





# STAFF REPORT

DEVELOPMENT: Simon Fisher Mitsubishi  
APPLICANT: Jay F. Bayer, Bayer and Becker Engineers  
LOCATION: NW corner of KY 18 and Greenview Road, Boone County  
ZONING: Commercial Services (C-3)  
DATE: March 8, 1995

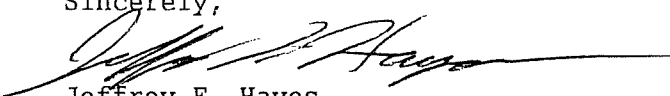
The applicant is requesting a variance for a rear yard setback for the Simon Fischer Mitsubishi Automobile dealership. The Boone County Zoning Regulations require that a building be setback fifty (50) feet from the rear property line when a commercial zone adjoins a residential zone. The car dealership received a Zoning Map Amendment in 1994 to construct a 19,500 square foot facility and received Site Plan approval in the same year. A Title Survey was conducted for financial purposes by the owners and it was discovered that the building which is nearly complete was located 47.85 feet to the rear property line instead of the required fifty (50) feet (See Sheet #1).

Because of the oversight with the surveying during the initial construction of the building the structure is located 2.15 feet to close to the rear property line. The encroachment of this building has not reduced the driveway of required buffer areas of the approved plan.

## Conclusion

Staff believes that the proposed Variance will have little or no impact on the public health, safety, or welfare nor will it change the essential character of the area. The Board should determine whether the Variance will cause a nuisance or a hazard to the public and whether it will allow an unreasonable circumvention of the requirements of the Zoning Regulations.

