

Board of Zoning Adjustment

Staff Report

June 27, 2022



Case No:	22-NONCONFORM-0013
Project Name:	701 E Kentucky St Change in Nonconformance
Location:	701 E. Kentucky Street
Owner/Applicant:	Julie Metzinger
Jurisdiction:	Louisville Metro
Council District:	4– Jecorey Arthur
Case Manager:	Zach Schwager, Planner I

REQUEST(S)

- Change in nonconforming use from a package liquor store (no on-site alcohol consumption allowed) to an office, professional and business.

CASE SUMMARY/BACKGROUND

The subject property is located within the Urban Neighborhood zoning district and the Traditional Neighborhood form district.

The property owner received a nonconforming rights determination for a package liquor store (no on-site alcohol consumption allowed) from Planning and Design Services on October 24, 2018.

The property owner has submitted this request to change the use to business office for the existing building located at 701 E. Kentucky Street. According to PVA records, the structure on the lot was built in 1900.

STAFF FINDING

The proposed change in nonconforming use meets the standard of review.

TECHNICAL REVIEW

Per the Land Development Code, structures that are at least 50 years of age are not subject to the minimum parking requirements. In addition, the Traditional Neighborhood zoning district would not require any parking for the use. However, staff worked with transportation to determine whether the parking demand would be different between a package liquor store and an office. The proposed nonconforming use is projected to have 2 full-time employees and 2 part-time employees and will have client visits on occasion. The minimum parking for the existing use is 3 parking spots. The minimum parking for the proposed use is 4 spots. The current paved portion of the lot can accommodate 3 parking spots, however additional on-street parking is available.

RELATED CASES

18NONCONFORM1025 → Nonconforming rights determination for a package liquor store (no on-site alcohol consumption allowed)

INTERESTED PARTY COMMENTS

No comments received.

STANDARD OF REVIEW AND STAFF ANALYSIS 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: Package liquor stores (no on-site alcohol consumption allowed) are allowed in C1, C2, C3, EZ-1, and PEC zoning districts. Offices, Professional and Business are allowed in OR, OR1, OR2, OR3, OTF, CN, CR, C1, C2, C3, CM, EZ1, PRO, PTD, and W2 and is allowed as an accessory use in M1, M2, and M3. Business office use is allowed in more restrictive classifications such as OR, OR1, OR2, OR3, OTF, CN, CR, and C1. It is also allowed in many of the same categories as a package liquor store.

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

Staff Finding: There may be more employees for the proposed nonconforming use needing to park on the site, but this does not make the office use any more odious or offensive as the previous package liquor store use, which operated a truck loading dock and had more frequent customers.

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
<u>6/13/2022</u>	Hearing before the Board of Zoning Adjustment	1 st tier adjoining properties and registered neighborhood groups in Council District 4
<u>6/13/2022</u>	Hearing before the Board of Zoning Adjustment	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Photos

1. Zoning Map



2. Aerial Photograph



3. Site Photos