

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Union Board of Adjustment
- City of Florence Board of Adjustment
- City of Walton Board of Adjustment
- Boone County Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Zoning Map Amendment
- Comprehensive Plan Change
- Planned Development Overlay Change
- Preliminary Plat Review
- Improvement Plat Review
- Conditional Use Permit
- Final or Deed Plat Review
- Concept Development Plan Change
- Site Plan Review
- Preliminary Development Plan
- Historic District Overlay
- Change of Non-Conforming Use
- Appeal or Variance
- Design Review Board and Certificate of Appropriateness
- Sign or Zoning Permit

Applicant: William F Boetz Jr.  Owner

Address: 6293 Saddle Ridge Dr.  Agent

Burlington, Ky 41005 Telephone: 581-8431

Location: 2502 Burlington Pk.

Name of Property Owner: Same

Address of Property Owner: Same

Zoning District: C3 Area in Acres: .33

Deed Book: 292 P Page Number: 209 Group Number: \_\_\_\_\_

Description of Request: Variance for sideyard setback

Applicant's Signature: William F Boetz

Property Owner's Signature: Same

Application Fee: 1650 FOR PLANNING COMMISSION USE ONLY Date Received: 10/28/85 By: \_\_\_\_\_

Referred To: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ Date of Action: \_\_\_\_\_

STAFF REPORT

APPLICANT: William Goetz  
DEVELOPMENT: Shell Oil Station  
LOCATION: 2502 Burlington Pike  
ZONED: Commercial Services, C-3  
DATE: November 13, 1985

The applicant is requesting a Variance in the required sideyard setback and the required setback for structures located on a corner lot in a Commercial Services zoning district. This district requires a minimum 10 foot setback on the side yard and the applicant is requesting 7 feet to allow for the addition of a service of a service bay. On a corner lot in this district the side yard facing the secondary frontage should be 37.5 feet and the applicant is requesting a 0 foot setback to allow for the addition of an attached canopy.

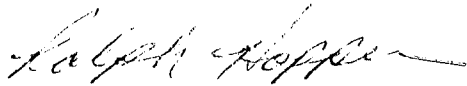
The following addresses the findings necessary under Section 244 of the regulations. (see attached) Since the request is for a Variance on each side, I will address each individually.

- 1) Regarding the request to allow for the construction of the service bay, I can find no unique conditions on the site.
  - 2) Strict application of the regulations would not deny the applicant of a reasonable use of the property but would inhibit expansion on the site.
  - 3) The conditions of the site have not changed since the adoption of the regulations and therefore, would not be the result of any actions taken by the applicant.
  - 4) I can find no reasons that this request would preserve or harm the public safety and welfare. It may alter the essential character of the neighborhood since structures in the immediate vicinity do conform to existing setback regulations.
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- 1) Regarding the setback for the attached canopy, the board may want to consider the extensive right-of-way along Carlton Drive at its intersection with Burlington Pike. The point of the proposed canopy at the right-of-way is approximately 75 feet from the existing pavement.

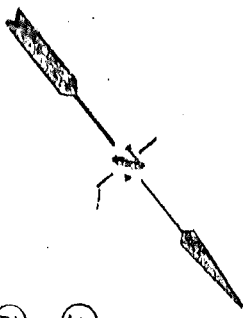
- 2) Strict application of the regulations would not deny the applicant of a reasonable use of the land since he could construct an unattached canopy with a minimum 5 foot setback from the right-of-way.
- 3) The conditions on the site, including the right-of-way, existed prior to the adoption of the current regulations.
- 4) I can find no reasons that this request would preserve or harm the public safety and welfare or change the essential character of the neighborhood.

Should the board decide to approve this request, Site Plan Review would be required before construction could begin.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Ralph Hopper", with a long horizontal flourish extending to the right.

