

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 5-17-94 Fee Received 461.00 R#3847
2. Is application complete? X Yes _____ No _____
3. Staff Reviewer Self Hayes
4. Scheduled Board Action Date June 8, 1994
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Minutes

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: Burlington Shell Station
 APPLICANT: Raymond Erpenbeck
 LOCATION: Northeast corner of Carlton Drive and KY 18
 ZONING: Commercial Services (C-3)
 DATE: June 8, 1994

The proposed Variance request is located at the northwest corner of Carlton Drive and KY 18 (see sheet #1). The applicant is requesting a front, side, and rear yard Variance to construct a new 1800 square feet convenience store and a 1000 square feet automatic car wash facility (see sheet #2). The new station would have a gasoline canopy which would be approximately 5,000 square feet in size which would cover the four (4) gasoline pumps. The existing gasoline and service station would be removed. The current property is owned by William and Nancy Goetz.

Article 31, of the Boone County Zoning Regulations requires a property located within a Commercial Services (C-3) zone to have a front yard setback of 50 feet and a side yard setback of half the front yard setback when located on a corner lot. In addition, because the property adjoins a residential zone in the rear a 50 feet rear yard setback is required.

The applicant is requesting a Variance to reduce the front yard setback from 50 feet to 25 feet and reduce the side yard setback from 25 feet to 7 feet along Carlton Drive. In addition, the applicant is requesting to reduce the rear yard setback from 50 feet to 5 feet. (see sheet #2). The setbacks of the current service station include a front yard setback of approximately 10 feet, a side yard setback which appears to touch the property line, and a rear yard setback of approximately 60 feet.

Surrounding Land Uses and Zoning (see sheet # 3)

North: Burl Park Apartments zoned Urban Residential Two (UR-2)
 South: JD's Foodmart and Burlington Cemetery zoned Commercial One (C-1) and Public Facilities (PF)
 East: Burlington Veterinary Hospital zoned Commercial One (C-1)
 West: Burlington strip center zoned Commercial Two (C-2)


Staff Concern

1. Staff believes that a six (6) feet high wood fence with the finished side out should be installed and landscaping such as Arborvitae be planted to break up the view of the fence.
2. Staff also believes that landscaping should be installed around the perimeter of the pavement area. This landscaping should include shrubs which screen the view of the pavement and parking areas from the public rights of way.

Conclusion

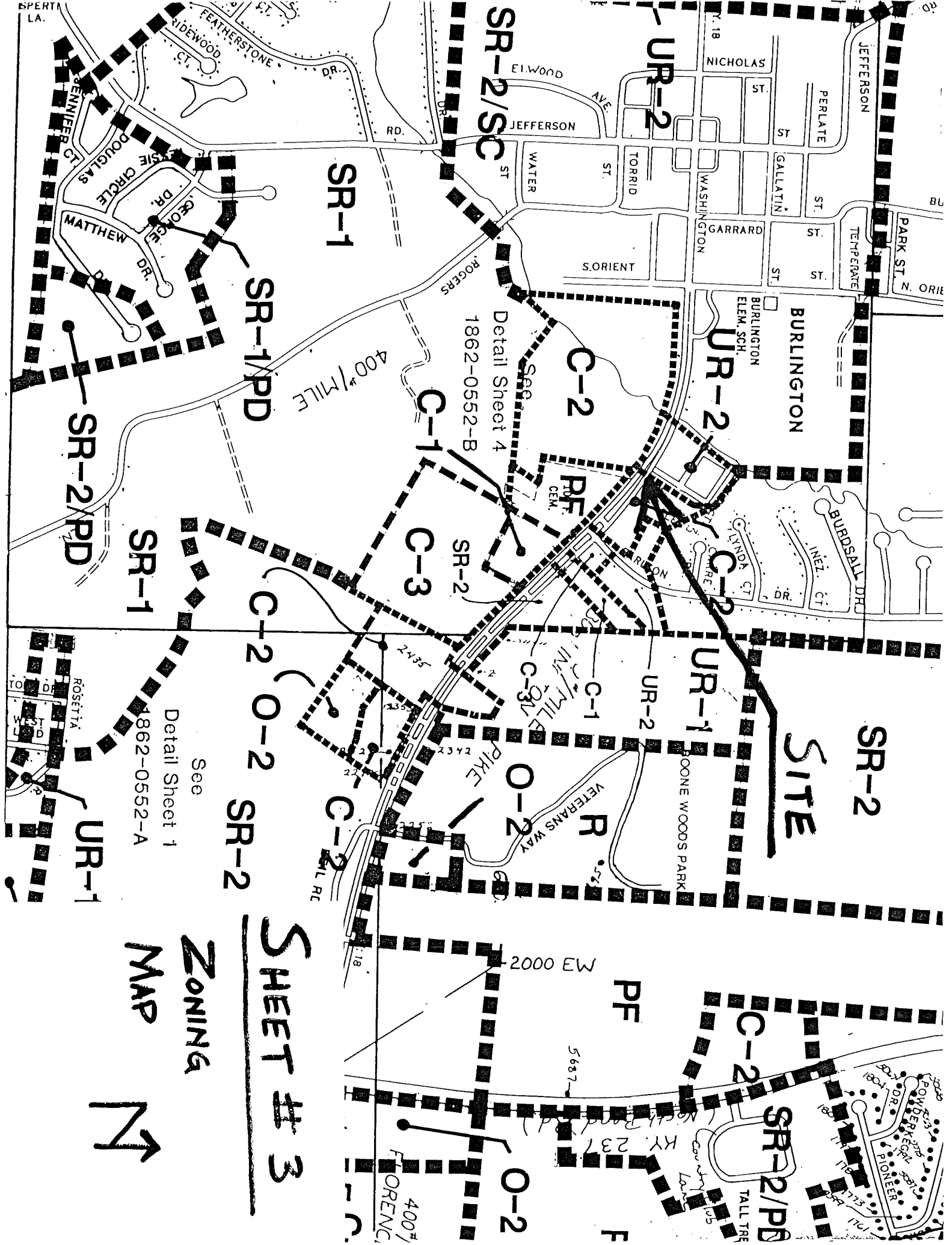
Staff believes that the new facility will probably result in a visual improvement along KY 18 because of the removal of the service aspect of the gasoline station. In addition, the existing gasoline canopy is located closer to the property lines than the proposed gasoline station. Therefore, staff believes that the facility will not alter the essential character of the general vicinity nor will it cause a nuisance or hazard to the public. The Board should also determine whether the strict application of the provisions of the Zoning Regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

