

APPLICATION FOR ZONING ACTION

TO:

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

FOR:

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

Applicant: Byron & Wanda Griffith Owner

Address: 834 Collins Rde Agent

Villa Hills, Ky. 41017 Telephone: 341-8915

Location: 10805 Dixie Hwy Walton, Ky 41094

Name of Property Owner: Byron & Wanda Griffith

Address of Property Owner: 10805 Dixie Hwy Walton, Ky 41094

Zoning District: C-3 + MHP Area in Acres: 4.8

Deed Book: 241 Page Number: 23 Group Number: 2064

Description of Request: DIMENSIONAL VARIANCE IN REQUIRE SIDE YARD OF 50 FEET TO A REQUESTED MINIMUM 44.16 FEET TO PERMIT THE DIVISION OF THE PROPERTY.

Applicant's Signature: Byron & Wanda Griffith

Property Owner's Signature: Byron V. Griffith

FOR PLANNING COMMISSION USE ONLY

Application Fee: 150.00 Date Received: 6-18-85 By: Oct

Referred To: _____ Meeting Date: _____

Action Taken: _____ Date of Action: _____

July 10, 1985

VARIANCE REPORT

Applicant/Owner: Byron & Wanda Griffith
Location: 10805 Dixie Highway, Boone County
Zoned: Commercial Services, C-3 and
Mobile Home Park, MHP

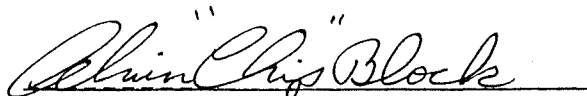
Remarks:

The applicants are requesting a Variance in the required side yard setback for a building in the C-3 zone in order to permit the division of the property into two parcels. Currently the property has a motel and office (to be on one tract) and a mobile home park (to be a separate tract). The requested Variance is in the required setback from the proposed property line between the two parcels. The requirements call for a 50 foot side yard and the request is to permit a Variance to a minimum 44.16 foot side yard.

The following will address the requirements of Section 244 that supplies the standards for the granting of a Variance request:

1. One existing condition is the fact that the mobile home park and the motel are on one property. This application is to permit the division of the ground only, not to permit the construction of any buildings.
2. By denying the request the applicant would not be permitted to divide and sell the property.
3. These conditions stated in my report and in the applicant's submittal were existing prior to the adoption of the current zoning regulations.
4. I find no reasons how this request would preserve the public safety and welfare. The essential character of the neighborhood would not be changed because there are no plans to expand or otherwise change the existing land uses.

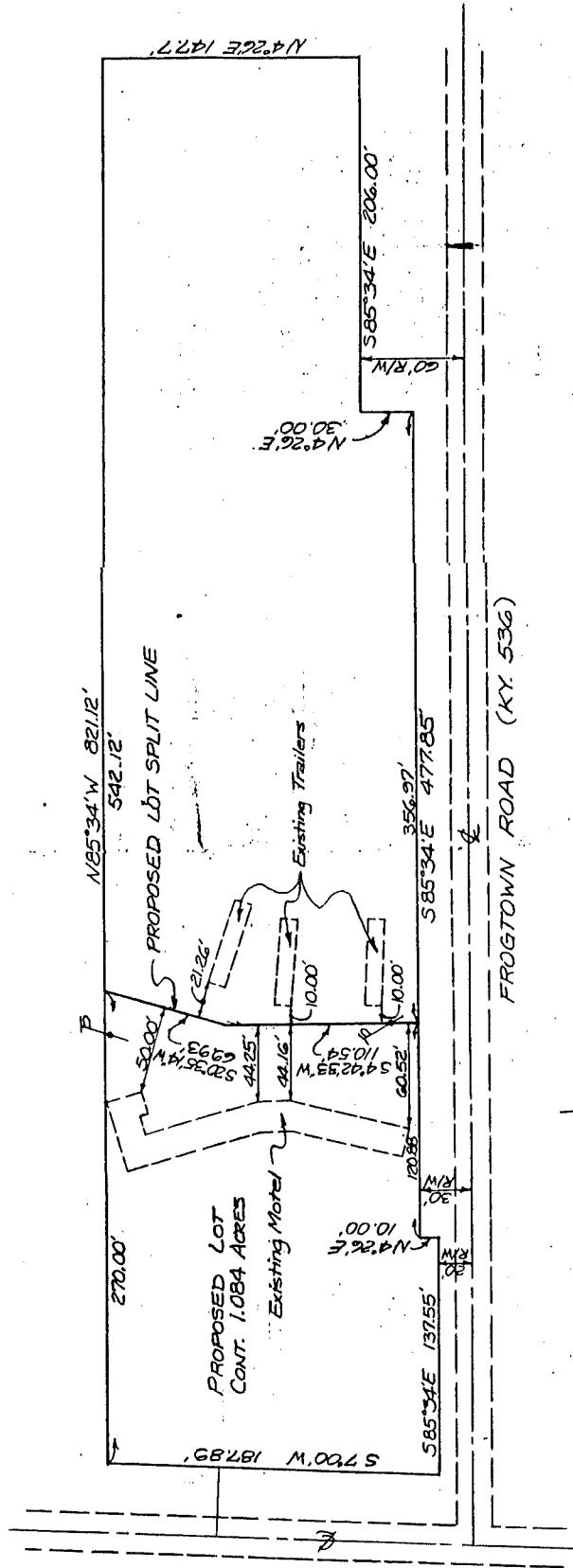
I would like to direct the Board to review the attached document that addresses these same requirements in the view of the applicants.



