

<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-11  <b><u>Public Hearing Date:</u></b> May 12, 2011  <b><u>Pre-Application Meeting Date:</u></b> April 6, 2011</p>	<p><b><u>Property Owner(s):</u></b>  Paul Sprouse  2900 Jackson Bridge Road  Bowling Green, KY 42101</p>
<p><b><u>Location of Proposed Variance:</u></b>  2900 Jackson Bridge Road  <b><u>Acreage or Square Footage of Tract:</u></b>  1.07 Acres (46,609 square feet)  <b><u>PVA Parcel Number:</u></b>  006A-27</p>	<p><b><u>Zone Classification:</u></b> AG (Agriculture)  <b><u>Site District:</u></b> Rural Conservancy District  <b><u>Focal Point:</u></b> 118 Northwest Warren  <b><u>Characteristics:</u></b> Agriculture/Open Space. Mostly agriculture but with scattered low density single family residential.</p>
<p><b><u>Traffic Considerations:</u></b>  The property has frontage on Jackson Bridge Road, a state-maintained rural local roadway with fifty (50) feet of right-of-way and twenty (20) feet of pavement width.</p>	<p><b><u>Existing Land Use:</u></b> Residential  <b><u>Zoning History:</u></b> AG (Agriculture) is the original zoning for this property.</p>

## DESCRIPTION OF REQUEST

The applicant is 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 principal structure) allowed for all accessory buildings; bringing the maximum ground floor area (of the principal 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 principal structure) allowed for accessory apartments; bringing the maximum floor area (of the principal structure) allowed for accessory apartments to 65%.

## ZONING ORDINANCE REFERENCE

### Articles 4.4.6 and 5.2.2

#### VARIANCE REQUEST REFERENCES

The provisions of the Zoning Ordinance from which these variances are requested are referenced in Articles 4.4.6 and 5.2.2.

#### Accessory Structures

**4.4.6.E.4** The total area of all accessory building shall not exceed 50 percent of the ground floor area of the principal building.

#### Specific Use Standards for Residential Use Categories

**5.2.2.A.5.A** Floor area of an accessory apartment cannot exceed 25 percent of the floor area of the principal structure.

## 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** REQUESTS:

I make the motion to **approve** the request for two (2) variances at 2900 Jackson Bridge Road, Docket number 2011-V-11; change of forty percent (40%) from the fifty percent (50%) maximum ground floor area (of the principal structure) allowed for all accessory buildings; bringing the maximum ground floor area (of the principal 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 principal structure) allowed for accessory apartments; bringing the maximum floor area (of the principal 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.

## OR

## MOTION TO **DENY VARIANCE** REQUESTS:

I make the motion to **deny** the request for two (2) variances at 2900 Jackson Bridge Road, Docket number 2011-V-11; change of forty percent (40%) from the fifty percent (50%) maximum ground floor area (of the principal structure) allowed for all accessory buildings; bringing the maximum ground floor area (of the principal 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 principal structure) allowed for accessory apartments; bringing the maximum floor area (of the principal structure) allowed for accessory apartments to 65%.

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.