Respectfully Submitted,



Jeffrey F. Hayes
Planner I

JFH\par



SHEET # 3

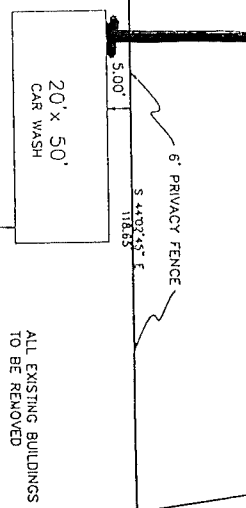
ZONING

MAP

↑

CARLTON DRIVE

REQUESTING 45'
VARIANCE



REQUESTING
18' VARIANCE

REQUESTING
25' VARIANCE

VARIANCE REQUESTED

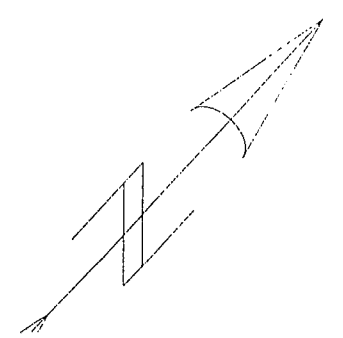
FRONT YARD (KY 18) 50' REQUIRED - 25' REQUESTED

SIDE YARD (CARLTON DRIVE) 25' REQUIRED - 7' REQUESTED

REAR YARD 50' REQUIRED - 5' REQUESTED

AREA: 4246 AC.

ZONE: C-3



KY 18

PLAN

CONCEPT

SHEET #2

COPY

NO.94-BCBOA-007-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

William and Nancy Goetz
6293 Saddle Ridge Drive
Burlington, Kentucky 41005

2. ADDRESS OF PROPERTY

KY 18 and Carlton Drive
Burlington, Kentucky 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Burl Park Subdivision

DEED BOOK: 382

PAGE NO.: 78

GROUP NO.: 2025

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 | <input type="checkbox"/> | Other: |
| <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



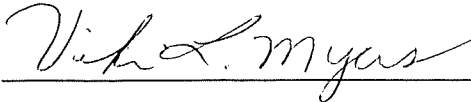
SIGNATURE OF COMPLETING OFFICIAL

Jeffrey 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 Jeffrey Hayes on behalf of
the Boone County Planning Commission this 18th day
of July, 1994.

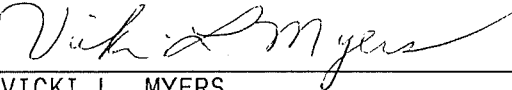


NOTARY PUBLIC, State at Large

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 Board of Adjustments and in accordance with the current zoning in effect as of June 8, 1994, (Certificate of Land Use Restriction # 94-BCBOA-007-A), for William and Nancy Goetz, property owner.

The Variance be granted with three conditions: (1) The trees/shrubs, which may not be on the property, not be removed if they are on the property, (2) that a six-foot high wood fence with finished side out be installed with foliage/Arborvitae, and (3) that landscaping be installed around the perimeter of the pavement area which should include shrubs to screen the view of the pavement and parking areas from the public right-of-way.

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 382 PAGE NO. 78 Group No. 2025