Alvin "Chip" Block
Planner

PROPOSED LOT SPLIT
 GRIFFITH PROPERTY
 RICHWOOD, KENTUCKY

SCALE: 1"=50' DATE: JUNE, 1985



BOONE COUNTY BOARD OF ADJUSTMENT

RECEIVED

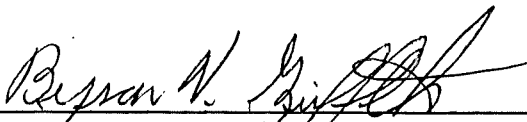
JUL 2 1985

Re: Griffith Property
3207 Dixie Highway
Richwood, Kentucky

The following information is supplied with the application for variance, in accordance with KRS 100.243.

1. Existing conditions prohibit the distance from the motel structure to the Mobile Home Park property line to meet minimum yard dimension of fifty (50) feet. The requested variance is for allowing a yard dimension of 44.16 feet.
2. The provisions of the regulation deprive the applicant of selling the residential mobile park or the commercial motel as separate properties.
3. The applicant's case represents conditions existing prior to the adoption of present zoning requirements.
4. The granting of this variance will not effect the public safety, welfare, or character of the neighborhood. The location of the existing facilities will not change, only a property line will be added.

Signed:


Byron Griffith, Owner

BOONE COUNTY BOARD OF ADJUSTMENTS

JULY 10, 1985

6:00 P.M.

Chairman George Whitton called the meeting to order with roll call of the Board members present. Five members present. Counselor Dale Wilson was also present.

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

Setback Variance

A request of Byron & Wanda Griffith for a Variance in the required side yard setback to permit the division of the property located at 10805 Dixie Highway (corner of Dixie Highway and Frogtown Road, Ky. 536) currently zoned Commercial Services C-3 and Mobile Home Park, MHP.

Staff member Chip Block presented a slide presentation on the subject and surrounding area. Mr. Block also presented a staff report which stated the applicants are requesting the variance from the required 50-foot side yard setback to a minimum side yard setback of 44.16 feet. The staff report contained the requirements for Sect. 244 that supplies the standards for the granting of the variance request: "1) One existing condition is the fact that the mobile home park and the motel are on one property. This application is to permit the division of the ground only and does not permit the construction of any buildings. 2) By denying the request the applicant would not be permitted to divide and sell the property. 3) These conditions stated in the report and in the applicants' submittal (a statement the applicants attached to the staff report for reference) were existing prior to the adoption of the current zoning regulations. 4) I find no reasons how this request would preserve the public safety and welfare. The essential character of the neighborhood would not be changed because there are no plans to expand or other change the existing land uses."

Mr. Byron Griffith was present and available for questions of the Board members.

There was no audience support or opposition expressed.

Mr. Nevel moved that the Board approve the variance for the side yard setback of 44.16 feet for property located at 10805 Dixie Highway based on the staff's report. The motion was seconded by Mr. Archambault. After discussion, the motion carried unanimously.

