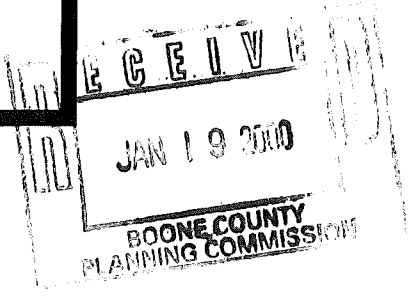


APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations  
SECTION A (To be completed by applicant)

- 1. (Check One)  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
- 2. (Check One) \_\_\_\_\_ Conditional Use Permit  Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use
- 3. Applicant's Name John & Jacqueline Steele  
Phone Number (606) 596-4794 Fax No. \_\_\_\_\_  
Applicant's Address 7980 McVile Rd  
Burlington Ky 41005  
City State Zip
- 4. Description of Request: Reduction of rear setback from 50' to 32' to accommodate proposed building expansion at corner of property (includes 2' to spare)
- 5. Name of Development Steele's Hometown Tire & Auto
- 6. Location of Development 5990 Carlton Dr. Burlington, Ky. 41005  
(corner of Carlton and Ky 18)
- 7. Acreage Under Review 0.4246 A
- 8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
- 9. Owner of Property William F., Jr. and Nancy Goetz  
Phone Number of Owner 586-9479 10. \_\_\_\_\_  
Address of Property Owner 6293 Saddle Ridge, Burlington, Ky 41005  
City State Zip
- 11. Proposed Use(s) on Site Automotive and light Truck Garage  
Tires, Alignments, Brakes, etc.
- 12. Total Square Footage of Existing and/or Proposed Buildings Existing 2100, Proposed 2000.
- 13. Current Zoning on Property C-3
- 14. Deed Book 382 Page No. 78-82 Group No. 7025
- 15. Is the site subject to a zone change? No  
If yes, give date of approval \_\_\_\_\_
- 16. Have you submitted a Site Plan with this request? Yes
- 17. Have you submitted a list of adjoining property owners with this request? Yes
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: John Steele Jacqueline M Steele

Property Owner's Signature: Will E Soy

BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2

**SECTION B** (To be completed by the Boone County Planning Commission Staff)

1. Date Received 1-19-0 Fee Received \$526.00 R# 22973
2. Is application complete? ✓ Yes \_\_\_\_\_ No \_\_\_\_\_
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
\_\_\_\_\_ **Approved**  
X **Approved with Conditions** (See #6)  
\_\_\_\_\_ **Denial** (See #7)
6. Conditions of Approval: #2 & 3 UNDER COMMENTS #10 STAFF REPORT  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Boone County Planning Commission**  
2995 Washington Street  
Burlington, Kentucky 41005  
(606) 334-2196 Phone  
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

## STAFF REPORT

**APPLICANT:** John & Jacqueline Steele  
**LOCATION:** 5990 Carlton Drive, Boone County, Kentucky  
**ZONING:** Commercial Services (C-3)  
**DATE:** February 9, 2000

### Proposal

The applicants are requesting the second of two Variances so an existing convenience store and gasoline canopy can be converted into a tire discount warehouse and service station. The first Variance request, approved on January 12, 2000, allows for a zero foot side yard setback along Carlton Drive for the newly proposed service bays. The applicant is now submitting a second Variance to reduce the required rear yard setback from 50 feet to 32 feet to accommodate the proposed building expansion.

### Dimensional Variance

The Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for Variances. A Variance is defined as a departure from dimensional terms of the zoning regulation pertaining to height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.47.

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.

Staff Comments

1. The applicant's proposed building requires a 34' rear yard setback, but the request is for a 32' setback to allow for a 2' cushion on the construction.
2. If the Variance is approved, Staff believes that a condition should be added that requires Staff Design Review. This would involve the applicant submitting building elevations of the new addition to ensure that they are aesthetically pleasing and that the overall structure has an integral appearance. Staff feels that this requirement is important due to the development's high visibility from Burlington Pike and the fact that the development adjoins a residential area.
3. Staff would like the applicant to be aware that a Site Plan will be required to expand the building. Staff will be reviewing the overall intensity of the development, the number of required parking stalls, and the required buffer yards. A type "A" (10' wide) buffer will be required along the rear property line because the subject development adjoins an Urban Residential zoning district. A type "A" buffer yard will also be required along the KY 18 street frontage. The applicants can ask the Kentucky Transportation Cabinet if they can plant within their right-of-way if the Variances are approved.

