



## **PUBLIC NOTICE OF A SPECIAL MEETING**

Notice is hereby given that a Special Meeting of the Board of Adjustments of the City of Newport, Kentucky, has been called. The meeting will be held on May 22, 2025, at 4:30 p.m. The agenda will be available at [www.newportky.gov](http://www.newportky.gov)

Notice dated 16 of May 2025.

*Tiffany Myers*

City Clerk Tiffany Myers



**NEWPORT BOARD OF ADJUSTMENTS  
SPECIAL MEETING**

**May 22, 2025 @ 4:30 P.M.**

Newport Municipal Building, 998 Monmouth Street, 1<sup>st</sup> Floor Multi-Purpose Room

*The public can access the meeting through the live stream on  
Facebook.com/CityofNewportKY or YouTube/CityofNewportKY*

**AGENDA**

**CALL TO ORDER:**

**APPROVAL OF MINUTES:**

- Regular Meeting minutes March 20, 2025 and Special Meeting Minutes April 8, 2025

**PUBLIC HEARING:**

**BA-25-09**

Application for a setback variance for the construction of a fence located at 401 Monmouth Street, Newport, KY 41071.

Requested by: Andrew Glass

**BA-25-10**

Application for a setback variance for the construction of a garage located at 338 Riddle Pl, Newport, KY 41071.

Requested by: Sara Luena

**BA-25-11**

Application for an adaptive conditional re-use to operate an inn & event space located at 335 E 3rd Street, Newport, KY 41071.

Requested by: Duane Cronin

**BA-25-12**

Application for an adaptive conditional re-use to operate a mixed-use building with four residential dwellings located at 341 E 10th Street, Newport, KY 41071.

Requested by: Duane Cronin

**BA-25-13**

Application for a conditional use permit to operate an event center located at 706 York Street, Newport, KY 41071

Requested by: Ron Pies (York Investment Group LLC)

**ADJOURNMENT:**

**BOARD OF ADJUSTMENT APPLICATION**



CASE NUMBER:  
DATE RECEIVED:  
HEARING DATE:

BA-25-09  
3-27-25  
5-15-25

**A GENERAL INFORMATION (PRINT OR TYPE):**

1. Name of person or entity requesting hearing Andrew Glass  
Address \_\_\_\_\_  
\_\_\_\_\_

Telephone number(s) that you can be reached at between the hours of 8:30 a.m. and 4:30 p.m.  
\_\_\_\_\_  
\_\_\_\_\_

2. Address of subject property 401 Monmouth St, Newport KY 41071  
3. Current zoning of subject property Central Business District

**\*\*\*Please provide the owner's names and addresses of all adjacent property including immediately across any adjoining streets. (On either side, directly across the street and directly behind your property.)\*\*\***

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Has subject property been platted? Yes X No \_\_\_\_\_

5. Has property been subject to any previous Board of Adjustment's hearings?

Yes \_\_\_\_\_ No X if yes, attach application number and brief explanation:

6. Attach Site Plan if required by Zoning Administrator. Required \_\_\_\_\_  
Not required \_\_\_\_\_

**B TYPE OF HEARING REQUESTED (CHECK APPLICABLE CATEGORY OR CATEGORIES):**

1. DIMENSIONAL VARIANCE (SITE PLAN REQUIRED):

Fully describe the dimensional variance(s) requested; give specific measurements and cite the applicable Zoning Ordinance section(s) governing the request. Attach additional pages as necessary.

\_\_\_\_\_  
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Listed below are conditions, which must be met in order to qualify the property for a dimensional variance. Check the conditions, which apply to this request and provide supporting documentation for each item checked

- \_\_\_\_ (a) Specific conditions exist, which are unique to this land and do not exist on other land in the same zone.

- \_\_\_\_ (b) Strict application of Zoning Ordinance requirements will deprive the applicant to reasonable use of the land in a manner equivalent to uses permitted other landowners in the same zone.
- \_\_\_\_ (c) The unique conditions and circumstances in Section B-1-(a) above are not the result of actions taken by the applicant subsequent to March, 1982.
- \_\_\_\_ (d) The dimensional variance will preserve and not harm public safety and welfare and will not alter the essential character of the neighborhood.
- \_\_\_\_ (e) Granting a dimensional variance will not give the applicant any special privilege that is not allowed to other lands, structures, or buildings in the same zone. The nonconforming use of neighboring lands and structures in the same zone is not considered grounds for issuance of a dimensional variance.

\_\_\_\_ 2 **APPEAL OF ZONING ADMINISTRATOR'S ORDER, REQUIREMENT, DECISION, GRANT, OR REFUSAL:**

Fully describe the grounds for appeal, citing the applicable Zoning Ordinance section(s), and thoroughly explain why the Zoning Administrator erred in reaching the appealed decision. Attach additional pages as necessary.

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\_\_\_\_ 3 **CONDITIONAL USE PERMIT (SITE PLAN REQUIRED):**

Most recent or current use of property \_\_\_\_\_  
 If not currently in use, when was it last in use \_\_\_\_\_  
 Proposed conditional use \_\_\_\_\_

Listed below are conditions, which must be met in order to qualify for a conditional use permit. Check the conditions, which apply to this request and provide supporting documentation for each item checked.

- \_\_\_\_ (a) The proposed building and use are necessary and desirable to provide a service or facility, which will contribute to the general well-being of the neighborhood or the community.
- \_\_\_\_ (b) The building and use will not be detrimental to the health, safety or general welfare of the people who reside or work in the vicinity or be injurious to property or improvements in the vicinity.
- \_\_\_\_ (c) The building and use will comply with any regulations and conditions specified in the Zoning Ordinance for such building and use.

X \_\_\_\_ 4 **INTERPRETATION OF ZONING MAP OR OTHER SPECIAL QUESTIONS:**

Fully describe the nature of the request for interpretation or clarification. Cite all Zoning Ordinance sections applicable to the question asked.

**ARTICLE XII FENCES- SECTION 12.4 COMMERCIAL ZONES**

We request relief for this Zoning Ordinance section which states that fences are not permitted in front yards. The subject property features a side yard that extends beyond the front facade of the building, which we would like to enclose with a fence for privacy. The subject building is in fact the odd one out as it does not align with the Monmouth street/sidewalk edge, the proposed fence aligns with the adjacent building(s), reinforcing the sidewalk edge. We propose this aligns with the intent of the Zoning Ordinance for permitted side yard fencing.

\_\_\_\_ 5

**CHANGE FROM ONE NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE:**

Current or most recent non-conforming use \_\_\_\_\_

If not currently in use, when was it last in use \_\_\_\_\_

Proposed non-conforming use \_\_\_\_\_

Comprehensive Plan for subject area \_\_\_\_\_

Fully explain all reasons why the proposed change will preserve and not harm the public safety and welfare and will not injure the essential character of the neighborhood. Attach additional pages as necessary.

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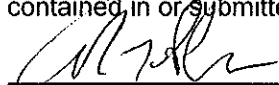
Fully explain how the proposed non-conforming use will be more in conformance with the Comprehensive Plan for the City of Newport, as it applies to the area in question, than the existing non-conforming use. Attach additional pages as necessary.

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Fully explain how the proposed non-conforming use is more in conformance with permitted uses in the same zone than the present non-conforming use. Attach additional pages as necessary.

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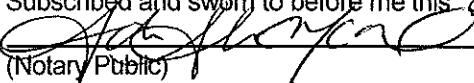
I hereby depose and say under the penalties of perjury that all of the statements contained in or submitted with this application are true.



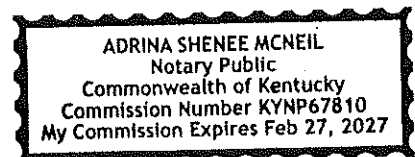
Owner's or Duly Authorized Legal Agent's Signature

City of Newport  
County of Campbell  
Commonwealth of Kentucky

Subscribed and sworn to before me this 24<sup>th</sup> day of April.