Conditional Use Permit

The request of Cheryl S. Cunningham for a Conditional Use Permit to operate a Day Care Center for property located at 6034 Jefferson Street (the old Burlington Post Office), currently zoned Suburban Residential Two/Small Community Overlay, SR-2/SC.

Staff member Chip Block reported a letter had been received from the applicant withdrawing her application for the conditional use permit for the reason that additional funds would be needed to bring the property into proper compliance for septic and sewage provisions.

Conditional Use Permit

The request of Home Entertainment Systems of Kentucky for a Conditional Use Permit to operate a retail sales of electric home entertainment equipment for property located at 3007 Washington Street, currently zoned Suburban Residential Two/Small Community Overlay, SR-2/SC.

Staff member Chip Block presented a slide presentation on the subject and surrounding area. Mr. Block also presented a staff report which stated the applicant is requesting the conditional use permit to operate a business involving retail sales of electric home entertainment equipment. Mr. Block noted that currently all adjoining properties to the request are all used for commercial purposes. Mr. Block stated the Boone County Comprehensive Plan Land Use map shows that the planned future land use of this tract and all adjoining tracts is Commercial, and stated that the text of the Comprehensive Plan states that the older business areas of Burlington are to be maintained and expanded as neighborhood commercial areas. Mr. Block related the applicant plans to use an existing building for the above-stated purpose with the only change to the entire property being the placement of a satellite receiving dish at the most western part of the property. Mr. Block stated the dish is a mobile piece and that he had discussed the matter with the applicant who has advised him that the dish would only be used for the receiving of signals. Mr. Block recommended the Board review the requirements of Sects. 263 and 1612 (criteria for conditional use permit reviews). Mr. Block related that also included in the request was the indication on the plan of a sign on the building with no particular size indicated. Mr. Block stated the applicant would not be permitted to exceed more than 1½ square feet of signage for each lineal foot of building width. Mr. Block also mentioned the available parking areas.

Donald Thompson related the home entertainment business is currently located in Cincinnati and that the applicant wishes to provide a second center for which the location on Washington Street is currently being sought for retail sales use only.

Mr. Ryan inquired if retail sales had previously been conducted on the property. Mr. Block responded yes and that in fact the consignment shop (which has relocated) had previously been located in the subject location.

Mr. Archambault moved that the Board approve the conditional use permit to operate a business involving the retail sales of electric home entertainment equipment for property located at 3007 Washington Street, Burlington. The motion was seconded by Mr. Ryan. After discussion, the motion carried unanimously.

Conditional Use Permit

The request of John F. Wagner for a Conditional Use Permit to place a mobile home on a 6.295 acre tract located on Hands Road, currently zoned Agriculture, A-1.

Staff member Chip Block presented a slide presentation on the subject and surrounding area. Mr. Block also presented a staff report which stated the applicant is requesting the conditional use permit to place a mobile home on the site. Mr. Block noted the applicant did not submit a plan for the placement of the mobile home and noted that the applicant has not yet been notified of the Board's requirement for the submission of a plan showing the location. Mr. Block noted that all adjoining properties to the request are currently zoned Agriculture, A-1 and that all land use of all of the adjoining properties is agriculture with residential. Mr. Block stated the Boone County Comprehensive Plan Land Use map shows that the planend future land use of the property and all adjoining properties is currently zoned Agriculture and Environmentally Sensitive. Mr. Block stated that should the Board decide to approve the request his report contained two recommended conditions to the granting of the permit as follows: 1) that a copy of the approval for the on-site sewage disposal system is received and this permit would not be valid until that approval is received; 2) that a plan for the location of the mobile home location is received to insure that the setbacks of the A-1 zoning district are to be maintained.

Mr. John F. Wagner, applicant, presented a plan which indicated the location of the proposed mobile home placement.

Counselor Wilson clarified for the record that the plan presented was a surveyor's plat.

Chairman Whitton inquired if the location of the trailer was hand-drawn on the survey plat. Mr. Wagner responded that that was correct. Mr. Wagner also noted that the total number of acres involved in the request was for 14 acres and that he had inadvertantly submitted the application with the wrong deed which refers to property located next to the subject property.

Chairman Whitton inquired if Mr. Block could meet with Mr. Wagner to review the location of the mobile home. Mr. Block noted that Mr. Wagner had stated that the legal advertisement was not on the subject property.

Board members reviewed the submitted plat.

