

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

Applicant: TERRY M. GLENKLER Owner
JENNIFER L. POOLEY Agent
Address: 1935 PLEASANT DR. HEBRON KY
Telephone: 371-8223

Location: LOTS 125 + 126 AERONCA PL.
Name of Owner: TERRY M. GLENKLER
JENNIFER L. POOLEY
Address of Owner: 1935 PLEASANT DR. HEBRON KY.
Zone: SR-1 Area in Acres: APPROX. 1 1/4 ac.

Description of Request: I WANT TO REQUEST THE SIZE OF THIS NON-EXISTING CULDESAC BE REDUCED (60' to approx 30'). OR MAYBE A CHANGE ON

Building Set Back Line. To 0' Owner's Signature: Terry M. Glenkler
Date 6/21/83 Applicant's Signature: Terry M. Glenkler

FOR PLANNING COMMISSION USE: 50.00
Application date and fee of \$ 50.00 publication deposit 100.00 Received: June 27, 1983

Referred to: _____ For Meeting Date: _____
Action: _____ Date: _____

Call for 50' road going into 150' culdesac. The present road is approx. 8' wide leading into approx. 20' culdesac.

Meeting Date: July 20, 1983

BOARD OF ADJUSTMENT AND ZONING APPEALS

CHECKLIST

I. General Information

1. Applicant's name: TERRY M. GLENKER AND JENNIFER L. DOOLEY
Interest in property: OWNERS
2. Location and/or address of property: LOTS 125 AND 126 OF THE
ROLLING GREEN ACRES SUBDIVISION (^{being} CUL-DE-SAC AT END OF AERONCA
PLACE OFF OF POINT PLEASANT)
Deed book and page number: BOOK: 303 PAGE: 58 GROUP: 506
3. Request of the applicant: TO GRANT A VARIANCE IN THE
FRONT YARD SETBACK TO A ZERO (0) FOOT FRONT YARD
AND BUILD HOUSE AT A 40 FOOT RADIUS FROM THE
CENTER OF THE CUL-DE-SAC (^{THE CUL-DE-SAC} (EVEN THOUGH IT IS A 60 FOOT RADIUS))
4. Present zoning of subject property including page number and
section number(s) of the Zoning Order (Ordinance): CURRENTLY
ZONED SUBURBAN RESIDENTIAL ONE, SR-1 BEING PAGES 8-4 AND
5 AND SECTIONS 830 THROUGH 836.
5. Present use of the subject property: UNDEVELOPED.

Present use of the adjoining properties: ALL ADJOINING ARE
PRESENTLY A MIXTURE OF RESIDENTIAL AND UNDEVELOPED.

III. Variance Requests

1. What variance is needed and what section of the Zoning Order (Ordinance) does it apply to? A VARIANCE IS NEEDED IN THE FRONT YARD AS PROVIDED FOR IN SECTION 826 AND TABLE ONE
2. What could be the unique conditions justifying the variance? AT THIS REPORT NO UNIQUE CONDITIONS CAN BE FOUND, BUT FURTHER REVIEW IS GOING TO BE MADE.
3. What reasonable use of the land will be denied the applicant if the variance is not granted? IF DENIED FURTHER ROAD PREPARATION WOULD BE NECESSARY TO ALLOW DEVELOPMENT
4. Has the applicant caused the unique conditions? YES, EXCEPT FOR APPARENT RELOCATION OF THE STREET AT CONSTRUCTION
5. Will the variance be detrimental to the public welfare or preserve it and how? Will it alter the essential character of the neighborhood? I DO NOT THINK IT COULD PROTECT THE PUBLIC WELFARE DO TO CONSTRUCTION OCCURRING IN PROVIDED RIGHT-OF-WAY.

BOONE COUNTY BOARD OF ADJUSTMENT

MINUTES

JULY 20, 1983

7:00 P.M.

Vice Chairman Archambault called the meeting to order at 7:00 P.M. Four members were present; Mr. Walt Ryan was absent. Staff members present were: Ms. Sullivan, Mr. Wilson, Mr. Block and Mrs. Ryan. Mrs. Ryan read the minutes of the meeting of June 8, 1983. Mr. Nevel moved to accept the minutes, Vice Chairman Archambault seconded. The vote to approve the minutes was unanimous.

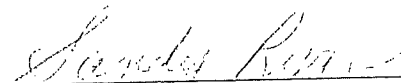
Vice Chairman Archambault proceeded with the request of Terry M. Glenkler for a Variance request of a 40' radius setback from the center of the circle for the building setback for two lots (125 & 126) to be used for a single residence on a parcel of land located at Aeronca Place, Hebron, Kentucky, in a Suburban Residential One (SR-1) Zoning District. Mr. Block presented the Enforcement Officer's Report. Vice Chairman Archambault asked if anyone were present in support of the request. Mr. Glenkler stepped forward with pictures of the area, and stated that the road had not changed and that he would like to build a house on this property. Members of the Board reviewed the pictures and the subdivision plat which had been signed by John W. Liver on August 25, 1979. Discussion followed. In response to Mr. Wilson, Mr. Block noted that Mr. Glenkler wanted to build the house in the right-of-way. Mr. Wilson replied that as this was a dedicated paper street the radius of the street would have to be reduced. He pointed out that the Board did not have that authority. Mr. Glenkler restated his request for a setback Variance to 0'. Mr. Block asked Mr. Glenkler if part of the reason for the request for a 0' Variance were due to a topographical feature on the site that would prevent building at a 30' setback. Mr. Glenkler replied that the property "dropped off". Mr. Block asked if Mr. Glenkler were to be required to maintain a setback of 30' or 25' if he would be able to build on the site. Mr. Glenkler replied that he did not want to build on the slope; he noted that with a 0' setback the house would be no more than 10' or 15' from the slope in the back of the house. Vice Chairman Archambault asked the members of the Board if there were any further questions. Mr. Nevel asked if the subdivision plat was on record. Mr. Block replied affirmatively and noted that some of the lots were owned by the Greater Cincinnati Airport. In response to Vice Chairman Archambault, Mr. Block stated that a dimensional variance in the front yard of 0' to the front property boundary line, the right-of-way at that part of 60' radius circle could be granted, or the Board could require a 5' front yard. Mr. Whitton asked Mr. Glenkler if he could build at 5'. Mr. Glenkler replied yes, but that he would still be pushed back. Mr. Nevel made a motion to grant the 0' front yard variance; Mr. Houston seconded. The vote carried unanimously. Mr. Wilson advised Mr. Glenkler to build the house off of the right-of-way.

