

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: PATRICIA M BUCKLER  Owner

Address: 9106 EAST BEND ROAD  Agent

Burlington, Ky 41005 Telephone: 586-6880/371-7909

Location: SAME AS ABOVE

Name of Property Owner: JOE BUCKLER

Address of Property Owner: 9106 EAST BEND ROAD

Zoning District: A-1 Area in Acres: \_\_\_\_\_

Deed Book: 94 Page Number: 406 Group Number: \_\_\_\_\_

Description of Request: A DIMENSIONAL VARIANCE FOR THE REQUIRED FRONT YARD OF 80' TO A REQUESTED 25 FEET (BEING 32 FEET FROM EDGE OF ROAD AND 45 FEET FROM CENTERLINE OF EAST BEND ROAD)

Applicant's Signature: Patricia M Buckler

Property Owner's Signature: Joe Buckler

FOR PLANNING COMMISSION USE ONLY

Application Fee: 115.00 Date Received: July 25, 1985 By: \_\_\_\_\_

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

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

STAFF REPORT

APPLICANT: Patricia M. Buckler  
LOCATION: 9106 East Bend Road  
ZONED: Agriculture, A-1  
DATE: August 14, 1985


REMARKS:

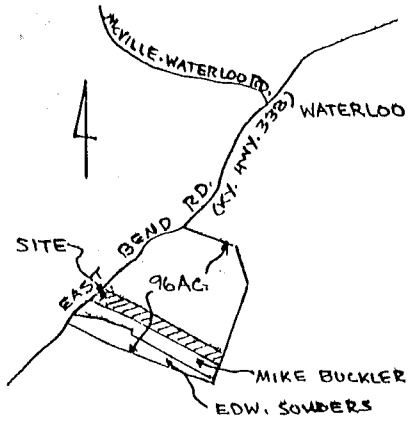
Applicant is requesting a Variance in the required front yard setback to permit the placement of a double-wide mobile home on the property. The zoning district requires an 80 foot setback and the request is for 33 feet.

The following addresses the findings of fact required under Section 244 of the Zoning Regulations regarding variances:

1. The Board may wish to consider the severe slope of the property as indicated on the plan. The first 60 feet of the property from the edge of the road has a 16% grade. At that point the grade increases to 26% and also slopes into the natural drainage area.
2. By denying the request the applicant would not be able to construct on the site due to severe topographical limitations which exist at the required setback line.
3. The conditions of the site as stated in the report and the submitted site plan were existing prior to the adoption of the current zoning regulations.
4. I can find no reasons that this request would preserve or harm the public safety and welfare. The adjoining properties north and south of the site have residences placed at less than the current setback requirements.

There are two concerns that the Board may want to consider. The applicant has not indicated provisions for access into the property. The regulations state that adequate parking must be provided for two vehicles. The second concern involves drainage from the adjoining property to the south. I would recommend that the applicant take steps to direct drainage from this property into the natural drainage course.

