

<h1 style="text-align: center;">VARIANCE STAFF REPORT</h1>	<p style="text-align: center;">City-County Planning Commission 1141 State Street Bowling Green, Kentucky 42101 (270) 842-1953</p>
<p><u>Docket Number:</u> 2010-V-04</p> <p><u>Public Hearing Date:</u> July 8, 2010</p> <p><u>Pre-Application Meeting Date:</u> May 11, 2010</p>	<p><u>Property Owner:</u> Johnny D. Webb 1051 Bryant Way, Ste. J Bowling Green, KY 42103</p>
<p><u>Location of Proposed Variance:</u> 1051 Bryant Way</p> <p><u>Acreage or Square Footage of Tract:</u> Lot 44 = 1.145 Acres & Lot 40-A-1 = 4.3 Acres</p> <p><u>PVA Parcel Number:</u> 052A-04-040 (Portion of) & 052A-04-044</p>	<p><u>Site District:</u> Urban Density Development District</p> <p><u>Focal Point:</u> 106-4C Scottsville Road Central</p> <p><u>Characteristics:</u> Dominant Use Area. Highway and general business.</p>
<p><u>Traffic Considerations:</u> The property has frontage on Bryant Way, a local City maintained urban roadway with fifty feet (50') of right-of-way and thirty feet (30') of pavement.</p>	<p><u>Existing Land Use:</u> Commercial</p> <p><u>Zoning History:</u> Lot 40-A-1 zoned from AG (Agriculture) to I1 (Light Industrial) in 1973. In 1978 the lot was zoned from I1 (Light Industrial) to PSCG (Planned Shopping Center General). In 2001 the PSCG (Planned Shopping Center General) classification for this lot was converted to PUD (Planned Unit Development). Lot 44 was zoned from AG (Agriculture) to B-4 (Highway Business) in 1969. In 2001 the B-4 (Highway Business) was converted to HB (Highway Business).</p>

DESCRIPTION OF REQUEST

The applicant is requesting a ten foot (10') variance from the thirty foot (30') maximum height permitted in the **HB** (Highway Business) zoning district for a proposed freestanding sign. The applicant also requests a forty five (45) square foot variance from the one hundred and fifty (150) square foot maximum sign face area allowed for a proposed freestanding sign in the **HB** (Highway Business) zoning district.

ZONING ORDINANCE REFERENCE

Article: 4.6.8

VARIANCE REQUEST REFERENCE

The provision of the Zoning Ordinance from which these variances are requested are referenced in Section 4.6.8.F and the Signs Standards Summary Table.

ZONING ORDINANCE STANDARDS

(HB) Highway Business is permitted one (1) freestanding sign with a maximum height of thirty feet (30') and one hundred and fifty (150) square feet of maximum sign face area.

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 variances at 1051 Bryant Way, docket number 2010-V-04, a ten foot (10') variance from the thirty foot (30') maximum height permitted in the **HB** (Highway Business) zoning district for a freestanding sign and a forty five (45) square foot variance from the one hundred and fifty (150) square foot maximum sign face area allowed for a freestanding sign in the **HB** (Highway Business) zoning district.
- 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 variances at 1051 Bryant Way, docket number 2010-V-04, a ten foot (10') variance from the thirty foot (30') maximum height permitted in the **HB** (Highway Business) zoning district for a freestanding sign and a forty five (45) square foot variance from the one hundred and fifty (150) square foot maximum sign face area allowed for a freestanding sign in the **HB** (Highway Business) zoning district.
- 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 appropriate findings 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.
- 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.