

7. JUSTIFICATION FOR REQUESTED CHANGE

Background

The applicant's property ("**Applicant Property**") is located at the southwestern corner of the intersection of Jacks Creek Pike and Old Richmond Road. It is 3.76 acres (gross), 3.24 acres (net).

The Applicant Property is zoned Neighborhood Business (B-1). A portion of the land to the northeast, east, and southeast of the Applicant Property is also zoned B-1. All of this B-1 land is surrounded by land zoned Agricultural Rural (A-R). In other words, this is a small pocket of B-1 land amidst a much larger area of A-R land.

There is a modest dwelling and a vacant block building on the Applicant Property. The dwelling and the block building are on opposite ends of the Applicant Property. The dwelling is located at the northern end of the Applicant Property (the side furthest from Jacks Creek Pike) and the block building is located at the southern end of the property (the side closest to Jacks Creek Pike).

Requested Zone Change

The applicant is seeking to rezone the entire Applicant Property from B-1 to A-R.

Purpose of Rezoning

A dwelling is not a permitted use in a B-1 zone. The existing dwelling on the Applicant property is however, permitted in its current form as a nonconforming use. It has a first level and a basement that contain approximately 1,440 square feet each and it also has a smaller unfinished attic. The applicant desires to use the property as his primary residence. He would like to renovate and expand the dwelling and have flexibility to determine and make future changes, enlargements, and/or modifications. Currently, this is not possible because a building used for a nonconforming use cannot be enlarged or expanded and improvement of the building in general is restricted.

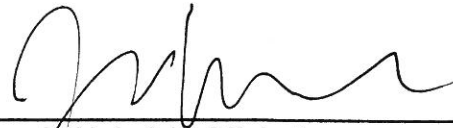
While not permitted in the B-1 zone, a single family dwelling is a permitted primary use in an A-R zone, and the purpose of the requested zone change is to convert the dwelling from a nonconforming use to a conforming use. This will give the applicant the ability to renovate, expand, modify, and otherwise improve with the same flexibility, and subject to the same restrictions, as the typical homeowner in the area.

Appropriateness of Zone Change and The 2013 Comprehensive Plan

The dwelling was constructed in approximately 1935, indicating a long history of residential use in this location. The surrounding area (except for the small amount of B-1 land concentrated around the intersection) is A-R and consists of agriculture/farming, vacant land, and single family residential use.

The present B-1 zoning allows and even encourages removing the dwelling and replacing it with more intensive commercial uses. The overall effect of the desired zone change is (i) an increase in agricultural space and (ii) a corresponding decrease in the B-1 space, which will prevent new commercial uses from entering this predominantly agricultural area. The Applicant has agreed with a neighborhood group that, if the zone change request is approved, he will remove the block building within three years of approval.

For these reasons, A-R zoning for this location is more appropriate than the current zoning. It is also consistent with the 2013 Comprehensive Plan in that it [1] expands housing choices (Chapter 1, Theme A, Goal 1), [2] encourages creativity in housing development (Chapter 1, Theme A, Goal 1a), [3] will lead to a reduction in Lexington-Fayette County's carbon footprint (Chapter 1, Theme B, Goal 2), [4] will protect natural resources and landscapes before development occurs (Chapter 1, Theme B, Goal 3b), [5] will protect and enhance the natural landscapes that give Lexington-Fayette County its unique identity and image (Chapter 1, Theme D, Goal 3), [6] supports the agricultural economy, horse farms, general agricultural, and the character of the surrounding rural area (Chapter 1, Theme E, Goal 2), and [7] protects and enhances the natural and environmental resources of our farmland to help promote our general agricultural brand and ensure that Lexington-Fayette County remains the Horse Capital of the World (Chapter 1, Theme E, Goal 2b).



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