Sincerely,

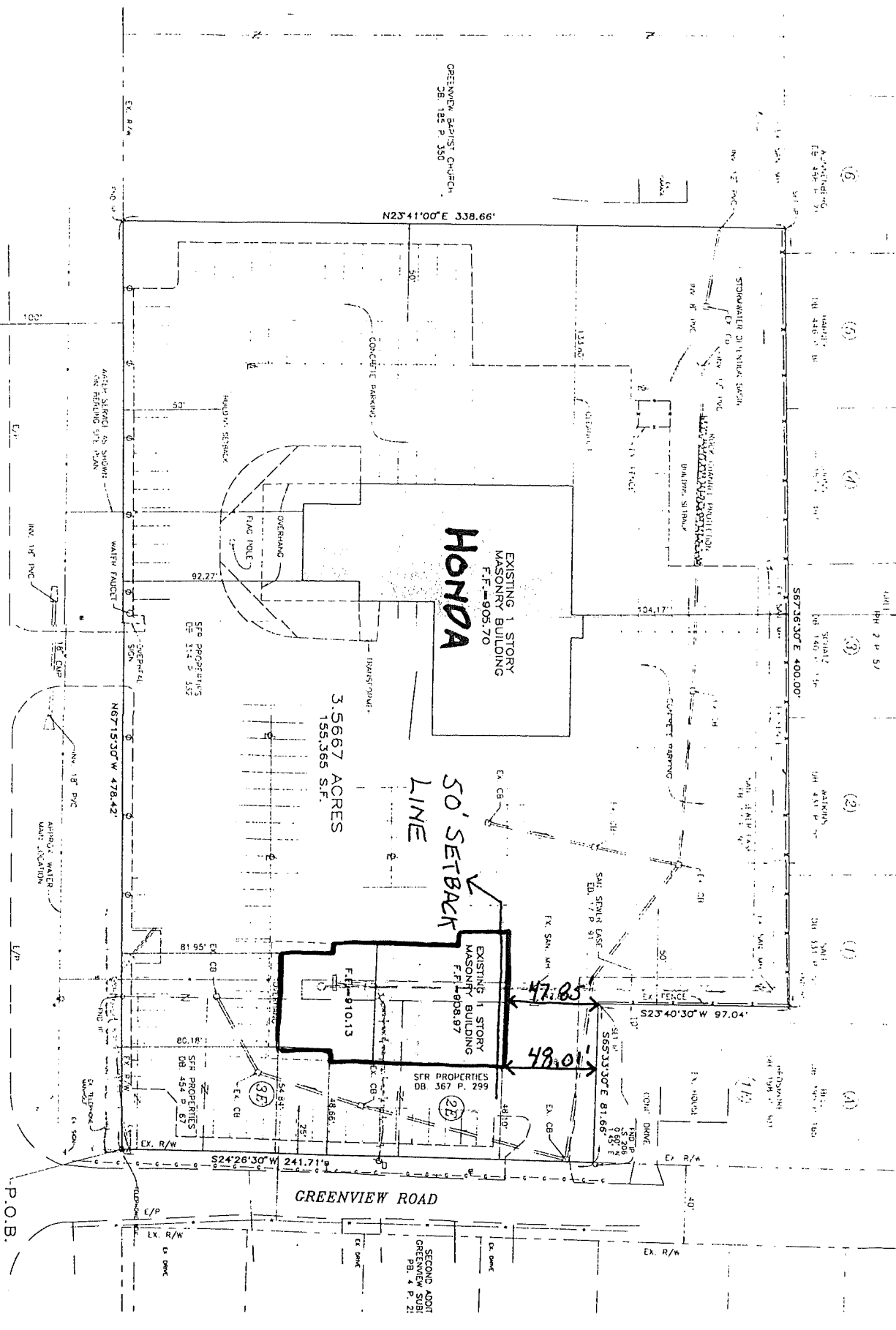


Jeffrey F. Hayes  
Planner

JFH\par

KENTUCKY HIGHWAY No. 18  
(BURLINGTON PIKE)

**SHEET # 1**



GREENVIEW ROAD

P.O.B.

EX. R/W

- (1) UNIT 1 P. 57
- (2) UNIT 2 P. 57
- (3) UNIT 3 P. 57
- (4) UNIT 4 P. 57
- (5) UNIT 5 P. 57
- (6) UNIT 6 P. 57
- (7) UNIT 7 P. 57
- (8) UNIT 8 P. 57
- (9) UNIT 9 P. 57
- (10) UNIT 10 P. 57
- (11) UNIT 11 P. 57
- (12) UNIT 12 P. 57
- (13) UNIT 13 P. 57
- (14) UNIT 14 P. 57
- (15) UNIT 15 P. 57
- (16) UNIT 16 P. 57
- (17) UNIT 17 P. 57
- (18) UNIT 18 P. 57
- (19) UNIT 19 P. 57
- (20) UNIT 20 P. 57

RECEIVED

1995 APR 19 P 4:03 BOOK 496 PAGE 240

JERRY W. ROUSE  
BOONE COUNTY CLERK  
10.50 N.P.

NO.95-BCBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER (S)  
SFR Properties  
1020 Burlington Pike  
Burlington, Kentucky 41005
- 2. ADDRESS OF PROPERTY  
1020 Burlington Pike  
Boone County, Kentucky
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Simon Fischer Mitsubishi

DEED BOOK: 314 PAGE NO.: 332 GROUP NO.: 2033 A

- 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
<u>          </u> Subdivision Plat (Unrecorded)	<u>          </u> Other:
<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

Jeff F. Hayes  
SIGNATURE OF COMPLETING OFFICIAL

Jeff F. Hayes, Planner  
NAME AND TITLE OF COMPLETING OFFICIAL  
(type or print)

4

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 17th day  
of April, 1995.

Patricia Russ

NOTARY PUBLIC, State at Large

My commission Expires:

October 4, 1997

This instrument was prepared for recording purposes only by:

Patricia Russ

Patricia A. Russ  
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 March 8, 1995, (Certificate of Land Use Restriction # 95-BCBOA-003-A), for Simon Fischer Mitsubishi, property owner.

The following conditions apply: (1) A ten-foot buffer will apply.

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 314 PAGE NO. 332 Group No. 2033

State of Kentucky, County of Boone  
JERRY W. ROUSE, Clerk of the Boone County  
Court, do certify that the foregoing  
Misc. was, on the 19 day of April  
1995, at 4:03 P. M, lodged in my office  
for record, and that it has been duly recorded in  
my said office, together with this and the  
certificate thereon endorsed.  
Given under my hand this 19 day of April  
1995.  
JERRY W. ROUSE, CLERK  
By Jerry Rouse D.C.