

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: J.A. DOEPKER ASSOCIATES Owner
 Address: 12 HIGHLAND AVENUE FT. THOMAS, KY 41075 Agent
 Telephone: 781-1776

Location: LOT #47 COMMERCE PARK WEST BURLINGTON, KY
 Name of Property Owner: STEVE DRUM - PRESTIGE ELECTRIC
 Address of Property Owner: 5798 CONSTITUTION DRIVE FLORENCE, KY 41042
 Zoning District: I-1 Area in Acres: 1.35 AC
 Deed Book: Page Number: Group Number: 3077

Description of Request: WAIVER OF 15 FT. FRONT YARD BUFFER (SECT. 17) REQUIREMENT:
PARK DEVELOPER'S RE-GRADING OF VICINITY HAS DEVELOPED THE NEED FOR A
PARKING LOT RE-DESIGN (ORIGINALLY PROPOSED ACCESS DRIVE TO STEEP)

Applicant's Signature: William Ballard
 Property Owner's Signature: Steven R. Drum

FOR PLANNING COMMISSION USE ONLY
 Application Fee: \$361 Date Received: 7-25-91 By: TWA
 Referred To: Amy Moore Meeting Date: 8-14-91 6:30 pm
 Action Taken: Date of Action:

STAFF REPORT

DEVELOPMENT: Commerce Park West Subdivision
APPLICANT: Steve Drum
LOCATION: Resource Drive (lot #47 of Commerce Park West Subdivision),
Boone County, Kentucky
ZONING: Industrial One (I-1)
DATE: August 14, 1991

REMARKS:

The applicant is requesting a Variance to reduce the minimum frontyard landscaped buffer requirement from 15 feet to 0 feet. The 1.35 acre site is located on Resource Drive (lot #47 of Commerce Park West Subdivision), Boone County, Kentucky. The property is zoned Industrial One (I-1) and is owned by Steve Drum.

On May 15, 1991, the Boone County Planning Commission approved a Site Plan for this lot. The Site Plan was approved with a ten foot wide landscaped buffer between the street and the parking lot although a fifteen foot wide buffer is normally required. At this time, the applicant is requesting that a Variance be granted for the entire width of the landscaped buffer. Although the proposed plan indicates that some low growth landscaping will be planted between the parking lot and the street, the Board must remember that the landscaping will be located within the right-of-way and may not be permitted by the Boone County Fiscal Court.

Table #1, Dimensional Standards, of the 1990 Boone County Zoning Regulations indicates that the minimum front yard setback requirement is 50 feet in an I-1 zoning district but "when parking is located in the front yard area, a minimum fifteen (15) foot buffer, suitably planted, shall be maintained between the right-of-way and the parking area."

The following reviews the seven criteria the Board must use to judge each Variance request:

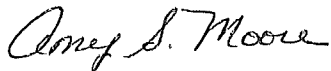
1. If the Variance is granted, it would not adversely affect the public health, safety, or welfare.
2. The Variance would not alter the essential character of the general vicinity.
3. The Variance would not cause a hazard or a nuisance to the public.
4. The Variance would not allow an unreasonable circumvention of the requirements of the zoning regulations.
5. The requested Variance does not arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.

The Boone County Planning Commission has required this landscaped buffer on many other proposed Site Plans in I-1 zoning districts, including other sites in the Commerce Park West Subdivision.

6. The Board should decide if the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
7. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

Attached to this report is a reduction of the Site Plan as it was approved by the Planning Commission and a reduction of the plan as the applicant is currently proposing it.

