

Monday, December 05, 2011



Mr. Louis Stout, Chairman  
Board of Adjustment  
LFUCG Division of Planning  
200 East Main Street  
Lexington, KY 40507

**Board of Directors**

Linda Carroll  
**President**

Marcia Gray  
**Vice President**

Jessica Case  
**Secretary**

Tom Meng  
**Treasurer**

John Darnell  
Andrea Gottler  
John Hackworth  
Joseph Hillenmeyer  
Barbara Hinkle  
Hart James  
Bill Johnston  
Mike Meuser  
Randall Miloszewski CPA  
Andrew Moore  
Pamela Perlman  
Maureen Peters  
Foster Pettit  
Dan Poposki  
Fran Taylor  
Phillip Tibbs, MD

**Executive Director  
Emeritus**

Richard DeCamp

**Advisory Board**

Barbara Hulette, Chair  
Clyde Carpenter  
Richard DeCamp  
Ann Garden  
Gay Darsie Glenn  
John Hackworth  
Nancy Iliff  
Susan Jackson Keig  
Zee Faulkner Kurfees  
Gloria Martin  
Mike Meuser, Esq.  
Joyce Ockerman  
Foster Pettit  
Sharon Reed  
Daniel Rowland  
James Thomas

Dear Chairman Stout and Members of the Board of Adjustment:

The Blue Grass Trust for Historic Preservation serves as the region's leading advocacy organization for all preservation related matters. Founded in 1955, we are the 14<sup>th</sup> oldest preservation organization in the United States. Since the time of its formation, the BGT has endeavored to promote the public recognition and preservation of buildings, structures, neighborhoods, districts, areas and objects which form the foundation of the Bluegrass Region's historic fabric.

On Friday, November 18, 2011, you will have before you a matter which has significant impact on an existing historic structure and an even greater impact on its surrounding neighborhood. The Western Suburb Historic district, platted as a neighborhood in 1815, may be one of Lexington's oldest neighborhoods. It is a mixed neighborhood with a strong residential component, restaurants and small shops, with the focus directed on the 500 through the 700 blocks of West Short Street, running from Saunier Avenue - through Jefferson Street - to Newtown Pike.

Until this past October 13, the property in question was a single lot numbered as 617 West Short Street, and was originally numbered 153 West Short Street before the renumbering of Lexington in 1901. Our research dates back to 1825 where Sanborn maps, the old fire insurance maps surveyed and prepared by various civil engineers of the period, show the existence of a single structure on the single lot. With that fact in mind and combined with the knowledge of the subdivision plat in 1815, you could safely conclude the property stood as a single lot for 196 years.

Today, the lot has multiple structures. One a long narrow building known as Blue Grass Upholstering Company and additional structures at the rear and a lovely Italianate house. The Blue Grass Trust has no quarrel with the Upholstering Company, but rather with the Applicant's effort to establish two distinct lots and to further obtain additional variances to encourage continued non-conformity in this historic neighborhood. If you approve these variances and the related subdivision, you essentially codify non conforming use in this neighborhood.

In the matter before you on November 18, 2011, the Blue Grass Trust is writing to memorialize our strong objection to any approval of variances which will further enable the subdivision of the single lot.

The government should not *create* opportunities for non-conforming use. Article 4-2 of the Zoning Ordinance clearly states they may continue until they are removed but not to encourage their survival.

*4-2 INTENT - It is the intent of this Zoning Ordinance to permit the non-conformities established in Article 4-1 to **continue until they are removed, but not to encourage their survival**. It is also intended that non-conformities shall not be enlarged or extended beyond the scope and area of their operation at the time of the adoption or amendment of this Ordinance, nor to be used as grounds for adding additional structures or uses not permitted in the same zone. Non-conforming uses are those that are incompatible with permitted uses in the zones in which they are located.*

But in contradiction to Article 4-2, the division of the lot and current request for additional variances and the Applicant's plea to this Board *creates* such an opportunity.

Case Review written by Planning staff seems willing to further create such an opportunity by its willingness to accommodate less parking for the non-conforming business, by allowing three parking spaces rather than five. Yet, in this photo three vehicles can be seen in the front and at least two others in the rear.



Further to the Planning staff's willingness to accommodate the Applicant, they have accepted and submitted to the record, statements made by prospective buyers regarding their *intention* to reduce asphalt and add grass and landscaping to the front of the historic home.

For the members of the Board of Adjustment to consider *intentions* of prospective buyers, we need look no further than the imaginary developers conjured by the Webb family.

The 2007 Comprehensive Plan calls for this land to be used in accordance with the recommendations of the Downtown Master Plan. One objective of the Downtown Master Plan states, "identify, restore, and preserve architecturally significant and historic buildings in downtown Lexington." To best achieve that objective, this site should remain one lot with a long-term attempt to celebrate the site as it was originally designed, and thus see the end of non-conforming use in this historic neighborhood. Nowhere in the text of the Downtown Master Plan do you find recommendations to perpetuate non-conforming use in the urban core.

There is precedent for a lot of this size in the Western Suburb. Parker Place at 511 West Short sits on an even larger tract of land with a vast front and side yard and dates to 1871.

The Blue Grass Trust respectfully implores the members of the Board of Adjustment to reject the Applicant's request for variances and thereby eliminate the subdivision of this historic lot. The Blue Grass Trust can find no positive statement in the Comprehensive Plan or the Downtown Master Plan which would call for the subdivision of a large urban lot for the convenience and perpetuation of a non-conforming use building.

Sincerely,

Linda Carroll, President

Copy to: Board Members of the Blue Grass Trust for Historic Preservation