

<h1 style="text-align: center;">VARIANCE STAFF REPORT</h1>	<p style="text-align: center;">City-County Planning Commission 1141 State Street Bowling Green, Kentucky 42101 (270) 842-1953</p>
<p><b><u>Docket Number:</u></b> 2011-V-01</p> <p><b><u>Public Hearing Date:</u></b> March 10, 2011</p> <p><b><u>Pre-Application Meeting Date:</u></b> November 24, 2010</p>	<p><b><u>Property Owner:</u></b> Daniel &amp; Heather Ennis 840 Hardwoods Drive Bowling Green, KY 42104</p>
<p><b><u>Location of Proposed Variance:</u></b> 840 Hardwoods Drive</p> <p><b><u>Acreage or Square Footage of Tract:</u></b> .39 Acres (16,988 square feet)</p> <p><b><u>PVA Parcel Number:</u></b> 042A-06A-260</p>	<p><b><u>Site District:</u></b> Urban Density Development District</p> <p><b><u>Focal Point:</u></b> <b><u>Focal Point:</u></b> 108-3 Elrod Road</p> <p><b><u>Characteristics:</u></b> Residential. Low density single family residential and agricultural uses.</p> <p><b><u>Flood Plain:</u></b> The property is not located in the 100 year flood area according to FEMA map #21227C0315</p>
<p><b><u>Traffic Considerations:</u></b> The property has frontage on Hardwoods Drive, a local roadway in Warren County with fifty feet (50') right-of-way and twenty eight feet (28') of pavement width.</p>	<p><b><u>Existing Land Use:</u></b> Residential</p> <p><b><u>Zoning History:</u></b> AG (Agriculture) is the original zoning. Property rezoned to I-1 (Light Industrial) in 1972 then rezoned to RS-1A (Single Family Residential) with Binding Elements in 2003.</p>

## DESCRIPTION OF REQUEST

The applicants are requesting a variance of three (3) feet from the five (5) foot setback for a detached accessory structure due to the irregular shape of the lot and the location of the existing driveway. (See Attached Variance Plat)

## ZONING ORDINANCE REFERENCE

### Article 4.4.6

#### VARIANCE REQUEST REFERENCE

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

#### Accessory Structures

**4.4.6.B** Accessory structures for single family residential zoning districts have a five (5) foot setback requirement for a detached building.

## 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 840 Hardwoods Drive, Docket number 2011-V-01, a three (3) foot variance from the five (5) foot setback for an accessory 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 840 Hardwoods Drive, Docket number 2011-V-01, a three (3) foot variance from the five (5) foot setback for an accessory 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.