  
(Notary Public)

My Commission expires 02/27/2027



BOARD OF ADJUSTMENT APPLICATION

CASE NUMBER:  
DATE RECEIVED:  
HEARING DATE:

BA-25-10  
4-3-25  
5-19-25



A. GENERAL INFORMATION (PRINT OR TYPE):

1. Name of person or entity requesting hearing SARA Lucena  
Address \_\_\_\_\_

Telephone number(s) that you can be reached at between the hours of 8:30 a.m. and 4:30 p.m. \_\_\_\_\_

2. Address of subject property 338 Riddle pl Newport Ky

3. Current zoning of subject property Residential

\*\*\*Please provide the owner's names and addresses of all adjacent property including immediately across any adjoining streets. (On either side, directly across the street and directly behind your property.)\*\*\*

4. Has subject property been platted? Yes \_\_\_\_\_ No \_\_\_\_\_

5. Has property been subject to any previous Board of Adjustment's hearings?

Yes \_\_\_\_\_ No X if yes, attach application number and brief explanation:

6. Attach Site Plan if required by Zoning Administrator. Required \_\_\_\_\_  
Not required \_\_\_\_\_

B. TYPE OF HEARING REQUESTED (CHECK APPLICABLE CATEGORY OR CATEGORIES):

X 1. DIMENSIONAL VARIANCE (SITE PLAN REQUIRED):

Fully describe the dimensional variance(s) requested; give specific measurements and cite the applicable Zoning Ordinance section(s) governing the request. Attach additional pages as necessary.

4x8 shed acc. Structure does not meet  
set back requirements due to double frontage & lot  
topography.

Listed below are conditions, which must be met in order to qualify the property for a dimensional variance. Check the conditions, which apply to this request and provide supporting documentation for each item checked

\_\_\_\_\_(a) Specific conditions exist, which are unique to this land and do not exist on other land in the same zone.

- \_\_\_\_ (b) Strict application of Zoning Ordinance requirements will deprive the applicant to reasonable use of the land in a manner equivalent to uses permitted other landowners in the same zone.
- \_\_\_\_ (c) The unique conditions and circumstances in Section B-1-(a) above are not the result of actions taken by the applicant subsequent to March, 1982.
- \_\_\_\_ (d) The dimensional variance will preserve and not harm public safety and welfare and will not alter the essential character of the neighborhood.
- \_\_\_\_ (e) Granting a dimensional variance will not give the applicant any special privilege that is not allowed to other lands, structures, or buildings in the same zone. The nonconforming use of neighboring lands and structures in the same zone is not considered grounds for issuance of a dimensional variance.

\_\_\_\_ 2 **APPEAL OF ZONING ADMINISTRATOR'S ORDER, REQUIREMENT, DECISION, GRANT, OR REFUSAL:**

Fully describe the grounds for appeal, citing the applicable Zoning Ordinance section(s), and thoroughly explain why the Zoning Administrator erred in reaching the appealed decision. Attach additional pages as necessary.

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\_\_\_\_ 3 **CONDITIONAL USE PERMIT (SITE PLAN REQUIRED):**

Most recent or current use of property \_\_\_\_\_  
If not currently in use, when was it last in use \_\_\_\_\_  
Proposed conditional use \_\_\_\_\_

Listed below are conditions, which must be met in order to qualify for a conditional use permit. Check the conditions, which apply to this request and provide supporting documentation for each item checked.

- \_\_\_\_ (a) The proposed building and use are necessary and desirable to provide a service or facility, which will contribute to the general well-being of the neighborhood or the community.
- \_\_\_\_ (b) The building and use will not be detrimental to the health, safety or general welfare of the people who reside or work in the vicinity or be injurious to property or improvements in the vicinity.
- \_\_\_\_ (c) The building and use will comply with any regulations and conditions specified in the Zoning Ordinance for such building and use.

\_\_\_\_ 4 **INTERPRETATION OF ZONING MAP OR OTHER SPECIAL QUESTIONS:**

Fully describe the nature of the request for interpretation or clarification. Cite all Zoning Ordinance sections applicable to the question asked.

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**CHANGE FROM ONE NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE:**

Current or most recent non-conforming use \_\_\_\_\_

If not currently in use, when was it last in use \_\_\_\_\_

Proposed non-conforming use \_\_\_\_\_

Comprehensive Plan for subject area \_\_\_\_\_

Fully explain all reasons why the proposed change will preserve and not harm the public safety and welfare and will not injure the essential character of the neighborhood. Attach additional pages as necessary.

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Fully explain how the proposed non-conforming use will be more in conformance with the Comprehensive Plan for the City of Newport, as it applies to the area in question, than the existing non-conforming use. Attach additional pages as necessary.

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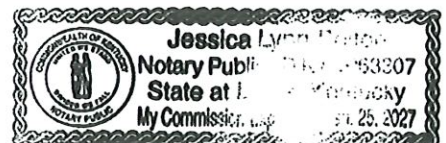
Fully explain how the proposed non-conforming use is more in conformance with permitted uses in the same zone than the present non-conforming use. Attach additional pages as necessary.

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I hereby depose and say under the penalties of perjury that all of the statements contained in or submitted with this application are true.