Vice Chairman Archambault proceeded to the request of Robert Sturgeon for a Conditional Use Permit to allow a used car lot on a parcel of land located at the corner of Highway 16 and 491, Verona, Boone County, Kentucky, in a Suburban Residential One/Small Community Overlay (SR-1/SC) Zoning District. Mr. Block presented the Enforcement Officer's Report. In response to Vice Chairman Archambault, Mr. Sturgeon replied that Mr. Justice had drawn the site plan and that he was a licensed surveyor. Mr. Block stated that the perimeter had been surveyed by Mr. Joe Justice but that the remainder of the site plan had been drawn by a relative. Mr. Block also pointed out that the site plan did not contain the dimensional setbacks of the proposed use. Vice Chairman Archambault asked if the site plan were acceptable. Mr. Block replied that it was acceptable to him if the dimensions were supplied on the site plan. Mr. Block asked what type of surfacing the car display area would have and how many cars were anticipated. Mr. Sturgeon replied that the surface would be gravel and hold 8-12 cars. Mr. Block pointed out to Mr. Sturgeon that according to the zoning regulations, circulation and driveway areas to be utilized had to have hard surfaces either portland cement or concrete cement. Mr. Block asked if there were an existing driveway. Mr. Sturgeon replied yes, that fencing crossed that part of site facing 491. Mr. Block and Mr. Whitton asked about the plans for fencing the site. Mr. Sturgeon replied there were no plans at the present except as indicated on the site plan, and a chain link fence between his and Mrs. Scott's property. Vice Chairman Archambault asked what kind of lighting for night Mr. Sturgeon planned to use. Mr. Sturgeon replied that he planned to use the street lighting and flood lights on the building. Vice Chairman Archambault asked if the light would extend onto neighboring property to disturb them in any way. Mr. Sturgeon replied that he did think the neighbors would be disturbed. Mr. Block asked if the fence would follow the property line. Mr. Sturgeon replied that the fence would be eleven feet (11') from the property line and noted that Mrs. Scott has been using part of the area as a driveway. Mr. Sturgeon in response to Mr. Whitton's question replied that he would use flood lights unless other lighting was required. Mrs. Scott's daughter, Mrs. Searcy, stepped forward to represent Mrs. Scott's viewpoints regarding the car lot. Mrs. Searcy pointed out to the Board Members the location of the site and the residences in the immediate area. Mr. Nunn stated he was concerned that placing a fence along this property line would block his driveway. Mr. Sturgeon pointed out where the fence would be and stated that it would not block his driveway; he said there would be no cars in that area. Mr. Whitton noted that Mr. Ryan, representative from the area, had been unable to attend the meeting, and continued that his input would be valuable. In response to Vice Chairman Archambault, Mr. Sturgeon replied that action needed to be taken on this request immediately as he has already taken out insurance coverage and had a meeting the first of August in Frankfort in order to obtain his permit. Vice Chairman Archambault stated that he would like to consult with Mr. Walt Ryan and would like to see the site before he took any action on the request.

Vice Chairman Archambault, with the agreement of the Board, stated that he would like to set a meeting on the site in order to reach a decision on the request. Mr. Sturgeon, Mr. Anthony Frohlich, Attorney, as well as the adjoining property owners in opposition, requested to be notified of the meeting. Mr. Anthony Frohlich, representing Mr. Sturgeon, stated that since his client needed the permit signed the first week of August in order to attend a meeting in Frankfort to obtain his license that time was a factor. Mr. Frohlich pointed out that the area around the proposed car lot is used for a dairy queen, a body shop, a grocery store on one corner and a hardware store and wood store on the other corner. He noted that this was the only intersection going through Verona and pointed out that the request was consistent with the Comprehensive Land Use. Mr. Frohlich asked the Board to consider the time factor, and promised that his client would meet any conditions set by the Board. Mr. Block stated that since the request had been received July 11, 1983 as a full and complete application, the Board would have to take action for a Conditional Use Permit within 60 days of filing time, no later than September 9, 1983. Mr. Wilson stated that the Board could adjourn this meeting to a meeting at the site and make the decision there. Mr. Whitton moved to table the matter and adjourn the meeting to reconvene at Verona on the site at a meeting which Mr. Ryan could attend. Mr. Nevel seconded. The motion carried unanimously. Vice Chairman Archambault stated that Mr. Sturgeon would be contacted regarding the time and date of the meeting. The meeting adjourned at 7:50 P.M.

Mr. Dan Houston was sworn in as a new member of the Boone County Board of Adjustment by Attorney Dale Wilson.

RESPECTFULLY SUBMITTED



CLERK

APPROVED: _____

VICE CHAIRMAN