



Nonconforming Rights Application

Louisville Metro Planning & Design Services

Case No.: 20-NonConform-0022 Intake Staff: JM

Date: 09-28-2020 Fee: NO FEE

Site Information:

Property Address(es): To establish historic non-conforming use of property as clubs and lodges.

Property Parcel ID(s): 000600670000

Existing Zoning District: R-4 Existing Form District: Village

Description of Nonconforming Use:

Please be as detailed as possible when describing the use and areas in which the use takes place

To establish historic non-conforming use of property as clubs and lodges.

Please present evidence proving each of the following:

1. The use lawfully existed on the property prior to adoption, or amendment, of the zoning regulation that makes the use nonconforming:

The subject property is currently zoned R4. Since August 10, 1906, when the Board of Trustees of Harrods Creek Lodge, No. 456, Free and Accepted Masons acquired the property for use as a Masonic Lodge, the use has been non-confirming. (See attached Property Transaction History dating back to 1906) Even prior to August 10, 1906, the property use was that of a school, part of the Jefferson County Board of Education, also a non-conforming use. This Non-Conforming Rights Application (Application 1) is for the purpose of establishing the non-conforming use of the property as a Masonic Lodge (clubs and lodges).

2. The use existed continuously on the property since the time it became nonconforming, without an interruption of more than twelve (12) consecutive months:

See attached Affidavit of Mr. Stephen W. Rauh, Jr. attesting to the fact that the property was utilized as a Masonic Lodge continuously until August 1, 2006 when it was acquired by Charles E. and Rita G. Smith, at which time it was converted to a professional office building. See also attached Affidavit from Charles E. Smith indicating that he acquired the property and converted the use to a profession office, but did not modify the building location or size.

3. The use has not been expanded, or relocated, on the property since the adoption of the zoning regulation that makes it nonconforming:

RECEIVED

SEP 21 2020

**PLANNING & DESIGN
SERVICES**

AFFIDAVIT OF STEPHEN W. RAUH, JR.

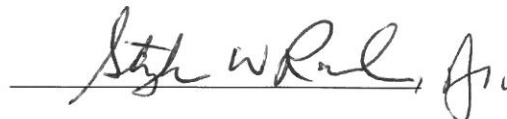
OWNER OF 6615 RIVER ROAD

NEXT DOOR TO SUBJECT PROPERTY AT 6603 RIVER ROAD

COMES NOW Declarant, **Stephen W. Rauh, Jr.**, and states under oath as follows:

- 1) Declarant is over the age of 18 years, is of sound mind and has direct knowledge about the property at 6603 River Road, Louisville, Kentucky ("Subject Property").
- 2) Declarant states that he has resided next door to the Subject Property since 1967.
- 3) Declarant states, to the best of his recollection, that the Subject Property was operated as a Masonic Lodge, in a continuous manner, from the time that Declarant moved next door to the Subject Property until it was sold to Mr. Smith in 2006.
- 4) Declarant states, to the best of his recollection, that after Mr. Smith acquired the Subject Property in 2011, that it was operated, in a continuous manner, as an office building.
- 5) Declarant states that the building on the Subject Property is in the same location that it has always been, and, to the best judgment of the Declarant, it is the same size as it always was.
- 6) Delcarant states that he supports and endorses Mr. Mercurio's Non-Conforming Rights Application on the Subject Property and hopes that it is approved.

Further, the Affiant sayeth not.



Stephen W. Rauh, Jr.

RECEIVED

COMMONWEALTH OF KENTUCKY)

) SS:

COUNTY OF JEFFERSON)

SEP 21 2020

**PLANNING & DESIGN
SERVICES**

The foregoing instrument was subscribed, sworn to and acknowledged before me this 17 day of September, 2020, by **Stephen W. Rauh, Jr.** to be his free act and voluntary deed.

