

Nonconforming Rights Application – Storage unit in R5

23-NONCONFORM-0004

The Applicant is requesting nonconforming rights for a storage facility in the R-5 single family zoning district.

Property Information:

Zoning: R-5
 Form District: Neighborhood
 Neighborhood: 13/ COM SHIVLEY
 Acreage: 0.88480 acres
 Year Built: 1971-1975
 Above Grade SF: 3,000 sq. ft.
 PVA Property Class: 320 Industrial warehouse



Historic Zoning	
1943	"E"-3 Heavy Industrial District
1945	"E"-3 Heavy Industrial District
1954	"E"-3 Industrial District
1958	"A" One Family
1965	R-5 Single Family
1969	R-5 Single Family
1995	R-5 Single Family

Courier Journal excerpt 1982

— Romans Transportation Co., 2498 Ralph Ave.— has also leased the truck.

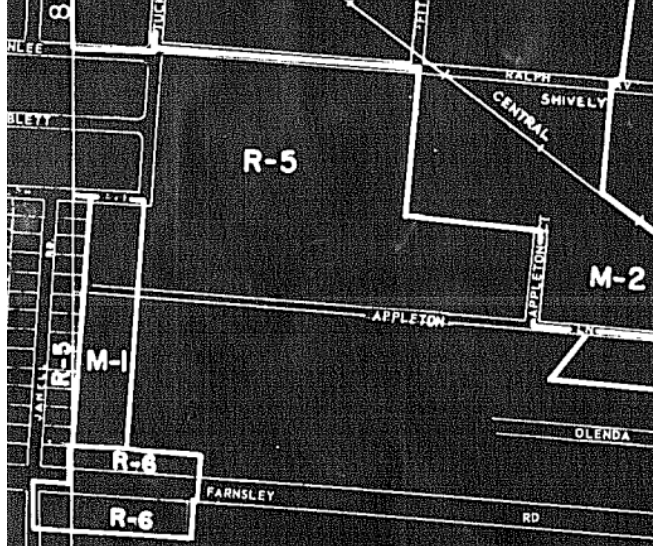
Current photo of property



1958 Zoning Map



1969 Zoning Map



Findings Summary:

According to information provided by PVA, the warehouse was built in 1975 while aerial photos indicate the storage yard use began in 1971. Staff cannot confirm PVA’s assertion that the warehouse was built in 1975 as there is a gap in aerial photos from 1971 to 1983. Historic zoning maps show the subject property has been residentially zoned since 1958. The applicant submitted property value assessments from PVA and LoopNet (not a government property value assessment site) as evidence to support the properties non-conformance. City directories showed consistent use as an auto repair garage originating in 1985 under the name “Roman’s Transportation.” According to the LDC, the applicant must prove the use was being exercised consistently since 1943. The applicant nor research conducted by planning and design staff could provide sufficient evidence the use existing in 1943. To recognize nonconforming rights, conclusive evidence showing the use’s establishment and continuous existence since 1943 must be provided.

Directory Findings:

Year	# of Directory Listings
1943	N/A
1957	None
1976	None
1981	None
1985	Roman’s Transportation
1986	Roman’s Transportation
1987	Pro Tek Water Blasting coml clnup
1988	Pro Tek Water Blasting coml clnup
1989	Pro Tek Water Blasting coml clnup
1990	P & E Auto Service & Race Cars
1994	“Not verified”

1946 Aerial Image



1959 Aerial Image



1971 Aerial Image



1983 Aerial Image



1985 Aerial Image



