



SECTION B

(To be completed by Boone County Planning Commission Staff)

- 1. Date Received 5-2-91
- 2. Fee Received \$371.00 R6488
- 3. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
- 4. Staff Reviewer \_\_\_\_\_
- 5. Scheduled Board Action Date \_\_\_\_\_
- 6. Board Action:  
\_\_\_\_\_ Approval  
\_\_\_\_\_ Approved with Conditions (See #7)  
\_\_\_\_\_ Disapproved (See #8)
- 7. Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 8. Reasons for Disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## STAFF REPORT

#1

APPLICANT: Globe Construction Corp.  
DEVELOPMENT: Turf-Pro  
LOCATION: 1530 Distribution Dr., Boone County  
ZONING: Industrial One (I-1)  
DATE: June 12, 1991, 6:30 p.m.

### REMARKS:

The applicant is requesting a Variance to allow the construction of a three (3) foot protective overhang. The 0.6815 acre site, located on lot 37 of the Commerce Park West Industrial Park, is zoned Industrial One (I-1) and is owned by Dave England.

### Request

On April 3, 1991, the Boone County Planning Commission approved the applicant's request for site plan approval to allow the construction of a 3,978 square foot warehouse and office. The building was built in such a way that the entire length of the front side is fifty (50) feet from the road right-of-way. The applicant is now proposing to add a three (3) foot by eleven and one-half (11.5) foot overhang onto the front of the building to protect people entering or exiting the office. This addition will encroach three (3) feet into the required fifty (50) foot front yard setback.

### Review

Article 17, Section 1725 of the Boone County Zoning Regulations reads:

#### Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard. Chimneys, overhangs, and gutters may extend up to two and one-half (2.5) feet into a required front, side, or rear yard. (p. 17-2)

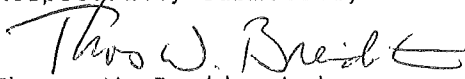
Since the proposed overhang projects six (6) inches beyond what is allowed by this section, a Variance is needed.

The following reviews the general criteria for Variance requests:

1. If granted, the Variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The Board must also consider:

- a) Staff can find no special circumstances which give rise to this Variance request and which do not generally apply to land in the general vicinity;
  - b) Strict application of the provisions of the zoning regulations would not deprive the applicant of the reasonable use of the land but may create an unnecessary hardship on the applicant. If denied, the applicant could construct a protective overhang, but it could only be 2.5 feet wide;
  - c) The circumstances which require the Variance application are the result of the applicant's choice of building location.
2. No willful violation of the zoning regulations are involved with this request.

Respectfully submitted,

  
Thomas W. Breidenstein  
Zoning Enforcement Officer

TWB:kat



April 18, 1991

Kevin Costello  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

Re: Dave England's Turf Pro Service Variance Front Set Back of  
Three Feet in.

Dear Mr. Costello:

Your favorable consideration is requested to allow a canopy to be attached to the building within the fifty feet front set back. Basically, this request is being made so as not to deprive the owner of the reasonable use of the land or further encroach on the existing lake at the rear of the property.

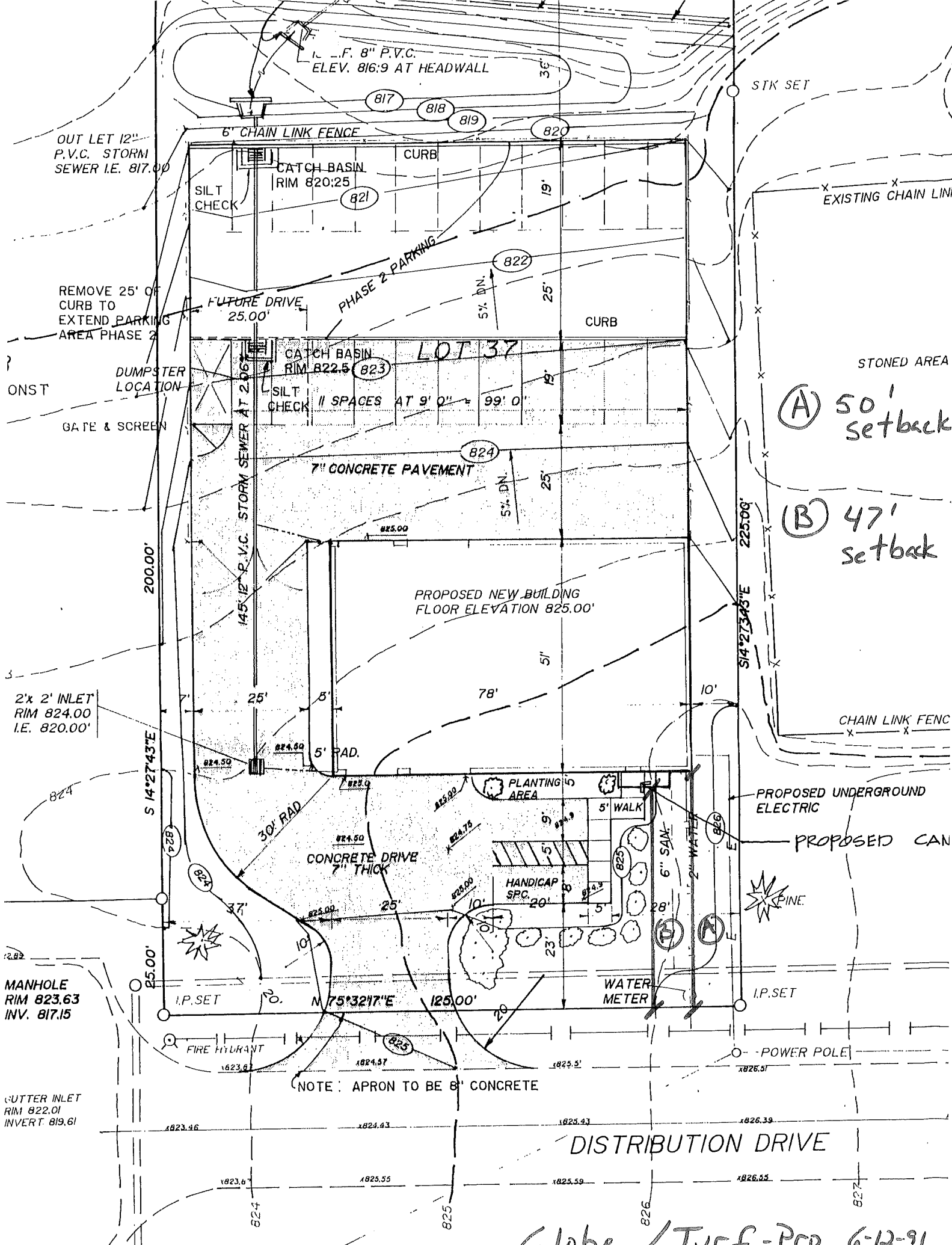
This variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

