

21-APPEAL-0002
1735 Bonnycastle Avenue



Louisville Metro Board of Zoning Adjustment
Public Hearing

Jon E. Crumbie, Planning & Design Coordinator
April 5, 2021

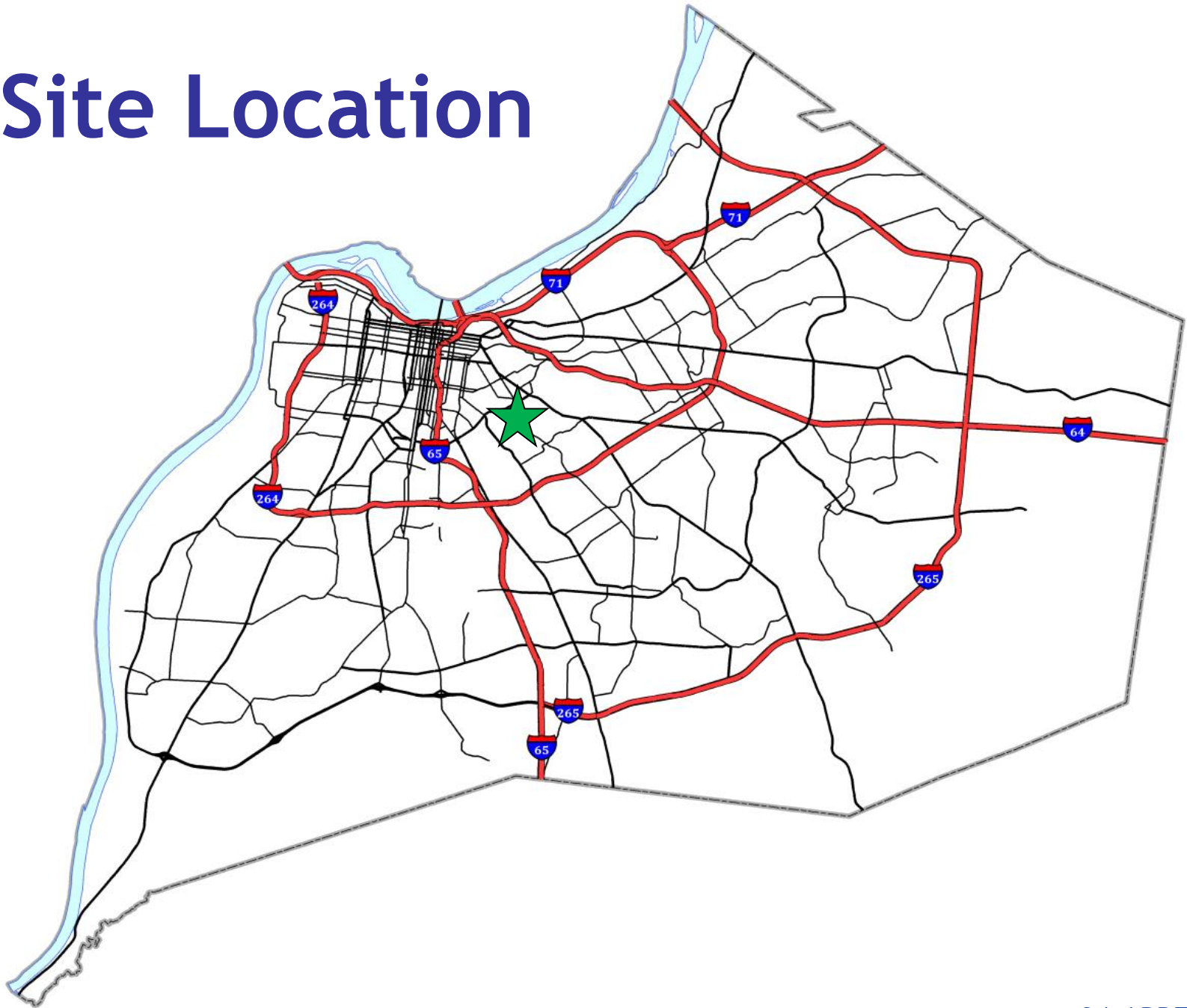
Request(s)

- Appeal of an administrative decision regarding nonconforming rights for four dwelling units on one property in an R-5 zoning district.

