

21-NONCONFORM-0025

3919 River Park Drive



**Louisville Metro Board of Zoning Adjustment
Public Hearing**

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July 26, 2021

Request

- 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.

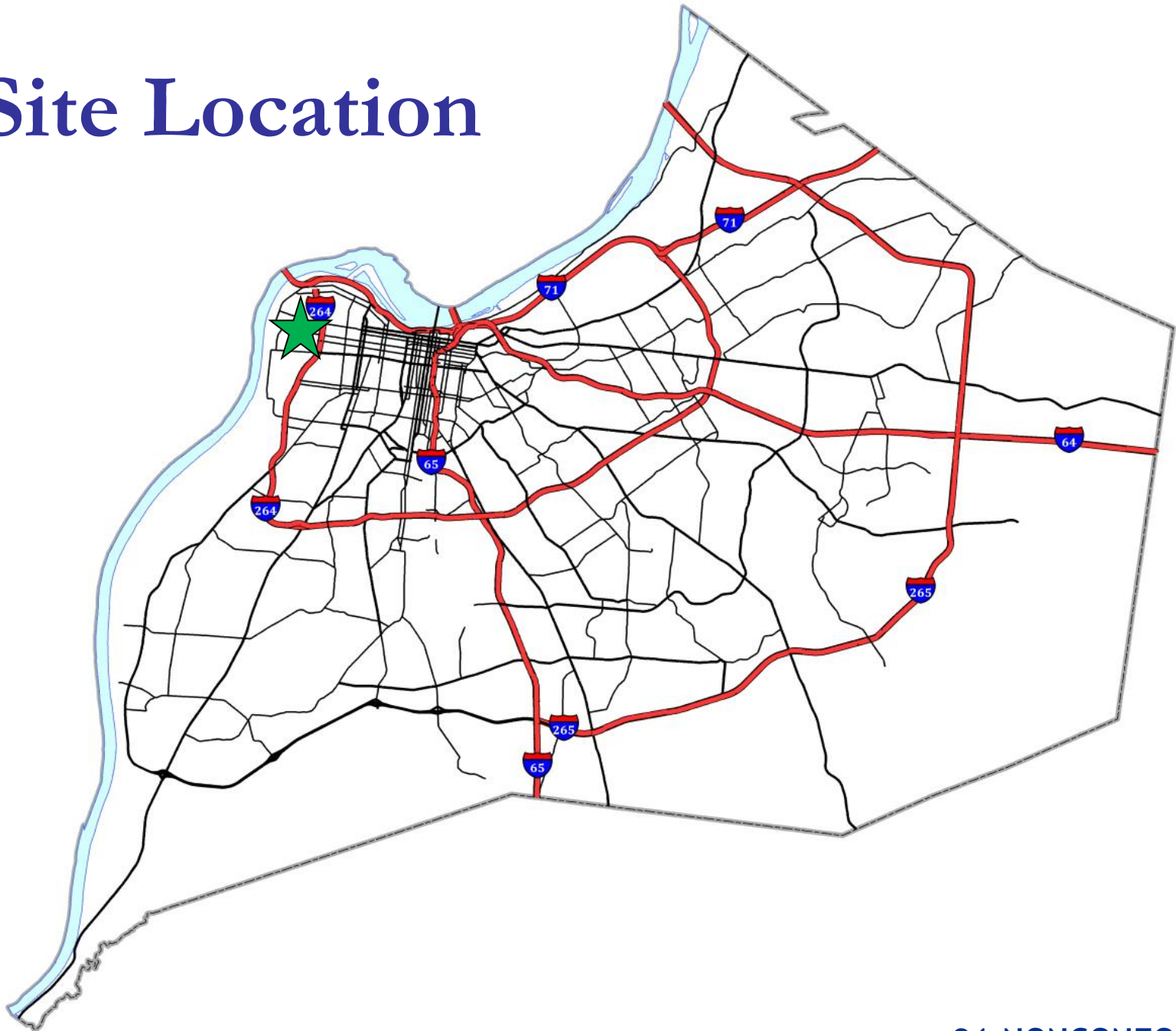
Case Summary / Background

- 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.

Standards of Review (1.3.1 A-D)

- LDC Section 1.3.1.A-D states;
- A. A nonconforming use is an established activity which lawfully existed at the time of the enactment of any zoning regulation which would not permit such activity.
- B. A nonconforming use may be continued until it is abandoned notwithstanding the sale of the land parcel on which the nonconforming use exists; but a nonconforming use shall not be enlarged, expanded or changed except as expressly permitted by KRS 100.253 and by Chapter 1 Part 3.
- C. There shall be no increase in the floor area or the land area devoted to a nonconforming use or other enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation that made the use nonconforming was adopted.
- D. 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.

Site Location







Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



Conclusion

- 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.

Conclusion

- 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 Action

- 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.