

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: Harold Walton Owner

Address: 1683 Tanned Rd Harbison KY 41048 Agent

Telephone: 689-7709

Location: Mars Hill

Name of Property Owner: Same

Address of Property Owner: Same

Zoning District: SB-1 Area in Acres: approx 1/2 acre

Deed Book: 17 Page Number: 15 Group Number: _____

Description of Request: Seeking Front & Rear Set Back Variances
lots 16 & 17 in Mars Hill Subdivision

Applicant's Signature: Harold Walton

Property Owner's Signature: Same

FOR PLANNING COMMISSION USE ONLY

Application Fee: \$115.00 Date Received: 8/19/86 By: Dave Grehegan

Referred To: Dave Grehegan Meeting Date: 9/10/86

Action Taken: approved Date of Action: 9/10/86

50165

STAFF REPORT

APPLICANT: Harold Walton
LOCATION: Lots 16 & 17 of Mars Hill Subdivision
ZONE: Suburban Residential One (SR-1)
DATE: September 10, 1986

REMARKS:

The applicant is requesting front and rear yard setback variances on these two lots. The request for lot 17 is for a front setback variance of six (6) feet six (6) inches to enable a building setback of 23 feet 6 inches and a rear setback variance of 17 feet to enable a rear yard of 13 feet. The request for lot 16 is for a front setback variance of six (6) feet six (6) inches to enable a building setback of 23 feet 6 inches and a rear setback variance of 12 feet to enable a rear yard of 18 feet. Zoning regulations require that front and rear setbacks be 30 feet in the SR-1 district.

The following discussion looks at the four standards found in Section 244 of the Boone County Zoning Regulations that must be found in order to grant a variance.

- 1) A review of the surrounding lots indicates that the specific condition of lot depth is unique to lot 16. Lot 17 has similar depth to that of lot 24 immediately to the north.
- 2) Strict application of the regulations would not permit a usable dwelling unit of the surrounding type to be constructed on lot 16. The property adjoining lot 17, more specifically lot 24 of the subdivision, has been developed with similar dimensions to lot 17, while meeting all setbacks.
- 3) Lot depth for lot 16 is not the result of the applicant's actions since he was not responsible for the original arrangement and dimensions of lots. In order to make lot 16 more usable, however, a convenience plat has been filed by the applicant to convey land from lot 17 to lot 16. In the process, lot depth of lot 17 has been decreased. Mr. Walton has indicated, however, that the configuration of the house on lot 17 is a result of the corner lot and an attempt to provide a level of privacy for the rear yards.
- 4) Granting of the variance will not harm the public safety and welfare, and will not alter the essential character of the neighborhood. Even with the 12 and 17 foot rear setback variances being sought, the two dwelling units would still be at least 60 feet apart. This is compatible with surrounding development of the SR-1 district.

Should the variance request be granted, it should be done so with the following condition. That proper procedure be taken to shift the storm sewer easement as indicated on the variance request, and that the relocated sewer share the same end points as it now has, and lies in the center of a 20 foot easement.

