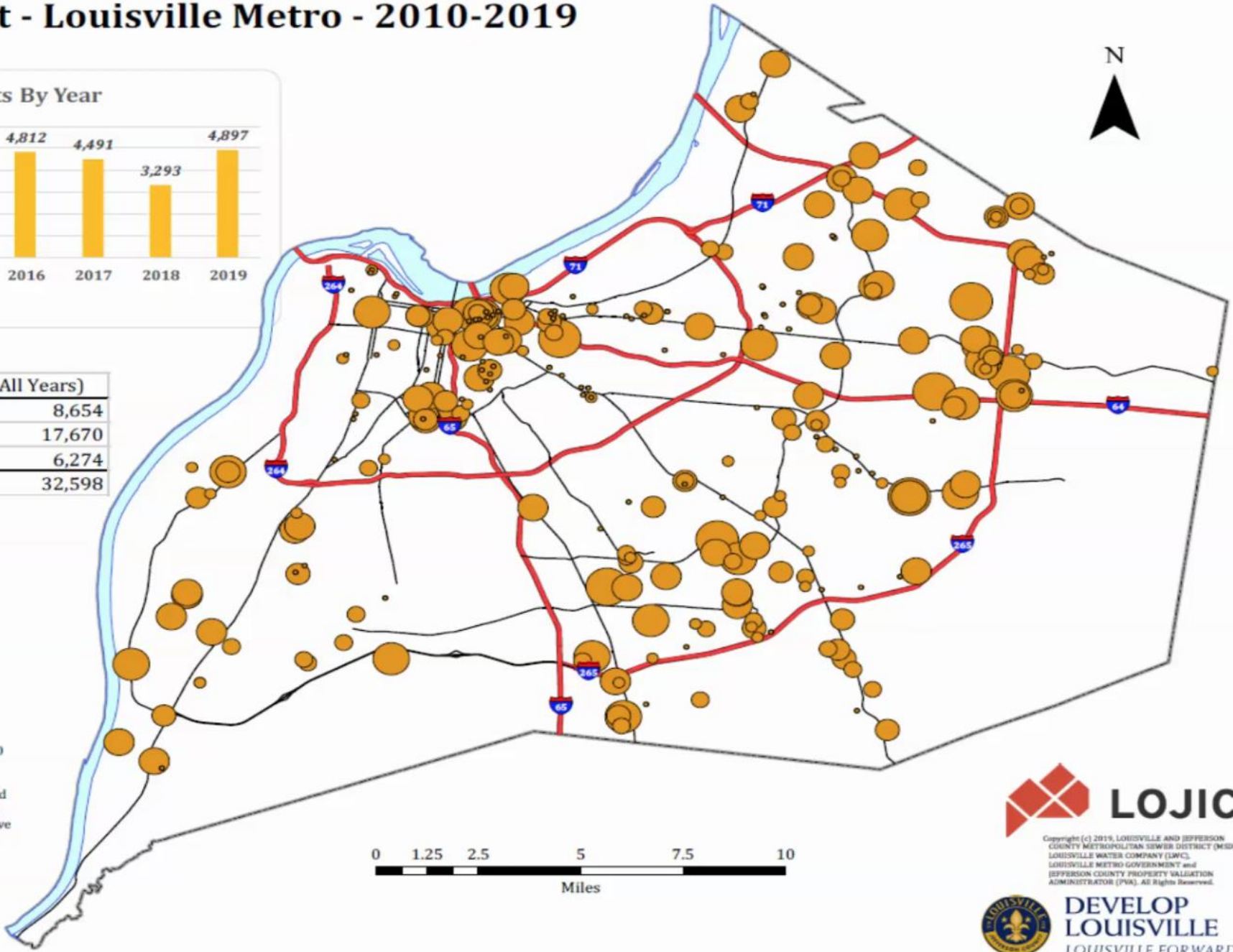
Location	Dwelling Units (All Years)
Inside Watterson	8,654
Outside Watterson, Inside Snyder	17,670
Outside Snyder	6,274
Total	32,598

## Multi-Family Dwelling Units

- 0 - 25
- 26 - 50
- 51 - 100
- 101 - 150
- 151 - 300
- 301 - 400
- 400 - 646
- Interstate
- Major Arterial
- Ohio River
- Jefferson County Boundary

Date Prepared: 12-07-2020

Data are drawn from applications to Planning and Design Services. Projects depicted may or may not have been constructed.



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DEVELOP LOUISVILLE  
LOUISVILLE FORWARD



# 1981 – Non-Conforming Use Study

