

6603 River Road – ABANDONMENT ISSUE

Discussion outline for meeting with Zach – 4/2/21

- 1) Was on the BOZA docket for 3/15/21
- 2) Interview with Charles Smith 3/12/21 regarding history.
 - a. We had ASSUMED that the Masons used the building as a Private Non-Profit Club
 - b. Mr. Smith pointed out that the building was classified by PVA as a General Office before he acquired it
 - c. Mr. Smith was award of nonconforming rights and took care not to change location or size of building
 - d. Mr. Smith clearly stated that he had no intention of abandoning any property rights – including any nonconforming rights that he might have
 - e. Mr. Smith stated that he obtained a building permit to do the remodel and all was approved
 - f. Mr. Smith stated that, during the remodeling which occurred in the later half of 2006, Ms. Runyon from River Fields requested certain design aspects for the front of the building and Mr. Smith incorporated those aspects into the project
- 3) The learnings from the interview with Mr. Smith caused us to ask for a continuance
- 4) We are now on the BOZA docket for 4/19/21
- 5) We are trying to develop additional evidence of the actual use by the Masons
 - a. Filson Historical Society
 - b. Located the Secretary of the Crescent Hills Chapter which still exists and meets at the Masonic Home on Frankfort Avenue. He is trying to locate a member(s) who were active in the Chapter during 2000 – 2006 so that we can interview and take an affidavit from such individuals
 - c. PVA records
- 6) New arguments / New presentation
- 7) Mr. Smith did not abandon his nonconforming rights in 2006 – (i) no intention to abandon, (ii) did not change the use
 - a. Present an Affidavit from Mr. Smith
- 8) The use of this property has NEVER been conforming (i) school until 1906, (ii) Mason “office” until 2006, (iii) office from 2006 to present
- 9) In the majority of the Commonwealth of Kentucky, KRS 100.111 (3) would provide that if the property has operated for a period of 10 or more years, not subject to an adverse order, it would automatically be granted nonconforming rights. This property has operated for 15 years without adverse action.
- 10) In Louisville Metro KRS 100.111 (2) provides that BOZA can grant nonconforming use, even if it finds abandonment, if the new nonconforming use is the same or a more restrictive classification
 - a. The code would require OR-2 for a Private Non-Profit Club, but only requires OR-3 for a professional office
 - b. The BOZA guide should be: Granting new nonconforming rights will not “change the character in the neighborhood or detract from the enjoyment or value of property in such neighborhood”
- 11) This property has never been residential and is not capable of being used for residential without substantial modification