Respectfully Submitted,



David A. Geohegan
Planner/Plans Examiner

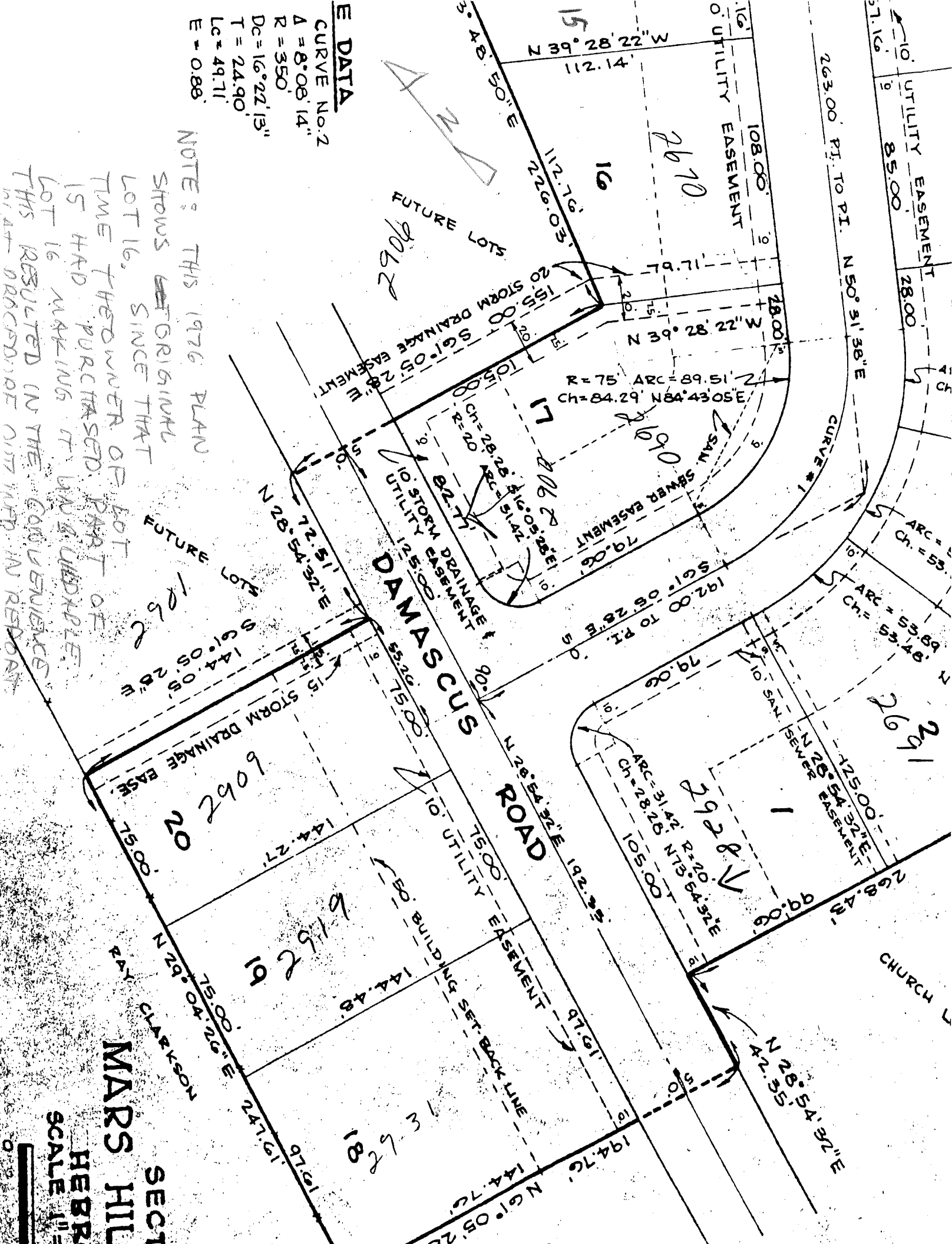


E DATA

CURVE NO. 2
 $\Delta = 8^{\circ}08'14''$
 $R = 350'$
 $Dc = 16^{\circ}22'13''$
 $T = 24.90'$
 $Lc = 49.71'$
 $E = 0.88'$

NOTE: THIS 1976 PLAN

SHOWS ORIGINAL
 LOT 16, SINCE THAT
 TIME THE OWNER OF LOT
 15 HAD PURCHASED PART OF
 LOT 16 MAKING IT UNLIEABLE.
 THIS RESULTED IN THE CONVENIENCE
 OF A PART DRACPODE OUT INTO IN REDONANT



