

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

CITY-COUNTY BOARD OF ADJUSTMENTS

April 11, 2019 @ 5:00 p.m.
City Commission Chambers
1001 College Street, Bowling Green, Kentucky

MEMBERS PRESENT:

Mike Davenport
Danny Howell
Courtlann 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 March 14, 2019. There were no questions or comments. The Motion was made by Mrs. Atkinson, seconded by Ms. Price, and the Board of Adjustments' members (6 years) approved the Summary Minutes of the March 14, 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 (April 11, 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 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. 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.

2018-V-05 - Roddy and Lisa Grimes have applied for a waiver on the property located at 163 Teresa Court. This property is zoned R-E (Residential Estate).

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

Chairman Davenport asked what measurement they were requesting tonight. Mrs. Hurt explained that this is a waiver to allow the accessory structure to be in front of the principal structure so a measurement was not required since it will still meet the setback requirement of the zoning ordinance after the plat is revised. Chairman Davenport asked if there were any other questions. Being none, he asked if there were any questions or opposition in 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 163 Teresa Court, Docket number 2019-V-05: a waiver to allow an accessory building or structure to extend beyond the front of the principal structure, with the following condition: 1) A revised plat must be submitted and recorded revising the existing 40’ front yard setback along Teresa Court, prior to the issuance of a building permit. 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, the motion was approved.

Chairman Davenport announced the next item on the agenda:

2019-V-06 - Tom Holmes and Buel and Lola Simpson have applied for variances on the property located at 404 US 31W Bypass. This property is zoned HB (Highway Business).

Mrs. Monica Ramsey stepped to the podium to present the staff report. (Note: Staff report available upon Open Records Request). She stated there were images submitted by the applicant being passed around of what it could look like.

Chairman Davenport asked if there were any questions. Mr. Lockwood asked about the plat request. Ms. Ramsey explained the property is currently shown in 4 sections and have asked for the plat to combine the property into one. Chairman Davenport asked if there were any further questions. Being none, he asked if there were any opposition. Being none, he asked for a motion.

ACTION: A motion was made by Mrs. Atkinson, seconded by Mr. Lockwood, to approve the request for variances at 404 US 31W Bypass, Docket number 2019-V-06: 1) A variance of 80 feet between an outdoor dining area and a residential district, structure or use; 2) A variance of 7 feet from the minimum 10' landscape buffer required between incompatible land uses; 3) A variance of 80 feet from the required distance of 100 between a drive-through speaker and a residential district, structure or use; 4) A variance of 20 feet from the required rear yard setback of 40 feet between property zoned HB (Highway Business) and a single family residential district/use; and 5) A variance of 3.4 feet (292 sf of buffer area) from the minimum 10' landscape buffer required between the vehicle use area and right-of-way along Riverwood Avenue; with the following condition: 1) A revised plat must be filed and recorded to combine the existing tracts into one property, prior to the issuance of a building permit. The testimony presented in this public hearing has shown that the granting of these variances 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, the motion was approved.

Chairman Davenport announced the next item on the agenda:

2019-V-07 – G2T Holdings, LLC and Tim Kanaly have applied for variances on the property located at 2201 Scottsville Road. This property is zoned HB (Highway Business).

Mrs. Monica Ramsey stepped to the podium to present the staff report. (*Note: Staff report available upon Open Records Request*). She stated that the staff suggest an additional condition: 2) The applicants must receive written consistent from Bowling Green Public Works to allow the proposed sign to extend over the right-of-way of the frontage road prior to the issuance of the sign permit.