Sara Lucena  
Owner's or Duly Authorized Legal Agent's Signature

City of Newport  
County of Campbell  
Commonwealth of Kentucky

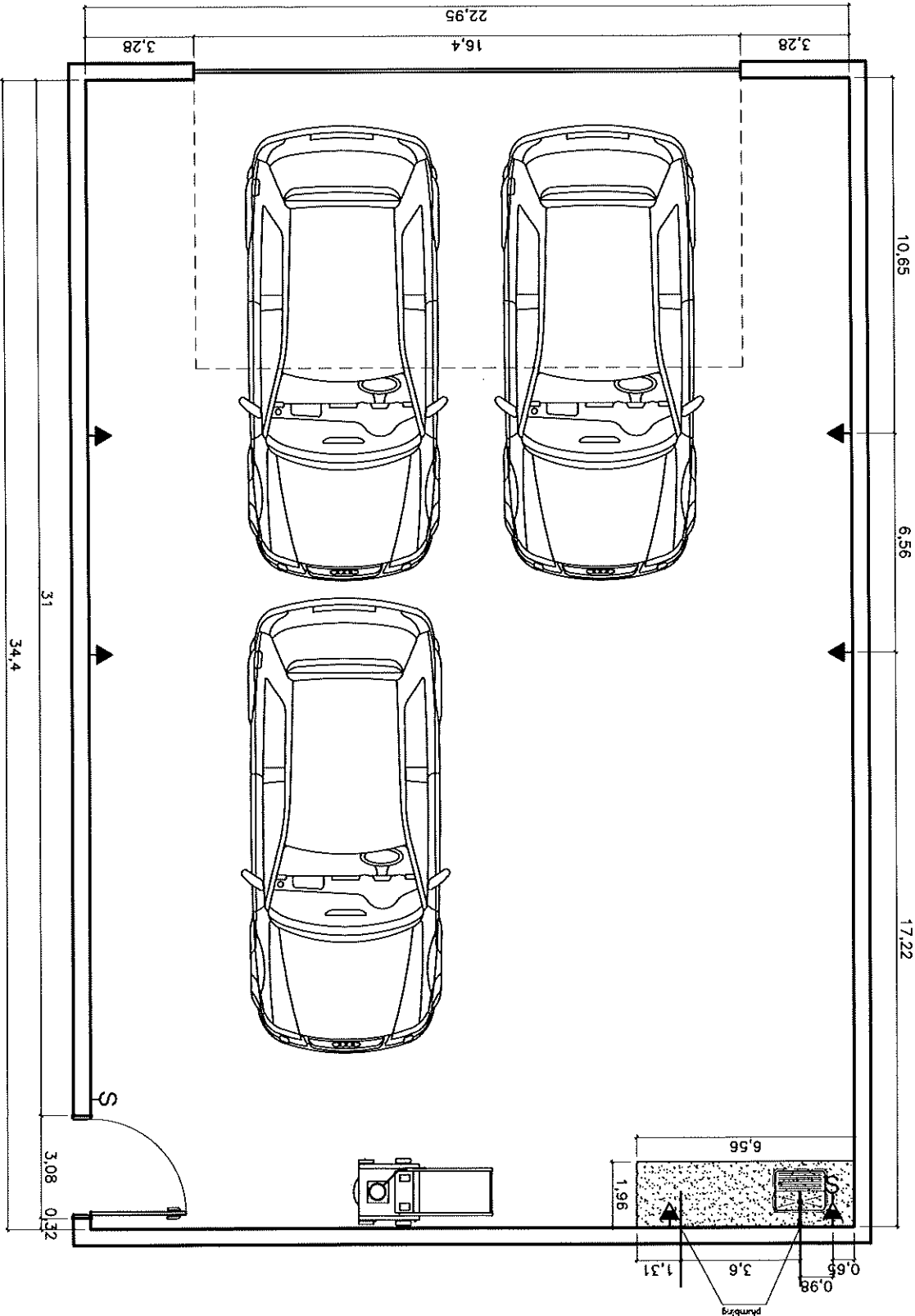


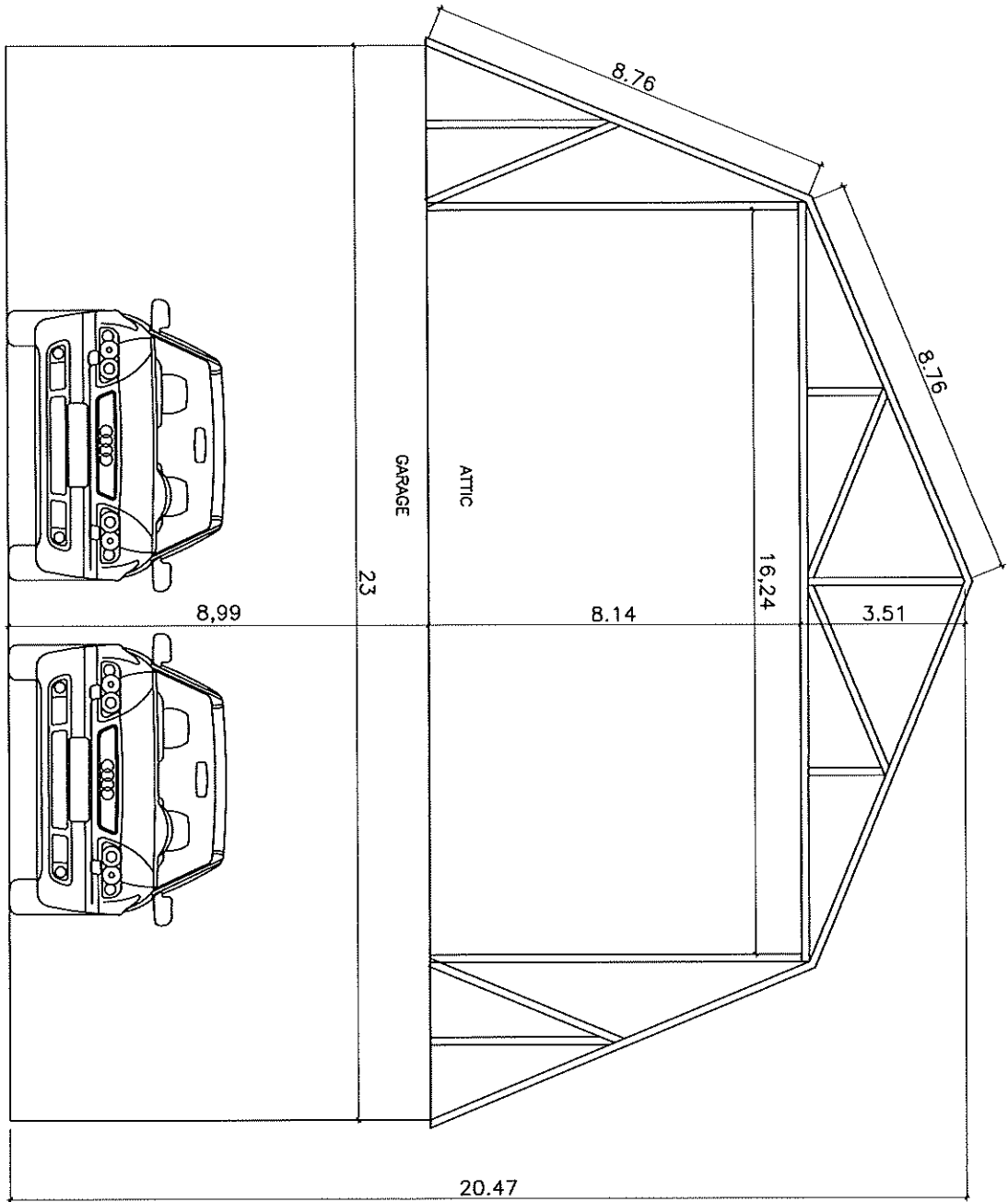
Subscribed and sworn to before me this 3 day of April.

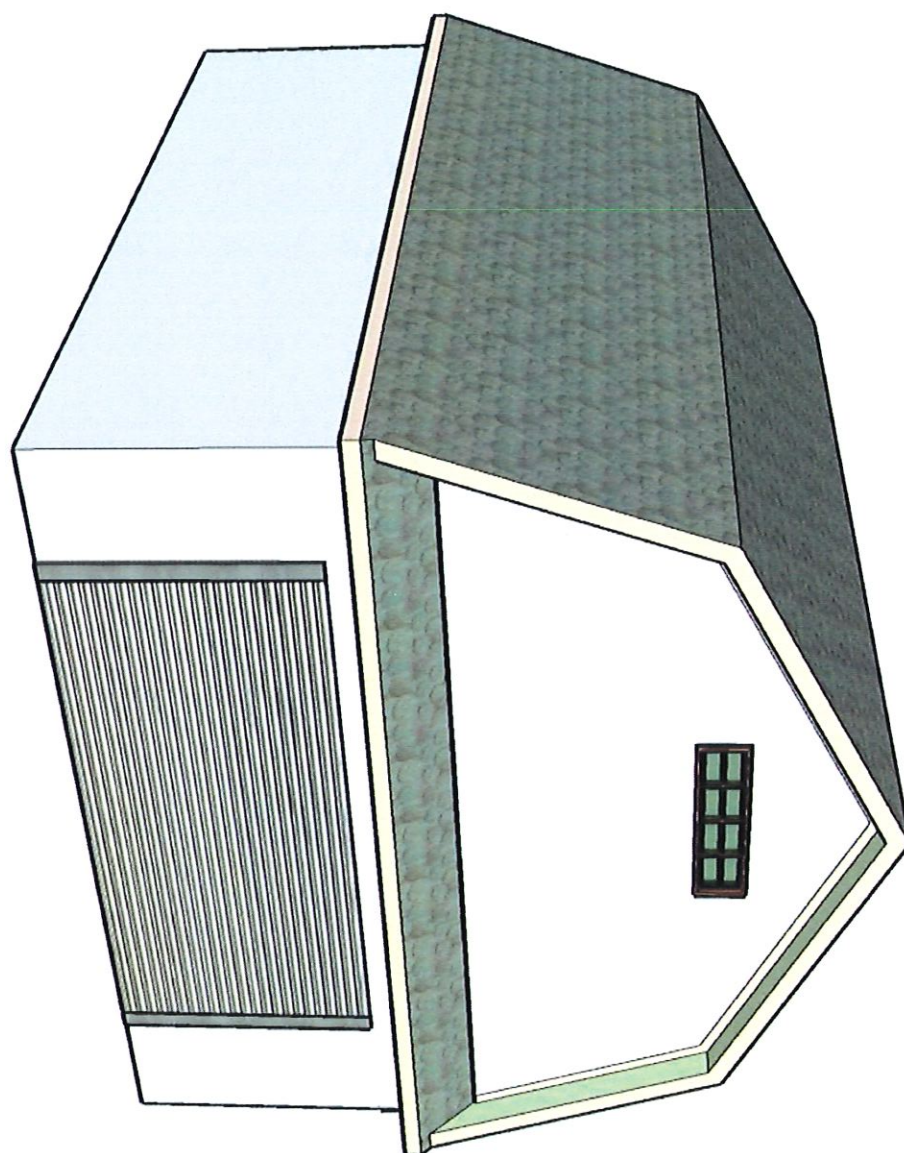
Jessica Weston  
(Notary Public)