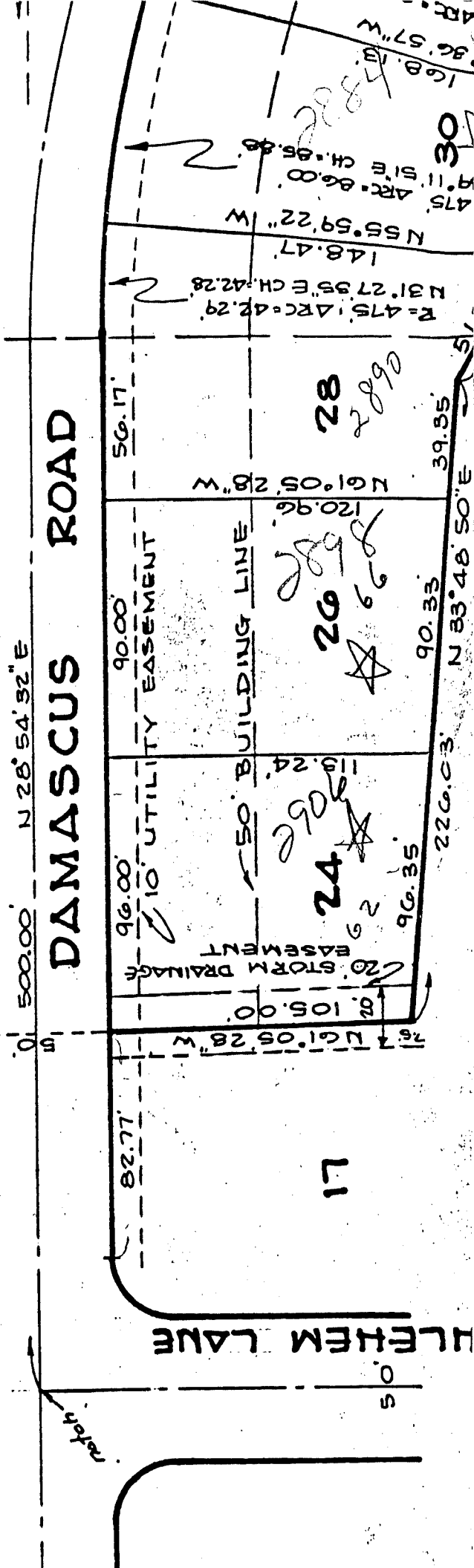
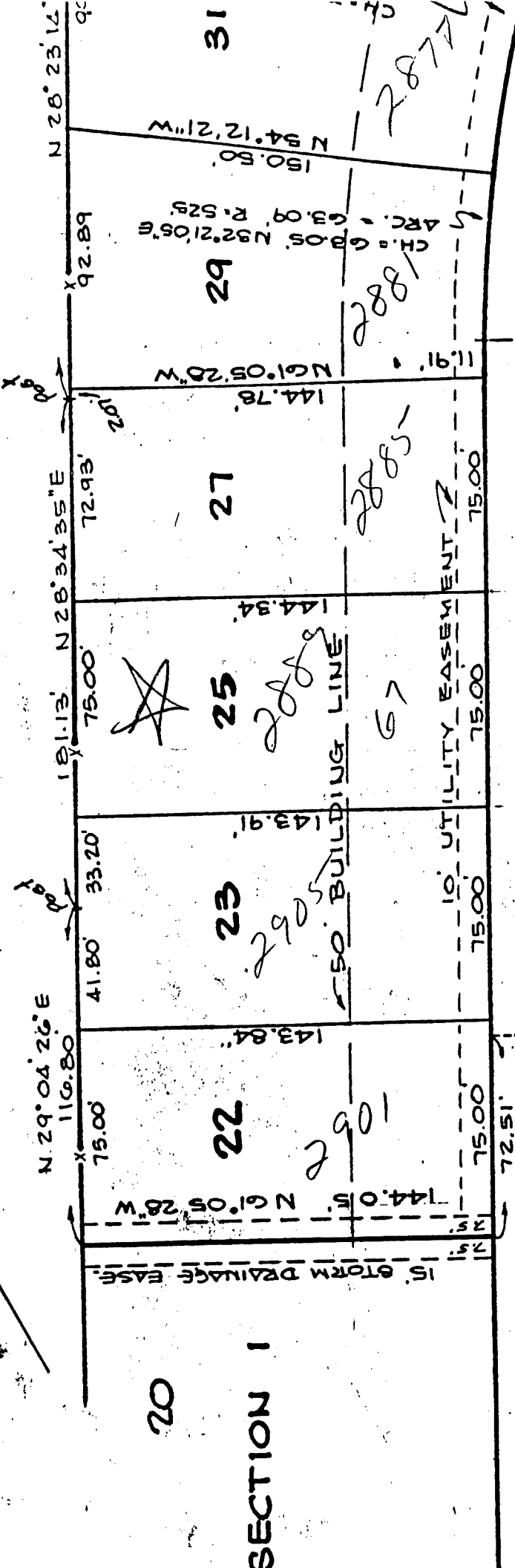
SECT
 MARRS HILL

HEBR
 SCALE 1" = 40'

