

<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><u>Docket Number:</u> 2011-V-02</p> <p><u>Public Hearing Date:</u> January 13, 2011</p> <p><u>Pre-Application Meeting Date:</u> November 22, 2010</p>	<p><u>Property Owner(s):</u> Arvin & Corrie Vos 632 E. 13th Ave Bowling Green, KY 42101</p>
<p><u>Location of Proposed Variance:</u> 1227 High Street</p> <p><u>Acreage or Square Footage of Tract:</u> .226 Acres (9,850 square feet)</p> <p><u>PVA Parcel Number:</u> 040B-04-017</p>	<p><u>Site District:</u> Urban Density Development District</p> <p><u>Focal Point:</u> 105 RCP Thomas Addition</p> <p><u>Characteristics:</u> Residential. Pre-1950 small lot residential; undergoing gradual conversion to multi-family in some areas. Warrants redevelopment.</p> <p><u>Flood Plain:</u> The property is not located in the 100 year flood area according to FEMA map #21227C0302 E</p>
<p><u>Traffic Considerations:</u> The property has frontage on High Street, a local City maintained roadway with fifty feet (50') right-of-way and twenty seven and a half (27.5') of pavement width.</p>	<p><u>Existing Land Use:</u> Residential</p> <p><u>Zoning History:</u> RM-3 (Multi-Family Residential) is the original zoning.</p>

DESCRIPTION OF REQUEST

The applicants are requesting multiple variances for a property located at 1227 High Street. Variance request #1 is for a fourteen (14) foot variance from the twenty five (25) foot front yard setback; variance request #2 is for a five (5) foot variance from the ten (10) foot side yard setback; and variance request # 3 is for a three (3) foot variance from the ten (10) foot side yard setback. These are the setbacks required by the Warren County Zoning Ordinance for property zoned **RM-3** (Multi-Family Residential).

ZONING ORDINANCE REFERENCE

Article 4.5.4

VARIANCE REQUEST REFERENCE

The provision of the Zoning Ordinance from which this variance is requested is referenced in Article 4.5.4

Accessory Structures

4.5.4.B Structures for Townhouse and Multi-Family residential zoning districts have a twenty five (25) foot front yard setback and ten (10) foot for both side yard 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 multiple variances at 1227 High Street, Docket number 2011-V-02, a fourteen (14) foot variance from the twenty five (25) foot front yard setback; a five (5) foot variance from the ten (10) foot side yard setback; and a three (3) foot variance from ten (10) foot side yard setback.

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 1227 High Street, Docket number 2011-V-02, a fourteen (14) foot variance from the twenty five (25) foot front yard setback; a five (5) foot variance from the ten (10) foot side yard setback; and a three (3) foot variance from ten (10) foot side yard setback.

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.