My Commission expires 1-25-27

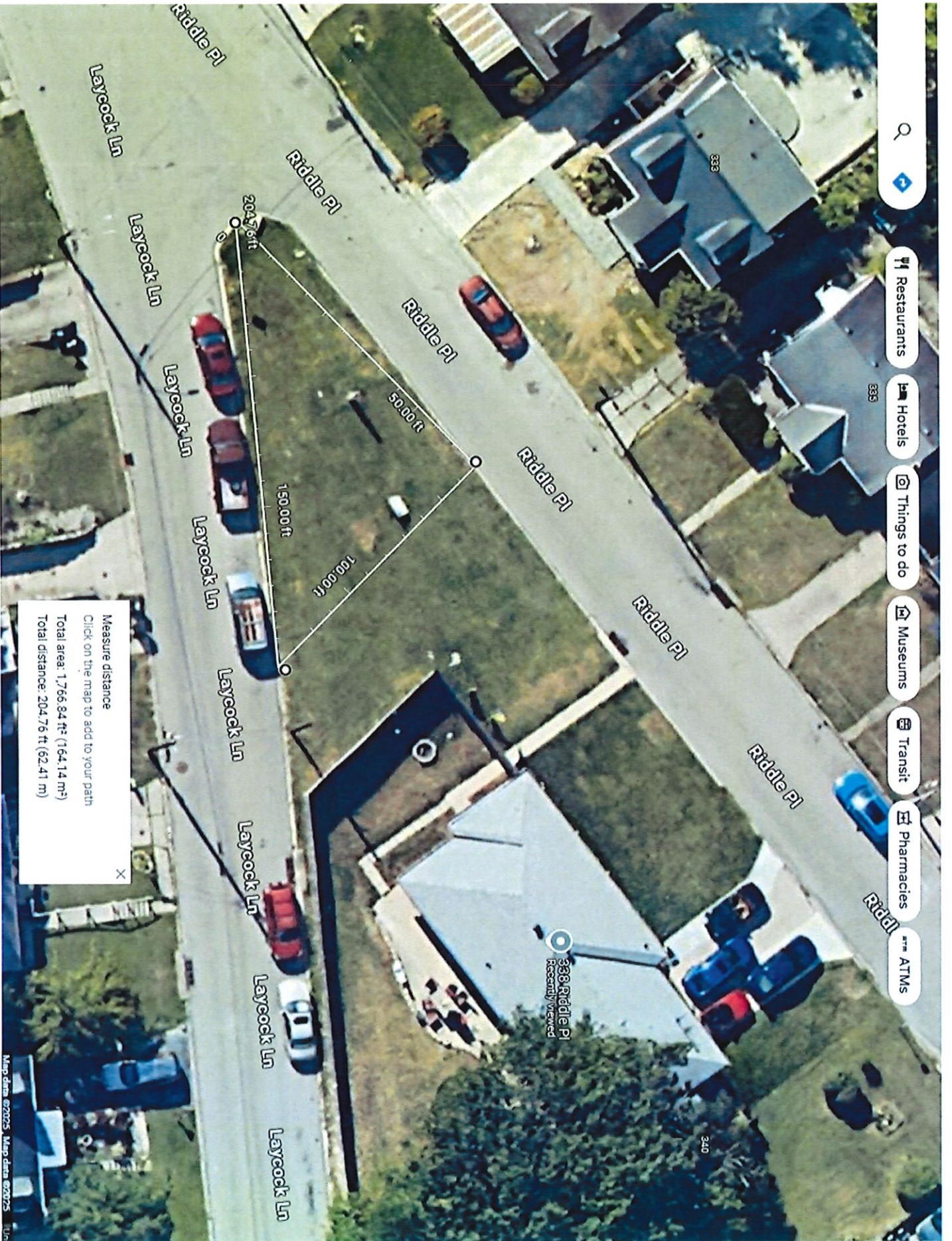
Labels	
S	Light switch
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Mail body:







Mail body: Garage



338 Riddle Pl



Share



337 Riddle Pl

Newport, Kentucky



Google Street View

Oct 2024

See more dates



Google

Image captured Oct 2024 © 2024 Google

338 Riddle Pl  
Newport, Kentucky  
Google Street View  
Oct 2024 See more dates



Google



Share



335 Riddle Pl  
Newport, Kentucky  
Google Street View  
Oct 2024 See more dates

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Navigation controls including a compass and zoom in (+) and zoom out (-) buttons.

