

VARIANCE STAFF REPORT

City-County Planning Commission
 1141 State Street
 Bowling Green, Kentucky 42101
 (270) 842-1953

Summary: The applicant has requested a variance of 5% from the maximum lot coverage of 90% in order to add more display and storage area to an existing Auto Sales lot. This property is zoned **HB** (Highway Business).

<p>Docket Number: 2009-V-13</p> <p>Public Hearing Date: August 20, 2009 Planning Commission</p>	<p>Petitioner/ Property Owner: Jim Johnson 2200 Scottsville Road Bowling Green, Kentucky 42104</p>
<p>Site Plan: See attached maps.</p>	<p>Variance Request: 5% from the maximum lot coverage of 90% in the Highway Business district</p>
<p>Acreage or Square Footage of Tract: 4.52+/- Acres</p> <p>PVA Parcel Number: 052A-02-001</p>	<p>Site District: Committed to Urban Development</p> <p>Focal Point: 106-4C Scottsville Road Central</p> <p>Characteristics: Dominant Use Area. Highway and general business.</p>
<p>Existing Land Use: Auto Dealership</p> <p>Zoning History: Property was zoned to HB in 1965.</p>	<p>Flood Plain: The property is not located in the 100 year flood area according to FEMA map #21227 C0308E.</p>
<p>Traffic Considerations: The property has frontage on the Scottsville Road frontage road.</p>	<p>Location of Proposed Variance: 2200 Scottsville Road</p>

Previous Variance Requests in the Immediate Area:

- 1900 Scottsville Road, K. R. Loid Cars, Inc., 15' var. from access street at rear of property, 5-26-88.
- 1328 Bybee Ave., John Grider, 13.5' var. from 25' rear setback, 12-10-98.
- 1910 Karen Ave., Mrs. Jimmy Hendrick, 3.5' var. from 25' setback, 4-9-81.
- 1860 Campbell Lane, Gary Force, lot coverage var. & setback var., 9-22-02.
- 1052 Searcy Way, Green Mechanical Construction, 30' var. from 66' required setback for a 110' radio tower, 12-12-91.
- 1045 Lovers Lane, WAKY Sign Co., 19' 8 1/2" var. from max. height of 7' allowed; 119.5 square feet var. from max. of 75 square feet allowed for a sign, 5-27-04.
- 1053 Lovers Lane, Thomas Hunt, 10' var. from max. height of 7', 5 square foot var. from 75 square foot max. for sign face area & 17 square foot var. from 20% max. area of 15 square feet on a freestanding sign, 3-26-09.

DESCRIPTION OF REQUEST

The applicant has requested a variance of 5% from the maximum lot coverage of 90% in the Highway Business district.

ZONING ORDINANCE REVIEW

Article: 4.6.8.B.1
<u>4.6.8.B.1 Property Development Standards</u>
The maximum allowed lot coverage in the HB (Highway Business) is 90%.

ZONING ORDINANCE COMPLIANCE

<u>Zoning Ordinance Article:</u>	<u>Application:</u>
<ul style="list-style-type: none">• 4.6.8.B.1 Property Development Standards	The applicant proposes the construction of two additions of 1,040 square feet for vehicle delivery and 12,446 square feet for a service department for a total of 13,486 square feet to be added to the existing buildings containing 26,524 square feet, bringing the total square footage of buildings on the site to 40,010 square feet. They are also adding an area for vehicle storage. The proposed vehicle storage area will be pervious pavement. With the addition of the vehicle storage area, the site will exceed the maximum lot coverage of 90% for the HB (Highway Business) zoning district.

Items of concern:

- None

STAFF REVIEW AND RECOMMENDATION

The Staff finds that the proposed **Variance** is in compliance with the Warren County Zoning Ordinance and recommends that the Variance request be **APPROVED**.

VARIANCE REQUEST

Docket number: 2009-V-13

KRS 100.243 - Findings necessary for granting variances:

- (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.

The provision of the Zoning Ordinance from which this variance is requested is referenced in Section is 4.6.8.B.1 :

- The applicant has requested a variance of 5% from the maximum lot coverage of 90% in the Highway Business district.

MOTIONS

MOTION TO **APPROVE** THE **VARIANCE** REQUEST:

- I make the motion to **approve** the request for a variance at 2200 Scottsville Road, docket number 2009-V-13, a variance of 5 percent from the maximum lot coverage of 90 percent in the Highway Business district.
- 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.

OR

MOTION TO **DENY VARIANCE**:

- I make the motion to **deny** the request for a variance at 2200 Scottsville Road, docket number 2009-V-13, a variance of 5 percent from the maximum lot coverage of 90 percent in the Highway Business district.
- Sufficient testimony has **not** been presented in this public hearing that the requested variances 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.