

03-BCBOA-002-A

APPLICATION FORM

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**

See Boone County Zoning Regulations

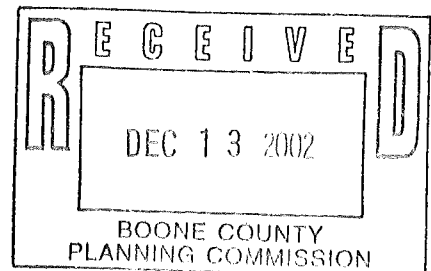
SECTION A (To be completed by applicant)

- (Check One)
1. Boone Florence Walton Union
- (Check One)
2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant's Name Heritage Bank c/o Arnold Caddell
Phone Number 859-586-9200 Fax No. 859-586-9240
Applicant's Address 1818 Florence Pike
Burlington Kentucky 41005
City State Zip
4. Description of Request: Setback variance
5. Name of Development Heritage Bank
6. Location of Development 1818 Florence Pike
Burlington, Kentucky 41005
7. Acreage Under Review 1.0 acre
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Heritage Bank
Phone Number of Owner 859-586-9200
10. Address of Property Owner 1818 Florence Pike, Burlington, Kentucky 41005
City State Zip
11. Proposed Use(s) on Site Bank
12. Total Square Footage of Existing and/or Proposed Buildings 6,000 sq. ft.
13. Current Zoning on Property C-2
14. Deed Book 631 Page No. 185 Group No. 2025
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: Arnold Caddell for Heritage Bank
Arnold Caddell

Property Owner's Signature: Arnold Caddell for Heritage Bank
Arnold Caddell

(over)



**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 12-13-02 Fee Received \$ 811.00
2. Is application complete? Yes No R# 33742
3. Staff Reviewer Todd Morgan
4. Scheduled Board Action Date _____
5. Board Action:
1-8-03 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: STAFF COMMENTS 2 + 3

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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: Heritage Bank
LOCATION: 1818 Florence Pike, Boone County, Kentucky
ZONING: Commercial Two (C-2)
DATE: January 8, 2003

Proposal

Heritage Bank has requested a variance so they can construct a ^{2,720} square foot addition onto their building, which is located at 1818 Florence Pike, Boone County, Kentucky. The request is to reduce the 30 foot front yard setback requirement to 17 feet (see attached Concept Plan).

Applicable Regulations

Article 2, Section 250 of the Boone County Zoning Regulations states that 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 the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
 - 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 contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - 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.

Surrounding Land Uses & Zoning

- North: Burlington Oaks Apartments (C-2)
- South: Florence Pike, KY 18, Office Building (O-1/CD)
- East: Taylor Drive, Flick's Grocery, and Braxton's Cleaners (C-2)
- West: State Farm Insurance & Dental Office (C-2)

Site Characteristics

The 1 acre site contains a 9,380 square foot bank, drive-through lanes, and 27 parking stalls. Access to the site is provided from curb cuts on Taylor Drive and another curb cut on Florence Pike.

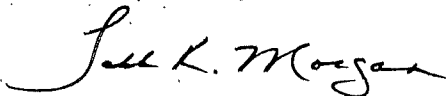
Staff Comments

1. The requested variance would reduce the required 30' front yard setback requirement by 43%. The Board needs to determine if the request arises from special circumstances, would change the essential character of the area, or would be an unreasonable circumvention of the zoning regulations.
2. If the Board approves the request, Staff recommends a condition which would require street frontage landscaping (Type A buffer yards) to be installed along Florence Pike and Taylor Drive.
3. A Major Site Plan application will need to be approved by Staff before construction can proceed. This plan will need to address setbacks, parking requirements, storm water management for the new impervious area, and any pertinent conditions of approval.

Conclusion

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a front yard setback variance.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

