

<p align="center"><b>VARIANCE STAFF REPORT</b></p>	<p align="center">City-County Planning Commission 1141 State Street Bowling Green, Kentucky 42101 (270) 842-1953</p>
<p><b><u>Docket Number:</u></b> 2012-V-01</p> <p><b><u>Public Hearing Date:</u></b> January 12, 2012</p> <p><b><u>Pre-Application Meeting Date:</u></b> November 22, 2011</p>	<p><b><u>Applicants:</u></b> Starlite Sign, LP 7923 E. McKinney Avenue Denton, Texas 76208</p> <p><b><u>Property Owner(s):</u></b> Drury Development Corporation 721 Emerson Road, Suite 200 St. Louis, Missouri 63141</p>
<p><b><u>Location of Proposed Variance:</u></b> 3620 Ken Bale Boulevard</p> <p><b><u>Acreage or Square Footage of Tract:</u></b> 5.21 Acres</p> <p><b><u>PVA Parcel Number:</u></b> 053A01-022</p>	<p><b><u>Site District:</u></b> Urban Density Development District</p> <p><b><u>Focal Point:</u></b> 108-4A I-65 interchange</p> <p><b><u>Characteristics:</u></b> Dominant Use Area. Highway commercial and service area and light industrial park.</p>
<p><b><u>Traffic Considerations:</u></b> The property has road frontage on Ken Bale Blvd., a City maintained roadway with 86' of right-of-way and 62' of pavement width and secondary frontage on Trey Ct., a City maintained roadway with varying right-of-way and varying pavement width.</p>	<p><b><u>Existing Land Use:</u></b> Vacant Commercial Property</p> <p><b><u>Zoning History:</u></b> A portion zoned from AG to B-4 in 1965; the rest zoned from AG to B-4 in 1972; converted to HB in 2001.</p>

**DESCRIPTION OF REQUEST**

The applicants are requesting a variance of 150 square feet from the 250 square feet of sign face area permitted for a high-rise sign to have a total of 400 square feet of sign face area. The reason for the request is outlined in the attached letter dated December 2, 2011.

## ZONING ORDINANCE REFERENCE

### Article 4.6.8.F

#### VARIANCE REQUEST REFERENCE

The provision of the Zoning Ordinance from which this variance is requested is referenced in Article 4.6.8.F.

#### High Rise Signs

**4.6.8.F.7.b** For a High-Rise sign at the Exit 22, Scottsville Road area, the maximum height allowed is 100 feet, the maximum sign face area allowed is 250 square feet.

## 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 3620 Ken Bale Boulevard, Docket number 2012-V-01, a variance of 150 square feet from the 250 square feet sign face area permitted for a High-Rise sign.

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 3620 Ken Bale Boulevard, Docket number 2012-V-01, a variance of 150 square feet from the 250 square feet sign face area permitted for a High-Rise sign.

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.