

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations).

SECTION A (To be completed by applicant)

- 1. (Check One) Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One) Conditional Use Permit Variance _____ Appeal _____
Change in Non-Conforming Use _____
- 3. Applicant's Name JAMES D. & KAREN M HELVEY
Phone Number 1-606-485-4596
Applicant's Address 14975 WALTON-VERONA RD
VERONA KY 41092
City State Zip
- 4. Description of Request: WOOD FRAME, ALUM SIDING SHINGLE-ROOF, & WOOD PANCLING INSIDE, ADDITION TO EXISTING STORE.
- 5. Name of Development VERONA MARKET
- 6. Location of Development 14975 WALTON-VERONA RD
VERONA, KY, 41092
- 7. Acreage Under Review _____
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
N/A
- 9. Owner of Property JAMES D & KAREN M HELVEY
Phone Number 1-606-485-4622
- 10. Address of Property Owner 14975 WALTON-VERONA ROAD
643.3271 BETTY-JOE MAIDEN. VERONA KY 41092
City State Zip
- 11. Proposed Use(s) On Site ADD ADDITIONAL SPACE TO EXISTING STORE, FOR RETAIL OF GROCERIES E ETC.
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property SR-1/SC
- 14. Deed Book 330 Page No. 81 Group No. 2085
- 15. Is the site subject to a zone change? NO
If yes, give date of approval N/A
- 16. Have you submitted a Site Plan with this request? YES
- 17. Have you submitted a list of adjoining property owners with this request? YES
- 18. Applicant's Signature: Betty Joe Maiden
- 19. Property Owner's Signature: James D Helvey

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received _____
2. Fee Received _____
3. Is application complete? Yes _____ No _____
4. Staff Reviewer N. G. TOLLEY / TWS
5. Scheduled Board Action Date 2/14/90
6. Board Action:

 Approval
 Approved With Conditions (See #7)
 Disapproved (See #8)
7. Conditions: CONDITIONAL USE PERMIT BE GRANTED SUBJECT TO
CONDITION THAT HEALTH DEPARTMENT ACCEPTANCE & APPROVAL BE OBTAINED
& THAT THE VARIANCE BE GRANTED
8. Reasons For Disapproval: _____

BCPC:7/11/88

STAFF REPORT

#1

DEVELOPMENT: Verona Market
APPLICANT: James & Karen Helvey
LOCATION: 14975 Walton-Verona Road
ZONING: Suburban Residential One with a
Small Community Overlay (SR-1/SC)
DATE: February 14, 1990

REMARKS:

The applicant is requesting a Conditional Use Permit and rear yard Variance to allow the construction of a 630 square foot addition. The 0.17 acre parcel, located on the north side of KY 14/16 in Verona, is zoned Suburban Residential One with a Small Community Overlay (SR-1/SC) and is owned by James and Karen Helvey.

The existing market is 4,536 square feet (36' X 63' footprint X 2 stories). The applicant intends to remove a 100 square foot walk-in box at the rear of the store in order to build the 630 square foot addition for storage purposes. No additional paved parking or circulation areas are planned.

Surrounding Land Uses and Zoning

North: RSE; farmland
South: SR-1/SC; single family residence
East: SR-1/SC; Verona Bank
West: SR-1/SC; single family residence

The following reviews the general standards which apply to all Conditional Uses:

1. The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Commercial. The Land Use Element of the Plan makes no specific mention of the Verona Market property.
2. The addition will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity and shall not change the essential character of the area.
3. Such an addition will not be hazardous to existing or future neighboring uses.
4. The site is adequately served by essential public facilities.
5. The addition will not create excessive additional requirements at public cost for public improvements.

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6. The addition will not involve uses, activities, processes, materials, or conditions of operation which will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
 7. Vehicular approaches to the property have been established and are not planned to be altered.

The Board must also consider criteria which are specific to Small Communities:


- a. A grocery store is an integral part of Verona's function as a small community center.
- b. The arrangement of the market with the proposed addition is compatible with the arrangement or organization of permitted uses to be protected in the district.