Conclusion

K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the power to hear and decide on applications for Variances.

Respectfully Submitted,

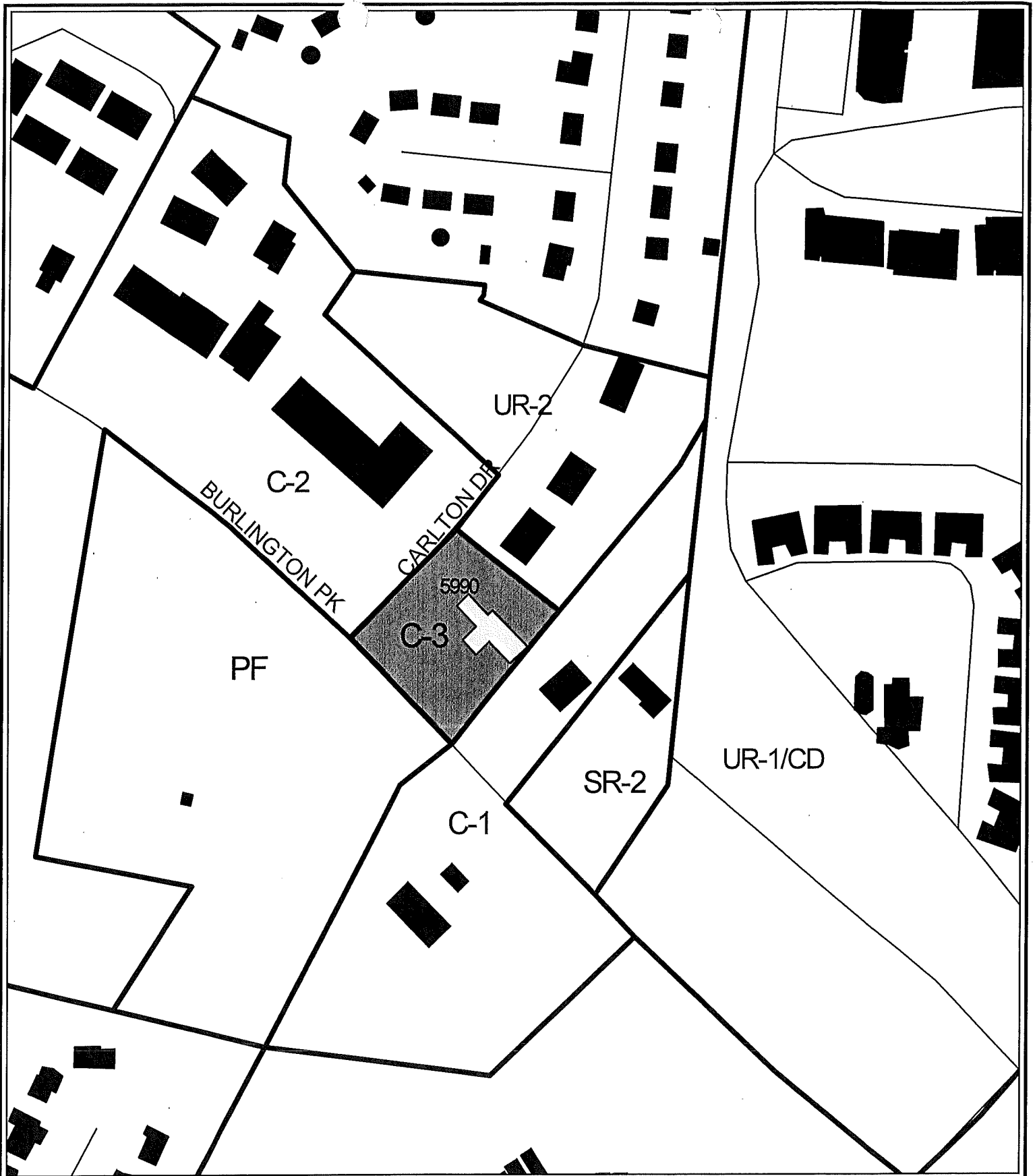


Mike Homer  
Planner

MH/pr

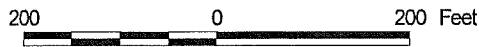
Attachments

- Site/Zoning Map
- Site Plan
- Variance Application



# Site/Zoning Map

## 5990 Carlton Drive



1 inch equals 200 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 February 4, 2000



