

REVIEW NO.

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
- 3. Change in Non-Conforming Use
- 3. Applicant's Name Arnold E. Caddell
 Phone Number (O) 371-0555 (H) 586-7760
 Applicant's Address 221 Beil Road
Burlington Kentucky 41005
 City State Zip
- 4. Description of Request: Dimensional Variance for front yard setback in C-2 zone from 75 feet to 37.5
- 5. Name of Development Heritage Bank
- 6. Location of Development Old KY 18, Burlington, Kentucky
- 7. Acreage Under Review 1.0
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
N/A
- 9. Owner of Property Arnold E. Caddell
 Phone Number (O) 371-0555 (H) 586-7760
- 10. Address of Property Owner 221 Beil Road
Burlington Kentucky 41005
 City State Zip
- 11. Proposed Use(s) On Site Bank
- 12. Total Square Footage of Existing and/or Proposed Buildings
5,000
- 13. Current Zoning on Property C-2
- 14. Deed Book 406 Page No. 190 Group No. 2025
- 15. Is the site subject to a zone change? No
 If yes, give date of approval _____
- 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: Arnold E. Caddell
- 19. Property Owner's Signature: Arnold E. Caddell

Part of

Revised all but hard costs

4 Pkgs @ 2.00 ea. = 8.00

Notice of Hearing BCR = 24.00

Site Sketch @ 1-hr. = 35.00

35.00/hr. = 27.00

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 5-24-90
2. Fee Received \$ 316.00 (R 5751)
3. Is application complete? Yes No
4. Staff Reviewer Amy Moore
5. Scheduled Board Action Date June 13, 1990
6. Board Action:
 Approval
 Approved With Conditions (See #7)
 Disapproved (See #8)
7. Conditions: _____

8. Reasons For Disapproval: _____

BCPC:7/11/88

STAFF REPORT

#1

DEVELOPMENT: Heritage Bank
APPLICANT: Arnold E. Caddell
LOCATION: Old Kentucky 18, Burlington, Kentucky
ZONING: Commercial Two (C-2)
DATE: June 13, 1990

REMARKS:

The applicant is seeking a Variance to allow a reduction in the front yard setback for the proposed Heritage Bank. The one acre site is located on the northwest corner of the intersection of Old Kentucky 18 and Taylor Drive in Burlington, Kentucky. The property is zoned Commercial Two (C-2) and is owned by Arnold D. Caddell.

Article 9, Section 926 of the Boone County Zoning Regulations states that the minimum front yard setback for buildings erected in a Commercial Two (C-2) zoning district is 75 feet. Due to the nature of the site and proposed use, the applicant feels that this minimum setback is not appropriate.

The following reviews the four criteria the Board must use to judge each variance request:

1. If granted, staff can find no reason why the Variance should not adversely affect the public health, welfare and safety.
2. The Variance should not alter the essential character of the general vicinity.
3. It should also not cause a hazard or nuisance to the public.
4. An unreasonable circumvention of the requirements of the zoning regulations should not result if the Variance is granted.
5. The special circumstances involved pertain to the location, topography and elevation of the property. Staff feels that since the site is located at a prominent intersection and is higher in elevation than the surrounding land, it would be more aesthetically pleasing if the parking is located behind the building and the area in front of the building is left open as green space.
6. The applicant feels that if strict application of the regulations is required, parking would have to be placed in the front of the building which would increase the chances of traffic congestion in the vicinity.
7. The circumstances are not the result of actions taken prior to the adoption of the zoning regulations.

STAFF REPORT - HERITAGE BANK
JUNE 13, 1990

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Attached is a copy of a plat showing the location of the proposed site.
Also included is a page submitted by the applicant concerning his reasoning
behind the variance request.

Respectfully Submitted,

Amy S. Moore

Amy S. Moore
Plans Examiner/Planner I

ASM:kat

EXHIBIT B

The property which is the subject of this application for dimensional variance is located at the corner of Old Kentucky 18 and Taylor Drive. The property is located in a Commercial-Two zone which requires a 75 foot front yard set back. The applicant is seeking a dimensional variance from the required 75 foot front yard set back to a 37.5 foot front yard set back.

The location, topography and elevation of the property create a special circumstance which does not generally apply to land in the general vicinity of the property or to other property in the Commercial-Two zone.

As can be seen by the proposed site plan, if the dimensional variance is granted, all parking will be located at the rear of the proposed building and the area in front of the proposed building will be green space. This configuration will provide a much more aesthetically pleasing appearance to the project and provide for smoother ingress and egress for traffic. If strict application of the regulations is required, parking will have to be placed at the front of the building thereby substantially reducing the green space and, ingress and egress to the property will have to be located in a much tighter configuration thereby increasing the chances of traffic congestion.

As can be seen from the above, the strict application of the regulations will deprive the applicant of the most reasonable use of the land and would not adversely affect the public health, safety or welfare; would not alter the essential character of the general vicinity; would not cause a hazard or nuisance to the public; and will not be an unreasonable circumvention of the requirements of the zoning regulations. In fact, granting of the variance will enhance the essential character of the general vicinity.

Also, it should be noted that the circumstances which require this dimensional variance (i.e. location, elevation and topography) are conditions that existed prior to the adoption of the zoning regulations from which relief is sought.

BOONE COUNTY BOARD OF ADJUSTMENT
BUSINESS MEETING

June 13, 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 May 9, 1990 and asked if there were any comments or corrections.

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

Agenda Items:

1. The request of Arnold E. Caddell for a Variance of 37.5 feet in the 75 foot minimum front yard setback required in the C-2 Zone. The purpose of the request is to allow green space in the front of the building and to locate the parking behind the building. The one-acre site is located at the northwest corner of the intersection of Old Kentucky 18 and Taylor Drive, Boone County, Kentucky. The site is owned by Arnold E. Caddell.

Staff Member, Amy Moore, 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.

Mr. David Wallace, attorney representing Mr. Caddell and the bank, stated that they feel a special circumstance exists due to the location and the topography. He stated that by decreasing the setback, they will be able to locate all of their parking in the rear of the building which will enhance the area. The 37.5-foot setback will be at one corner of the building only. The rest of the building, which is on an angular lot, will be set back as much as 55 feet. They feel that they meet the requirements under KRS Chapter 100 and the Variance will benefit the property. Without the Variance, there will be an undue burden on the property owner.

Chairman Whitton asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments from the Board.

Mr. Nevel moved that the Variance be granted based on the Staff Report. Mr. Archambault seconded the motion and it carried unanimously.

2. The request of Raymond Erpenbeck (applicant) for Shorland Properties (owner) for a Variance to allow the reduction in the front yard setback. The property is zoned Industrial One (I-1) and is located in the Richwood Industrial Park, Boone County, Kentucky.

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report). Mr. Tulley advised that the site in question is not the entire area shown in a circle and marked #12 in the attachment to the Staff Report.

Mr. Ray Erpenbeck stated that Vagedes is setback 40 feet from the roadway due to a Variance granted 1½ years ago. He stated that they are requesting this Variance as the site drops off sharply to the rear and they want the building closer to the road on the ridge.

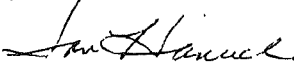
Chairman Whitton asked if there was anyone else present who wished to speak in regard to this item or if there were any comments from the Board.


There being no further discussion, Mr. Houston moved that the Variance be granted based on the Staff Report and due to the topography. Mr. Archambault seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mr. Archambault moved that the meeting be adjourned. Mr. Houston seconded the motion and it carried unanimously.

APPROVED:

Attest:


Jan Hancock, Recording Secretary


George D. Whitton, Chairman