

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning
Commission Staff)

1. Date Received Aug 18 1993 Fee Received 481.00 # 2059
2. Is application complete? + Yes ~~*~~ No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date Sept 8, 93
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

DEVELOPMENT: Grubbs Funeral Home
 APPLICANT: James & Janice Grubbs
 LOCATION: 8461 Dixie Highway
 ZONING: Commercial Services (C-3)
 DATE: September 8, 1993

The applicant is requesting a Variance to permit the construction of a canopy 25 foot into the front yard setback. The property is currently zoned C-3 and is located on the east side of U.S. 25 on what used to be the Ryan Lawn and Garden Sales store. (see sheet #1).

This property was recently recommended by the Boone County Planning Commission to be rezoned from Commercial Services (C-3) to Commercial Two (C-2) to permit the site to be used for a funeral home (see sheet # 2). This resolution was then forwarded to the Boone County Fiscal Court which has not yet taken any action on this item. The Fiscal Court must adopt this resolution for the zoning of the property to be changed from C-3 to C-2 which would permit the applicant's proposed use.

The current zoning of the property which is C-3 requires under Article 31, of the Boone County Zoning Regulations a front yard setback of 50 feet. If the zoning is changed by the Fiscal Court from C-3 to C-2 then the required front yard setback would become 75 feet. Therefore, if the zone change is adopted by the Fiscal Court the applicant is requesting a Variance on the C-2 zoning classification and not the current zoning classification.

The proposed Variance would permit the construction of a 25 foot canopy and driveway which would be used as a pull-through loop drive and hearse access to the front of the building (see sheet # 3). With the proposed canopy and drive approximately 50 feet of buffer would be left between the building and the right of way for U.S. 25. Within the same zoning district to the north and south there are building which are closer than 50 feet to the front property line. Therefore, the applicant's proposed canopy would not be out of character with the U.S. 25 corridor which is largely commercial and industrial with limited residential properties.

Surrounding Zoning and Land Uses (see sheet #3)

North: Single Family residence zoned C-3
 South: Single Family residence zoned C-3
 East: Vacant property zoned C-3
 West: Single Family residences zoned SR-1

Staff Concern

1. The Kentucky Department of Transportation, has indicated that U.S. 25 has been identified as a state route that needs improvements, however, it is not currently listed on the State's six year plan. If and when improvements are made to U.S. 25, KDOT has indicated that the road would be improved to a five lane highway similar to U.S. 42 in Florence. This classification of roadway would require between 80-100 feet of right-of-way. Currently, the State owns 60 feet of right-of-way in front of the applicant's proposed site.

Therefore, if the State improved the roadway to five lanes they may need an additional twenty (20) feet of right-of-way. If the Variance were granted and the State acquired an additional twenty (20) feet of right-of-way the building would be located approximately 30 feet from the right-of-way and approximately 47 feet from the pavement edge.

2. Staff is unclear why the applicant wants to place the canopy in the front of the building when there is sufficient area on the north side of the building to provide the same architectural treatment and turn around which would not require a variance.
3. Site plan review would be required for the proposed canopy as well as any other improvements that will be done to the site if the Variance is granted.

