

# Case # 16Appeal 1009



## Louisville Metro Board of Zoning Adjustment Public Hearing

Steve Hendrix, Planning Supervisor  
September 12, 2016

# Request

Appeal of a Uniform Citation issued by the Louisville Metro Alcoholic Beverage Control concerning nonconforming rights for the consumption of beer inside and outside of a package store in a C-1 district.

# Zoning/Form Districts

- **Subject Property:**

Existing: C-1

Suburban Marketplace  
Corridor

Proposed: Same

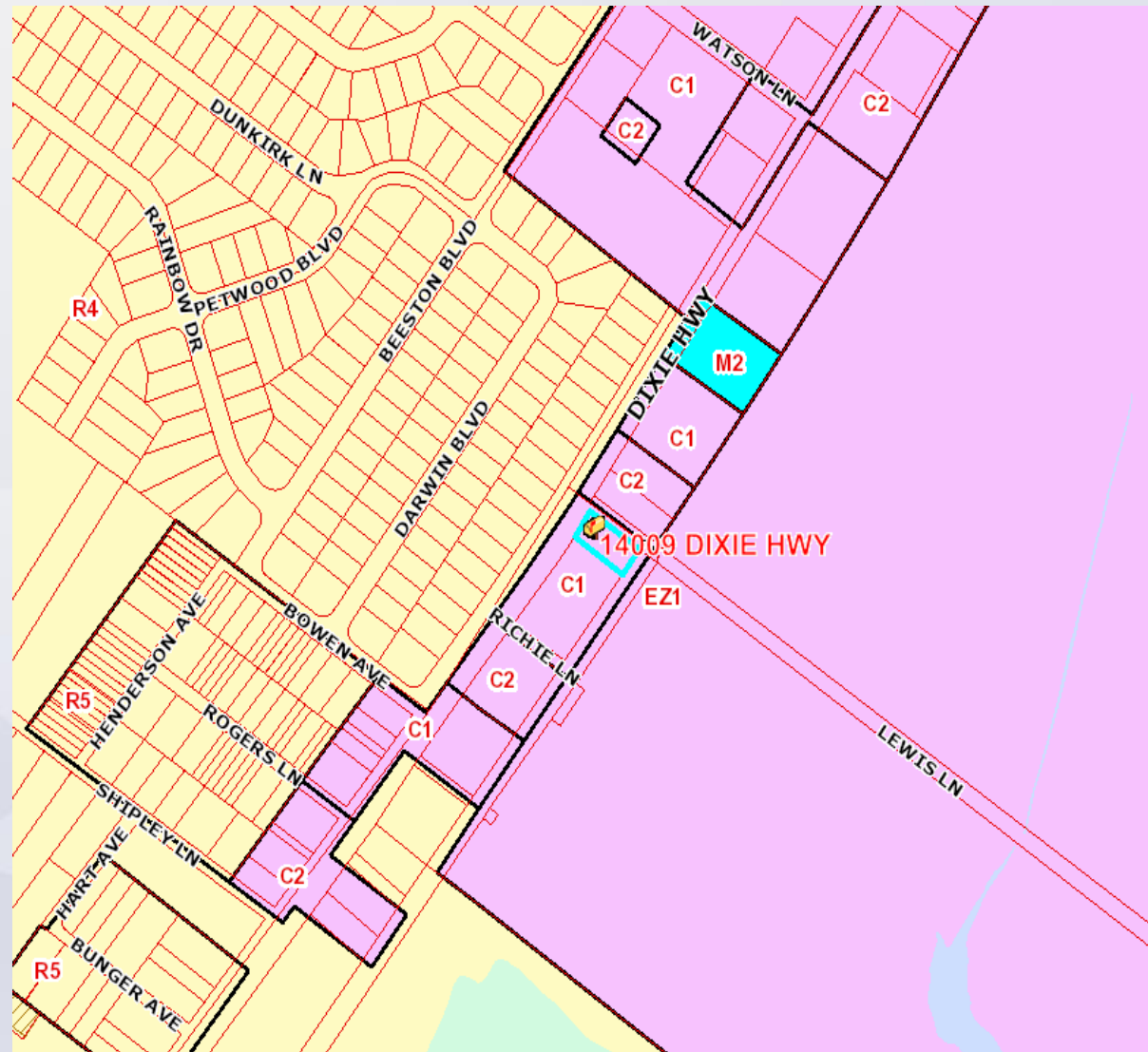
- **Adjacent Properties:**

North: C-2, SMC

South: C-1, SMC

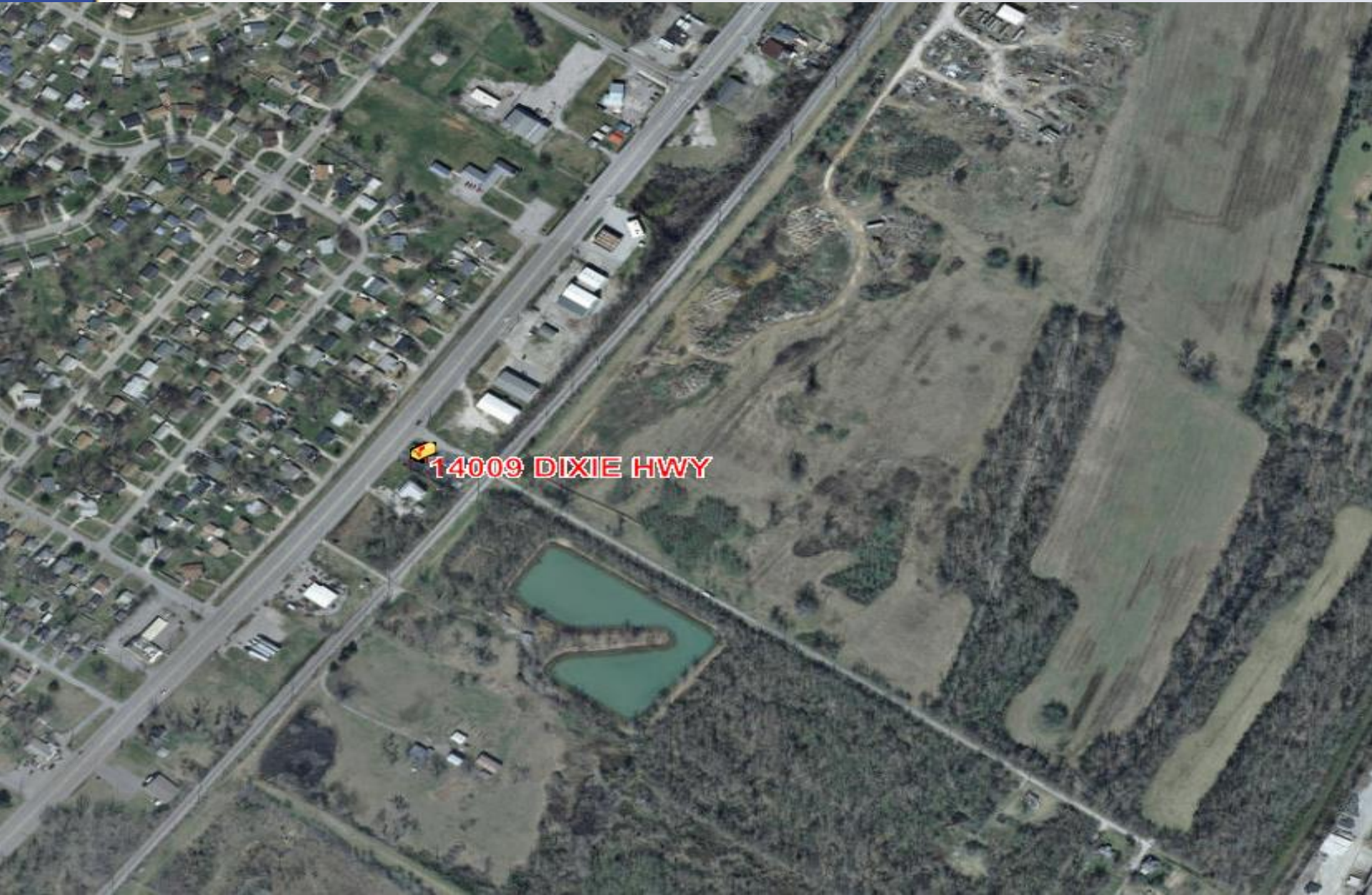
East: EZ-1, N

West: R-4, N





# Aerial Photo





14009 DIXIE HWY







PACKAGE  
LIQUORS

DRIVE THRU  
COLD BEER  
Budweiser  
BEER • WINE • LIQUOR

lite  
DRIVE THRU

Coca-Cola

11.99

Lite  
11.99

KENTUCKY  
LOTTERY

STEEL HORNS  
PACKAGE LIQUORS









Red neon sign with illegible characters.

Blue circular sign with "Miller Lite" logo.

Refrigerated display case containing various bottles and cans, including "Pilsener" and "Four".





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BUD FAMILY  
BOTTLES  




# Case Summary / Background

July 22, 2016----ABC Board hearing rescheduled in order, since appellant applied for nonconforming use.

July 19, 2016---Appeal application was submitted.

May, 2016-----Uniform Citation was issued.

May, 2005----- the present owner bought the property at County Commissioner's Sale.



# Case Summary Background

- January 5, 2004, Letter from Alcoholic Beverage Control allowing the consumption of malt liquor beverages on the premises at the current level. Letter also stated that the right being granted was not establishing nonconforming rights and therefore cannot be transferred to subsequent purchaser of the business or property.

November 24, 2003---Letter from Department of Inspections, Permits & Licenses, Alcoholic Beverage Control Division to South Dixie Liquors- “consumption of beer and/or malt liquor beverages on their premises allowed to continue if they are able to demonstrate to the ABC Administrator that they have been allowing consumption of purchases on their premises since 1978.”



# Staff Analysis and Conclusions

After the property was purchased in 2005, the owner was under the impression that the beer consumption was “grandfathered”. Since that time consumption has continued and inspections have been made.

Not until this year was the business cited.

The package store usually closes around 11:00 pm.

The store has an older crowd.

Consumption takes place inside the store and outside under a canopy and by the rear door entrance.

# Required Actions

- Based upon the file of this case, this staff report, and the evidence and testimony submitted at the public hearing, the Board must determine if nonconforming rights exist for the inside and outside consumption of beer.
- If so, the Board will need to determine the areas.
- If the Citation issued by the Department of Codes and Regulations was proper?