

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

CITY-COUNTY BOARD OF ADJUSTMENTS

October 11, 2018 @ 5:00 p.m.
City Commission Chambers
1001 College Street, Bowling Green, Kentucky

MEMBERS PRESENT:

Dr. John Fitts
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 Dr. John Fitts.

A. ROLL CALL:

Chairman Fitts then requested Ben Peterson to call the roll. It was determined that a quorum was present with five (5) of the seven (7) members in attendance at the time of roll call.

B. APPROVAL OF MINUTES:

Chairman Fitts asked if there were any questions or comments about the Summary Minutes of the previous meeting held September 13, 2018. There were no questions or comments. The Motion was made by Mrs. Atkinson, seconded by Mrs. Price, and the Board of Adjustments' members (5 years) approved the Summary Minutes of the September 13, 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 (October 11, 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 Ben Peterson, 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 Fitts so ordered and swore in the witnesses. Hon. Hoy Hodges stated one item on the Agenda is a Waiver and the other item on the Agenda is a Variance. 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 Fitts announced the first item on the agenda:

***2018-V-19 – Jason Boone and Curtis Butler** have filed an application for a waiver on the property located at 602 Plum Springs Road. This property is zoned RS-1A (Single Family Residential).*

Mrs. Monica Ramsey stepped to the podium to present the staff report. (*Note: Staff report available upon Open Records Request*). Mrs. Ramsey clarified that the square footages on the staff report needed to be changed to the following: a waiver of 2,969 square feet, the existing residence at 2,581 square feet and the existing garage at 750 square feet. Mrs. Atkinson asked about the square footage for the waiver again. Mrs. Ramsey said she had misspoken when she said 2,696 square feet once, and the correct square footage is 2,969 square feet.

Mr. Lloyd Ferguson entered the chambers, making the total number of board members present for the hearing six (6).

Chairman Fitts asked if the new garage was considered in front of the residence. Mrs. Ramsey stated that the new garage would not extend beyond where the current legally nonconforming garage sits, so the addition would not make the property any more nonconforming than it is today. Chairman Fitts asked if there were any questions from the Board. Being none, he asked for a motion.

ACTION: A motion was made by Mrs. Atkinson, seconded by Mr. Lockwood, to approve the request for a waiver at 602 Plum Springs Road, Docket number 2018-V-19: a waiver of 2,969 square feet to allow the total square footage of accessory structures on the property to exceed the square footage of the principal structure. 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 five (5) yeas, one (1) abstention, so approved.

During the motion, Mr. Peterson suggested the board may want to ask for public comment. Chairman Fitts asked if there were any questions or comments from the audience. Being none, the vote was taken. Chairman Fitts announced the next item on the agenda:

***2018-V-20 – Steve Ellis** has applied for a variance on the property located at 1843 Old Zion Church Road. This property is zoned R-E (Residential Estate).*

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

Chairman Fitts asked if there were any questions from the Board. Mrs. Atkinson asked if it was the front porch or the side porch. Mrs. Hurt stated that because of the way the road curves around the property, there is a front setback along all portions of the property adjacent to the roadway. Mr. Ferguson requested clarification about the porch's distance between the road and the right-of-way. Mrs. Hurt showed on the exhibit which lines represented the roadway and the right-of-way and stated that the porch is 3.5 feet from the right-of-way.

Board of Adjustments Minutes

October 11, 2018

Page 3 of 3

Chairman Fitts asked if Mr. Ellis would like to address his application. Mr. Ellis, 6234 Nashville Road, stepped up to the podium and was sworn in. Mr. Ellis stated that the water line had been in question, and the water department came out and determined that the addition of the porch was not over the line. Chairman Fitts asked if Mr. Ellis thought this would be any concern because the porch is so close to the road. Mr. Ellis said he did not because the porch is inside the tree line and the addition came out 12 feet from the existing house. He said the porch is virtually hidden from the road because of the trees. Mr. Ferguson asked if the trees were in the right-of-way. Mr. Ellis said he thought the water department would tear the trees up when they looked for the water line, but they didn't. Mr. Ferguson asked if the water line was outside the trees. Mr. Ellis said yes.

Chairman Fitts asked if there were any other questions. Mr. Ferguson commented that the road design was a mess and the curve would have to be straightened out at some point. He said traffic safety, visibility and public safety could be issues. Chairman Fitts 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 variance at 1843 Old Zion Church Road, Docket number 2018-V-20: a variance of 21.5 feet, from the required front yard setback of twenty-five (25) feet with the following condition:

- ❖ **A revised plat must be filed to reduce and/or remove the utility easement along Old Zion Church Road, for the portion of the property subject to this variance application.**

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.

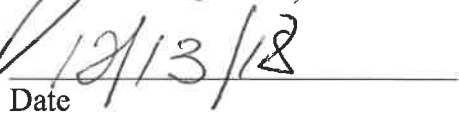
D. OLD BUSINESS:

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

E. NEW BUSINESS:

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


MIKE DAVENPORT, CHAIRMAN


Date

** Audio is available upon Open Records request. This concludes the Summary of Minutes.*