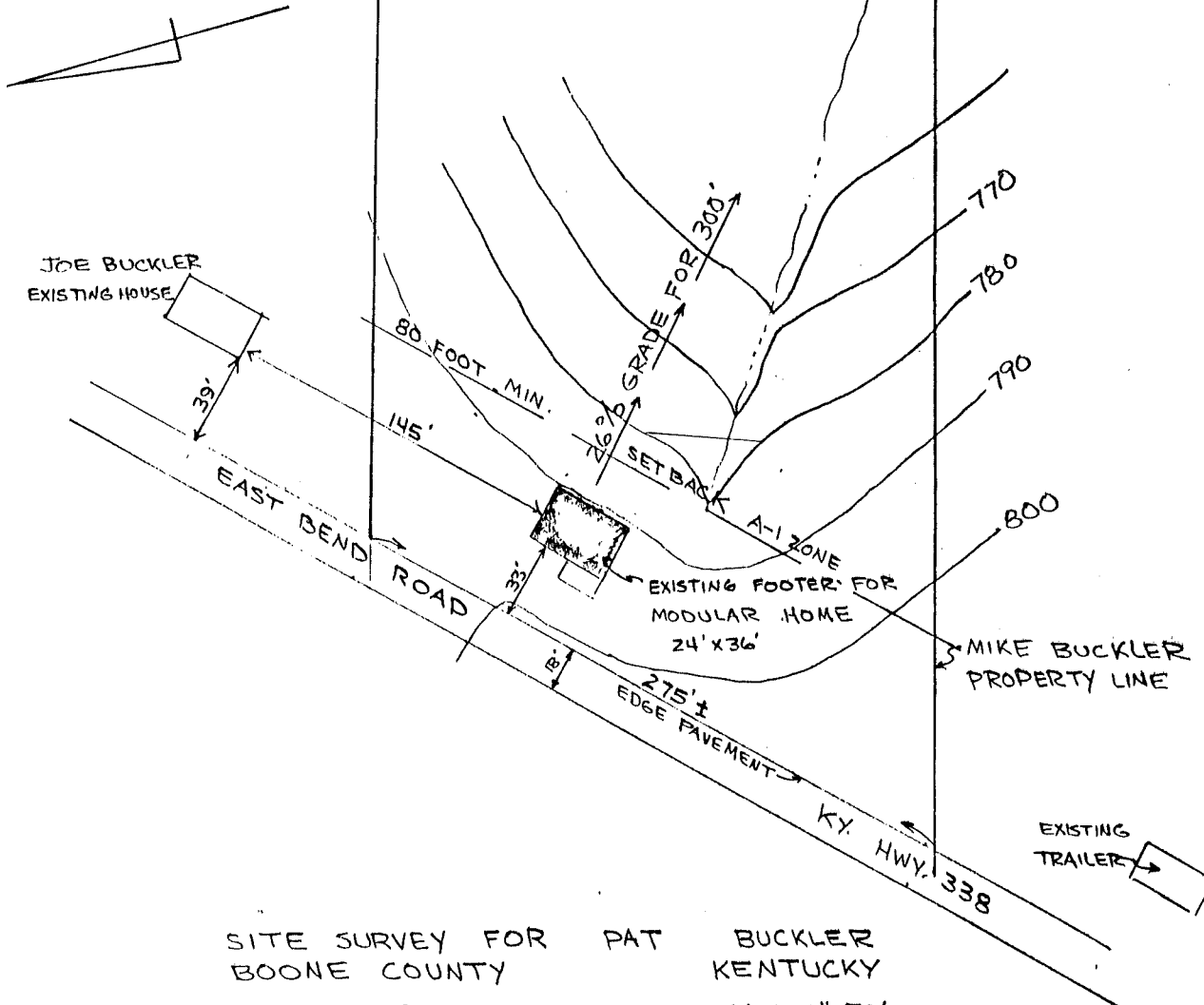
  
Ralph Hopper  
Zoning Enforcement Officer



VICINITY MAP  
SCALE 1"=2000'

PROPOSED 12 ACRE TRACT

APPROXIMATE LOCATION  
OF PROPOSED PROPERTY LINE



SITE SURVEY FOR PAT BUCKLER  
BOONE COUNTY KENTUCKY  
AUG. 8, 1985  
SCALE 1"=50'

STATE OF KENTUCKY  
F. R. McNEELY  
2030  
REGISTERED  
LAND SURVEYOR

TIMOTHY R. McNEELY  
Registered Land Surveyor  
7108 McVillie Road  
Burlington, KY 41005 Ph. 586-6497

BOONE COUNTY BOARD OF ADJUSTMENTS

AUGUST 14, 1985

6:00 P.M.

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

The Minutes of the July 10, 1985 Boone Board of Adjustment Meeting were considered. Mr. Nevel moved the Board approved the Minutes as reviewed. The motion was seconded by Mr. Houston. After discussion, the motion carried unanimously.

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

Setback Variance

The request of Patricia M. Buckler for a Variance in the required front yard setback for property located at 9106 East Bend Road and currently zoned Agricultural, A-1.

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 front yard setback to permit the placement of a double-wide mobile home on the property. Mr. Hopper explained the zoning district requires an 80-foot setback and the applicant's request was for a 33-foot setback. Mr. Hopper stated addressed some findings of fact required under Sect. 244 of the Zoning Regulations: 1) The Board may wish to consider the severe slope of the property as indicated on the plan; 2) Denial of the request would cause the applicant not to be able to construct on the site due to severe topographical limitations which at the required setback line; 3) The conditions of the site as stated in the report and the submitted site plan were existing prior to the adoption of the current zoning regulations; 4) The request would neither preserve nor harm the public safety and welfare. Mr. Hopper noted that adjoining properties to the north and south of the site have residences placed at less than the current setback requirements. Mr. Hopper noted there are two concerns the Board may want to consider: 1) the applicant has not indicated provisions for access into the property and the regulations require that adequate parking be provided for two vehicles; 2) the second concern involves drainage from the adjoining property to the south. Mr. Hopper recommended the applicant take steps to direct drainage from the property into the natural drainage course.

Ms. Patricia Buckler, applicant, stated plans to provide a gravel drive with provisions for two cars. Ms. Buckler noted that adjacent properties (her mother and sister) have even less than 33 foot setback from the road.

Counselor Wilson inquired if the double-wide mobile home would be off the right-of-way of the East Bend Road. Mr. Hopper stated that he had questioned Mr. McNeeley regarding the right-of-way who had related to him that East Bend Road was at one time a Kentucky State Highway but that the road is now a County road. Mr. Hopper related that no record could be found of the right-of-way. Counselor Wilson inquired if the mobile home unit was a modular home. Mr. Hopper responded the home is a "double-wide home" which under the regulations is exempted from the single wide classification, and the double-wide is treated exactly as a single family residence.

Chairman Whitton inquired if the Board should put some specific verbage with regard to the right-of-way. Counselor Wilson suggested the Board include a stipulation that "the Board is not certifying the distance to the right-of-way and that the applicant is expected to do that."

Mr. Houston inquired of the drainage recommendations as proposed by staff member Ralph Hopper. Mr. Hopper responded that the drainage problem is a problem of the applicant's than for the Board. Mr. Hopper noted there is a severe slope off the hillside into the applicant's property from the south which could cause some erosion along the side of the foundation. Mr. Hopper suggested a swale be made to direct the flow into the natural drainage course and away from the house.

Mr. Nevel moved that the Board grant approval of the setback variance because of the unique topography of the site from the required 80 feet to 33 feet for property located at 9106 East Bend Road, subject to the stipulation that the State or County right-of-way be determined by the applicant, and The motion was seconded by Mr. Houston. After discussion, the motion carried unanimously.

Chairman Whitton inquired if the applicant has obtained a Board of Health permit. Ms. Buckler responded that she has yet to obtain same. Counselor Wilson suggested the Minutes indicate that it was explained to the applicant that she must obtain the sanitary sewage permit from the Health Department.

#### Conditional Use Permit

The request of John Holladay (agent) for Hebron Baptist Church for a Conditional Use Permit for a 1.212 acre tract located at 1488 Petersbury Road, Hebron, in a Suburban Residential One zoning district. The request is to permit the expansion of the existing parking lot.

Staff member Ralph Hopper presented a slide presentation on the subject and surrounding areas. Mr. Hopper stated the applicant is requesting a Conditional Use Permit for an addition to the existing parking area. Mr. Hopper noted the Boone County

Comprehensive Plan Land Use Map shows the planned land use on the subject tract and all adjoining properties as Medium Density Residential. Mr. Hopper noted the current zoning of the property and the adjoining properties is Suburban Residential One, SR-1 and does permit places of religious assembly for worship as a Conditional Use under Sect. 833 of the zoning regulations. Mr. Hopper stated the plan submitted shows the addition of 35 parking spaces, 10'x20' and a driveway 25' wide which dimensions do conform to the zoning regulations. Mr. Hopper stated that access is planned from the existing parking area. Mr. Hopper explained the proposed parking area is sufficiently screened from the residential use to the east by an existing treeline and to the west by a large open area while to the north an existing residence and vacant lot are owned by the church and to the south is undeveloped property. Mr. Hopper stated that should the Board decide to grant the request he would recommend the following: 1) that a turnaround area be provided at the northern end of the parking lot to prevent cars at the end from backing down the drive; 2) that screening be provided on the northern end of the parking lot as indicated under Sect. 1817 of the zoning regulations; 3) Some effort must be made to control the sheet drainage that will occur on the site. Mr. Hopper closed by stating that should the recommendations be adequately addressed there would be no other recommendations.

Chairman Whitton inquired of how the Board could proceed without representation of the applicant present. Counselor Wilson noted the Board could stipulate the conditions that they would wish to add.

Mr. Hopper stated that Mr. John Holladay, as representative of the Hebron Baptist Church, has assured that the applicant would comply with the recommendations with regard to sheet drainage. Mr. Hopper noted the best solution would be the retention basin. Mr. Hopper also noted the applicant could create a screen of a maximum of four feet high to screen the parking area.

Mr. Hopper recommended the applicant go ahead and send the Board a revised plan and a letter stating that compliance with the proposed conditions is a part of the applicant's application.

Chairman Whitton inquired of Counselor Wilson if this would be possible, and if the Board could make the revised plan subject to the approval of Mr. Hopper and the Staff Engineer, Jim Jenkins.

Counselor Wilson stated that the Board could improve and that it would just depend on whether or not the Board felt comfortable with such a decision without the applicant's input.

Discussion followed of the conditions on the approval or deferral of the matter.

Mr. Hopper stated that his main concern was with the drainage coming out on to Ky. 20. Mr. Nevel expressed concern of the runoff in the area and the direction of the water flow.

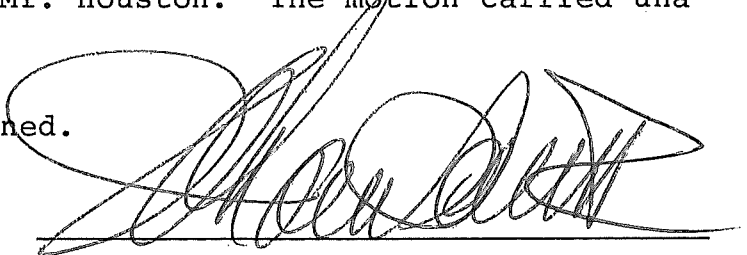
Chairman Whitton suggested the Board defer action until the Board is in receipt of a revised plan which would address the expressed concerns.

Mr. Nevel moved that the Board defer action until the next Boone Board of Adjustment meeting on the request of John Holladay (agent) for Hebron Baptist Church for a Conditional Use Permit for a 1.212 acre tract located at 1488 Petersburg Road, Hebron. The motion was seconded by Mr. Houston. After discussion, the motion carried unanimously.

Chairman Whitton inquired if the applicant was in a hardship with regard to time limitations. Mr. Hopper stated that no problem with the time restraints had been indicated to him.

Mr. Nevel moved that the Commission adjourn the meeting. The motion was seconded by Mr. Houston. The motion carried unanimously.

The meeting adjourned.



Attest:

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