It is my feeling that this variance will serve to improve both the function and aesthetics of the building. Thus improving the essential character of the general vicinity.

Your favorable consideration in this matter will be greatly appreciated. If you have any questions or require additional information, please let me know.

Sincerely,

  
William Hoffmaster



14" F. 8" P.V.C.  
ELEV. 816.9 AT HEADWALL

OUT LET 12"  
P.V.C. STORM  
SEWER I.E. 817.00

6" CHAIN LINK FENCE  
CATCH BASIN  
RIM 820.25

REMOVE 25' OF  
CURB TO  
EXTEND PARKING  
AREA PHASE 2

DUMPSTER  
LOCATION

FUTURE DRIVE  
25.00'

PHASE 2 PARKING

LOT 37

CATCH BASIN  
RIM 822.5

SILT CHECK  
11 SPACES AT 9' 0" = 99' 0"

7" CONCRETE PAVEMENT

PROPOSED NEW BUILDING  
FLOOR ELEVATION 825.00'

2x 2' INLET  
RIM 824.00  
I.E. 820.00'

S 14° 27' 43" E

145" P.V.C. STORM SEWER AT 2.06

CONCRETE DRIVE  
7" THICK

PLANTING  
AREA

HANDICAP  
SPC. 20'

PROPOSED UNDERGROUND  
ELECTRIC

PROPOSED CAN

MANHOLE  
RIM 823.63  
INV. 817.15

I.P. SET

FIRE HYDRANT

WATER  
METER

I.P. SET

POWER POLE

NOTE: APRON TO BE 8" CONCRETE

CUTTER INLET  
RIM 822.01  
INVERT 819.61

DISTRIBUTION DRIVE

STONED AREA  
(A) 50' setback

(B) 47' setback

CHAIN LINK FENCE

Globe / Turf-Pro 6-12-91

COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Dave England  
P.O. Box 67  
Union, Kentucky 41091

2. ADDRESS OF PROPERTY

1530 Distribution Drive  
Burlington, Kentucky 41005

3. NAME OF SUBDIVISION OR  
DEVELOPMENT (if applicable)  
Turf-Pro-Commerce Park West

DEED BOOK: 450

PAGE NO.: 261

GROUP NO.: 2026

4. TYPE OF RESTRICTION (S) (Check all that apply)

\_\_\_\_\_ Zoning Map Amendment \_\_\_\_\_ Conditional Use Permit  
from \_\_\_\_\_ to \_\_\_\_\_

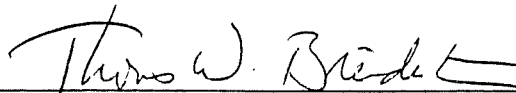
\_\_\_\_\_ Development Plan \_\_\_\_\_ Conditional Zoning  
Condition

\_\_\_\_\_ Subdivision Plat \_\_\_\_\_ Other: (Specify)  
(unrecorded)

X Variance

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE  
BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE  
RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2995 WASHINGTON STREET  
BURLINGTON, KENTUCKY 41005



\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

Tom Breidenstein, Zoning Enforcement Officer  
NAME AND TITLE OF COMPLETING OFFICIAL  
(type or print)

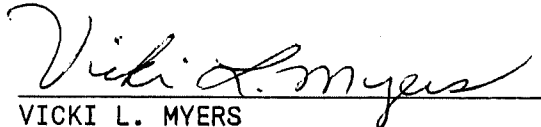
COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Tom Breidenstein

on behalf of the Boone County Planning Commission this 16th day

of July, 1991.

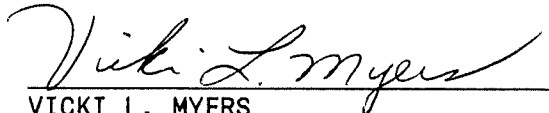


VICKI L. MYERS  
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:



VICKI L. MYERS  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

BCPC 01/89

CLUR# 91-BCBOA-006

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance  
as approved by the Boone County Board of Adjustments and in accordance with the  
current zoning in effect as of June 12, 1991, (Certificate of Land Use  
Restriction # 91-BCBOA-016 ), for Dave England, property  
owner.

No Conditions

The approved Variance as well as the preceding conditions apply  
to the property described in: DEED BOOK 450 PAGE NO. 261 Group No. 2026