

# 20-NONCONFORM-0008

## Change in Nonconformance for 702 Beechwood Road



Board of Zoning Adjustment Public Hearing

Zach Schwager, Planner I

June 15, 2020

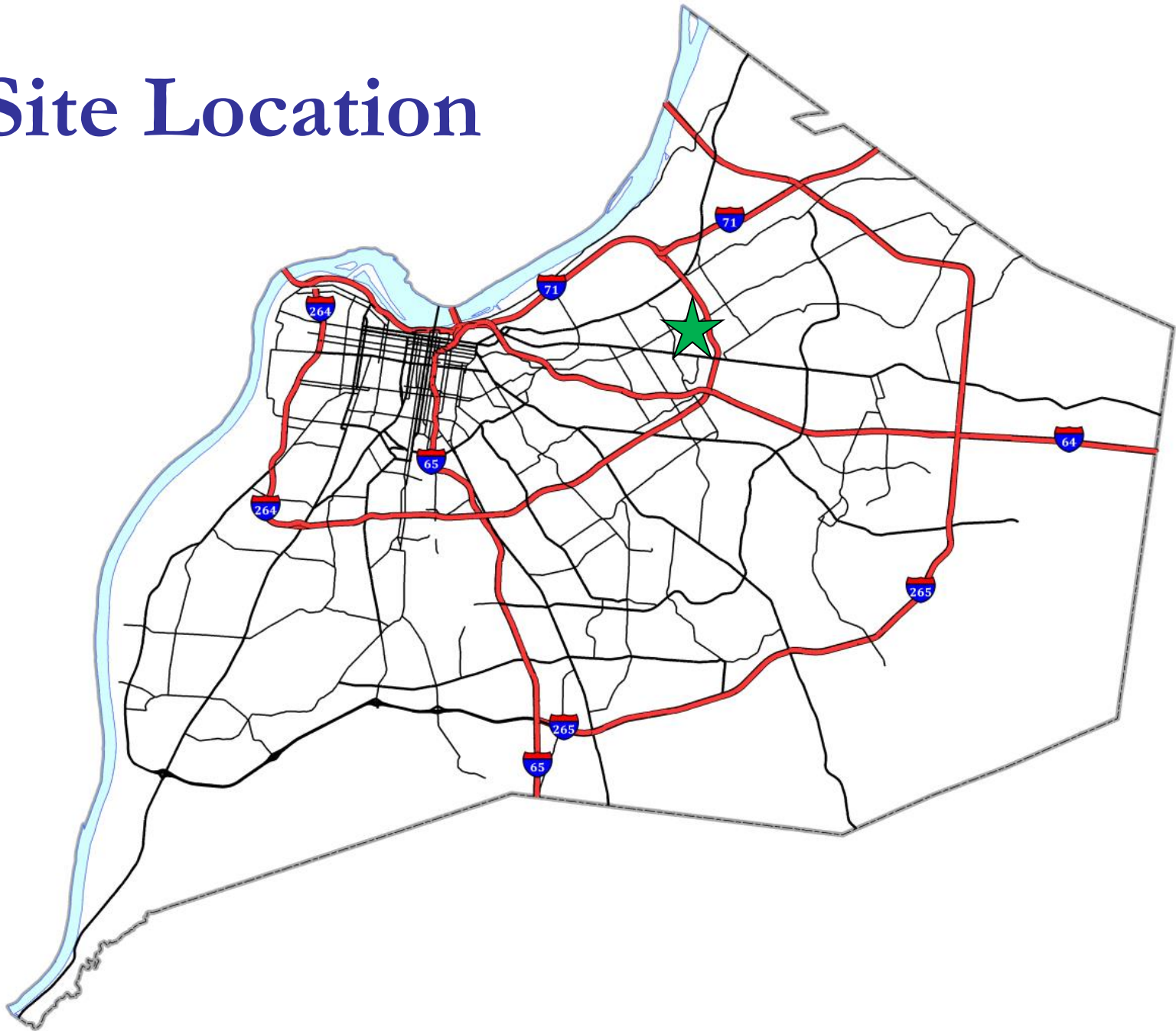
# Request

Change in Nonconformance from Contractor's Shop with Storage yard to  
Greenhouse, Wholesale

# Case Summary/Background

- The subject property is located within the R-4 zoning district and the Neighborhood form district.
- The property owner received a nonconforming rights determination for a contractor's shop and storage yard for 2 buildings on 2 parcels from Planning and Design Services on September 27, 2019.
- The property owner has submitted this request to change the use to a greenhouse, wholesale for one of the buildings located at 702 Beechwood Rd.

# Site Location





# Zoning/Form Districts

Subject Property: R4/N

North: R4/N

South: R4/N

East: R4/N

West: R4/N & C2/SMC



# Aerial Photo

**Subject Property: Industrial**

North: Single-Family

South: Single-Family

East: Single-Family

West: Single-Family





## Front of 702 Beechwood Rd



## Front of 700 Beechwood Rd





## Adjacent Property to the North



## Adjacent Property to the South





# Across the Street





## Across the Street



# 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

- The Greenhouse, Wholesale is a lesser classification as the Contractor's Shop and Storage Yard. A Greenhouse, Wholesale is permitted in the M-1 zoning district, while the Contractor's Shop and Storage Yard Require a M-2 zoning district.
- The proposed nonconforming use is no more offense or odious than a Contractor's Shop with outdoor storage.



# 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 change in nonconformance in the same or more restrictive classification than the current nonconforming use ?
2. Will the change in nonconformance be no more odious or offensive to surrounding properties than the current nonconforming use ?

If the answer is yes to both of these questions, the Board may approve the change in nonconforming use.