

# **S U M M A R Y   M I N U T E S**

## **CITY-COUNTY BOARD OF ADJUSTMENTS**

**February 14, 2019 @ 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 Jessica Martin 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 January 10, 2019. There were no questions or comments. The Motion was made by Mrs. Atkinson, seconded by Mr. Lockwood, and the Board of Adjustments' members (6 years) approved the Summary Minutes of the January 10, 2019 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 (January 10, 2019), 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 Davenport so ordered and swore in the witnesses. Hon. Hoy Hodges stated the items on the Agenda are 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. In making these findings, the board shall consider whether the requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone, the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant and/or the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought 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-V-02 - Joshua and Amanda West and Tammy Stradtner** have applied for a waiver on the property located at 491 Sylvia Court. This property is zoned R-E (Residential Estate), with a general development plan.*

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

Chairman Davenport stated he didn’t remember the board ever approving an accessory structure in front of a principal structure before but does remember them making someone tear down one. Mrs. Hurt stated there was one last year because of power lines and a sink hole on the side and rear of the property that they could not build on. Chairman Davenport asked if they couldn’t put the accessory structure behind the house with so much land showing on the concept plan. Mrs. Ramsey stated that would be a question for the applicant. Chairman Davenport asked if there were any questions from the Board. Being none, Amanda and Josh West, 236 Larmon Mill Road, came forward and was sworn in. Mrs. West stated she had hired Crowe & Wheeler to do a design on the property to see if the structure was able to be relocated to comply with the Ordinance and it was turned down by the Warren County Health Department and they wrote a letter that with the septic lines and the lay of the land being so flat it couldn’t be placed beside or behind the home. Chairman Davenport asked about the landscaping being proposed to put in and if they would be mature trees. Mrs. West stated she is hiring a well know landscaping company to put in the landscaping and stated they would be planting Cleveland Cypress trees that are a different type of Evergreen that will have vegetation all year long and they are purchasing 20 ft. trees to be installed around the accessory building for an immediate buffer. Chairman Davenport asked if there will be any commercial operations in the workshop. Mrs. West stated no, it will store a vehicle and it is a place where she can do her painting and her husband can build her things. She added it was also a place for her husband and his friends to be out of her home. She explained the comps she has completed to make sure they would not be hurting any home values as well as making the accessory structure match the principal structure and installing stone on the bottom. Chairman Davenport asked if they would have items to sell or retail out of the building. Mrs. West answered no. Chairman Davenport 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 request for a waiver at 491 Sylvia Court, Docket number 2019-V-02: a waiver to allow an accessory building or structure to extend beyond the front of the principal structure with the following condition: 1) Evergreen trees, shrubs and perennials shall be planted as proposed by the applicant and as generally shown on the attached exhibit. (Hon. Hoy Hodges added that testimony stated that they would be mature trees planted.) 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 and one (1) nay (Mr. Howell), the motion was approved.**

Chairman Davenport announced the next item on the agenda:

***2019-V-03 - Johnson Investment Properties, LLC*** has applied for variances on the property located at 428 Dishman Lane. This property is zoned HI (Heavy Industrial).

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

Chairman Davenport asked about the portion of the property that was approved in error. Mrs. Hurt explained which portion was approved and the proposed addition that they are seeking the variance for today. Chairman Davenport asked if there were any questions from the Board. Being none, he asked if the applicant was present. He stood in the back of the room. Chairman Davenport 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 Ms. Price, to approve the request for a variance at 428 Dishman Lane, Docket number 2019-V-03: a variance of 38 feet from the rear property line, from the required setback of 50 feet from a residential district/use. 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 six (6) yeas, so approved.**

Chairman Davenport asked what the Future Land Use Map was for the mobile home park. Mr. Peterson pulled it up on the GIS and it was Mixed-Use Commercial. The board commended the staff for the new staff report layout.

**D. OLD BUSINESS:**

Chairman Davenport asked if there were any old business. Hon. Hoy Hodges gave an update on the two cases in the Court of Appeals. Chairman Davenport asked if there were any other 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.

  
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MIKE DAVENPORT, CHAIRMAN

\_\_\_\_\_  
Date

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