

Board of Zoning Adjustment

Staff Report

July 26, 2021



Case No:	21-NONCONFORM-0025
Project Name:	Change in Nonconforming Use
Location:	3919 River Park Drive
Owner(s):	Mirage Properties III, LLC
Applicant:	Mike Burkhead
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Zach Schwager, Planner I

REQUEST(S)

- Change in nonconforming use from a laundering and dry cleaning pick-up shop and self-service (only) to a multi-family dwelling with three dwelling units.

CASE SUMMARY/BACKGROUND

The subject property is located within the R-5 Residential Single Family zoning district and the Traditional Neighborhood form district. The site is approximately 0.2194 acres and is occupied by one single-story principal structure. The applicant proposes to convert the entire structure into three dwelling units.

The property owner applied to establish nonconforming rights for a laundering and dry cleaning pick-up shop and self-service (only) on March 24, 2021. Based on the information provided in the application and staff research, it was determined that the property was used as a laundering and dry cleaning pick-up shop and self-service (only) prior to 1971 continuously to the present day.

STAFF FINDING/RECOMMENDATION

A change in nonconformance from a laundering and dry cleaning pick-up shop and self-service (only) to a multi-family dwelling with three dwelling units would be considered no more odious or offensive than the original nonconforming use. The laundering and dry cleaning pick-up shop and self-service (only) use is allowed in the C-N Neighborhood Commercial zoning district and the multi-family dwelling with three dwelling units is allowed in the same zoning district; therefore, a multi-family dwelling with three dwelling units is no more odious or offensive than the original nonconforming use.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No comments received.

STANDARD OF REVIEW FOR CHANGE IN NONCONFORMING USE

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 of multi-family dwelling with three dwelling units is permitted in the same or more restrictive zoning classification than the existing nonconforming use.

2. Is the new nonconforming use no more odious or offensive to surrounding properties than the first nonconforming use?

Staff Finding: The proposed use is not more odious or offensive to surrounding properties than the first nonconforming use.

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.

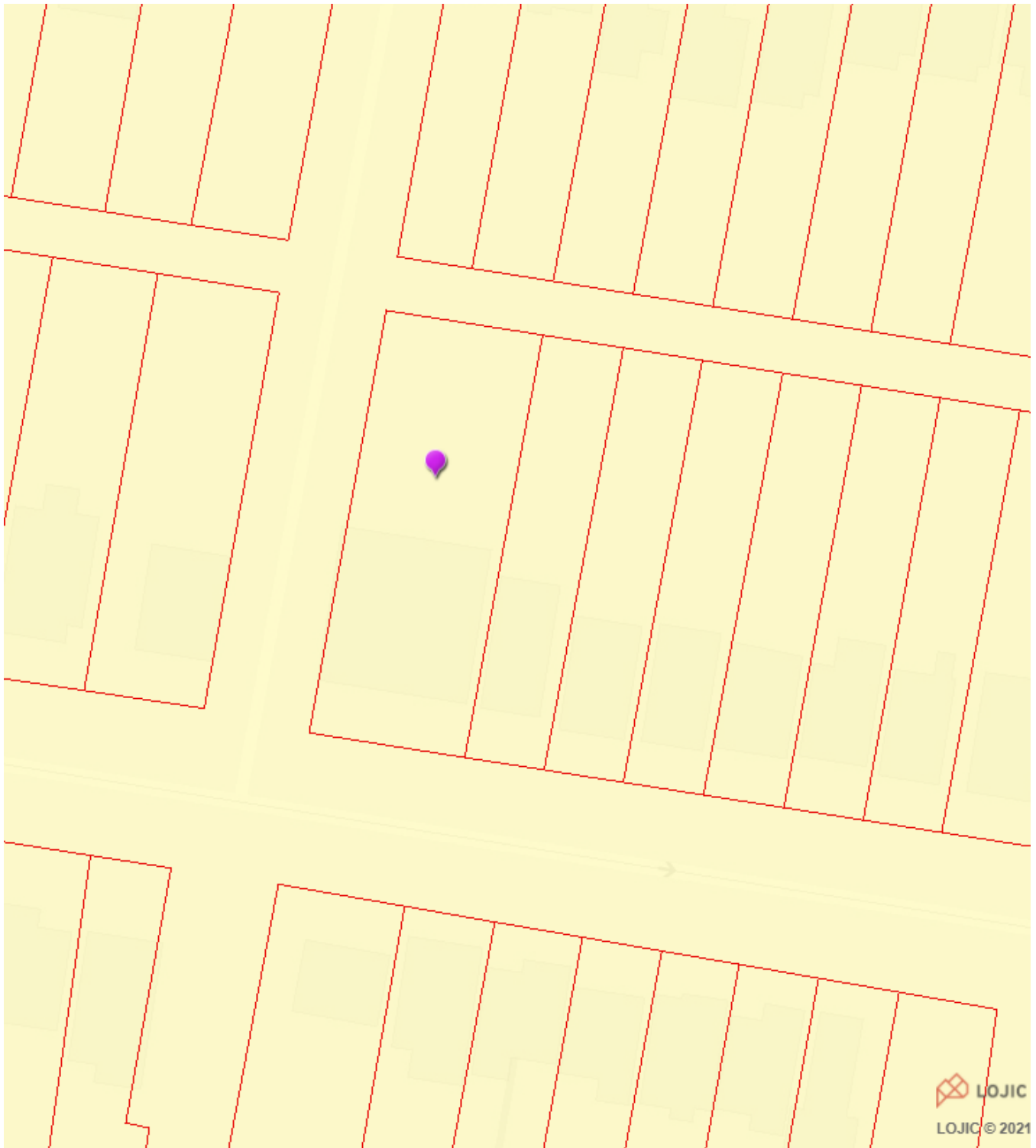
NOTIFICATION

Date	Purpose of Notice	Recipients
7/9/2021	Hearing before Board of Zoning Adjustment	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 5
7/14/2021	Hearing before Board of Zoning Adjustment	Sign posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

