

<p align="center">CONDITIONAL USE PERMIT & VARIANCE</p>	<p align="center">City-County Planning Commission 1141 State Street Bowling Green, Kentucky 42101 (270) 842-1953</p>
<p><u>Docket Number:</u> 2011-C-03 & 2011-V-21</p> <p><u>Public Hearing Date:</u> October 13, 2011</p> <p><u>Pre-Application Conference:</u> August 11, 2011</p>	<p><u>Property Owner(s):</u> Harold A. Link 229 E. 6th Avenue Bowling Green, KY 42101</p>
<p><u>Location of Property:</u> 460 Park Street</p> <p><u>Acreage or Square Footage of Tract:</u> 0.21 Acres (9,223.37 square feet)</p> <p><u>PVA Parcel Number:</u> 039A-02-25</p>	<p><u>Site District:</u> Urban Density Development District</p> <p><u>Focal Point:</u> 102-1 Fairview</p> <p><u>Characteristics:</u> Residential. In transition from low-moderate priced houses to semi-public, institutional and office uses surrounding the medical complex.</p> <p><u>Flood Plain:</u> The property is not located in the 100-year flood area according to FEMA map # 21227 CO 306 E</p>
<p><u>Traffic Considerations:</u> The property has frontage on Park Street, a City maintained urban local roadway with fifty feet (50') of right-of-way and pavement width that varies.</p>	<p><u>Existing Land Use:</u> Residential</p> <p><u>Zoning History:</u> RM-4 (Multi-Family Residential) is the original zoning.</p>

DESCRIPTION OF REQUESTS

The applicant is requesting to use an existing residential structure for a home occupation (barber shop) as defined in the Zoning Ordinance of Warren County. The applicant has limited the hours of operation from 8 a.m. to 8 p.m. The applicant also requests a six foot (6') variance from the required ten foot (10') side setback.

ZONING ORDINANCE REFERENCE

Article: 5.2.2

HOME OCCUPATION

Section 5.2.2.4.b.(6) A Conditional Use Permit is required in order to have a barber shop (Home Occupation) on property zoned RM-4 (Multi-Family Residential).

Section 4.5.4.B A The side yard setback for property zoned RM-4 (Multi-Family Residential) is ten (10) feet.

- Hours of Operation for the Home Occupation shall be limited 8 a.m. to 8 p.m.

CONDITIONAL USE PERMIT REQUEST

Docket number: 2011-C-03

Section 3.8.4 of the Zoning Ordinance states that an application for a Conditional Use Permit shall be approved if, and only if, the application demonstrates for the proposed use/development that:

- A. Granting the conditional use permit does not substantially conflict with the Comprehensive Plan and the purposes of this Ordinance;
- B. Will be consistent with the “intent” statement for the district in which it is located;
- C. Will be compatible with existing uses adjacent to and near the property;
- D. Will not be hazardous, detrimental or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, or other general nuisance;
- E. Will not otherwise adversely affect the development of the general neighborhood or of the district in which the use is proposed;
- F. Will be consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property;
- G. Will have adequate water and sewer supply, storm water facilities, transportation facilities, waste disposal and other public services;
- H. Will be developed in a way that will preserve and incorporate any important natural features of the site; and
- I. Will conform to any specific criteria or conditions specified for that use elsewhere in the Zoning Ordinance.

MOTIONS

MOTION TO **APPROVE** THE **CONDITIONAL USE PERMIT** REQUEST:

I make the motion to **approve** the Conditional Use Permit, Docket # 2011-C-03, for a barber shop (Home Occupation) at 460 Park Street with the following condition:

- **Hours of Operation for the Home Occupation shall be limited 8 a.m. to 8 p.m.**

The testimony presented in this public hearing has shown that the use:

- Is not detrimental to the public health, safety or welfare in the zone in which it is proposed,
- Will not contribute toward an overburdening of municipal services,
- Will not result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance, and
- Otherwise meets the requirements of the Zoning Ordinance.

OR

MOTION TO **DENY** THE **CONDITIONAL USE PERMIT**:

I make the motion to **deny** the Conditional Use Permit, Docket # 2011-C-03, for a barber shop (Home Occupation) at 460 Park Street.

(Choose one or more appropriate finding(s))

- The use **would** be detrimental to the public health, safety or welfare in the zone in which it is proposed.
- The use **will** contribute toward an overburdening of municipal services.
- The use **will** result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance.
- The use **does not** meet the requirements of the Zoning Ordinance.

MOTIONS

MOTION TO **APPROVE** THE **VARIANCE** REQUEST:

I make the motion to **approve** the request for a variance at 460 Park Street, Docket number 2011-V-21, a variance of 6 feet from the required 10 foot side setback in the **RM-4** multi-family residential district.

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 VARIANCE**:

I make the motion to **deny** the request for a variance at 460 Park Street, Docket number 2011-V-21, a variance of 6 feet from the required 10 foot side setback in the **RM-4** multi-family residential district.

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.