Image captured Oct 2024 © 2024 Google

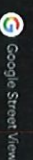


338 Riddle Pl



337 Riddle Pl

Newport, Kentucky



Google Street View

Oct 2024 See more dates

Share

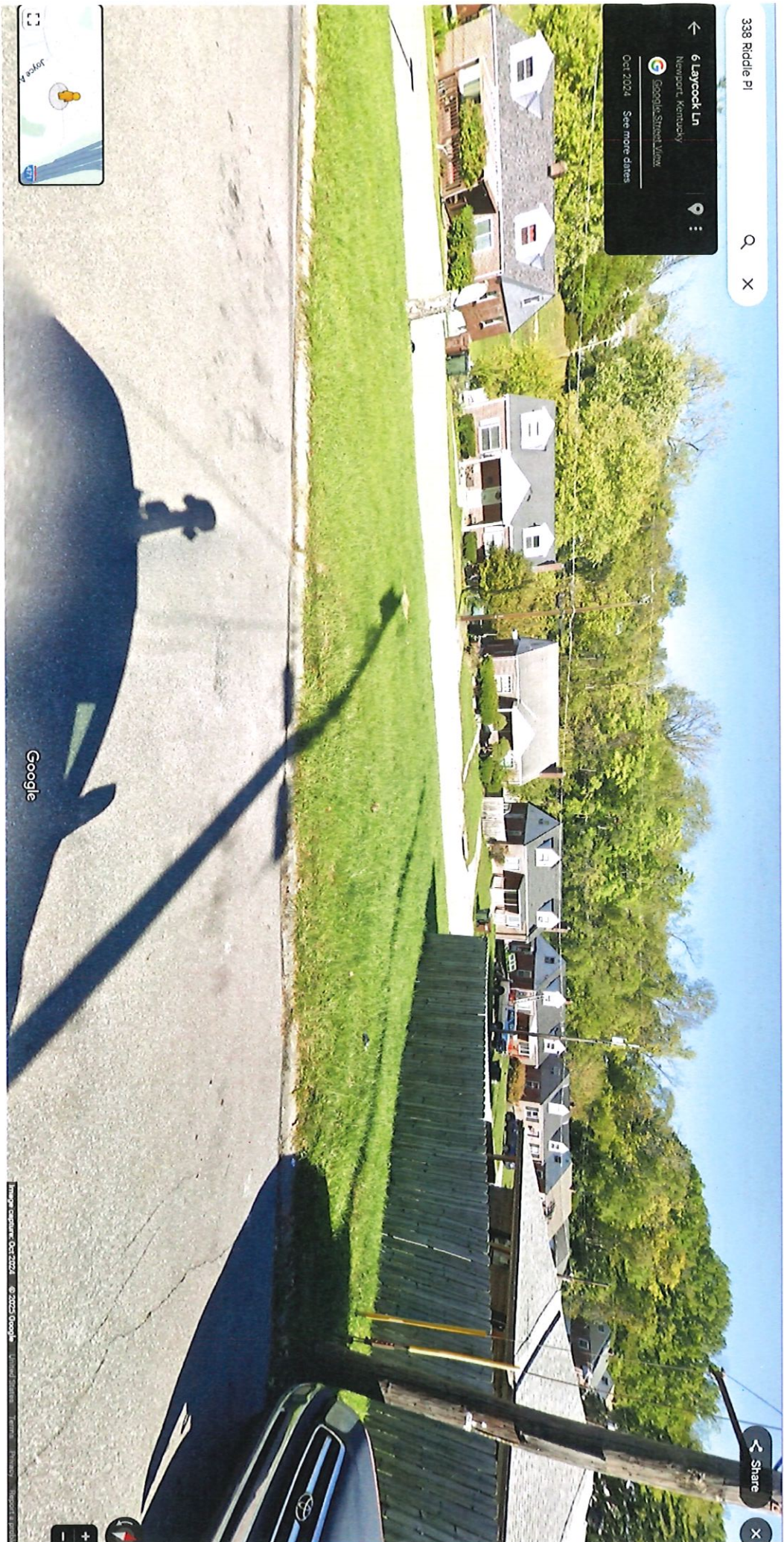


Joey A



Google

Imagery captured Oct 2024 © 2023 Google



338 Riddle Pl

Share

← 6 Laycock Ln

Newport, Kentucky

Google Street View

Oct 2024 See more dates



Google

Image captured Oct 2024 © 2025 Google



**BOARD OF ADJUSTMENT APPLICATION**

CASE NUMBER: BA-25-11  
DATE RECEIVED: MAY 2, 2025  
HEARING DATE: MAY 22, 2025

A. **GENERAL INFORMATION (PRINT OR TYPE): If you are an LLC, incorporated company, or trust, you must be represented by an attorney at the hearing.**

1. Name of person appearing at hearing: Duane Cronin  
Address: 1000 Newport

Telephone number(s) that you can be reached at between the hours of 8:30 a.m. and 4:30 p.m.

2. Address of subject property: 335 E 3<sup>rd</sup> Street, Newport  
3. Current zoning of subject property: R2

**\*\*\*Please provide the owner's names and addresses of all adjacent properties, including immediately across any adjoining streets. (On either side, directly across the street and directly behind your property.)\*\*\***

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## NEWPORT

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5. \_\_\_\_\_

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6. \_\_\_\_\_

4. Has the subject property been platted? Yes No

5. Has the property been subject to any previous Board of Adjustments hearings? \_\_\_\_\_

Yes No if yes, attach application number and brief explanation: \_\_\_\_\_

6. Attach Site Plan if required by Zoning Administrator. Required Not required

B. TYPE OF HEARING REQUESTED (CHECK APPLICABLE CATEGORY OR CATEGORIES):

1. DIMENSIONAL VARIANCE (SITE PLAN REQUIRED):

Fully describe the dimensional variance(s) requested; give specific measurements and cite the applicable Zoning Ordinance section(s) governing the request. Attach additional pages as necessary. \_\_\_\_\_

Listed below are conditions, which must be met in order to qualify the property for a dimensional variance. Check the conditions, which apply to this request and provide supporting documentation for each item checked

(a) Specific conditions exist, which are unique to this land and do not exist on other land in the same zone. \_\_\_\_\_



## NEWPORT

- \_\_\_\_\_ (b) Strict application of Zoning Ordinance requirements will deprive the applicant to reasonable use of the land in a manner equivalent to uses permitted other landowners in the same zone.
- \_\_\_\_\_ (c) The unique conditions and circumstances in Section B-1-(a) above are not the result of actions taken by the applicant subsequent to March 1982.
- \_\_\_\_\_ (d) The dimensional variance will preserve and not harm public safety and welfare and will not alter the essential character of the neighborhood.
- \_\_\_\_\_ (e) Granting a dimensional variance will not give the applicant any special privilege that is not allowed to other lands, structures, or buildings in the same zone. The nonconforming use of neighboring lands and structures in the same zone is not considered grounds for issuance of a dimensional variance.

\_\_\_\_\_ 2. **APPEAL OF ZONING ADMINISTRATOR'S ORDER, REQUIREMENT, DECISION, GRANT, OR REFUSAL:**

Fully describe the grounds for appeal. Citing the applicable Zoning Ordinance sections(s) and thoroughly explaining why the Zoning Administrator erred in reaching the appealed decision. Attached additional pages if necessary.

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1. **CONDITIONAL USE PERMIT (SITE PLAN REQUIRED):**

Most recent or current use of property : Residential & Business use. \_\_\_\_\_

If not currently in use, when was it last in use \_\_\_\_\_

Proposed conditional use Application for an adaptive conditional re-use of existing previously approved conditional use of office & Funeral Home space to operate an inn & special event space in the R-2 zone, pursuant to Section(s) 10.2 Table 4 and 9.13 C. Property has sufficient off street parking, no parking variance is needed.

Listed below are conditions, which must be met in order to qualify for a conditional use permit. Check the conditions, which apply to this request and provide supporting documentation for each item checked.

- \_\_\_\_\_ (a) The proposed building and use are necessary and desirable to provide a service or facility, which will contribute to the general well-being of the neighborhood or the community.
- \_\_\_\_\_ (b) The building and use will not be detrimental to the health, safety or general welfare of the people who reside or work in the vicinity or be injurious to property or improvements in the vicinity.
- \_\_\_\_\_ (c) The building and use will comply with any regulations and conditions specified in the Zoning Ordinance for such building and use.

4. **INTERPRETATION OF ZONING MAP OR OTHER SPECIAL QUESTIONS:**

Fully describe the nature of the request for interpretation or clarification. Cite all Zoning Ordinance sections apply to the question asked.



## NEWPORT

5. **CHANGE FROM ONE NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE:**

Current or most recent non-conforming use \_\_\_\_\_  
If not currently in use, when was it last in use \_\_\_\_\_  
Proposed non-conforming use \_\_\_\_\_  
Comprehensive Plan for the subject area \_\_\_\_\_

Fully explain why the proposed change will preserve and not harm the public safety and welfare and will not injure the essential character of the neighborhood. Attach additional pages as necessary.

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Fully explain how the proposed non-conforming use will more conform with the Comprehensive Plan for the City of Newport, as it applies to the area in question, than the existing non-conforming use. Attach additional pages as necessary.

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Fully explain how the proposed non-conforming use is more in conformance with permitted uses in the same zone than the present non-conforming use. Attach additional pages as necessary.

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I hereby depose and say under the penalties of perjury that all of the statements contained in or submitted with this application are true.