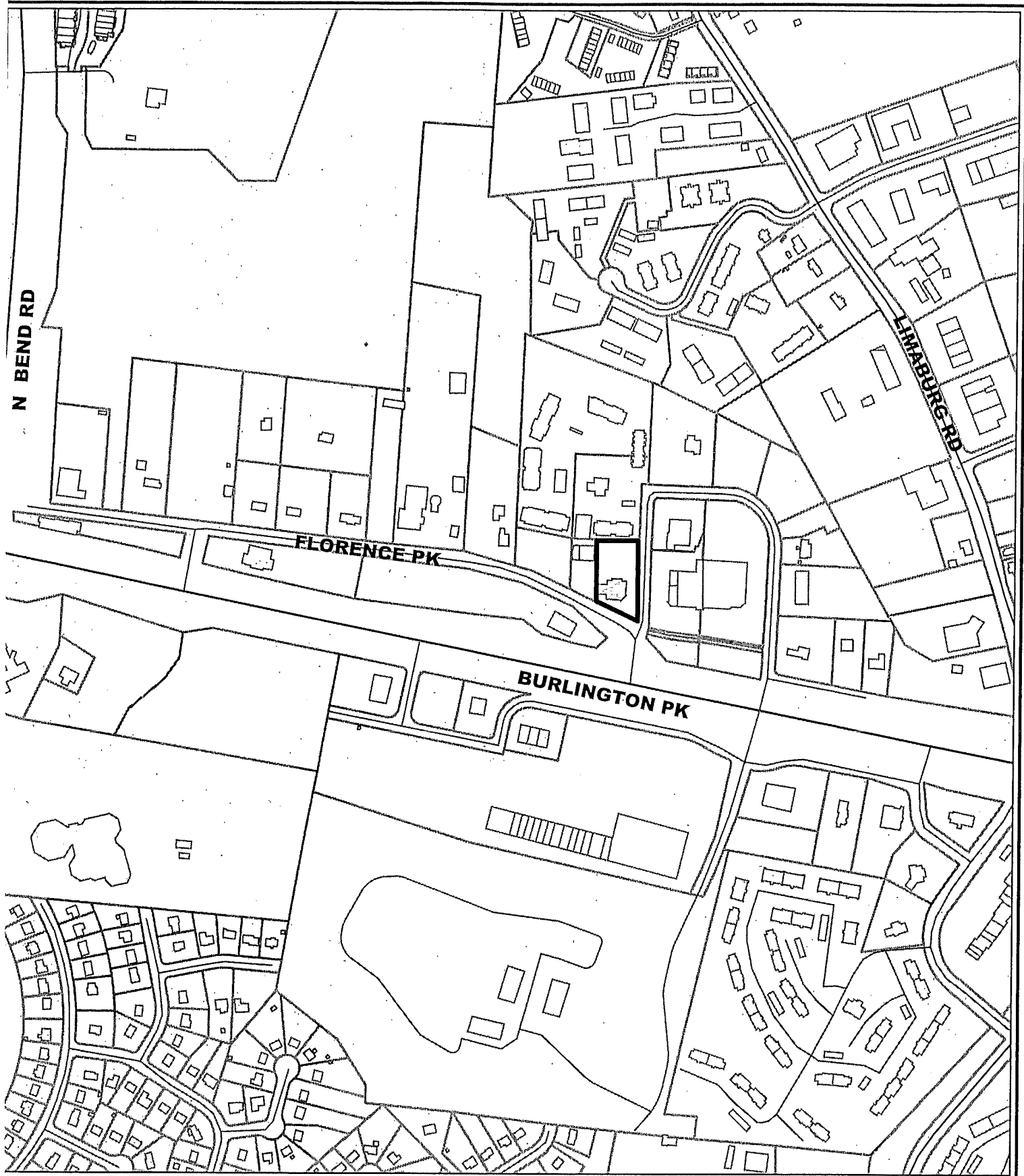
Exhibit A – Site Vicinity Map

Exhibit B – Concept Plan

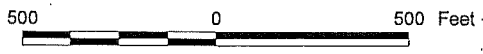
Exhibit C – Aerial Map

Exhibit D – Zoning Map

Exhibit E – Application

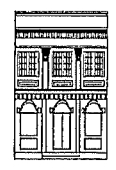