Chairman Davenport asked if the applicant was aware of the condition that is being added on. Mrs. Hurt stated it is a requirement of the Zoning Ordinance but the applicant may not be aware of it. Chairman Davenport stated there are many signs along that roadway that are close to the road. Mrs. Ramsey stated those signs have been there for a long time and are grandfathered in. Mr. Tim Faulkner, 515 Foxmoor Drive, came forward and was sworn in. He explained the location of the new sign. 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 Ms. Price, to approve the request for a variance at 2201 Scottsville Road, Docket number 2019-V-07: a variance of 17 feet to allow a freestanding sign to be located 3 feet from the edge of pavement, with the following condition: 1) The existing pole that served the previous freestanding sign must be removed prior to the issuance of a sign permit for the proposed freestanding sign. 2) The applicants must receive written consistent from Bowling Green Public Works to allow the

proposed sign to extend over the right-of-way of the frontage road prior to the issuance of the sign permit. 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, the motion was approved.

Chairman Davenport called the next item on the agenda:

2019-C-04 – Bobby Whitney, Jr has filed an application for a Conditional Use Permit to operate a commercial greenhouse and plant nursery, along with accessory uses including office space as well as landscaping and lawn care services on the property located at 1526 Fairview-Boiling Spring Road. This property is zoned AG (Agriculture).

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. 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 Conditional Use Permit, Docket number 2019-C-04, for a commercial greenhouse, located at 1526 Fairview Boiling Springs Road, with the conditions as presented in the staff report. The testimony presented in this public hearing has shown that: A. The uses are not detrimental to the public health, safety or welfare in the zone in which they are proposed; B. The uses will not contribute toward an overburdening of municipal services; C. The uses will not result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance; D. That the uses otherwise meet the requirements of the Zoning Ordinance. The vote was six (6) yeas, so approved.

Chairman Davenport called the last two items on the agenda:

2019-C-05 – RNB Farm, LLC and Rock'n B Horse Carriage, LLC have filed an application for a Conditional Use Permit to expand an existing agritourism use on the property located at 765 Richpond-Rockfield Road. This property is zoned AG (Agriculture).

2019-V-08 – RNB Farm, LLC and Rock'n B Horse Carriage, LLC have applied for a variances on the property located at 765 Richpond-Rockfield Road. This property is zoned AG (Agriculture).

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 board members have any questions. Mrs. Atkinson stated she had a question for the applicants. James Beckner, 765 Richpond-Rockfield Road came forward and was sworn in. Ms. Atkinson asked how wide the entrance is currently. Mr. Beckner stated he has worked with the State and county and the width is currently 45 feet wide. Mrs. Atkinson asked if the hours of operation and music for the dance floor are different. Mr. Beckner stated it is 11:00 a.m. to 10:00

p.m. and they have full control of safety and noise. He stated the music will not be a live band, it will be speakers hooked up to an iPod/phone/etc. Chairman Davenport asked if there were any questions or opposition from the audience. Being none, he asked for a motion on the Conditional Use Permit.

ACTION: A motion was made by Ms. Atkinson, seconded by Mr. Lockwood, to approve the Conditional Use Permit, Docket number 2019-C-05, for an agritourism use, located at 765 Richpond-Rockfield Road, with the conditions as presented in the staff report. The testimony presented in this public hearing has shown that: A. The uses are not detrimental to the public health, safety or welfare in the zone in which they are proposed; B. The uses will not contribute toward an overburdening of municipal services; C. The uses will not result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance; D. That the uses otherwise meet the requirements of the Zoning Ordinance. The vote was six (6) yeas, so approved.

Chairman Davenport asked for a motion for the variance:

ACTION: A motion was made by Mrs. Atkinson, seconded by Mr. Lockwood, to the request for a variance at 765 Richpond-Rockfield Road, Docket number 2019-V-08: a variance of 120 feet from the required distance of 250 feet between an outdoor area for music, bands or other similar noise-generating activity and the nearest residential 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, the motion was approved.

D. OLD BUSINESS:

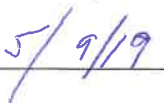
Chairman Davenport asked if there were any old business. Mrs. Jessica Martin stated there will be a meeting next month. Chairman Davenport asked if there were any other old business. Being none, he moved to new business.

E. NEW BUSINESS:

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



MIKE DAVENPORT, CHAIRMAN



Date

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