

Staff Report

Bourbon County Joint Planning Commission
March 18, 2021

Case Number: ZMA 21-01
Applicant: Brian Halen
Location: 1216 Pleasant Street
Jurisdiction: City of Paris
Request: Zone Map Amendment
from I-1 to R-3
Site Visit: March 5, 2021
Signage Posted: February 29, 2021



Proposal:

Applicant requests a zone change for a 4,280 lot from I-1 Industrial to R-3 Residential with a proposed finding that the original zoning classification for the property is inappropriate and the proposed zoning is more appropriate. Applicant proposes the construction of a single family home. Along with zone change request, applicant requests side setback variances of 4.5 ft and 5.5 ft.



Background:

Existing: Vacant Lot
Ingress/egress: Pleasant Street
Lot Size: 4,280 square feet
Floodplain Y/N: No

Proposed zone change and the Comprehensive Plan: As an existing lot, the current 2017 Comprehensive Plan and future land use map does not address this property for future redevelopment. However, it does identify this area and parcel as existing residential.

The most applicable 2017 goal that may be most applicable to the zone change:

Provide an adequate supply of safe and affordable housing.



EXISTING ZONING AND LAND USE

The map to the right shows the existing zoning classifications for the subject property and surrounding properties.

Property	Existing Zoning	Existing Land Use
1 (1216 Pleasant)	I-1 Light Industrial	Vacant. Original house demolished in 2008.
2 (Freight Railroad)	I-1 Light Industrial	Freight Railroad.
3 (1212 Pleasant)	R-3 Residential and I-1 Industrial	Residential
4	R-3 Residential and I-1 Industrial	Residential
5	I-1 Light Industrial	Commercial (Mini-storage)



URBAN SERVICES REPORT

The subject property is located on Pleasant Street, a City of Paris residential street that is 28 ft in width. The subject property contains a sidewalk in front that runs parallel to Pleasant St. The previous home that was located on this property was demolished in 2008.

The property has sanitary sewer, water, and electricity access that is provided by the City of Paris.

The property also has access to natural gas via Columbia gas.

The closest Fire Station and Police Department is located ½ mile from the subject property.

Refuse collection is offered through Rumpke.

ARTICLE 5 ZONE MAP AMENDMENTS	
<p>80.400 B. The zoning ... map shall not be amended, changed, or modified in such manner as to create a free-standing district of less than five (5) acres...</p>	<p>CONFORMING. Property is adjacent to other residentially zoned property and will not create a free-standing district.</p>
<p>80.403 B. The Planning Commission shall make findings of fact and a recommendation for approval or disapproval of the proposed amendment to the City Commission. Before recommending to the City Commission that an application for amendment to the Official Zoning Map ... be granted, the Planning Commission... must find that the amendment request is in agreement with the current Bourbon County Comprehensive Plan, or in the absence of such a finding that: The original zoning classification given to the property was inappropriate or improper, and that the proposed classification is proper. That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning Commission and which have substantially altered the basic character of the area. The Planning Commission shall also determine, as part of its findings, the suitability and compatibility of any proposed development of said property.</p>	<p>The applicant claims that this zoning map amendment request is appropriate because the original zoning classification given to the property is inappropriate or improper. Staff Comments: In agreement with current Comprehensive Plan? See original notes on Comprehensive Plan applicability.</p> <p>Staff opinion is that “no” the map amendment request is not in alignment with the Comprehensive Plan.</p> <p>Was the original zoning classification given to the property inappropriate or improper? Is the proposed classification proper?</p> <p>Yes, it is staff opinion that the original zoning classification for this property was inappropriate. The proposed B-2 zoning classification is more appropriate due to the following finding:</p> <p>The property is 4,280 square feet and is located along a residential street and surrounded on two sides by residential properties.</p>
<p>The Planning Commission shall have the power to hear and finally decide applications for variances ...</p> <p>Side setback requirement in R-3 district: 10 ft</p> <p>Proposed: 5.5 ft and 4.5 ft. setbacks.</p>	<p>Applicant requests side setback variances of 5.5 ft. and 4.5 ft. for the construction of a new home.</p> <p>Findings: Before a 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 vicinity, will not cause a hazardous 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: Does the requested variance arise from special circumstances? Yes, the existing lot is nonconforming (4,280 sf) and the applicant is unable to meet setback requirements given the small size of the lot. Would the strict application deprive the applicant of the reasonable use of land or create unnecessary hardship? Yes, as a 37.5 ft wide lot, the setback requirements could only be met if the home were one room wide. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the zoning regulation for which relief is sought? No, the circumstances are not the result of any actions taken by the applicant subsequent to the adoption of the zoning regulations.</p>

Staff Recommendation:

Staff recommends approval of zone map amendment request to rezone 1216 Pleasant Street from I-1 Light Industrial to R-3 Residential with a finding that the original zoning classification is inappropriate and the proposed zoning is more appropriate. Additionally, staff recommends approval of the side setback variance requests of 5.5 ft. and 4.5 ft as the applicant faces special hardships due to the small and narrow size of this lot. The variance request is also in character with the existing setbacks of the neighborhood.

Staff recommends the following condition:

- Applicant submit completed survey plat to the Planning Office prior to submittal of zone map amendment request to the Paris City Commission for consideration.