6' PRIVACY FENCE

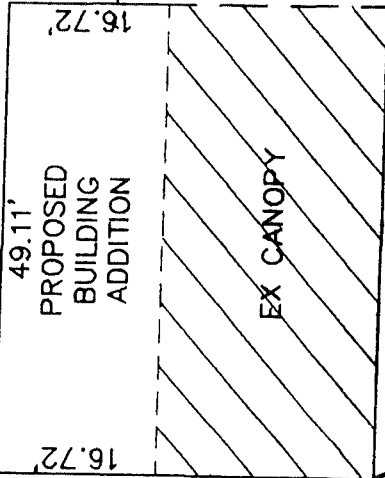
S 44°02'45" E 118.65'

S 38°33' W 139.87'

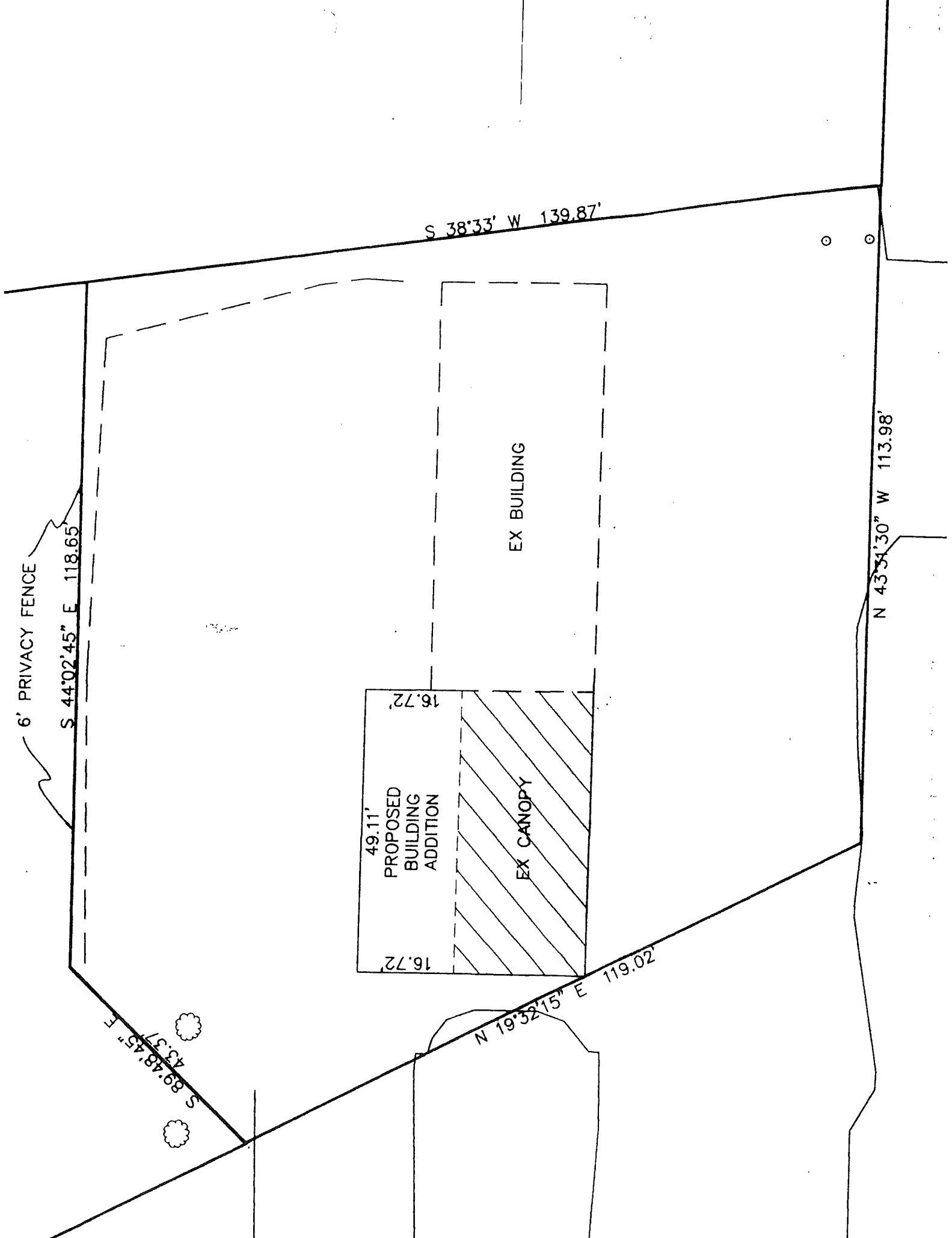
N 43°31'30" W 113.98'