Chairman Whitton inquired if there could be legal implications with the previous advertisement, etc. Counselor Wilson responded there would not be legal problems as long as the Board is clear about the subject property and it is incorporated in the right application.

Upon review of the submitted plat by Mr. Wagner, Mr. Block noted that the applicant had submitted a setback proposal of 105 feet from the edge of the right-of-way of Hands Road with 125 foot rear yard setback and 25 foot side yard setbacks which would meet all of required setbacks.

Chairman Whitton noted the road right-of-way is not the edge of the pavement. Mr. Block responded he did not believe so. Chairman Whitton inquired if Mr. Wagner was figuring from the edge of the pavement or from the edge of the right of way. Mr. Wagner responded he was figuring from the edge of the pavement.

Discussion followed of the setbacks as submitted.

There was no audience support or opposition expressed.

Mr. Nevel moved that the Board approve the conditional use permit for a 14.0 acre piece of property located on Hands Road contingent upon the receipt of the approval for the on-site sewage disposal system for the subject property.

Mr. Block noted that if the Board would accept the hand-drawn notations of the applicant the applicant does conform to the various required setback amounts.

The motion was seconded by Mr. Ryan. After discussion, the motion carried unanimously.

Conditional Use Permit

The request of John D. & Mary L. Boles for a Conditional Use Permit to place a mobile home on a 5.009 acre tract located on Dale Williamson Road, currently zoned Agriculture, A-1.

Staff member Chip Block presented a slide presentation on the subject and surrounding area. Mr. Block noted in his slide presentation that as you come down the front part of the road coming down off of Hathaway Road, the area is primarily agriculture land owned by one party. Mr. Block noted the property is basically undeveloped and unused at present. Mr. Block also presented a staff report which stated the applicant is requesting the conditional use permit to place a mobile home on a 5.009 acre tract located on Dale Williamson Road, Boone County. Mr. Block stated the plan submitted by the applicant indicates the mobile home is to be located 110 feet from the right of way line for Dale Williamson Road, 109 and 50 feet from the side property lines and over 750 feet from the rear property line. Mr. Block noted that should the Board decide to approve the request for the conditional use permit, he would recommend the Board consider the following condition to the permit: 1) that the permit should not be valid until the Board receives a copy of the approval by the Northern Kentucky District Health Department for the on-site sewage disposal system.

Mr. Boles explained the proposed location as indicated was chosen due to the existence of power lines through the property. Mr. Block stated the Boles do meet the setback requirements.

There was no audience support or opposition expressed.

Mr. Ryan moved that the Board grant the conditional use permit for the placement of a mobile home on a 5.009 acre tract located on Dale Williamson Road, currently zoned Agriculture, A-1 with the condition that the copy of the approval by the Northern Kentucky District Health Department be obtained for the on-site sewage disposal system prior to permit issuance. The motion was seconded by Mr. Nevel. After discussion, the motion carried unanimously.

Conditional Use Permit

The request of Darrel R. and Lela J. Mullins for a Conditional Use Permit to place a mobile home on a 5.694 acre tract located on Dale Williamson Road, currently zoned Agriculture, A-1.

Staff member Chip Block noted the slide presentation presented on the preceding agenda item pertained to the same general area. Mr. Block presented a staff report which stated the applicants are requesting the conditional use permit to place a mobile home on a 5.694 acre tract located on Dale Williamson Road. Mr. Block stated a plan submitted by the applicants shows that the planned front yard setback is to be the minimum of 80 feet with side yards of 122 feet and 122 feet and Mr. Block pointed out that the measurements on the applicant's proposed plan are measured from the centerline of the road. Mr. Block went on to explain that this is the currently location of the front property boundary line but that under the Boone County Subdivision regulations according to Section 400(d), subsection 2, the division of the group as proposed would require that at least one-half of the required right-of-way of 50 feet be provided which would require the placement of the mobile home at least 25 feet further back onto the property which would place the home nearer to the utility line easement that crosses the property. Mr. Block stated the current zoning of all adjoining properties to the request is currently Agriculture, A-1, and Mr. Block noted that the use of adjoining properties to the north and south is currently agriculture while to the west is property recently approved for the placement of a mobile home to Thomas and Robin Medlock and to the east as currently undeveloped land. Mr. Block stated the Boone County Comprehensive Plan Land Use map indicates a planned use of the subject and all adjoining tracts to the north, east and west is Agriculture and Environmentally Sensitive, and with a planned future land use for Recreation use to the south. Mr. Block added that should the Board decide to approve the request he would recommend the following conditions contained in his staff report be met.

