

18NONCONFORM1032
Change in Nonconforming Use for
701 E Kentucky Street



Board of Zoning Adjustment Public Hearing

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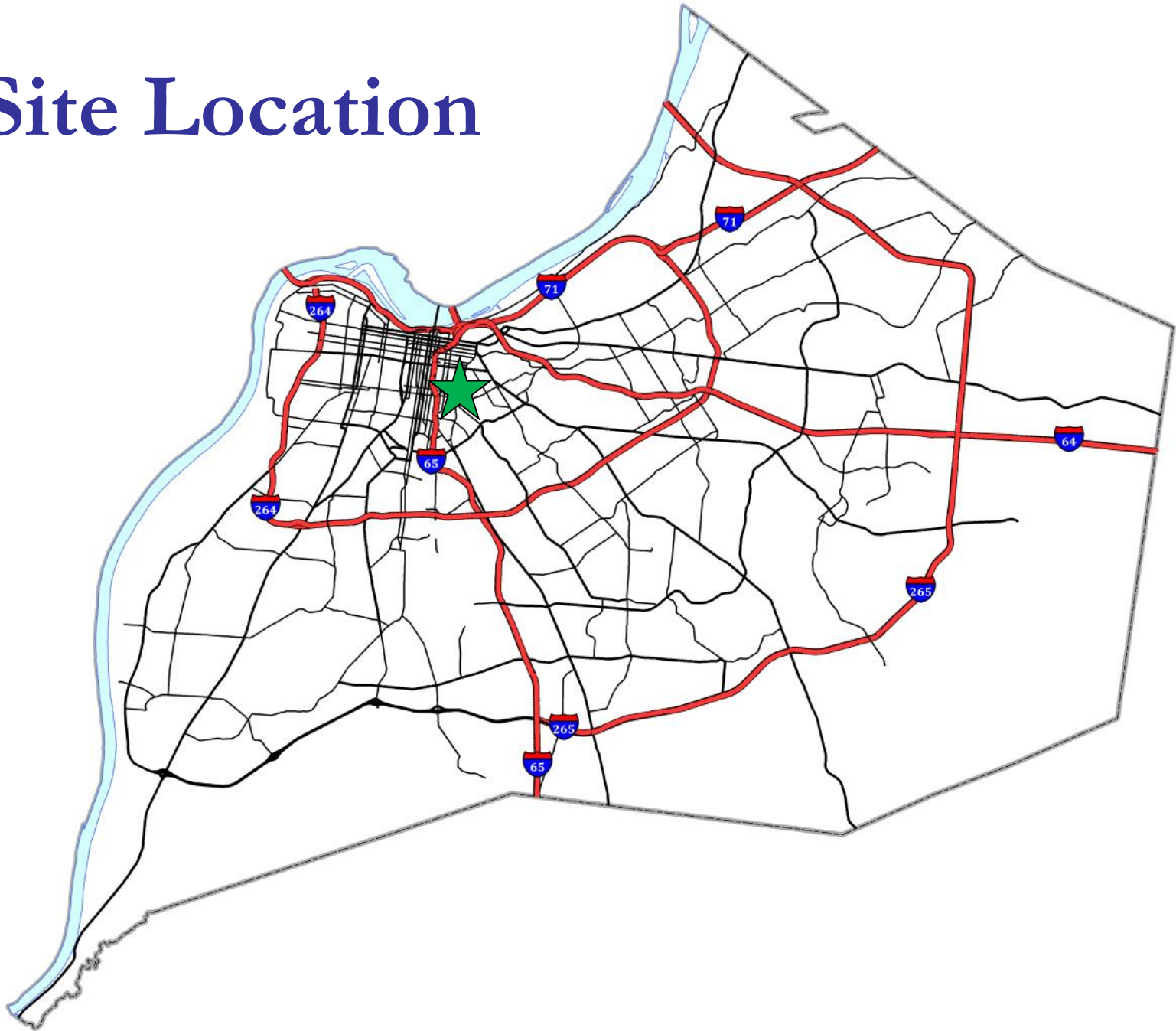
Request

Change in Nonconforming Use from a Package Liquor Store to Convenience Grocery.

Case Summary/Background

- According to PVA data, the existing building contains approximately 2,860 square feet of gross floor area, with the first floor containing approximately 1,430 square feet. The lot is .0589 acres or approximately 2,565.68 square feet.
- The property is located within the U-N Urban Neighborhood Zone and the Traditional Neighborhood Form District.
- The Applicant requests a change in nonconforming use from package liquor store to convenience grocery for the first floor of the structure.

Site Location



Zoning/Form Districts

Subject Property: R-6/TN

North: OR-2/TN

South: M-2/TN

East: U-N/TN

West: U-N/TN



701 E Kentucky St
150
Feet







WISKEY

Coca-Cola **NATHAN'S LIQUORS** Coca-Cola





11/16/2018 11:57



Blue sign hanging from a wire in front of the building.

11/16/2018 11:55

ON WAY
←



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Standards of Review (1.3.1 A-D)

- 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.
- 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.
- 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.
- 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.

Conclusions

- Staff agrees with the applicant's assertion that the proposed use, Convenience Grocery, is in the same or lesser classification than the nonconforming use, Package Liquor Store. In addition, the proposed use, Convenience Grocery, is no more odious or offensive than the current nonconforming use, Package Liquor Store. Therefore, staff recommends that the Board approve the change in nonconforming use for the first floor of the structure from Package Liquor Store to Convenience Grocery.

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:

1. Is the new nonconforming use (convenience grocery) is in the same or more restrictive classification than current nonconforming use (package liquor store)?
2. Will the new nonconforming use (convenience grocery) be no more odious or offensive to surrounding properties than the current nonconforming use (package liquor store)?