

S U M M A R Y M I N U T E S

CITY-COUNTY BOARD OF ADJUSTMENTS

September 13, 2018 @ 5:00 p.m.
City Commission Chambers
1001 College Street, Bowling Green, Kentucky

MEMBERS PRESENT:

Mike Davenport
Danny Howell
Courtlan Atkinson
Lloyd Ferguson
Elaine Price
Jim Lockwood

The City-County Board of Adjustments of Warren County was called to order by the Chairman Mike Davenport.

A. ROLL CALL:

Chairman Davenport then requested Rachel Hurt to call the roll. It was determined that a quorum was present with six (6) of the seven (7) members in attendance at the time of roll call.

B. APPROVAL OF MINUTES:

Chairman Davenport asked if there were any questions or comments about the Summary Minutes of the previous meeting held August 9, 2018. There were no questions or comments. The Motion was made by Mrs. Atkinson, seconded by Mr. Lockwood, and the Board of Adjustments' members (6 yeas) approved the Summary Minutes of the August 9, 2018 meeting as written.

Hon. Hoy Hodges requested the Chairman order that the Joint Zoning Ordinance of Warren County, Kentucky; and the Comprehensive Plan with all of its elements effective as of this date (September 13, 2018), and the staff reports with all attachments, together with the Board's file for the applications be introduced as exhibits for each of tonight's hearings. He also asked that the Oath be administered to Monica Ramsey and Rachel Hurt and asked that they be sworn in as witnesses before the Board of Adjustments and their oath and qualifications as a Zoning Administrator be reflected in the record for tonight's hearing. Chairman Davenport so ordered and swore in the witnesses. Hon. Hoy Hodges explained that there is an item on the Agenda for an application for a Conditional Use Permit. He explained that there are certain findings the Board must make before approving a Conditional Use Permit and they are set forth in the Zoning Ordinance. In order to prevail, the Board must find that the proposed Conditional Use is not detrimental to the public health, safety or welfare in the zone in which it is proposed; the use will not contribute toward an overburdening of municipal services; the use will not result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance; and that the use otherwise meets the requirements of the Zoning Ordinance. Hon. Hoy Hodges stated the other item on the Agenda is a Variance/Waiver. Hon. Hoy Hodges explained that there are certain findings the Board must make before approving a Variance/Waiver. Regarding a Variance/Waiver, the findings that the Board must make are established under KRS 100.243, wherein the Board must find the following in order to prevail: the requested Variance/Waiver 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. Hon. Hoy Hodges stated for the case to prevail, it will need a majority vote of four positive votes and a “pass” vote has no force or affect. If in the event any party disagrees with the Board’s decision, they would have thirty (30) days to file an appeal directly to Warren Circuit Court.

C. PUBLIC HEARINGS:

Chairman Davenport announced the first item on the agenda has been moved to the last item to be discussed.

***2018-C-12 – Woodburn Baptist Church** has filed an application for a Conditional Use Permit in order to expand the parking lot on a portion of the property located at 0 and 600 Woodburn Allen Springs Road. This property is zoned AG (Agriculture).*

Mrs. Monica Ramsey stepped to the podium to present the staff report. *(Note: Staff report available upon Open Records Request).*

Chairman Davenport asked if there were any questions from the Board. Being none, he asked if there were any questions or opposition from the audience. Being none, he asked for a motion.

ACTION: A motion was made by Mrs. Atkinson, seconded by Mr. Lockwood, to approve the Conditional Use Permit, Docket number 2018-C-12, for a religious institution located at 0 & 600 Woodburn-Allen Springs Road with the following condition: 1) The property will be developed in accordance with the Warren County Zoning Ordinance to include landscaping, parking & sewer restrictions. 2) The property will be developed with down lighting, high intensity discharge shoebox luminary type or wall-packed lighting specifically designed to direct all lighting on the subject property and away from any adjacent property. The testimony presented in this public hearing has shown that the use: A. Is not detrimental to the public health, safety or welfare in the zone in which it is proposed; B. Will not contribute toward an overburdening of municipal services; C. Will not result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance; and D. That the use otherwise meets the requirements of the Zoning Ordinance.. The vote was six (6) yeas, so approved.

Chairman Davenport announced the next item on the agenda:

***2018-V-18 – L-Jam Investment, LLC and The Sign & Imaging Company, Inc. and Houchens Industries** have applied for variances/waivers on the property located at 535 Three Springs Road. This property is zoned HB (Highway Business).*

Mrs. Rachel Hurt stepped to the podium to present the staff report. *(Note: Staff report available upon Open Records Request).*

Chairman Davenport asked if there were any questions from the Board. Chairman Davenport asked if the sign was not getting any taller or wider. It was answered that the height and width was remaining the same, just the square footage of the sign face area was increasing. Chairman Davenport mentioned there were signs along Three Springs Road that are currently that large. Mrs. Hurt stated if they were they were

non-conforming. Chairman Davenport asked if there were any other questions for the staff. Being none, he asked if there were any questions or opposition from the audience. Being none, he asked for a motion.

ACTION: A motion was made by Ms. Atkinson, seconded by Mr. Lockwood, to approve the request for a waiver at 535 Three Springs Road, Docket number 2018-V-18: a waiver of 14 square feet to allow the freestanding sign to be 164 square feet in the HB (Highway Business) zoning district. The testimony presented in this public hearing has shown that the granting of this waiver 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 The vote was six (6) yeas, so approved.

Mr. Danny Howell left the chambers making the total number of board members present for the hearing at five (5). Chairman Davenport announced the last item on the agenda:

2018-V-17 – Wes and Sophie McAdams have applied for variances/waivers on the property located at 1480 Shaker Mill Road. This property is zoned R-E (Single Family).

Mrs. Monica Ramsey stepped to the podium to present the staff report. *(Note: Staff report available upon Open Records Request).*

Chairman Davenport asked if there were any questions from the Board. Chairman Davenport asked if this variance would put the existing house into compliance as well. It was answered yes. Chairman Davenport asked if there were any further questions for the staff. Being none, he asked if there were any questions or opposition from the audience. Being none, he asked for a motion.

ACTION: A motion was made by Mrs. Atkinson, seconded by Mrs. Price, to approve the request for a variance at 1480 Shaker Mill Road, Docket number 2018-V-17: A variance of 9.29 feet, from the required side yard setback of ten (10) feet. 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. The vote was five (5) yeas, so approved.

D. OLD BUSINESS:

Chairman Davenport asked if there were any old business. Being none, he moved to new business.

E. NEW BUSINESS:

Chairman Davenport asked if there was any new business. Being none, the meeting was adjourned.


MIKE DAVENPORT, CHAIRMAN


Date 10/11/18