Respectfully Submitted,



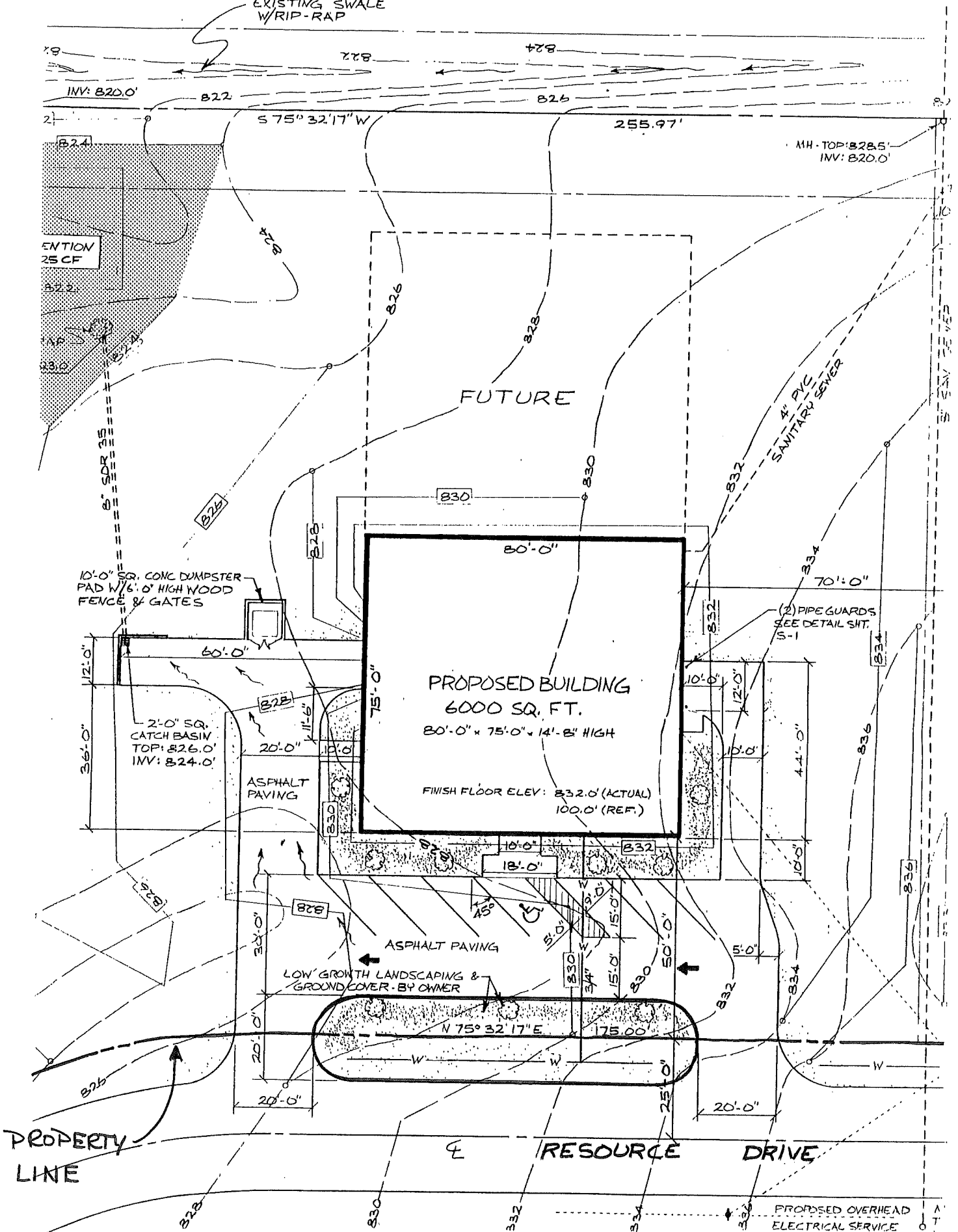
Amy S. Moore
Planner I

ASM:kat

PRESTIGE ELECTRIC

APPROVED SITE PLAN

EXISTING SWALE
W/ RIP-RAP



COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Steve Drum-Prestige Electric
5798 Constitution Drive
Florence, Kentucky 41042

2. ADDRESS OF PROPERTY

Resource Drive
Burlington, Kentucky 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Commerce Park West

DEED BOOK: 290

PAGE NO.: 332

GROUP NO.: 2026

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

<u> </u>	Zoning Map Amendment from <u> </u> to <u> </u>	<u> </u>	Conditional Use Permit
<u> </u>	Development Plan	<u> </u>	Conditional Zoning Condition
<u> </u>	Subdivision Plat (unrecorded)	<u> </u>	Other: (Specify)
<u> X </u>	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

Amy A. Moore

SIGNATURE OF COMPLETING OFFICIAL

Amy S. Moore, Planner I

NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)


COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Amy S. Moore

on behalf of the Boone County Planning Commission this 17th day

of September, 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

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 August 14, 1991, (Certificate of Land Use
Restriction # BCBOA-91-020-A), for Steve Drum, Prestige Electric, property
owner.

The above mentioned Variance is approved subject to the condition
that permission is obtained through Fiscal Court to landscape the
right-of-way.

The approved Variance as well as the preceding conditions apply
to the property described in: DEED BOOK 290 PAGE NO. 332 Group No. 2026