

MINUTES
CITY-COUNTY BOARD OF ADJUSTMENTS
May 12, 2011 @ 5:00 p.m.
City Commission Chambers
1001 College Street

MEMBERS PRESENT:

Mike Davenport
Al Kaelin

David Coverdale
Albert Haley

Dr. John Fitts
Charles Adams

ABSENT: **Courtlan Atkinson**

The City-County Board of Adjustments of Warren County was called to order by the Chairman Mike Davenport. He requested Sandy Clark, Zoning Administrator, call the roll and determine a quorum. It was determined that a quorum was present with six (6) of seven (7) members present at the time of roll call.

Chairman Davenport asked if there were any questions or comments about the Summary Minutes of the previous meeting of April 14, 2011. There were no questions or comments. The Motion was made by Mr. Coverdale, seconded by Mr. Haley, and the Board of Adjustments' members unanimously approved the Summary Minutes of April 14, 2011 meeting as written.

Chairman Davenport advised the Board members and the audience that the second case on the agenda, Browns at 1362 Park Street, Bowling Green, Kentucky, has been withdrawn and no action will be taken on this property.

Hon. Hoy Hodges requested the Chairman order that the Joint Zoning Ordinance of Warren County, Kentucky; the applicable Subdivision Regulations; and the Comprehensive Plan with all of its elements effective as of this date (May 12, 2011) be introduced as exhibits for each of tonight's hearings. He further requested the Chairman order that the Staff report with all attachments, together with the Board's file for each application, be likewise introduced as exhibits. He also asked that the Oath be administered to Rachel Hetzler, Planner; Marshall Robinson, Planner; and Jonathan Britt, Senior Planner and asked that they be sworn as witnesses before the Board of Adjustments and their oath and qualifications be reflected in the record for tonight's hearing. Chairman Davenport so ordered and swore in the three witnesses.

Hon. Hoy Hodges, the attorney for the Board of Adjustments, then stated tonight there are three requests for Variances on three different pieces of property. In regard to a Variance, the findings that the Board must make are set forth under KRS 100.243, wherein the Board must find the following in order to prevail: the requested 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 cause an unreasonable circumvention of the requirements of the zoning regulations. In order to prevail on the request for a Variance, the Board needs to receive four (4) affirmative votes. A "pass" vote has no force or affect, so the application would need to receive four (4) affirmative votes. If in the event any party disagrees with the Board's decision, they would

have thirty (30) days to file an appeal directly to Warren Circuit Court.

PUBLIC HEARING:

Chairman Davenport announced the first item on the agenda is a request for a Variance which is described as follows: ***2011-V-07 - Timothy and Kendra Minton*** have filed an application for a Variance for twenty (20) feet from the required twenty (20) foot side set back for HB (Highway Business) adjacent to RS-1A zoning district along the south property line for property located at 332 South Main Street, Smiths Grove, Kentucky. This property is zoned HB (Highway Business)

Marshall Robinson, Planner presented the staff report and stated the applicants met with staff during a pre-application conference and the applicants are requesting a twenty (20) foot Variance from the twenty (20) foot side yard set back required for **HB** (Highway Business) zoned property adjacent to **RS-1A** (Single Family Residential) zoned property.

Mr. Robinson said that Staff held a pre-application with the applicants on March 28th, 2011 and indicated that this property is located in Focal Point 116 Louisville Road - I-65 which has Characteristics of: Agriculture/open space; mostly agriculture but with scattered low density single family residential.

The provision of the Zoning Ordinance from which this Variance is requested is referenced in Article 4.6.8. **4.6.8.C.1** Commercial District adjacent to Residential District (OP-C, HB and GB). For all new structures, any yard abutting a residential district shall have a minimum 20-foot side yard set back.

Chairman Davenport asked if there any questions for staff. One Board member asked if the addition would be whole length of the building and staff responded that the addition is bathrooms and only is a portion of the side of the building. Being no others questions or comments, the Board asked a representative of applicants if they wished to add anything. Ralph Anderson, Engineer/Surveyor indicated he was available if the Board members had any questions.

Chairman Davenport then asked if there were any questions or comments from the Board for Mr. Robinson. Chairman Davenport asked if there is opposition to this request. Being no other questions or comments for staff or the applicants, and being no questions or comments from the audience, Chairman Davenport asked for a Motion.

ACTION: **Dr. Fitts made the Motion, seconded by Mr. Adams, to approve the request for a Variance for a twenty (20) foot Variance from the twenty (20) foot side yard set back required for HB (Highway Business) zoned property adjacent to RS-1A (Single Family Residential) zoned property at 332 South Main Street, in Smiths Grove, Kentucky. 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. The request for the Variance was approved by a vote of (6 yeas).**

Chairman Davenport announced the second item on the agenda is also a request for a Variance which is described as follows: ***2011-V-10 - Scott and Caroline Harris*** have filed an application for a Variance for a change of thirteen percent (13%) in lot coverage from the twenty-five percent (25%) lot coverage permitted in the R-E (Residential Estate) zoning classification for a proposed total of thirty-eight percent (38%) lot coverage for property located at 719 Laurelwood Circle. This property is zoned R-E (Residential-Estate) with Binding Elements

Rachel Hetzler, Planner, presented the staff report and stated the applicants are requesting a change of thirteen percent (13%) from the twenty-five percent (25%) maximum lot coverage permitted in the R-E (Residential Estate) zone classification; proposing the maximum coverage to be thirty eight percent (38%). The applicants propose to install a pool on the property and are requesting a Variance to bring the property into compliance with the Warren County Zoning Ordinance.

