

<h1 style="text-align: center;">VARIANCE STAFF REPORT</h1>	<p style="text-align: center;">City-County Planning Commission 1141 State Street Bowling Green, Kentucky 42101 (270) 842-1953</p>
<p><u>Docket Number:</u> 2011-V-18 <u>Public Hearing Date:</u> August 11, 2011 <u>Pre-Application Meeting Date:</u> July 13, 2011</p>	<p><u>Property Owner(s):</u> Darren and Lana McDonald 222 Cynthia Lynn Drive Bowling Green, KY 42103</p>
<p><u>Location of Proposed Variance:</u> 222 Cynthia Lynn Drive <u>Acres or Square Footage of Tract:</u> 0.34 Acres (14,749 square feet) <u>PVA Parcel Number:</u> 052B-07-081</p>	<p><u>Site District:</u> Urban Density Development District <u>Focal Point:</u> 114-4 Cumberland Trace <u>Characteristics:</u> Agriculture/Open Space. Area mainly agriculture but undergoing long term, gradual transition to low density residential. <u>Existing Land Use:</u> Residential</p>
<p><u>Traffic Considerations:</u> The property has frontage on Cynthia Lynn Drive and Rayanne Drive, both are City maintained local roadways with fifty (50) feet of right-of-way and twenty-four (24) feet of pavement width.</p>	<p><u>Zone Classification:</u> PUD (Planned Unit Development) using the RS-1B (Single Family Residential) standards. <u>Property Development Standards:</u> <u>Setbacks:</u> <i>Front Yard: 25 Feet</i> <i>Side and Rear Yard: 5 Feet for accessory structure.</i></p>

DESCRIPTION OF REQUEST

The applicants are requesting a variance of ten (10) feet from the required twenty-five (25) foot setback from the side street required for a corner lot in order to construct a detached garage.

Article 4.4.6

VARIANCES REQUEST REFERENCE

The provision of the Zoning Ordinance from which this variance is requested is referenced in Article 4.4.6.B and 4.4.6.E.2.

Accessory Structures & Corner Lots

4.4.6.B The front setback in the RS-1B zoning district is twenty-five (25) feet.

4.4.6.E.2 When a corner lot adjoins another lot in the rear which is used for residential purposes, no accessory building or structure shall extend beyond the front of the principal structure or be nearer to the side street than the depth of any required front yard for a dwelling along such side street....

ZONING ORDINANCE REFERENCE

VARIANCE FINDINGS

KRS 100.243 - Findings necessary for granting a variance:

- (1) Before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - (b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 - (c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- (2) The board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

MOTIONS

MOTION TO **APPROVE** THE **VARIANCES** REQUEST:

I make the motion to **approve** the variance request for the property located at 222 Cynthia Lynn Drive. The variance is a ten (10) foot variance from the required twenty-five (25) foot setback for a proposed detached garage located on a corner lot.

The testimony presented in this public hearing has shown that the granting of this variance will not adversely affect the public health, safety or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or a nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

OR

MOTION TO **DENY VARIANCES**:

I make the motion to **deny** the variance requests for the property located at 222 Cynthia Lynn Drive. The variance is a ten (10) foot variance from the required twenty-five (25) foot setback for a proposed detached garage located on a corner lot.

Sufficient testimony has **not** been presented in this public hearing that the requested variance meet the criteria set forth in KRS 100.243, "Findings necessary for granting variances," as:

(Choose one or more appropriate finding(s) and specific items)

- **will** adversely affect the public health, safety or welfare.
 - **will** alter the essential character of the general vicinity.
 - **will** cause a hazard or a nuisance to the public
 - **will** allow an unreasonable circumvention of the requirements of the zoning regulations.
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- The proposed development plan does **not** show that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - The proposed development plan does **not** show that the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - The circumstances are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.