Conclusion

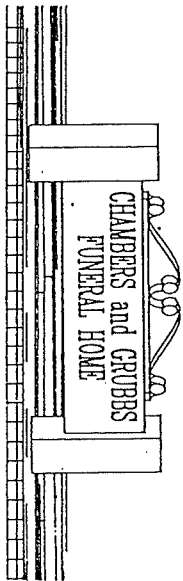
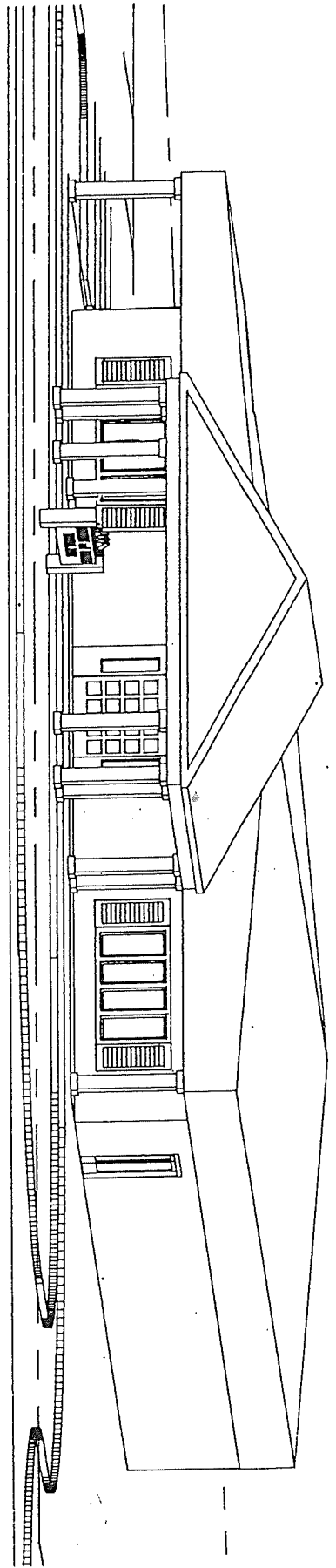
Staff believes that the proposed variance will have little impact on the character of the area because of the varying setbacks of existing commercial and industrial buildings within the same zoning district. Also, the current zoning of the property would permit the building addition to be located 25 feet closer to the property line without a variance if the use were principally permitted within the current C-3 zone. Therefore, because the property to the north and south permits a 50 feet setback, staff believes, the proposed variance will not cause a hazard or a nuisance to the public and will not alter the character of the general vicinity.

Respectfully Submitted,

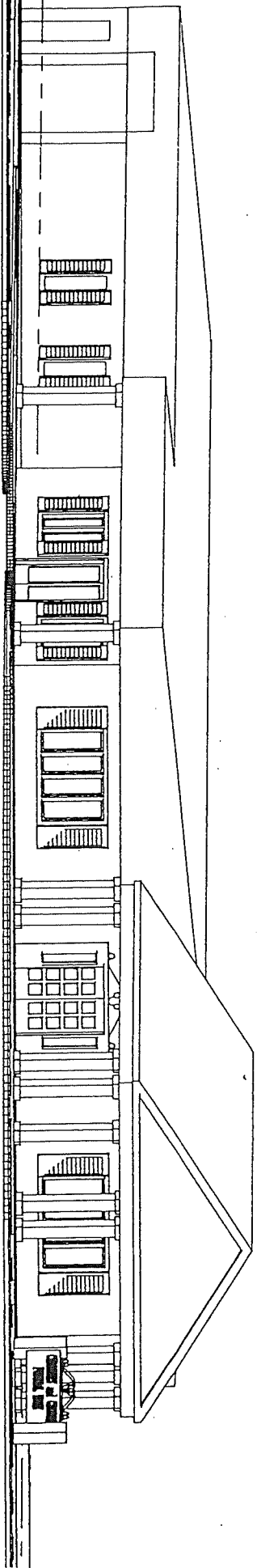


Jeffrey F. Hayes
Planner I

JFH\par



SHEET # 3



COPY

NO. 93-BCBOA-020-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Ryan Lawn, Garden and Tractor Sales, Inc.
17 Old Beaver Road
Walton, Kentucky 41094
2. ADDRESS OF PROPERTY
8461 Dixie Highway
Florence, Kentucky 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Chambers and Grubbs Funeral

DEED BOOK: 391


PAGE NO.: 26 & 27 GROUP NO.:

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

<input type="checkbox"/>	Zoning Map Amendment from ___ to _____	<input type="checkbox"/>	Conditional Use Permit
<input type="checkbox"/>	Development Plan	<input type="checkbox"/>	Conditional Zoning Condition
<input type="checkbox"/>	Subdivision Plat (unrecorded)	<input type="checkbox"/>	Other: (Specify)
<input checked="" type="checkbox"/>	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

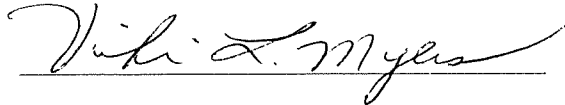

SIGNATURE OF COMPLETING OFFICIAL

Jeffery F. Hayes, 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 Jeffery F. Hayes on behalf
of the Boone County Planning Commission this 3rd day
of January, 1994.



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.)

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 September 8, 1993, (Certificate of Land Use
Restriction # 93-BCBOA-020-A), for James and Janice Grubbs, property owner.

NO CONDITIONS:

The approved Variance as well as the preceding conditions apply to the property
described in: DEED BOOK 391 PAGE NO. 26& 27 Group No. _____