The provision of the Zoning Ordinance from which this Variance is requested is referenced in Article 4.4.6. ***4.4.6.B - Property zoned R-E (Residential Estate) has a maximum of lot coverage of twenty-five percent (25%).***

Ms. Hetzler said that Staff held a pre-application with the applicants on April 5th, 2011 and indicated that this property is located in Focal Point 114-4 Cumberland Trace, which has Characteristics of: Agriculture/Open Space; area mainly agriculture but undergoing long term, gradual transition to low density residential

Chairman Davenport asked if there any questions for staff. One Board member asked if the pool has already been started and if the construction on the garage and pool house had already been started prior to coming to the office for the Variance request. The Board asked a representative of applicants to come forward. Therein Joe Shultz, Jr., of 619 Moats Lane, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Davenport to testify before the Board. Mr. Shultz said that the deck has been removed and the new deck began before they came into the office. He said he had already begun on the garage/pool house prior to making application for the Variances needed.

Chairman Davenport then asked if there were any additional questions or comments from the Board for Ms. Hetzler. Chairman Davenport asked if there is opposition to this request. Being no other questions or comments for staff or the applicants, and being no questions or comments from the audience, Chairman Davenport asked for a Motion.

ACTION: Dr. Fitts made the Motion, seconded by Mr. Kaelin, to approve Variance at 719 Laurelwood Circle, Docket number 2011-V-10; a change of thirteen percent (13%) from the twenty-five percent (25%) maximum lot coverage permitted for property zoned R-E (Residential Estate); bringing the maximum lot coverage to 38%. 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. The request for the Variance was approved by a vote of (6 yeas).

Chairman Davenport announced the third and final item on the agenda is also a request for two (2) Variances which are described as follows: ***2011-V-11 - Paul and Barbara Sprouse*** have filed an application for two Variances for accessory structures of: 422 square feet (40%) change to the fifty percent (50%) allowed for accessory building; and 421 square feet (40%) change to the twenty-five percent (25%) allowed for an apartment for property located at 2900 Jackson Bridge Road. This property is zoned AG (Agriculture).

Jonathan Britt, Planner, presented the staff report and stated the applicants are proposing to bring the property into compliance with the Warren County Zoning Ordinance by requesting two Variances. The first Variance is for a change of forty percent (40%) from the fifty percent (50%) maximum ground floor area (of the principle structure) allowed for all accessory buildings; bringing the maximum ground floor area (of the principle structure) allowed for all accessory buildings to 90%. The second Variance is for a change of forty percent (40%) from the twenty-five percent (25%) maximum floor area (of the principle structure) allowed for accessory apartments; bringing the maximum floor area (of the principle structure) allowed for accessory apartments to 65%

The provision of the Zoning Ordinance from which this Variance is requested is referenced in **Articles 4.4.6 and 5.2.2** which are explained as follows:

4.4.6.E.4 - The total area of all accessory building shall not exceed 50% of the ground floor area of the principle building.

5.2.2.A.5.A - Floor area of an accessory apartment cannot exceed 25% of the floor area of the principle structure

Mr. Britt said that Staff held a pre-application with the applicants on April 6th, 2011 and indicated that this property is located in Focal Point 118 Northwest Warren, which has Characteristics of: Agriculture/Open Space; mainly agriculture but with scattered low density single family residential

Chairman Davenport asked if there any questions for staff. One Board member asked if the two structures were already completed and why we are here tonight. Staff explained that they buildings had been constructed some time ago, but now the applicants are requesting to bring this property into compliance as they did not know building permits were required to build the accessory structures and were not aware of size restraints without Variances. The Board asked a representative of applicants if they wished to add anything.

Chairman Davenport then asked if there were any additional questions or comments from the Board for Mr. Britt. Chairman Davenport asked if there is opposition to this request. Being no other questions or comments for staff or the applicants, and being no questions or comments from the audience, Chairman Davenport asked for a Motion.

ACTION: Dr. Fitts made the Motion, seconded by Mr. Adams, to approve two (2) Variances at 2900 Jackson Bridge Road, Docket #2011-V-11; a change of thirteen percent (13%) from the twenty-five percent (25%) change of forty percent (40%) from the fifty percent (50%) maximum ground floor area (of the principle structure) allowed for all accessory buildings; bringing the maximum ground floor area (of the principle structure) allowed for all accessory buildings to 90%, as well as a change of forty percent (40%) from the twenty-five percent (25%) maximum

floor area (of the principle structure) allowed for accessory apartments; bringing the maximum floor area (of the principle structure) allowed for accessory apartments to 65%. 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. The request for the Variances was approved by a vote of (6 yeas).

OLD BUSINESS:

Chairman Davenport asked for any old business. Being none, Chairman Davenport moved on to New Business.

NEW BUSINESS:

Chairman Davenport asked for New Business. Mr. Britt indicated that next month we may have a short continuing education program in order to give the Board of Adjustments members some additional education time.

Being no other new business, and with no other business to conduct, the meeting was adjourned. All members agreed.

MIKE DAVENPORT, CHAIRMAN

Sandy M. Clark, Zoning Administrator