

SEPTEMBER 8, 2022

PORTION OF 5439 JACK HINTON ROAD**ZONE CHANGE**

From: R-1A Single Family Residential	
To: A-R Rural Agriculture	
Proposed Use:	Residential
Acreage:	1.000
Applicant:	Joshua Clark; Delores Worth Life Estate (2209.2228)
Surrounding Zoning Classifications:	
North: A-R	South: A-R
East: A-R	West: A-R

Proposed Zone & Land Use Plan

The applicant is seeking an A-R Rural Agriculture zone. The subject property is located in a Rural Maintenance Plan Area, where rural small-lot residential uses are not generally recommended.

Planning Staff Review**GENERAL LAND USE CRITERIA****Environment**

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- The subject property is partially located in a special flood hazard area per FIRM Map 21059CO305D.
- It appears that the subject property may be designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

Electricity, water and gas are available to the subject property. Sanitary sewage disposal is accomplished by an on-site septic system.

Development Patterns

The project area is a 1-acre portion of an existing 4.37-acre tract of land that is located along Jack Hinton Road; a local roadway with a 60-foot building setback measured from the centerline of the road.

The entirety of subject property contains a single family residence and several detached structures, and is largely zoned R-1A Single Family Residential with A-R Rural Agriculture zoning to the rear. All adjoining

properties, including those across Jack Hinton Road and those to the rear of the subject property, are all zoned A-R Rural Agriculture. As a result, the existing R-1A zoning on the subject property is a spot-zoned island of residential zoning within the immediate vicinity.

One of the previously mentioned detached structures is a barn adjoining the western property line, near the front building setback along Jack Hinton Road. This barn is entirely located within the R-1A zoning on the property. Per the submitted application, the applicant intends to sell 1-acre of land, including this barn, to the adjoining property to the west, located at 5363 Jack Hinton Road, which is currently 2.5 acres in size.

However, the adjoining property is entirely zoned A-R Rural Agriculture. In order to prevent the creation of an additional split-zoned lot, the applicant has proposed to rezone this 1-acre portion of land from R-1A Single Family Residential to A-R Rural Agriculture in order to shift the interior property line as proposed; no new lots are created with this proposed zone change.

Once the 1-acre sale is complete, the subject property will total 3.37-acres, and the neighboring lot will be 3.5-acres in size. The two lots will combine to contain under 700-feet of road frontage. Both of these lots would be considered rural small-lot residential properties, which are not generally recommended in the Rural Maintenance plan areas; however, in a plan area that encourages rural large lots, the proposed A-R Rural Agriculture zoning is more appropriate than the existing R-1A Single Family Residential zoning.

Any future changes to the properties shall comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. Before any construction activity takes place on the property, the OMPC Building, Electrical and HVAC department shall be contacted regarding any necessary permits, inspections and certificates of occupancy and compliance.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is not in compliance with the community's adopted Comprehensive Plan, but the proposed A-R Rural Agriculture zoning is more appropriate than the existing R-1A Single Family Residential zoning. Both, the subject property and the neighboring property are existing lots of record with adequate road frontage along a public road. Additionally, the proposed A-R zoning is a logical expansion of existing A-R zoning, and will reduce the size of the R-1A spot-zoning in the immediate vicinity.

Planning Staff Recommendations

The planning staff recommends approval subject to the findings of fact that follow:

Findings of Fact:

1. Although the proposal is not in compliance with the community's adopted Comprehensive Plan, staff recommends approval because the proposed A-R Rural Agriculture zoning is more appropriate than the existing R-1A Single Family Residential zoning;
2. The subject property is located in a Rural Maintenance Plan Area, where rural small-lot residential uses are not generally recommended;
3. The subject property and the adjoining lot which will be purchasing the 1-acre project area are both existing lots of record with no new lots proposed;
4. Both properties have existing road frontage along a public road and, as a result, no new roads are proposed with this request;
5. The proposal is a logical expansion of existing A-R Rural Agriculture zoning to the north, south, east, and west; and,
6. The proposal will reduce the size of the spot-zoned R-1A Single Family Residential zoning in the immediate vicinity.