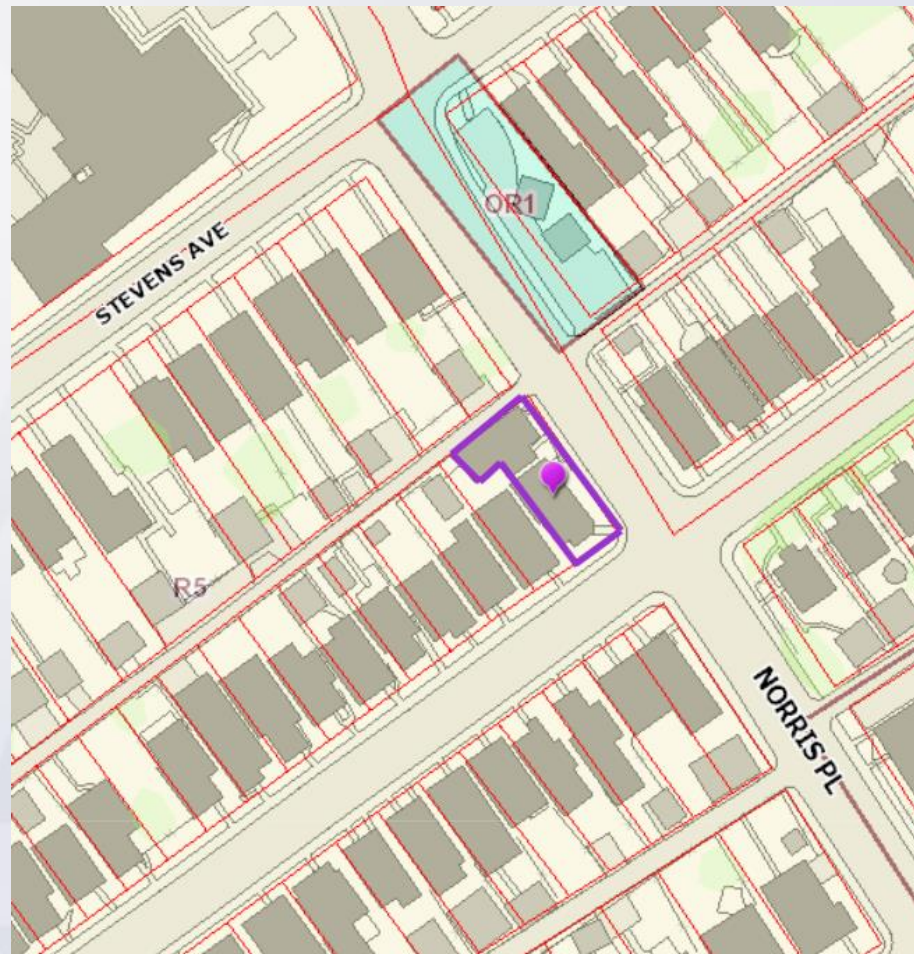
Case Summary/Background

- The Appellant submitted a nonconforming rights determination request on November 9, 2020. Staff conducted a review of the applicant's information and determined that there was not sufficient information that a nonconforming use (four dwelling units on one property) has been established in the R-5 Single Family Zoning District. A letter providing this decision was sent to the property owner on January 4, 2021.