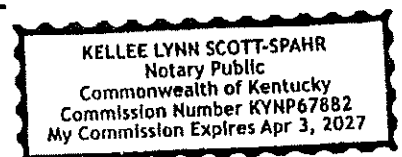
Owner's or Duly Authorized Legal Agent's Signature

City of Newport  
County of Campbell  
Commonwealth of Kentucky

Subscribed and sworn to before me this 1st day of May, 2025

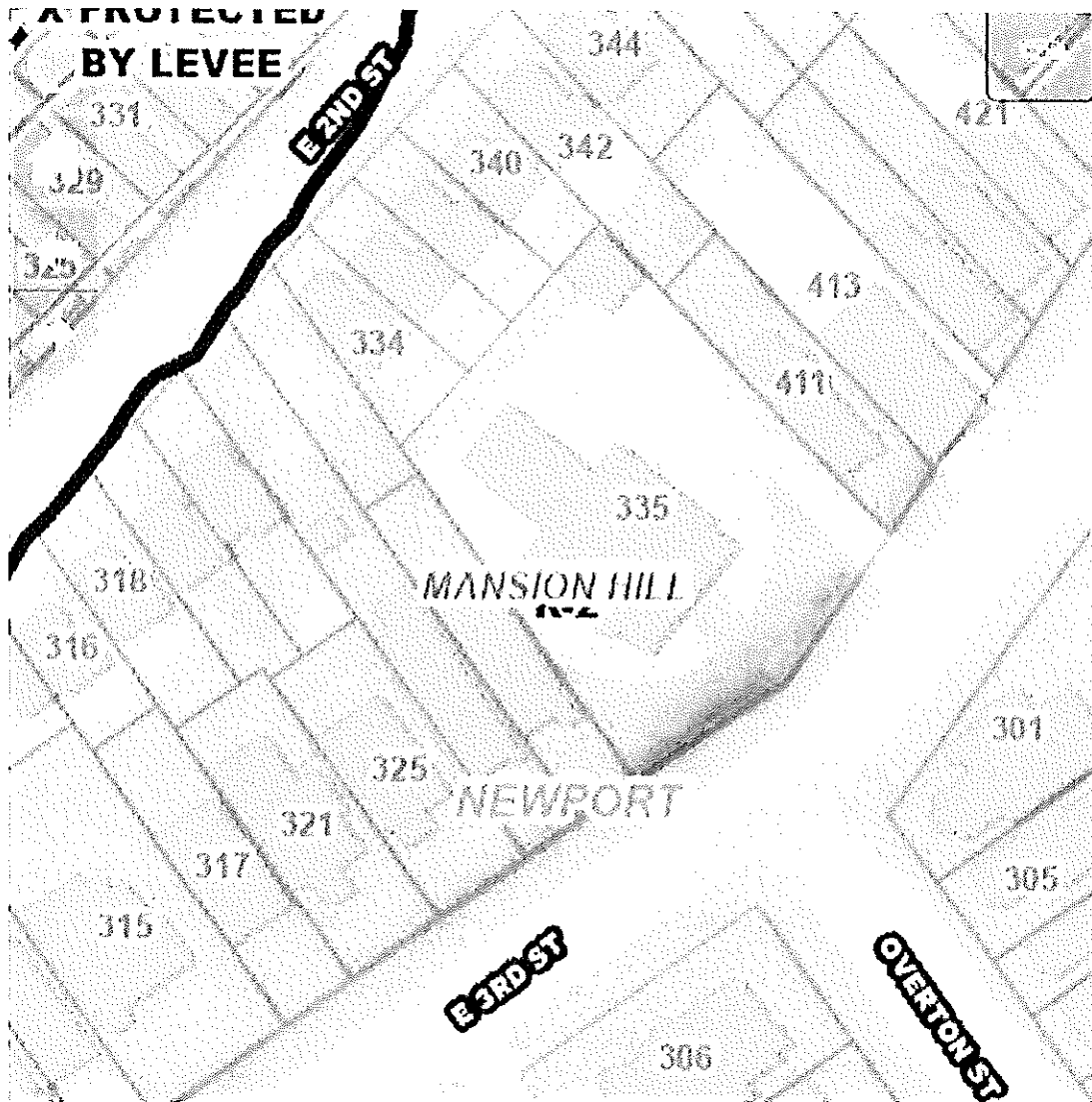
(Notary Public) Kellee Spahr

My Commission expires 4/2/2027





# NEWPORT





# NEWPORT

## BOARD OF ADJUSTMENT APPLICATION



CASE NUMBER: BA-25-12  
 DATE RECEIVED: MAY 2, 2025  
 HEARING DATE: MAY 22, 2025

A. GENERAL INFORMATION (PRINT OR TYPE): If you are an LLC, incorporated company, or trust, you must be represented by an attorney at the hearing.

1. Name of person or entity requesting hearing: Duane Cronin  
 Address:

Telephone number(s) that you can be reached at between the hours of 8:30 a.m. and 4:30 p.m.

2. Address of subject property: 341 E 10<sup>th</sup> Street

3. Current zoning of subject property: CBDF

\*\*\*Please provide the owner's names and addresses of all adjacent properties, including immediately across any adjoining streets. (On either side, directly across the street and directly behind your property.)\*\*\* SEE ATTACHMENTS

4. Has the subject property been platted? Yes No

5. Has the property been subject to any previous Board of Adjustments hearings?

Yes No if yes, attach application number and brief explanation:

6.  Attach Site Plan if required by Zoning Administrator. Required Not required

B. TYPE OF HEARING REQUESTED (CHECK APPLICABLE CATEGORY OR CATEGORIES):

1. DIMENSIONAL VARIANCE (SITE PLAN REQUIRED):

Fully describe the dimensional variance(s) requested; give specific measurements and cite the applicable Zoning Ordinance section(s) governing the request. Attach additional pages as necessary.



## NEWPORT

Listed below are conditions, which must be met in order to qualify the property for a dimensional variance. Check the conditions, which apply to this request and provide supporting documentation for each item checked

(a) Specific conditions exist, which are unique to this land and do not exist on other land in the same zone.

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- \_\_\_\_ (b) Strict application of Zoning Ordinance requirements will deprive the applicant to reasonable use of the land in a manner equivalent to uses permitted other landowners in the same zone.
- \_\_\_\_ (c) The unique conditions and circumstances in Section B-1-(a) above are not the result of actions taken by the applicant subsequent to March 1982.
- \_\_\_\_ (d) The dimensional variance will preserve and not harm public safety and welfare and will not alter the essential character of the neighborhood.
- \_\_\_\_ (e) Granting a dimensional variance will not give the applicant any special privilege that is not allowed to other lands, structures, or buildings in the same zone. The nonconforming use of neighboring lands and structures in the same zone is not considered grounds for issuance of a dimensional variance.

\_\_\_\_ 2. **APPEAL OF ZONING ADMINISTRATOR'S ORDER, REQUIREMENT, DECISION, GRANT, OR REFUSAL:**

Fully describe the grounds for appeal. Citing the applicable Zoning Ordinance sections(s) and thoroughly explaining why the Zoning Administrator erred in reaching the appealed decision. Attached additional pages if necessary.

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1. **CONDITIONAL USE PERMIT (SITE PLAN REQUIRED):**

Most recent or current use of property : American Legion. \_\_\_\_\_

If not currently in use, when was it last in use \_\_\_\_\_

Proposed conditional use Application for an adaptive conditional re-use of existing previously approved use as mixed use bar/tavern and residential units to operate a mixed use building with 4 residential dwelling units (3-efficiencies on second floor and one two bedroom on the rear of the first) and a first floor commercial space, pursuant to sections 10.3 Table 6 and 9.13C.

Parking Variance:

Application for (5) parking spaces for residential dwelling units 1 space for each studio and 2 spaces for each 2 bedroom unit pursuant to section 13.3 Table 12 M. The commercial space request is being proposed at 4 spaces per 1000 sq. Ft. for likely retail use, pursuant to section 13.3 Table 12 N. This will require 3 spaces for a total variance request of 8 spaces. Of note; the intention is to convert what appears to be an old garage back to a garage for the first floor residential further reducing parking needs.