CURVE DATA

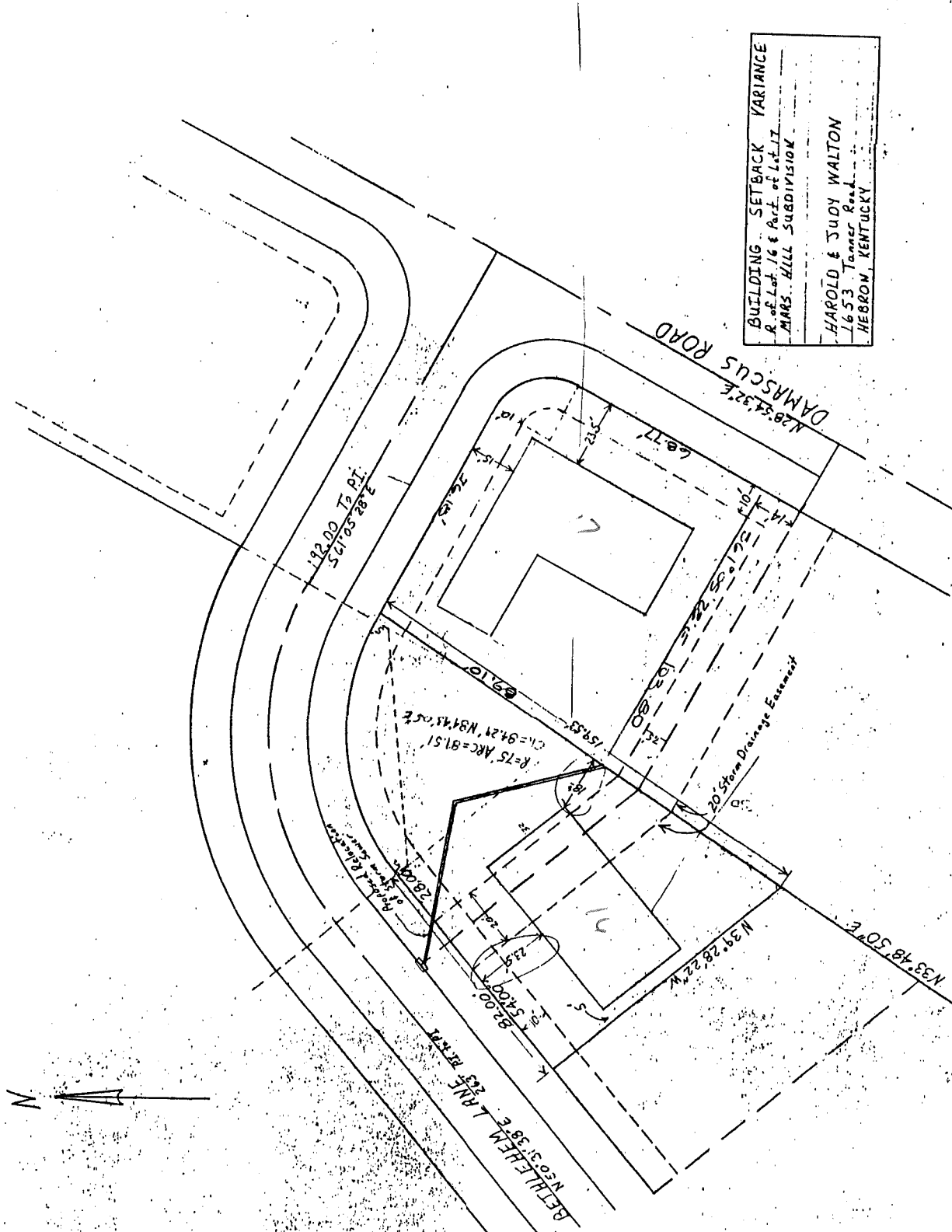
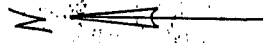
$\Delta = 29^\circ 45' 20''$
 $R = 500'$
 $D_c = 11^\circ 27' 38''$
 $T = 132.83'$
 $L_c = 259.67'$
 $E = 17.34'$

RAY CLARKSON



DAMASCUS ROAD

ULFHEM LAKE



BUILDING SETBACK	VARIANCE
R. of Lot. 16 & Part. of Lot. 17	
MARS HILL SUBDIVISION	
HAROLD & JUDY WALTON	
1653 Tanner Road	
HEBRON, KENTUCKY	

132.00 To PT.
S61°03'28\"/>

DAMASCUS ROAD
N29°54'32\"/>

R=75 ARC=91.51
C1=94.24 N31°45'05\"/>

20' Storm Drainage Easement

BETHLEHEM LANE
N60°31'38\"/>

N33°48'30\"/>

N39°28'22\"/>

123.81
S61°03'28\"/>

66.77
S71°12'12\"/>

100.00
S61°03'28\"/>

100.00
S61°03'28\"/>

BOONE COUNTY BOARD OF ADJUSTMENT

SEPTEMBER 10, 1986

6:30 P.M.

Chairman Whitton called the meeting to order. Roll call was taken by staff member Dee Ann Brewer. 4 members present. Absent: Mr. Archambault. Staff members present were Messrs: Costello, Breidenstein, Geohegan and Mrs. Brewer. Atty. Dale Wilson was also present.

Minutes of the July 9, 1986 and August 13, 1986 Boards of Adjustment meetings were considered. Mr. Nevel moved the July 9, 1986 and August 13, 1986 Boone County Board of Adjustment Minutes be approved as reviewed. The motion was seconded by Mr. Ryan. After further discussion, the motion carried unanimously.

Chairman Whitton proceeded to the items on the agenda.