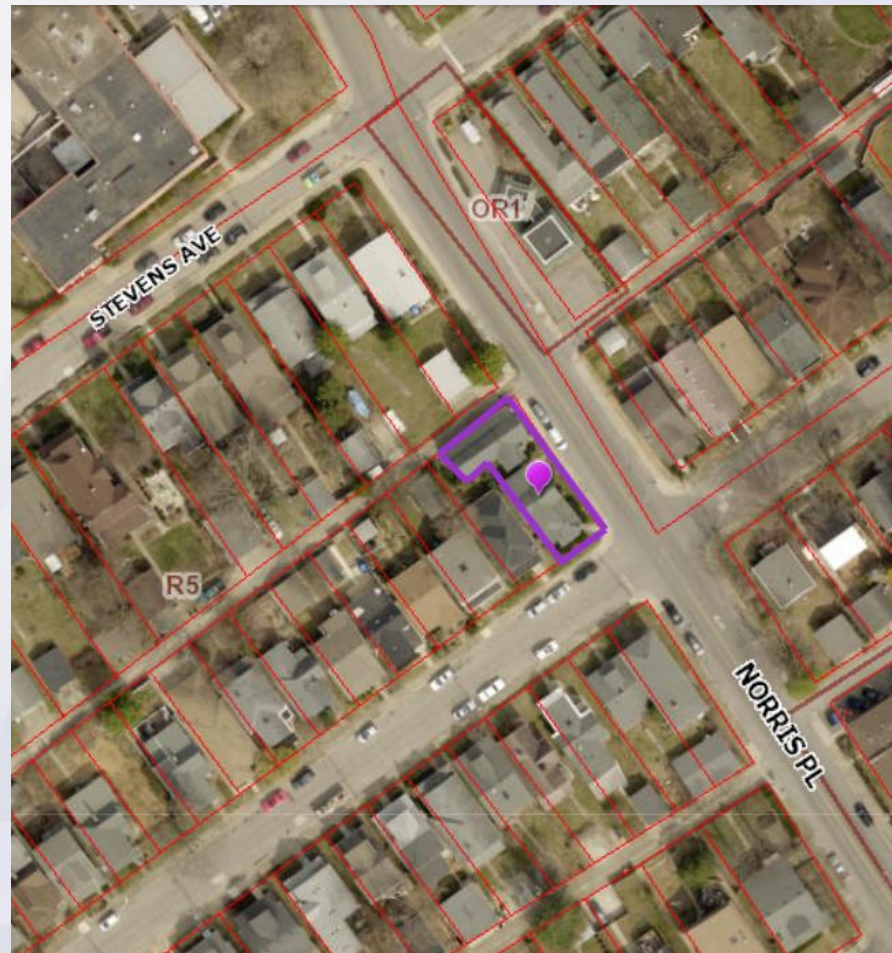
Site Location

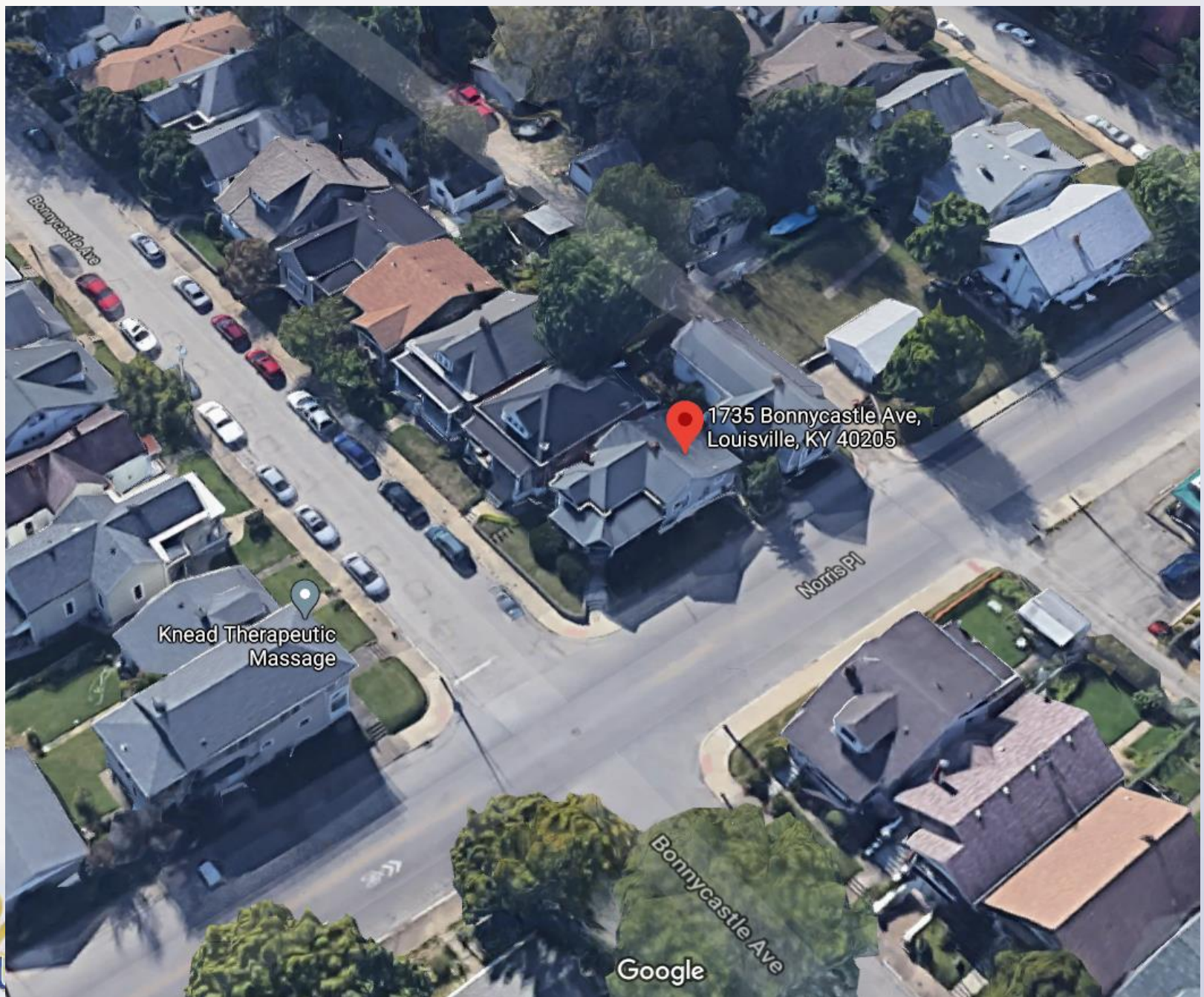


Zoning/Form Districts



Aerial Photo/Land Use





Front



Norris Place View



Alley Looking Toward Norris Place



Norris Place



Staff Findings

Staff did not have sufficient information in the review of the nonconforming rights case that four dwelling units existed on the lot continuously since 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 four dwelling units on one lot in an R-5 zoning district.

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 a residential multi-family use with four residential units exist on the lot in 1971?
2. If yes to question 1, did this use of the property continue to the present day?
3. If the Board of Zoning Adjustment does not agree that four residential units exist on the lot; does a lesser number of units have nonconforming rights?
 - If the Board answers yes to the first two questions listed above, then an approval of such a motion would overturn staff's decision.
 - If the Board answers no to the first two questions, then the Board would concur with the staff, and the approval of such motion would affirm staff's decision. Furthermore, if the Board feels that there is evidence for nonconforming rights for two or three units a motion should be made for a lesser number of units.