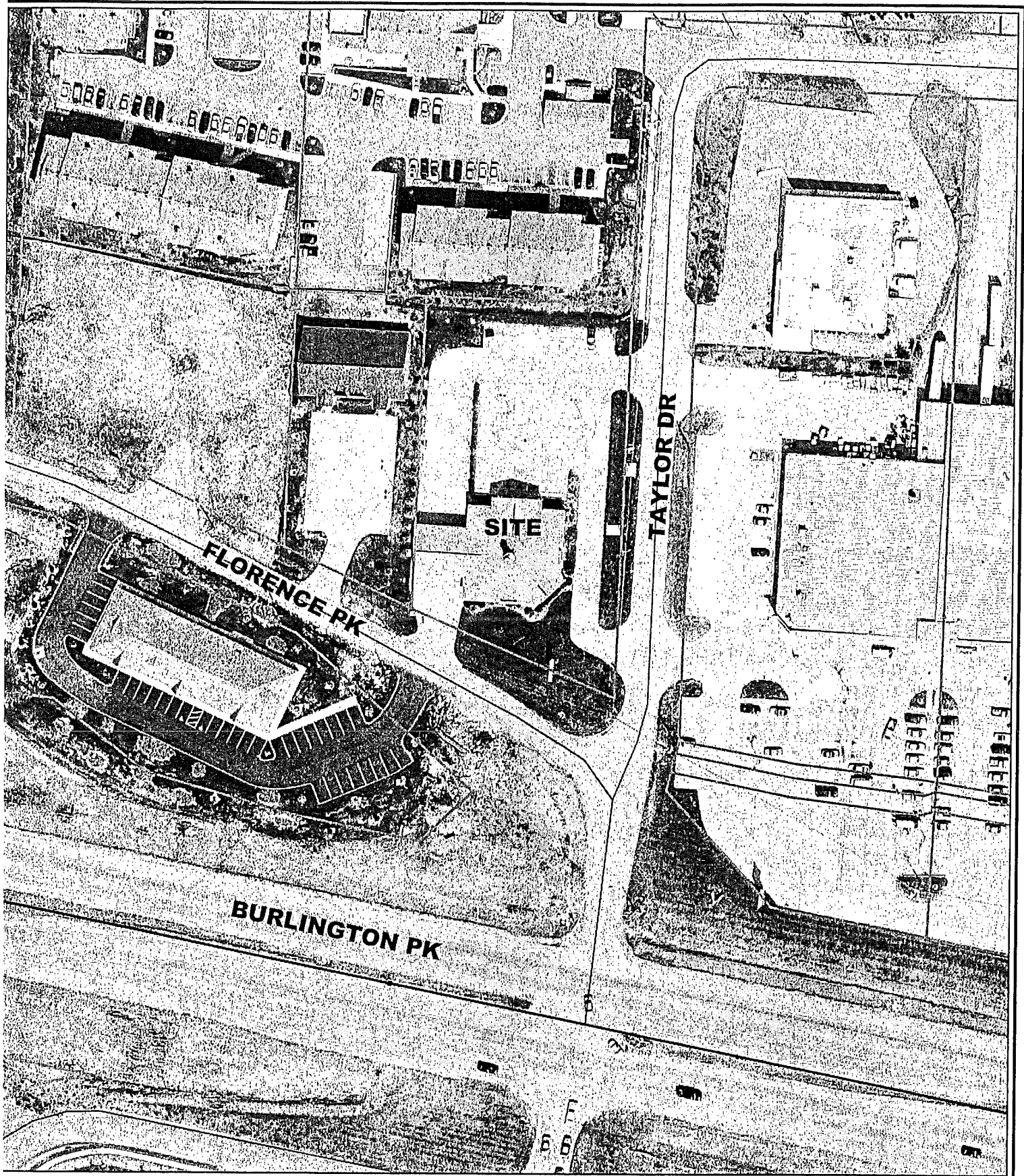
HERITAGE BANK SITE VICINITY MAP



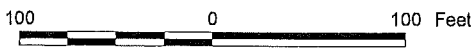
1 inch equals 500 feet

Produced by the
Boone County Planning Commission
GIS Services Division
December 31, 2002