S 89°48'45" E 43.37'

N 19°32'15" E 51.5261 N  
20.611 E

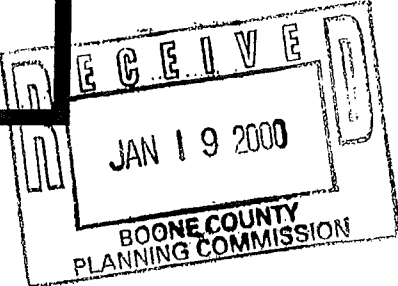


EX BUILDING



APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations  
**SECTION A** (To be completed by applicant)

- (Check One)
- Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
  - (Check One)  
 Conditional Use Permit  Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
 Change in Non-Conforming Use \_\_\_\_\_
  - Applicant's Name John & Jacqueline Steele  
 Phone Number (606) 586-4798 Fax No. \_\_\_\_\_  
 Applicant's Address 7980 McVillie Rd  
Burlington Ky 41005  
 City State Zip
  - Description of Request: Reduction of rear setback from 50' to 32' to accommodate proposed building expansion at corner of property (includes 2' to spare)
  - Name of Development Steele's Hometown Tire & Auto
  - Location of Development 5990 Carlton Dr. Burlington, Ky. 41005  
(corner of Carlton and Ky 18)
  - Acreage Under Review 0.4246 A
  - Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
  - Owner of Property William F., Jr. and Nancy Goetz  
 Phone Number of Owner 586-9479 10.  
 Address of Property Owner 6293 Saddle Ridge, Burlington, Ky 41005  
 City State Zip
  - Proposed Use(s) on Site Automotive and light Truck Garage  
Tires, Alignments, Brakes, etc.
  - Total Square Footage of Existing and/or Proposed Buildings Existing 2100, Proposed 2000
  - Current Zoning on Property C-3
  - Deed Book 382 Page No. 78-82 Group No. \_\_\_\_\_
  - Is the site subject to a zone change? No  
 If yes, give date of approval \_\_\_\_\_
  - Have you submitted a Site Plan with this request? Yes
  - Have you submitted a list of adjoining property owners with this request? Yes
  - I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: John Steele Jacqueline M Steele

Property Owner's Signature: Will Elsoy

COPY

CLUR #00-BCBOA-009-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

William & Nancy Goetz  
6293 Saddle Ridge Dr.  
Burlington, KY 41005

2. ADDRESS OF PROPERTY

5990 Carlton Dr.  
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Steele's Hometown Tire & Auto

4. DEED BOOK 382

PAGE NO. 78/82

GROUP NO. 2025

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:  
From      To     

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat  
(Not Recorded)

Other:

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2995 WASHINGTON STREET  
BURLINGTON, KENTUCKY 41005

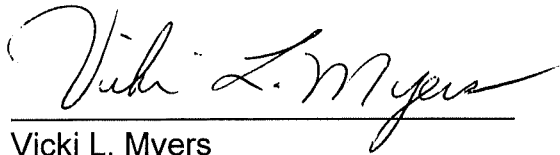
  
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

Mike Homer, Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

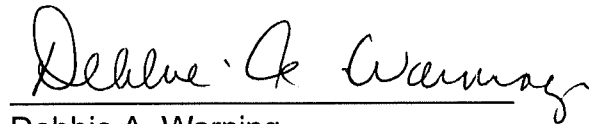
Subscribed, sworn to, and acknowledged before me by Mike Homer on behalf of the  
Boone County Planning Commission this 17 day of February, 2000.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of February 9, 2000 Certificate of Land Use Restriction (#00-BCBOA-009-A), for William F. & Nancy Goetz, Property Owner(s).

The following conditions will apply:

1. Staff Design Review is required.
2. Site Plan Review is required.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 382

PAGE NO. 78/82

GROUP NO. 2025