

<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-25</p> <p><u>Public Hearing Date:</u> November 10, 2011</p> <p><u>Pre-Application Meeting Date:</u> October 13, 2011</p>	<p><u>Applicant/Property Owner:</u> Charles and Barbara English P.O. Box 770 Bowling Green, KY 42101</p>
<p><u>Location of Proposed Variance:</u> 300 Seymour Drive</p> <p><u>Acreeage or Square Footage of Tract:</u> 0.737 (32,104 square feet)</p> <p><u>PVA Parcel Number:</u> 040A-27-001</p>	<p><u>Site District:</u> Urban Density Development District</p> <p><u>Focal Point:</u> 110-4 Jennings Creek</p> <p><u>Characteristics:</u> Residential. Medium density apartments, attached and detached single family housing. Substantial undeveloped land with much potential. Weak market must be overcome.</p>
<p><u>Traffic Considerations:</u> The property is located on the corner of Seymour Drive and Audley Avenue. Both are City maintained local roadways with sixty (60) feet of right-of-way and thirty (30) feet of pavement width.</p>	<p><u>Existing Land Use:</u> Residential</p> <p><u>Zoning History:</u> AG (Agriculture) is the original zoning. This portion of property was re-zoned from RM-4 (Multi-Family Residential) to HB (Highway Business) in 1996. The property was re-zoned from HB (Highway Business) to RM-4 (Multi-Family Residential) in 2011.</p>

DESCRIPTION OF REQUEST

The applicants are requesting three (3) variances for the property listed at 300 Seymour Drive. The first variance is for a variance of three (3) feet from the required fifteen (15) foot front setback for a townhome. The second variance is for five (5) feet from the required ten (10) foot side setback for a townhome. The third variance is for five (5) feet from the required twenty-eight (28) feet lot width on a townhome lot.

ZONING ORDINANCE REFERENCE

Article 4.5.5.B

VARIANCE REQUEST REFERENCE

The provision of the Zoning Ordinance from which this variance is requested is referenced in Article 4.5.5.B

Setbacks for townhome development

4.5.5.B.2.b - Minimum lot width shall be 18 feet for an interior unit and 28 feet for an end unit.

4.5.5.B.3.a - Front Yard. Minimum 30 feet with no garage on a public street, 15 feet with no garage on a private street, 18 feet with a garage on a public or private street, 15 feet with designated off-site or private parking.

4.5.5.B.3.b - Side Yards. End units shall maintain a minimum 10-foot side yard setback. Interior units are not required to provide setbacks.

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 variances at 300 Seymour Drive, Docket number 2011-V-25, a variance of five (5) feet from the required twenty-eight (28) foot lot width for a Townhome lot, a three (3) foot variance from the required fifteen (15) foot front setback for a townhome and a five (5) foot variance from the required ten (10) foot side setback for a townhome.

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 variances at 300 Seymour Drive, Docket number 2011-V-25, a variance of five (5) feet from the required twenty-eight (28) foot lot width for a Townhome lot, a three (3) foot variance from the required fifteen (15) foot front setback for a townhome and a five (5) foot variance from the required ten (10) foot side setback for a townhome.

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.