Mr. Ryan inquired of the utility lines on the property.

Mr. Block responded with regard to the utility lines the applicants would not be permitted to place a mobile home under any utility lines nor on any easements through the property. Mr. Block stated the applicants would probably have to locate on the "opposite side" of the utility line easement which would allow the applicant to then meet the setback requirements.

Mr. Mullins, applicant, stated they are prepared to move the location for the placement of the mobile home back 175 feet.

Discussion followed of the submitted plan and a notation for an 80 foot front setback requirement. Mr. Porter, current owner of the property, clarified the 80 feet notation is his deed restriction front yard requirement. Discussion followed of the County requirements with regard to right-of-way and setback requirements, and the location of the power lines.

Chairman Whitton explained that the placement of the mobile home cannot be arbitrary and that it must meet the minimum requirements and that the plan as submitted (based on the applicant's testimony) is inaccurate which would place the mobile home back much further than as indicated. Chairman Whitton suggested a plan be submitted by a registered engineer indicating the location for the mobile home.

There was no audience support or opposition expressed.

Mr. Ryan moved that the Board grant the Conditional Use Permit for a 5.694 acre tract located on Dale Williamson Road contingent upon the submission of a surveyor's plat indicating the exact location of the mobile home and meeting the minimum setback requirements and subject to approvals being obtained from the Health Department of the septic sewage system. The motion was seconded by Mr. Nevel. After discussion, the motion carried unanimously.

Conditional Use Permit

The request of Robert B. Zink for a Conditional Use Permit to place a mobile home on a 6.162 acre tract located on Forest View Drive, currently zoned Agriculture, A-1.

Staff member Chip Block presented a slide presentation on the subject and surrounding area. Mr. Block noted there is a mix in the area of residential homes and mobile homes. Mr. Block also presented a staff report which stated the applicant is requesting the conditional use permit to place a mobile home on the site. Mr. Block stated a plan drawn by the applicant had been submitted indicated the proposed mobile home location to have a front yard setback of 80 feet, with side yards of 400+ feet and a rear minimum of 25 feet from the property lines. Mr. Block noted

the applicant has obtained approval for an on-site sewage disposal system. Mr. Block stated the currently zoning of all adjoining property to the subject property is Agriculture, A-1. Mr. Block stated the Boone County Comprehensive Plan Land Use map shows a planned future land use of Agriculture and Environmentally Sensitive for the subject and all adjoining properties. Mr. Block stated the applicant was advised that the Board may require a surveyor's plat indicating the placement of the mobile home.

There was no audience support or opposition expressed.

Chairman Whitton explained that the placement of the mobile home cannot be arbitrary and that it must meet the minimum requirements. Chairman Whitton further explained that from a legal standpoint a drawing from a surveyor would be needed indicating the placement of the structure for the purpose of meeting the criteria.

Mr. Block noted there is a mix of residential homes and mobile homes in the area.

Mr. Archambault moved that the Board grant approval of the conditional use permit with the condition of the submission of the surveyor's plat indicating the exact location of the mobile home structure. The motion was seconded by Mr. Nevel. After discussion, the motion carried unanimously.

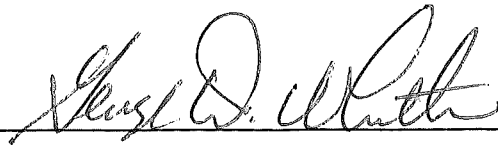
Administration

The Minutes of the previous Board of Adjustment Meeting of June 12, 1985 were considered. Mr. Archambault noted that on page 6 paragraph 5 on the matter of the Medlock conditional use permit was incorrect in the reference to a 139 acre site and that the motion should be that the permit was granted for 8.299 acre site.

Mr. Nevel moved that the Commission approve the Minutes as corrected by Mr. Archambault. The motion was seconded by Mr. Ryan. After discussion, the motion carried unanimously.

Mr. Ryan moved that the Board adjourn the meeting. The motion was seconded by Mr. Archambault. The motion carried unanimously.

The meeting adjourned.



Attest: