



SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 9-11-89
2. Fee Received \$147.00
3. Is application complete?  Yes  No
4. Staff Reviewer PAUL R. MILLER
5. Scheduled Board Action Date 10-11-89
6. Board Action:  
 Approval  
 Approved With Conditions (See #7)  
 Disapproved (See #8)
7. Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Reasons For Disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BCPC:7/11/88

STAFF REPORT

#2

DEVELOPMENT: McBee and Ruttle law office  
APPLICANT: McBee and Ruttle  
LOCATION: 2909 Washington Street, Burlington, Kentucky  
ZONING: Suburban Residential Two/Small Community (SR-2/SC)  
DATE: October 11, 1989

REMARKS:

The applicant is seeking a Conditional Use Permit to allow the conversion of a single-family residence into a law office. The 0.31 acre site is located on the south side of KY 18, adjacent on the west side to the Poston Brothers site in Burlington, Kentucky. The property is zoned Suburban Residential Two/Small Community (SR-2/SC) and is owned by Julia Ryle.

Surrounding Zoning and Land Uses

north: SR-2/SC; florist, multi-family residence, auto parts business  
south: SR-2/SC; residential uses  
east: SR-2/SC; heating and air conditioning business  
west: SR-2/SC; utility structure

Before granting a Conditional Use Permit, the Board must consider the general standards applicable to all Conditional Uses in Boone County. These are reviewed below.

1. The requested use must be in accordance with the County's comprehensive plan. The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Medium Density Residential (3 to 8 dwelling units per acre).

While the Comprehensive Plan text makes no direct reference to the subject property, there are portions of the text which are germane to the request. Among the Goals and Objectives of the Plan is the statement that the various broad categories of land use are not inherently incompatible provided proper design principles are applied to minimize friction (p. G-1). The Land Use Element of the Plan states that Burlington proper will see numerous changes which will necessitate traffic controls on KY 18 and the preservation of historically significant structures. This Element also states that commercial development is appropriate on the south side of KY 18, between KY 18 and Rodgers Lane, again with an emphasis on access management provisions (p. L-13).

In the opinion of the Staff, the proposed office use is of the type anticipated and deemed appropriate by the Comprehensive Plan, provided proper access management and buffering for adjoining land uses is used in

=====

the design of the site. Because minimal changes to the exterior of the site are proposed, the use should be compatible with the historic character of Burlington.

2. In that the proposed office use will not involve structural changes to the building, the use will be harmonious and appropriate in appearance with the general vicinity. The visual impact of the parking area will be limited to those lands adjoining the rear of the property, and this impact can be minimized with adequate landscaping.
3. The proposed office will not be hazardous to neighboring uses.
4. The proposed office will be adequately served by essential public facilities and services.
5. The proposed office will not create additional requirements for public facilities and services, and will not be detrimental to the economic welfare of the community.
6. The proposed office will not be detrimental to any persons, property, or the general welfare.
7. The applicant is proposing an ingress-only driveway from KY 18, with egress onto an existing alleyway behind the site. This will not create an interference with traffic on surrounding public thoroughfares.

The Board must also consider the specific criteria which apply to Conditional Uses in Small Community districts.

1. The proposed law office can function as an integral part of Burlington's function as a small community center, and will not be of a scale, nature, or character which will detract from or conflict with the purpose and well-being of Burlington.
2. The arrangement of the office and parking, with adequate landscaping, is compatible with the organization of uses which are to be protected in the Small Community district.

Should the Board approve this Conditional Use Permit, the applicant would be required to submit a Site Plan to the Boone County Planning Commission for the proposed parking. During this review, the issue of landscaping to minimize the visual impact of the parking lot can be addressed.

Respectfully submitted,



Paul R. Miller  
Plans Examiner/Planner II

PRM:hs

10' PAVED ALLEY

HEADS WALL

CUIVERT UNDER DRIVE

PROPOSED PARKING  
2909 WASHINGTON ST.  
BURLINGTON, KY.