Variance

A request of Harold Walton for a Variance in the minimum front and rear setback for two adjoining residential lots. The required front and rear setbacks are 30 foot, the request is for 23 foot, 6 inch front setbacks on both lots and for an 18 foot and 13 foot setback on the rear of the lots.

Staff member David Geohegan presented a slide presentation of the proposed site and the surrounding area. Mr. Geohegan presented the Staff Report. (See Staff Report)

Mr. Harold Walton made himself available for questions.

Chairman Whitton referred to the submitted drawing and inquired where the houses would be located. Mr. Walton pointed out the location of the houses on the drawing.

Chairman Whitton inquired if the request was approved then there should be a condition that the applicant must maintain a sewer and the sewer be maintained in the center of the easement. Mr. Geohegan stated yes.

Atty. Wilson stated the Board of Adjustment did not have the authority in itself to approve the building storm sewer easement. Chairman Whitton agreed but noted the Board did have the right to require a storm sewer easement.

Further discussion followed on the storm sewer easement.

Mr. Nevel moved to approve the request of Harold Walton for a Variance in the minimum front and rear setback for two adjoining residential lots with the condition the storm sewer

easement be properly relocated and maintained and the sewer be maintained in the center of the easement based upon the Staff Report. The motion was seconded by Mr. Ryan. The motion carried unanimously.

Variance

A request of Peter Blackmore for a Variance in the minimum frontage requirement in an Agricultural Two zone. The required frontage is 150 feet and the request is for an 80 foot frontage.

Mr. Breidenstein distributed an aerial photograph of the proposed site. Mr. Breidenstein presented the Staff Report. (See Staff Report)

Mr. Ryan inquired of any problems on the setbacks. Mr. Breidenstein stated no building plans had been submitted. Atty. Wilson noted that the Variance was in the road frontage not in the setback requirements.

Ms. Nancy Blackmore stated a house was planned to be built for her mother and she described the topography of the land. Ms. Blackmore stated the 150 feet of required frontage would take almost the whole front pasture of the property.

Chairman Whitton referred to legal counsel and inquired of any problem with the proposed variance. Atty. Wilson stated he had no problem with the requested variance.

Chairman Whitton inquired of any opposition or comments on the proposed request.

Hearing no questions or comments, Mr. Ryan moved to approve the request of Peter Blackmore for a Variance in the minimum frontage requirement in an Agricultural Two zone of 150 feet to 80 feet based upon the Staff Report. The motion was seconded by Mr. Houston. The motion carried unanimously.

Conditional Use Permit

A request of Robert Flick for a Conditional Use Permit to allow the retail sale of gasoline in connection with an existing grocery store.

Mr. Breidenstein presented the Staff Report. (See Staff Report) Mr. Breidenstein presented a slide presentation of the proposed site and the surrounding area.

Asst. Director Kevin Costello, referred to the applicant, Mr. Robert Flick and inquired if he intended to close the existing entrance to the existing building. Mr. Flick stated no, he was not able to see how that could be done.

Mr. Flick explained his need for the Conditional Use Permit was because the parking for his IGA store in Hebron, Kentucky was restricted on parking space. Mr. Flick stated he purchased the lot next to him and could not justify the amount of money for just parking space, therefore, decided to utilize some of the space for gas pumps. Mr. Flick pointed out the need in the Hebron area for gas availability and noted the grocery store would not become too large (convenient type). Mr. Flick described the ingress and egress to the proposed site and the interconnection to his current IGA store..

Mr. Costello stated Mr. Flick needed to contact the State about encroachment on the state road. Mr. Flick noted he had already talked with the state in generality about the site.

Atty. Wilson noted he saw no problem with granting the Conditional Use Permit.

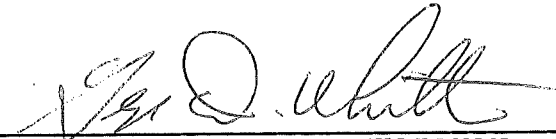
Chairman Whitton inquired if the current plan was reviewed by staff's engineer and approved. Mr. Breidenstein stated yes.

After further discussion, Mr. Nevel moved to approve the request of Robert Flick for a Conditional Use Permit to allow the retail sale of gasoline in connection with an existing grocery store based upon the Staff and Engineer's Reports. The motion was seconded by Mr. Houston. The motion carried unanimously.

Hearing no further questions or comments, Mr. Ryan moved the meeting adjourn. The motion was seconded by Mr. Nevel. The motion carried unanimously.

The meeting adjourned.

APPROVED:



GEORGE D. WHITTON, CHAIRMAN

ATTEST:



DEE ANN BREWER, ADMINISTRATIVE ASSISTANT