The applicant is also requesting a rear yard Variance for this proposed addition. The zoning regulations require a 30 foot rear yard setback in SR-1/SC districts; the addition is proposed to be constructed 16 feet from the rear line. Staff does not believe that, if granted, the Variance will affect the public health, safety, or welfare, will alter the essential character of the general vicinity, will cause a hazard or a nuisance to the public, nor will it allow an unreasonable circumvention of the zoning regulations. In formulating this belief, the following were considered:

- a. The requested Variance arises from the special circumstance of lot shape. The rear property line is at such a drastic angle that almost any addition would require a Variance.
- b. Strict application of the zoning regulations would permit the applicant to construct a much smaller addition only.
- c. The special circumstance of lot shape is not the result of actions of the applicant taken after the adoption of the zoning regulations.

At this writing Staff has no concerns or suggested conditions.

Respectfully submitted:



Thomas W. Breidenstein
Zoning Enforcement Officer

TWB:kat

NEW BLDG DIMENSIONS
21' X 30' = 630 SQ FT

CYRIL
ELDER
PROP.

↑
DRAINAGE

New
ADDITION
TO BLDG.
10'
EXIST
WALK
IN
BOX

propos
rd

BOTH
PARCELS
OWNED
BY
JAMES
HELVY

LILLIE M. COOK
PROP.

51°18'N
173.83

W.M.

EXIST
2 STR
BRICK
BLDG

BLACKTOP
DRIVE

100'
N10°18'E

30' X 54'
BLACKTOP
PARKING
AREA

BLACKTOP

GAS PUMP ISLAND
CANOPY
COVERED

58800'E

55'

30' KY
RIW

⊕ KY 16

→ TO WALTON

AT JCT KY 16, 14, & 491
PPX = 275 TO WEST

ROBERT
KANNADY
LOT # 7, 8, & 9

LOU
MULLINS
LOT # 10

SCALE: 1" = 20' V & H.

Helvey -
Verona Market
5-14-90

BOONE COUNTY
BOARD OF ADJUSTMENT

February 14, 1990 - 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 Board member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of January 10, 1990 and asked if there were any comments or corrections.

Mr. Houston stated that the Minutes indicate that Mr. Archambault moved that the meeting be adjourned and also seconded the motion. The motion was seconded by Mr. Houston, not Mr. Archambault.

Mr. Archambault moved that the Minutes be approved as amended by Mr. Houston. Mr. Nevel seconded the motion and it carried unanimously.

AGENDA ITEM:

1. The request of James and Karen Helvey for a Conditional Use Permit and rear yard Variance to allow the construction of a 630 sq. ft. addition. The 0.17-acre parcel, located on the north side of KY 14/16 in Verona, is zoned Suburban Residential One with a Small Community Overlay (SR-1/SC).

Staff Member, Greg Tulley, 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 behalf of the request.

Mr. Rick Peid and Betty Jo Marden, General Manager of the grocery store, were present but had no comments.

Chairman Whitton then asked if there was anyone present in opposition to the request.

Mr. Jim Wichman stated that his father-in-law owns the property behind the grocery store and they are concerned by the raw sewage that begins to leech out of the ground on the grocery store property. They would like to see the existing problem addressed and corrected and to have assurance that the addition will not aggravate the problem. He stated that the addition will add to the paved area of the property and may increase the problem.

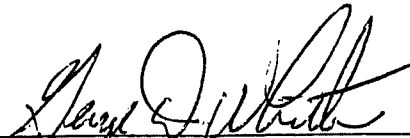
Ms. Marden stated that the sewage problem is in the process of being corrected.

Chairman Whitton questioned if they had contacted the Health Department. Ms. Marden stated that they had not. Chairman Whitton asked if they would be agreeable to a condition indicating that they have to get Health Department approval and Ms. Marden stated that they would not object to that condition.

There being no further comments, Mr. Archambault moved that the Conditional Use Permit be granted subject to the condition that Health Department acceptance and approval be obtained, and that the Variance be granted. Mr. Houston 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 6:55 P.M..

APPROVED:



George D. Whitton, Chairman

Attest:



Jan Hancock, Recording Secretary