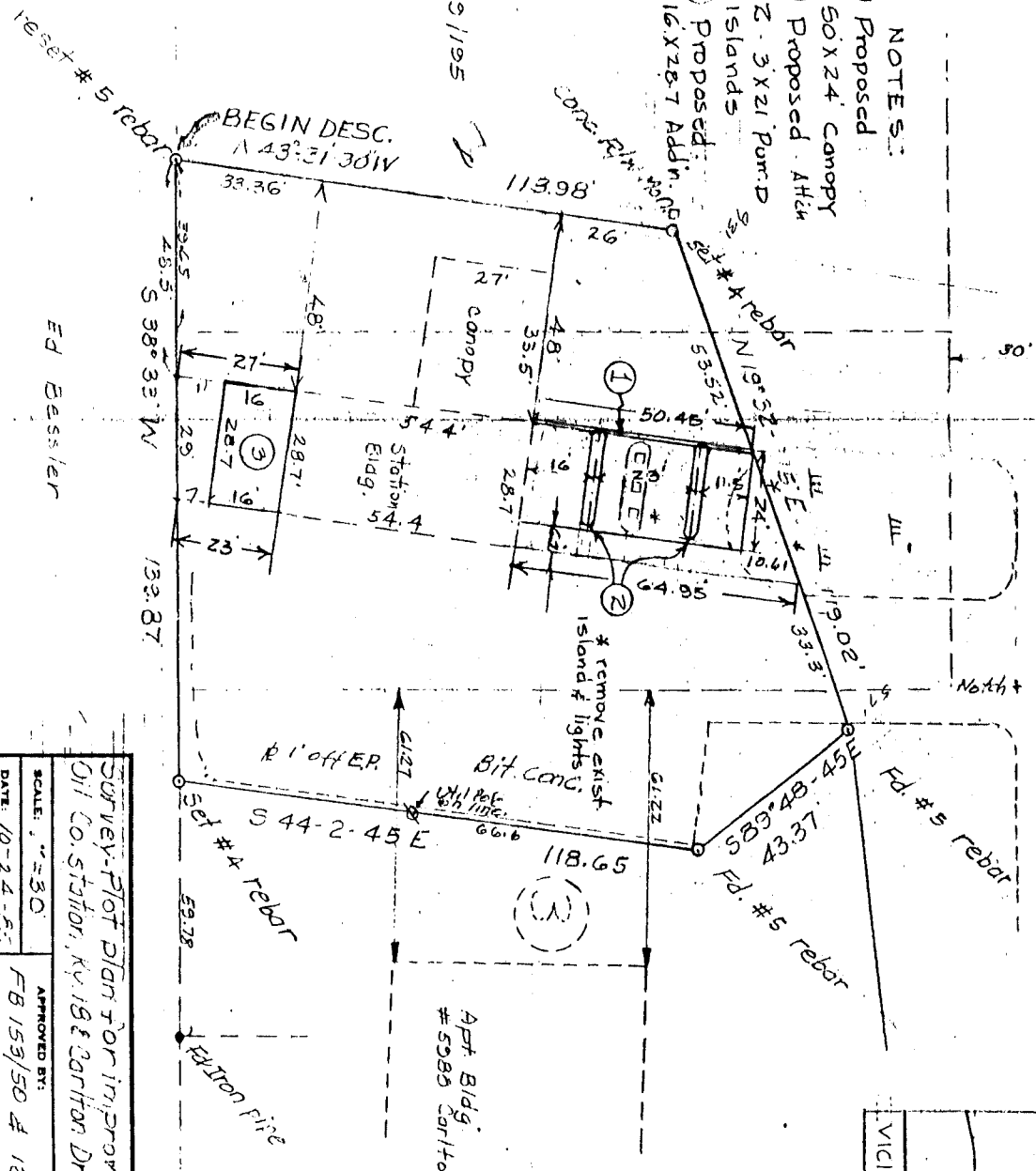
Ralph Hopper  
Plans Examiner



KY. Hwy. # 18

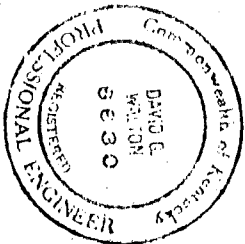
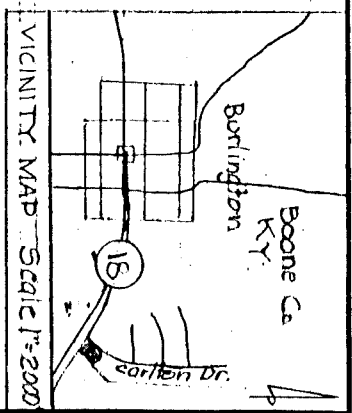
Hwy. D.B. 5/1955

- NOTES:
- ① Proposed 50' X 24' Canopy
  - ② Proposed 4th Islands
  - ③ Proposed 16' X 28' Add'n. to 1st Island



CARLTON DRIVE

ED Bessler



SURVEY-PLAT PLAN FOR IMPROVEMENTS TO LOWLANDS  
 ON CO. STATION, KY 18 & CARLTON DR. FOR WILLIAM GRETZ, JR.

SCALE: 1" = 30'	APPROVED BY:
DATE: 10-24-53	FB 153/50 & 129/51
See 7 & 8: 5/43 - A/50 See D.B. 222 P. 203	DRAWN BY:
	REVISOR
Walton & Walton - Civil Eng. Rebrs - Surveyors	DRAWING NUMBER

BOONE COUNTY BOARD OF ADJUSTMENTS

NOVEMBER 13, 1985

6:30 P.M.