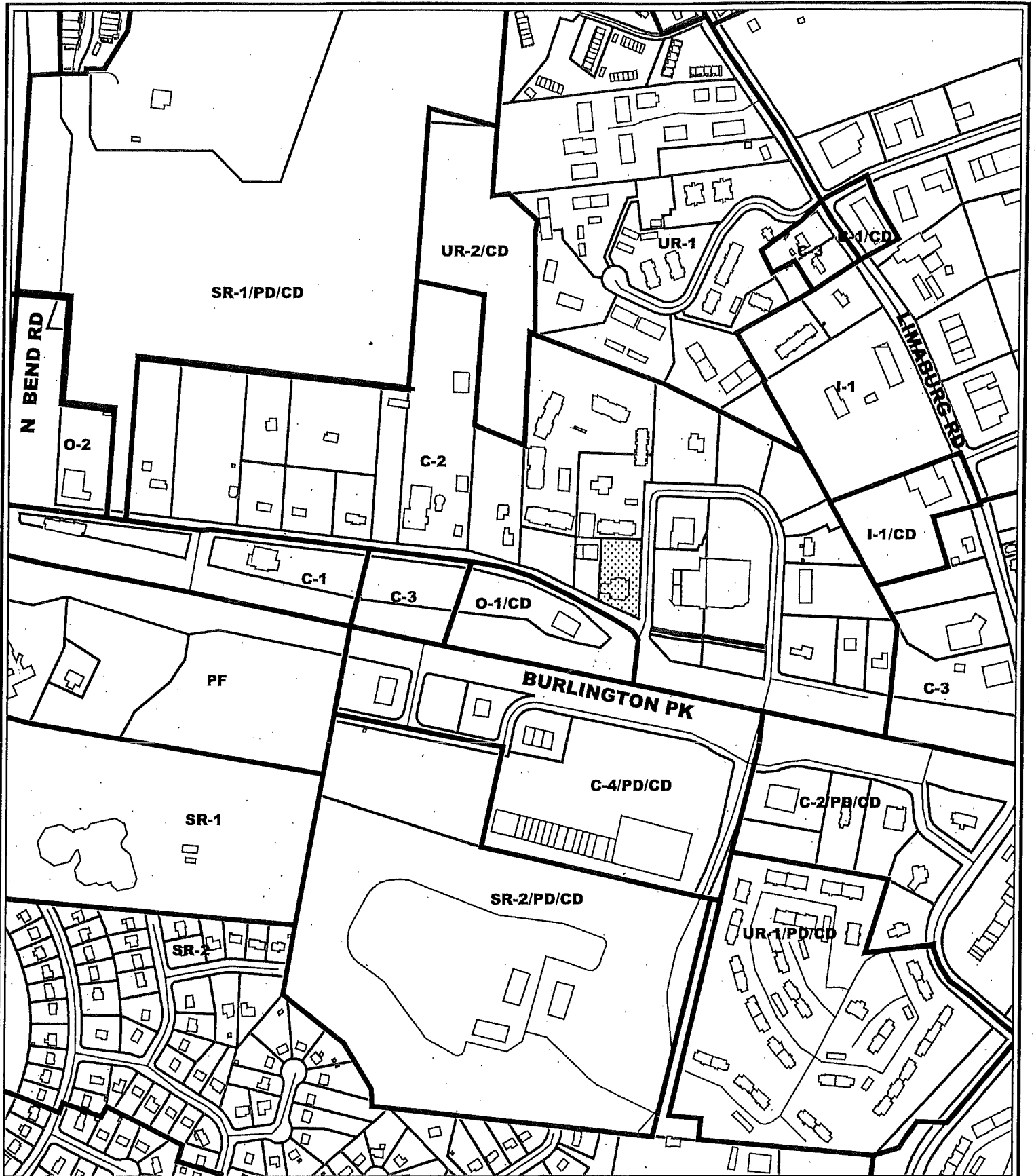


HERITAGE BANK AERIAL MAP



1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
December 31, 2002





HERITAGE BANK ZONING MAP

500 0 500 Feet



1 inch equals 500 feet

Produced by the
Boone County Planning Commission
GIS Services Division
December 31, 2002



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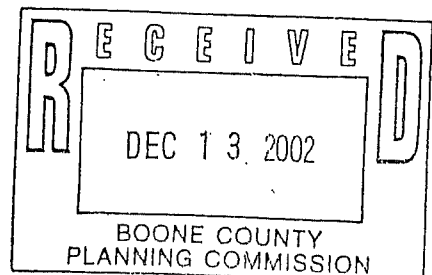
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Arnold Caddell

Property Owner's Signature: Arnold Caddell for Heritage Bank
Arnold Caddell

(over)



COPY

CLUR #03-BCBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Heritage Bank
1818 Florence Pike
Burlington, KY 41005

2. ADDRESS OF PROPERTY

1818 Florence Pike
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Heritage Bank

4. DEED BOOK 631

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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

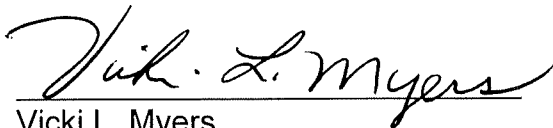

SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

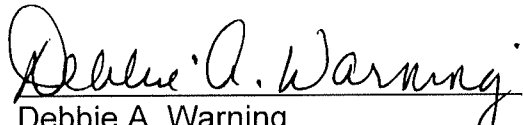
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 15 day of January, 2003.



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 January 8, 2003 Certificate of Land Use Restriction (#03-BCBOA-002-A), for Heritage Bank, Property Owner(s).

The following conditions will apply:

- 1) Street frontage landscaping (Type A buffer yards) is required to be installed along Florence Pike and Taylor Drive.
- 2) The approval of a Major Site Plan application is required which addresses setbacks, parking requirements, storm water management for the new impervious area, and any pertinent conditions of approval.

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

DEED BOOK 631

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