My commission expires: 4-1-2024

[AFFIX SEAL]


Notary Public, State at Large



20-APR-2021 FROM 0022

AFFIDAVIT OF CHARLES E. SMITH

FORMER OWNER OF SUBJECT PROPERTY AT 6615 RIVER ROAD

COMES NOW Declarant, **Charles E. Smith**, and states under oath as follows:

1) Declarant is over the age of 18 years, is of sound mind and has direct knowledge about the property at 6603 River Road, Louisville, Kentucky ("Subject Property").

2) Declarant states that he and his wife Rita acquired the Subject Property from the Board of Trustees of Crescent Hill Lodge, No. 820, Free and Accepted Masons by deed dated August 1, 2006.

3) Declarant states that he remodeled the building on the Subject Property but did not change the location of the building nor did he change the size of the building.

4) Declarant states that, after remodeling, he utilized the building on the Subject Property as a professional office building, on a continuous basis, until he sold the Subject Property to it current owner, Mark and Lora Mercurio.

5) Declarant states the he sold the Subject Property to the current owner, Mark and Lora Mercurio by deed dated October 9, 2019.

6) Delcarant states that he supports and endorses Mr. Mercurio's Non-Conforming Rights Application on the Subject Property and hopes that it is approved.

Further, the Affiant sayeth not.

Charles E. Smith

Charles E. Smith

RECEIVED

SEP 21 2020

**PLANNING & DESIGN
SERVICES**

COMMONWEALTH OF KENTUCKY)

) **SS:**

COUNTY OF JEFFERSON)

The foregoing instrument was subscribed, sworn to and acknowledged before me this 15 day of September, 2020, by **Charles E. Smith** to be his free act and voluntary deed.

My commission expires: March 1, 2024

[AFFIX SEAL]

Mark A. Mercurio Louisville KY
Notary Public, State at Large



6603 River Road

Property Transaction Record and Details Going Back to Before 1943

Deed, Dated August 10, 1906, Deed Book 650, Page 81

Grantor: Board of Education for Jefferson County for School District #50 of Jefferson County Kentucky

Grantee: Board of Trustees of Harrods Creek Lodge, No. 456, Free and Accepted Masons

Conveyed: land and the building

Deed, Dated December 14, 2005, Deed Book 8755, Page 175

Grantor: Board of Trustees of Harrods Creek Lodge, No. 456, Free and Accepted Masons

Grantee: Board of Trustees of Crescent Hill Lodge, No. 820, Free and Accepted Masons

Conveyed: land and the building

Sale Price: \$1.00, but Assessed Value is set forth in the deed to be \$50,200

Deed, Dated August 1, 2006, Deed Book 8884, Page 167

Grantor: Board of Trustees of Crescent Hill Lodge, No. 820, Free and Accepted Masons

Grantee: Charles E. Smith and Rita G. Smith

Conveyed: land and the building

Sale Price: \$125,000

Deed, Dated May 4, 2011, Deed Book 9731, Page 14

Grantor: Charles E. Smith and Rita G. Smith

Grantee: Commonwealth of Kentucky

Conveyed: .0442 acre triangle of land needed for East End Bridge

Sale Price: \$42,700

Deed, Dated October 9, 2019, Deed Book 11539, Page 76

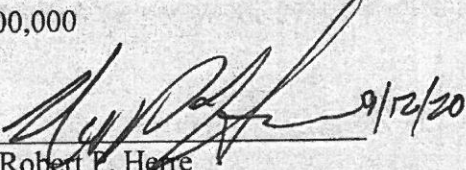
Grantor: Charles E. Smith and Rita G. Smith

Grantee: Mark Mercurio and Lora Mercurio

Conveyed: balance of the land and the building

Sale Price: \$300,000

Prepared by:

 9/12/20
Robert P. Henne

Attorney At Law

P.O. Box 384

Goshen, KY 40026

RECEIVED

SEP 21 2020

**PLANNING & DESIGN
SERVICES**



Harrod's Creek School, Jefferson Co. Ky. Jan. 12, 1909

RECEIVED

SEP 21 2020

PLANNING & DESIGN
SERVICES



Harrod's Creek School, Jefferson Co. Ky. Jan. 12, 1909

20-Nonconform-0022