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Chairman George Whitton called the meeting to order with roll call of the Board members present. Four members present. Absent: Mr. Ryan. Counselor Dale Wilson was also present.

The Minutes of the October 9, 1985 Boone Board of Adjustment Meeting were considered. Mr. Archambault noted that on page 2, paragraph 8, the sentence should read: Counselor Wilson explained the other factors in consideration of a conditional use permit of the proposed use..." Mr. Houston moved the Board approve the Minutes as reviewed with the foregoing correction. The motion was seconded by Mr. Nevel. After discussion, the motion carried unanimously.

Chairman Whitton proceeded to Item 1 of the Board's Agenda.

Setback Variance

The request of William Goetz (owner) for a Variance in the required setback of the Commercial Services zoning district. This property is located at 2502 Burlington Pike, Burlington.

Staff member Ralph Hopper presented a slide presentation on the subject and surrounding area. Mr. Hopper also presented a staff report which stated the applicant is requesting a variance in the required sideyard setback and the required setback for structures located on a corner lot in a Commercial Services zoning district. Mr. Hopper noted the district requires a minimum 10 foot setback on the side yard and the applicant was requesting 7 feet to allow for the addition of a service bay. Mr. Hopper explained a corner lot in the district required the side yard facing a secondary frontage to be 37.5 feet and the applicant was requesting a 0 foot setback to allow for the addition of an attached canopy. Mr. Hopper stated that with regard to the request he could find no unique conditions on the site; that by strict application the applicant would not be denied of a reasonable use of the property but that denial would inhibit expansion on the site; that conditions have not changed since the adoption of the regulations; no reasons that the request would either preserve or harm the public safety and welfare but would alter the essential character of the neighborhood. Mr. Hopper noted as in the staff report that the Board may wish to consider the extensive right of way along Carlton Drive at its intersection with Burlington Pike. Mr. Hopper closed by stating that should the Board decide to approve the request, Site Plan Review by the Planning Commission would be required prior to construction.

Mr. William Goetz, applicant, noted his presence and availability for questions.

Mr. Archambault noted one variance was for the addition of a service bay and the other variance would be for the canopy to cover the pumps.

Mr. Goetz responded affirmatively and noted the canopy was to cover the pump area along Carlton Drive and Mr. Goetz added that he did not feel his request was for a zero setback. Mr. Hopper responded that on a corner lot the required side setback is half of the required front yard setback which in the subject instance is 75 feet which is measured from the right-of-way line which he noted is exceptionally wide along Carlton Drive. Mr. Hopper explained that a portion of the canopy does extend right to the property line.

Chairman Whitton inquired if Counselor Wilson had any input on the request. Counselor Wilson responded the Board could not authorize the applicant to put something on the right-of-way and if the Carlton Drive were to be widened the canopy would have to be removed should the Board find that the other necessary conditions for the granting of a variance were present. Counselor Wilson suggested the inclusion of a condition that the variance is subject to the right-of-way rights.

The applicant, William Goetz, noted the right-of-way was established after the building of the building which could be a unique condition of the property. Mr. Hopper noted that if the right-of-way was taken after the building was built it has rendered the lot considerably more narrow than when the building was built.

A discussion followed of how long the building had been at the location and previous establishments at the location.

Mr. Goetz noted the property is actually on an angle to start with. Mr. Goetz stated that if Carlton Drive were widened he is aware and amenable to the fact the canopy would definitely have to be removed.

Mr. Archambault moved that the Board grant the side yard variance from 10 feet to 7 feet and grant the variance of the side yard requirement facing the secondary frontage (Carlton Drive) to 0 foot setback for property located at 2502 Burlington Pike based on the fact that the building was built after the building was built which changed width of the lot and subject to the condition that Carlton Drive is widened and the state requests, the canopy would have to be removed. The motion was seconded by Mr. Nevel.

The motion carried unanimously.


Mr. Hopper noted the applicant would not proceed to the Site Plan Review stage by the Planning Commission. Discussion followed of the proposed canopy type and alternative types of canopies.

Administration

Counselor Wilson introduced new staff member Kevin Costello, Senior Planner to the Board. The Board welcomed Mr. Costello.

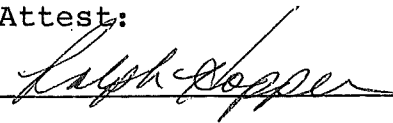
Mr. Nevel moved the Board adjourn. The motion was seconded by Mr. Houston.

The meeting was adjourned.



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Attest:



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