SCALE: 1" = 20'

NOTE: DIMENSIONS ARE  
OUTSIDE OF BLD'G.

BY: R.D. CRIST, C.E.  
Ky. REG. NO. 4746

PROPOSED  
PARKING

PARKING  
BUMPERS  
TYP.

GUARD  
RAIL AT  
PROPANE  
TANKS

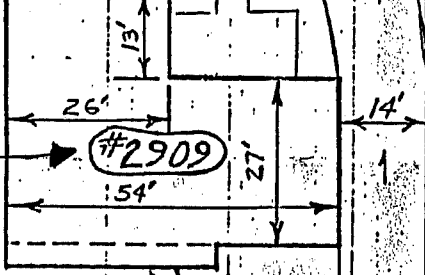
10' PARKING SPACES

100'

10' TYP.  
20' TYP.

EXISTING  
STRUCTURE

#2909



PROPOSED  
DRIVE

ENTRANCE ONLY



20' EXISTING  
CURB CUT

4' SIDEWALK

SOUTH CURBLINE

KY. RT. 18  
(WASHINGTON ST.)

← TO CAMP ERUST RD.

EAST R/W ROGERS L.N.B

ROGERS CANE

BOONE COUNTY  
BOARD OF ADJUSTMENT

October 11, 1989 - 6:30 P.M.

---

---

BOARD MEMBERS PRESENT:

Mr. I. A. Archambault  
Mr. Dan Houston  
Mr. Fred Nevel  
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

Mr. Walt Ryan

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The meeting was called to order by Chairman Whitton at 6:30 P.M..

Approval of the Minutes:

Chairman Whitton noted that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of September 13, 1989 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Houston moved that they be approved as mailed. Mr. Archambault seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Astonia Construction Company for a Variance in the rear yard building setback line for a proposed townhouse development. The 3.3-acre site is located at Limaburg Road and Val Court, Boone County, Kentucky. The property is zoned Urban Residential One (UR-1) and is owned by Astonia Construction Company (owner by option).

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if there was anyone present in behalf of the request. Mr. Ray Erpenbeck and Mr. Mike Burkhart were present.

Mr. Ray Erpenbeck reviewed larger scale drawings with the Board members. He stated that one of the problems of the site is the 50-foot Mill Valley piepline easement for an oil line at the front of the site. Their buildings must be kept clear of that easement. He stated that the 15 feet would be from the corner of one of the decks. He stated that there are two 15' distances and the others are 20' and 25'. He stated that they intent to maintain the line of vegetation along the back of the property.

Chairman Whitton asked if anyone else wished to speak or if there were any questions.

There being no further comments, Mr. Nevel moved that the Variance be granted and that the row of vegetation be maintained and improved along the property line. Mr. Houston seconded the motion and it carried unanimously.

2. The request of McBee and Ruttle for a Conditional Use Permit to allow the conversion of a single-family residence into a law office. The 0.31-acre site is located at 2909 Washington Street, Burlington, Kentucky. The property is zoned Suburban Residential Two/Small Community (SR-2/SC) and is owned by Julia Ryle.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if there was anyone present who wished to speak in regard to this request.


Ann McBee stated that a closing had taken place since the application was filed and the owner is Terrarius, Inc.. She added that the small block building shown in the slide presentation is not a utility building at this time but is owned by Miss McBee and used as a gym.

Mr. Archambault asked if they could save some of the trees. Ann McBee stated that the requirements of the regulations will cause them to remove some of the trees and put them back again.

There being no further comments, Mr. Houston moved that the Conditional Use Permit be granted. Mr. Archambault seconded the motion and it carried unanimously.

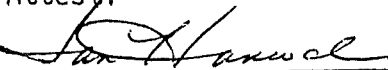
There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 7:00 P.M..

APPROVED:



George D. Whitton, Chairman

Attest:



Jan Hancock, Recording Sec'y