

<p align="center">VARIANCE STAFF REPORT</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-V-22</p> <p><u>Public Hearing Date:</u> October 13, 2011</p> <p><u>Pre-Application Meeting Date:</u> September 16, 2011</p>	<p><u>Applicants:</u> Roger Thomas P.O. Box 217 Smiths Grove, KY 42171</p> <p><u>Property Owner(s):</u> Deon and Mary Benson 1721 Upper Smiths Grove Road Smiths Grove, KY 42171</p>
<p><u>Location of Proposed Variance:</u> Vincent Street, Smiths Grove KY</p> <p><u>Acreage or Square Footage of Tract:</u> 2.254 Acres</p> <p><u>PVA Parcel Number:</u> 080B-01-188</p>	<p><u>Site District:</u> Urban Density Development District</p> <p><u>Focal Point:</u> 116 Louisville Road / I-65</p> <p><u>Characteristics:</u> Agriculture / Open Space. Mostly agriculture but with scattered low density single family residential.</p>
<p><u>Traffic Considerations:</u> The property has road frontage on Vincent Street, a local roadway in Smiths Grove with a fifty (50') foot right-of-way and a pavement width of eighteen (18') feet.</p>	<p><u>Existing Land Use:</u> Vacant</p> <p><u>Zoning History:</u> C-2 (Smiths Grove Highway Commercial District) was the original zoning. The zoning was converted from C-2 to HB (Highway Business) in 2001.</p>

DESCRIPTION OF REQUEST

The applicants are requesting a variance of 300' from the 500' setback in order to have a veterinary clinic 200' away from a residential district. The property is zoned HB (Highway Business) and the use of a veterinary clinic is permitted with specific use standards.

ZONING ORDINANCE REFERENCE

Article 5.2.4.F.5.a

VARIANCE REQUEST REFERENCE

The provision of the Zoning Ordinance from which this variance is requested is referenced in Article 5.2.4.F.5.a .

Setback from a residential district

5.2.4.F.5.a For an animal hospital, kennel or veterinary clinic, any building or area used for such purposes, including pens or exercise runways shall be at least 500' from any residential district.

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 **VARIANCE** REQUEST:

I make the motion to **approve** the request for a variance on Vincent Street, Docket number 2011-V-22, a 300 foot variance from the 500 foot setback to have a veterinary clinic 200 feet away from a 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 on Vincent Street, Docket number 2011-V-22, a 300 foot variance from the 500 foot setback to have a veterinary clinic 200 feet away from a 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.