

<p style="text-align: center;">VARIANCE STAFF REPORT</p>	<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-24</p> <p><u>Public Hearing Date:</u> October 13, 2011</p> <p><u>Pre-Application Meeting Date:</u> September 23, 2011</p>	<p><u>Applicant/Property Owner:</u> Ashwood Homes, Inc. c/o Bill Howe 3716 Nugget Drive Bowling Green, KY 42104</p>
<p><u>Location of Proposed Variance:</u> 3727 Nugget Drive</p> <p><u>Acreage or Square Footage of Tract:</u> 0.41 Acre (17,846 square feet)</p> <p><u>PVA Parcel Number:</u> 042A-68-089</p>	<p><u>Site District:</u> Urban Density Development District</p> <p><u>Focal Point:</u> 108-3 Elrod Road</p> <p><u>Characteristics:</u> Residential. Low density single family residential and agricultural uses.</p>
<p><u>Traffic Considerations:</u> The property has road frontage on Nugget Drive – a county maintained local street with a 50’ right-of-way and a pavement width of 24’, and Cross Hall Loop, – a county maintained local street with a right-of-way and pavement width which vary.</p>	<p><u>Existing Land Use:</u> Residential</p> <p><u>Zoning History:</u> AG (Agriculture) was the original zoning. The property was rezoned to R-2 (Two Family Residential) in 2001, and was converted to RS-1B in 2003</p>

DESCRIPTION OF REQUEST

The applicants are requesting a variance of 3’ from the 7.5’ side setback for the proposed residence.

ZONING ORDINANCE REFERENCE

Article 4.4.6.B

VARIANCE REQUEST REFERENCE

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

Setbacks in a residential district

4.4.6.B Side setback in the RS-1B residential district is 7.5 feet.

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 at 3727 Nugget Drive, Docket number 2011-V-24, a variance of 3 feet from the 7.5 foot side setback in the RS-1B 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 3727 Nugget Drive, Docket number 2011-V-24, a variance of 3 feet from the 7.5 foot side setback in the RS-1B 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.
-
- 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.