

<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-26</p> <p><u>Public Hearing Date:</u> November 10, 2011</p> <p><u>Pre-Application Meeting Date:</u> October 10, 2011</p>	<p><u>Applicant/Property Owner:</u> Lee and Mildred Thompson 2701 Baker Place Bowling Green, KY 42104</p>
<p><u>Location of Proposed Variance:</u> 2701 Baker Place</p> <p><u>Acreage or Square Footage of Tract:</u> 0.4774 (20,794 square feet)</p> <p><u>PVA Parcel Number:</u> 041D-40-218</p>	<p><u>Site District:</u> Urban Density Development District</p> <p><u>Focal Point:</u> 107-2 Cave Mill</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 Walnut Way – a County maintained local street with a fifty (50) foot right-of-way and a pavement width of twenty-six (26) feet, and Baker Place – a County maintained local street with a fifty (50) foot right-of-way and a pavement width of twenty-four (24) feet.</p>	<p><u>Existing Land Use:</u> Residential</p> <p><u>Zoning History:</u> R-1 (Single Family Residential) is the original zoning for this property. The zoning was converted to RS-1A (Single Family Residential) in 2001.</p>

DESCRIPTION OF REQUEST

The applicants are requesting a variance of five (5) feet from the required (ten) 10 foot rear setback for the proposed addition to the principle structure.

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 Rear setback in the **RS-1A** (Single Family Residential) district is 10 feet for a principle structure.

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 2701 Baker Place, Docket number 2011-V-26, a variance of five (5) feet from the ten (10) foot rear setback in the RS-1A residential district for a principle structure.

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 2701 Baker Place, Docket number 2011-V-26, a variance of five (5) feet from the ten (10) foot rear setback in the RS-1A residential district for a principle structure.

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.