Listed below are conditions, which must be met in order to qualify for a conditional use permit. Check the conditions, which apply to this request and provide supporting documentation for each item checked.

- \_\_\_\_ (a) The proposed building and use are necessary and desirable to provide a service or facility, which will contribute to the general well-being of the neighborhood or the community.
- \_\_\_\_ (b) The building and use will not be detrimental to the health, safety or general welfare of the people who reside or work in the vicinity or be injurious to property or improvements in the vicinity.



## NEWPORT

- \_\_\_\_ (c) The building and use will comply with any regulations and conditions specified in the Zoning Ordinance for such building and use.

4. **INTERPRETATION OF ZONING MAP OR OTHER SPECIAL QUESTIONS:**

Fully describe the nature of the request for interpretation or clarification. Cite all Zoning Ordinance sections apply to the question asked.

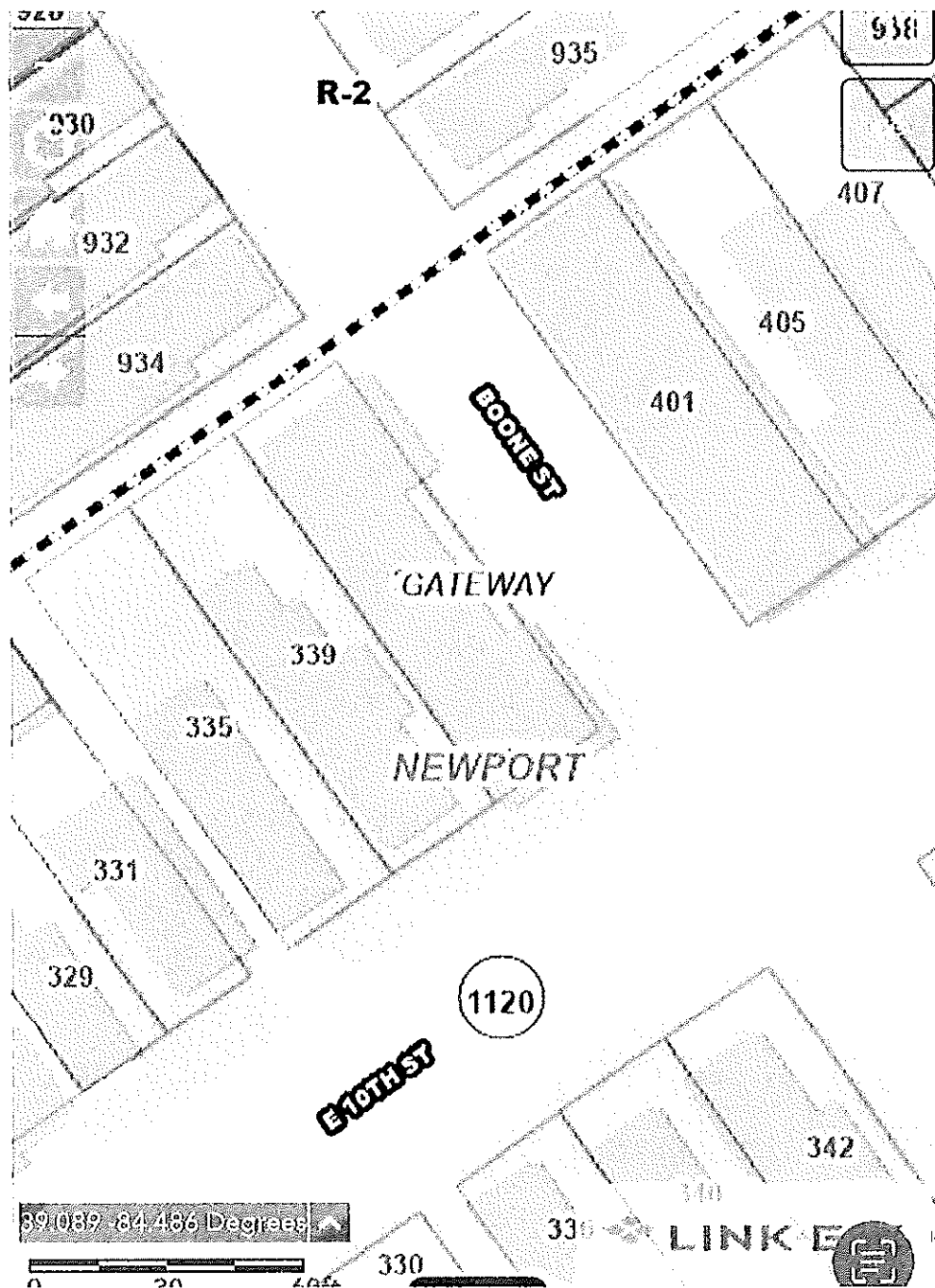
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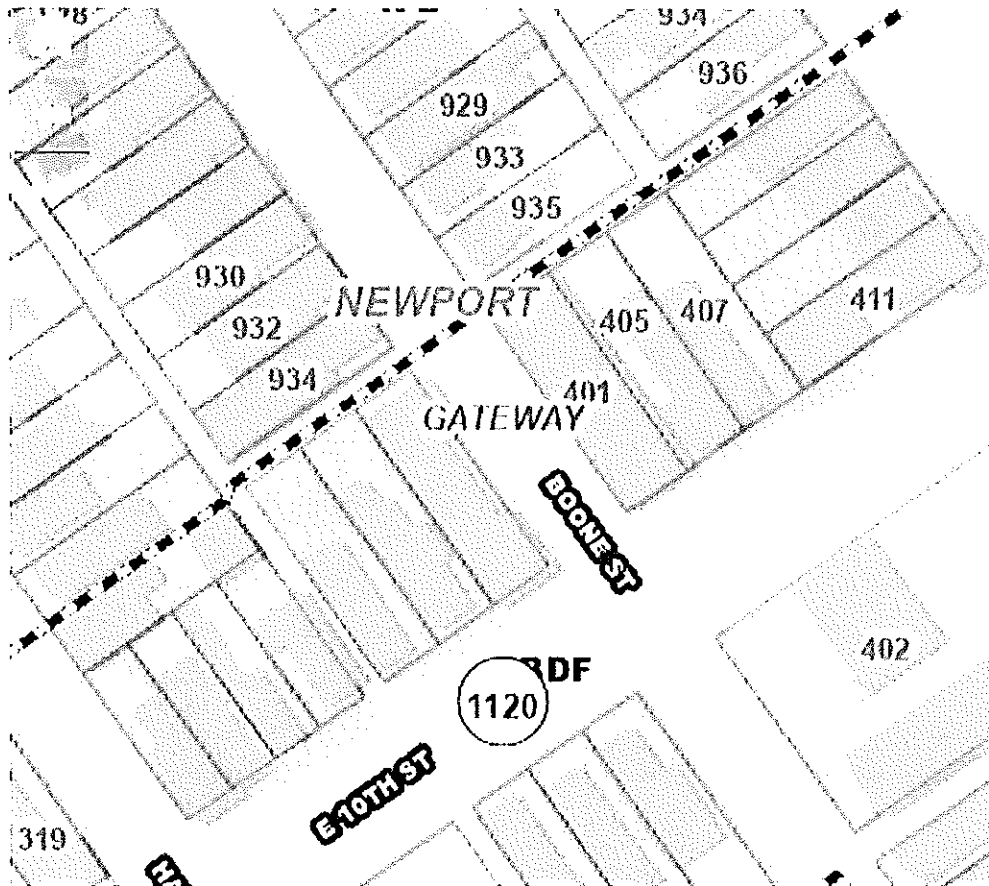


# NEWPORT





# NEWPORT





**BOARD OF ADJUSTMENT APPLICATION**

CASE NUMBER: BA-25-13  
DATE RECEIVED: MAY 5, 2025  
HEARING DATE: MAY 22, 2025

A. **GENERAL INFORMATION (PRINT OR TYPE):** If you are an LLC, incorporated company, or trust, you must be represented by an attorney at the hearing.

