

<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-10 <u>Public Hearing Date:</u> May 12, 2011 <u>Pre-Application Meeting Date:</u> April 5, 2011</p>	<p><u>Property Owner(s):</u> Scott and Carolina Harris 719 Laurelwood Circle Bowling Green, KY 42103</p>
<p><u>Location of Proposed Variance:</u> 719 Laurelwood Circle <u>Acreage or Square Footage of Tract:</u> 1.17 Acres (56,956 square feet) <u>PVA Parcel Number:</u> 065A-04-034</p>	<p><u>Zone Classification:</u> R-E (Residential Estate) <u>Site District:</u> Rural Conservancy District <u>Focal Point:</u> 114-4 Cumberland Trace <u>Characteristics:</u> Agriculture/Open Space. Area mainly agriculture but undergoing long term, gradual transition to low density residential.</p>
<p><u>Traffic Considerations:</u> The property has frontage on Laurelwood Circle, a local roadway in Warren County with fifty (50) feet of right-of-way and twenty-four (24) feet of pavement width.</p>	<p><u>Existing Land Use:</u> Residential <u>Zoning History:</u> AG (Agriculture) is the original zoning for this property. The property was rezoned from AG to R-1 (Single Family Residential) in 1999; however the property was converted to R-E (Residential Estate) in 2001 by way of a text amendment.</p>

DESCRIPTION OF REQUEST

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. (See attached map)

ZONING ORDINANCE REFERENCE

Article 4.6.8

VARIANCE REQUEST REFERENCE

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

PROPERTY DEVELOPMENT STANDARDS

4.4.6.B. Property zoned **R-E** (Residential Estate) has a maximum lot coverage of twenty-five percent (25%).

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 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.

OR

MOTION TO **DENY VARIANCE**:

I make the motion to **deny** the request for a 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%.

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.