1. Name of person or entity requesting hearing RON PIES-706 YORK STREET  
Address \_\_\_\_\_

Telephone number(s) that you can be reached at between the hours of 8:30 a.m. and 4:30 p.m. \_\_\_\_\_

2. Address of subject property 706 YORK STREET

3. Current zoning of subject property CBD/CENTRAL PARK OPPORTUNITY ZONE - Per UPDATED Comprehensive PLAN  
**\*\*\*Please provide the owner's names and addresses of all adjacent properties, including immediately across any adjoining streets. (On either side, directly across the street and directly behind your property.)**

4. Has the subject property been platted? No

5. Has the property been subject to any previous Board of Adjustments hearings?  
Yes No if yes, attach application number and brief explanation: \_\_\_\_\_

6. Attach Site Plan if required by Zoning Administrator. Required Not required \_\_\_\_\_

B. **TYPE OF HEARING REQUESTED (CHECK APPLICABLE CATEGORY OR CATEGORIES):**

1. **DIMENSIONAL VARIANCE (SITE PLAN REQUIRED):**

Fully describe the dimensional variance(s) requested; give specific measurements and cite the applicable Zoning Ordinance section(s) governing the request. Attach additional pages as necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Listed below are conditions, which must be met in order to qualify the property for a dimensional variance. Check the conditions, which apply to this request and provide supporting documentation for each item checked

(a) Specific conditions exist, which are unique to this land and do not exist on other land in the same zone.



5. **CHANGE FROM ONE NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE:**

Current or most recent non-conforming use \_\_\_\_\_  
If not currently in use, when was it last in use \_\_\_\_\_  
Proposed non-conforming use \_\_\_\_\_  
Comprehensive Plan for the subject area \_\_\_\_\_

Fully explain why the proposed change will preserve and not harm the public safety and welfare and will not injure the essential character of the neighborhood. Attach additional pages as necessary.

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Fully explain how the proposed non-conforming use will more conform with the Comprehensive Plan for the City of Newport, as it applies to the area in question, than the existing non-conforming use. Attach additional pages as necessary.

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Fully explain how the proposed non-conforming use is more in conformance with permitted uses in the same zone than the present non-conforming use. Attach additional pages as necessary.

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I hereby depose and say under the penalties of perjury that all of the statements contained in or submitted with this application are true.

Owner's or Duly Authorized Legal Agent's Signature

City of \_\_\_\_\_  
County of \_\_\_\_\_  
Commonwealth of Kentucky

Ronald R. Pies Jr.

Subscribed and sworn to before me this \_\_\_\_ day of

(Notary Public)

Natalie Fornash

My Commission expires June 13, 2025



**NATALIE FORNASH**  
Notary Public, Kentucky  
State At Large  
My Commission Expires  
June 13, 2025  
Notary ID# KYNP53702

- \_\_\_\_ (b) Strict application of Zoning Ordinance requirements will deprive the applicant to reasonable use of the land in a manner equivalent to uses permitted other landowners in the same zone.
- \_\_\_\_ (c) The unique conditions and circumstances in Section B-1-(a) above are not the result of actions taken by the applicant subsequent to March, 1982.
- \_\_\_\_ (d) The dimensional variance will preserve and not harm public safety and welfare and will not alter the essential character of the neighborhood.
- \_\_\_\_ (e) Granting a dimensional variance will not give the applicant any special privilege that is not allowed to other lands, structures, or buildings in the same zone. The nonconforming use of neighboring lands and structures in the same zone is not considered grounds for issuance of a dimensional variance.

\_\_\_\_ 2 **APPEAL OF ZONING ADMINISTRATOR'S ORDER, REQUIREMENT, DECISION, GRANT, OR REFUSAL:**

Fully describe the grounds for appeal, citing the applicable Zoning Ordinance section(s), and thoroughly explain why the Zoning Administrator erred in reaching the appealed decision. Attach additional pages as necessary.

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**CONDITIONAL USE PERMIT (SITE PLAN REQUIRED):**

Most recent or current use of property LARGE CREW PRODUCTION SHOOT  
 If not currently in use, when was it last in use CURRENTLY IN USE  
 Proposed conditional use SEE ATTACHED

Listed below are conditions, which must be met in order to qualify for a conditional use permit. Check the conditions, which apply to this request and provide supporting documentation for each item checked.

✓ (a)

The proposed building and use are necessary and desirable to provide a service or facility, which will contribute to the general well-being of the neighborhood or the community.

✓ (b)

The building and use will not be detrimental to the health, safety or general welfare of the people who reside or work in the vicinity or be injurious to property or improvements in the vicinity.

✓ (c)

The building and use will comply with any regulations and conditions specified in the Zoning Ordinance for such building and use.

\_\_\_\_ 4 **INTERPRETATION OF ZONING MAP OR OTHER SPECIAL QUESTIONS:**

Fully describe the nature of the request for interpretation or clarification. Cite all Zoning Ordinance sections applicable to the question asked.

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### **Current Use**

In 2018 706 York was approved for studio use in the front “Garage on York” and Fitness use in the back “Backlot”. We consider these spaces separate although they can be adjoined. The gym lasted about 1 year before vacating. The studio was doing well and figured it was ok to expand studio use into the Backlot to compliment since that use had already been approved for the front. It didn’t cross our minds that we needed to make the city aware or get permission to grow into our additional space. Until recent, we weren’t aware of differences between A2 and A3 use.

As a studio, we host creative agencies, production crews and free-lance creatives from local to east and west coasts to execute video and photo productions. Crews all bring their own equipment to use through-out the shoot. We are the facilities. Productions can be 1-14 days and in most cases food and non-alcohol beverages are brought in for crews to keep production rolling and keep everyone on task during their work day – usually Mon-Fri. We have small corporate off-sites and meetings that use catering vendors. We have never been told and we still don’t quite understand the details of the food consumption rule, especially during long work periods.

Where things are grey for us is that thru our network, we receive requests for private gatherings on weekends when the spaces aren’t in use as much. It feels like an extension of what we already do. It didn’t cross our minds that this wasn’t permissible. We host small private events which are in demand given that the space feels like an indoor/outdoor space with our large overhead garage door. I have been working with local Newport ABC “Diane Ramey” to ensure I understood alcohol rules which we have been very strict with. We are rule followers and thought we have been doing the right thing all along.

Our studios are sometimes rented individually or as one depending on the project and budget of the client and whether we think there may be a conflict of interest with sound sensitive video shoots. Most corporate shoots and events have crews that are 10-25 people on average but sometimes larger or smaller depending on project.

### **Proposed Use**

It's been brought to our attention that to continue hosting gatherings with food and drink consumption that we need a change of use from our current A3 to A2. We have retained Chad Pucket, Principle/Fold and Form Architecture to do a set of as-built plans and code review to present May 15<sup>th</sup>. Timing may not allow for us to complete these documents in advance of this date. We would like to be pushed to the June BOA meeting if timing doesn't allow however there is a sense of urgency as we do have some small gatherings already on the calendar and in planning. The code review will determine our long- term options for moving forward. We wanted to get on the BOA agenda to continue progress with the city as we work on necessary documents on our end.

### **Temporary Solution**

As a temporary solution, would the city agree to allow us to have small gatherings with food and drink consumption if we hired a licensed "Fire Guard" during event hours to oversee the gatherings and minimize risk while we are working towards a long-term solution?