

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

1. Boone _____ Florence _____ Walton _____ Union _____

(Check One)

2. _____ Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use

3. Applicant's Name JERRY & ALVA BROWN
Phone Number 606-283-1272 Fax No. _____
Applicant's Address 10211 HIGHLAND DR
FLORENCE KY 41043
City State Zip

4. Description of Request: VARIANCE

5. Name of Development _____

6. Location of Development 8525 DIXIE HWY FLORENCE, KY

7. Acreage Under Review _____

8. Lot Number and Name of Subdivision (if part of a subdivision) _____

9. Owner of Property JERRY & ALVA BROWN
Phone Number of Owner 606-283-1272 or 283-1811 10.
Address of Property Owner FLORENCE KY
City State Zip

11. Proposed Use(s) on Site _____

12. Total Square Footage of Existing and/or Proposed Buildings _____

13. Current Zoning on Property C-3

14. Deed Book 379 Page No. 251 Group No. 2050

15. Is the site subject to a zone change? No
If yes, give date of approval _____

16. Have you submitted a Site Plan with this request? YES

17. Have you submitted a list of adjoining property owners with this request? YES

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: Alva Brown

Property Owner's Signature: Alva Brown

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 6-8-98 Fee Received \$526.00 R#17121
2. Is application complete? Yes Yes _____ No _____
3. Staff Reviewer Ed Coleman
4. Scheduled Board Action Date 7/8/98
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

APPLICANT: Jerry and Alva Brown
LOCATION: 8525 Dixie Highway, Boone County, Kentucky
ZONING: Commercial Services (C-3)
DATE: July 8, 1998

Proposal

The applicant is requesting a Variance to allow a reduction of the side yard setback at 8525 Dixie Highway, Boone County, Kentucky. This address is part of 11 contiguous lots owned by the applicant. Through the course of ownership, a residence, a garage and an automobile repair shop have been erected on the property. The garage was constructed on the property line between the residence and the repair shop. The applicant wishes to relocate the property line so that the garage no longer sits between property lines. Relocating the property line would place the garage on the same parcel as the residence so that the applicant can sell the remaining parcel, the one with the repair shop, without having to demolish the garage. Relocating the property line would place the repair shop approximately 1.5 feet from the property line. The property line would run parallel with and between the garage and the repair shop.

The Boone County Zoning Regulations requires a minimum side yard setback of 10 feet from the property line for any principally permitted structure (repair shop) within a Commercial Services (C-3) zoning district. The Variance would permit the repair shop to sit 1.5 feet from the property line. Without a Variance, the applicant will have to demolish the garage in order to sell the adjacent property (repair shop).

Action by the Board of Adjustment and Zoning Appeals

The Board of Adjustment and Zoning Appeals has the power to hear and decide on applications for variances. A variance is defined as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.47.

Variances are appropriate by reason of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of the site. The literal enforcement of the above dimensional terms of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, and landscaped buffers and signs. Lot frontages, the size of yards, and open spaces refer to minimum yard dimensions such as building setbacks.

Conclusion

K.R.S. 100.241 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Variance to reduce the side yard setback for the property located at 8525 Dixie Highway. It is Staffs' opinion that the Variance should be approved because 1.) the structures are existing, 2.) relocating the property line will not alter any physical appearances of the property, 3.) requiring the applicant to demolish the garage is unreasonable, and 4.) approving the request for a variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

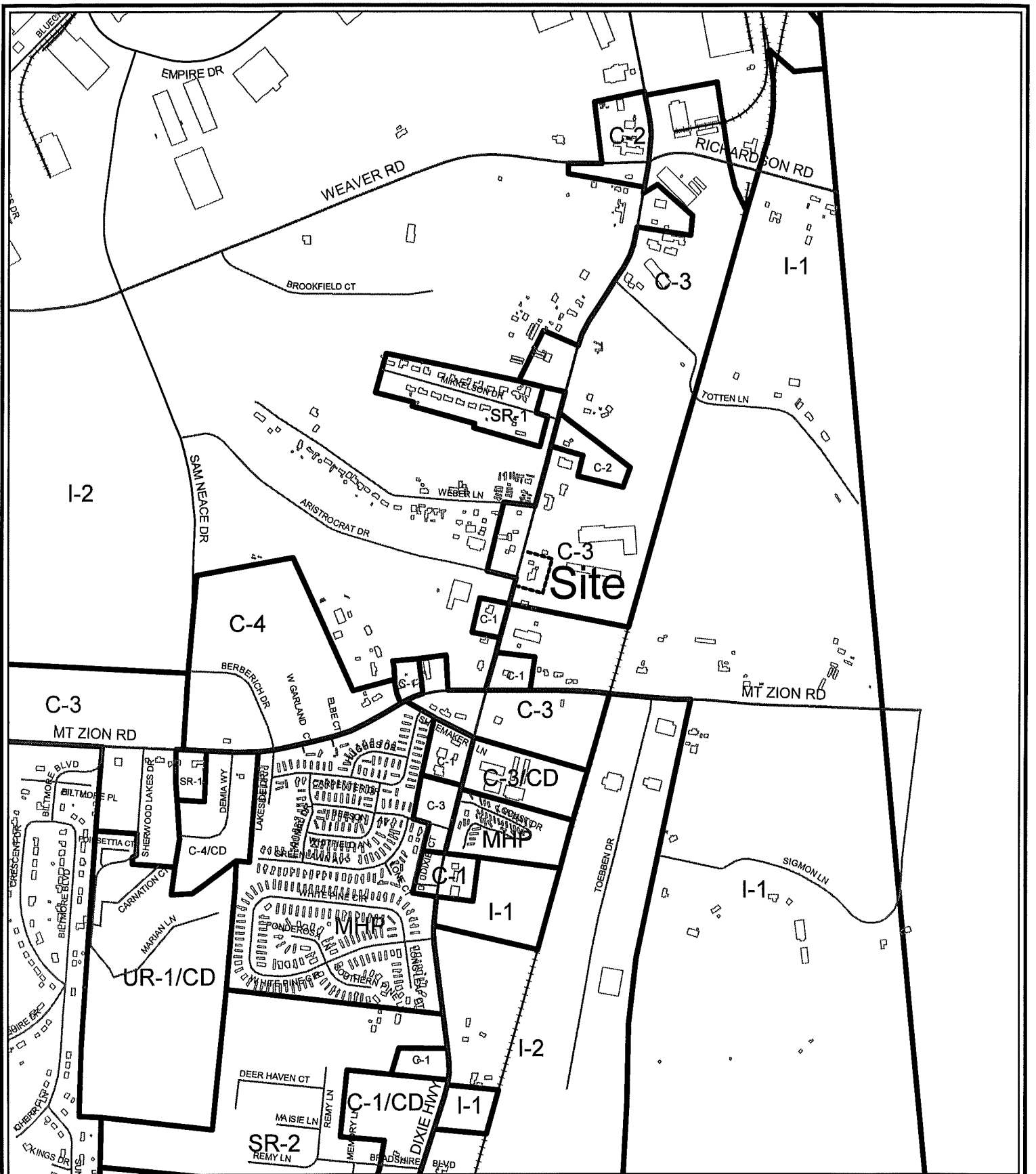
Respectfully Submitted,

Edward Coleman
Planner

EC\pr

Attachments

- Location Map
- Aerial Photo
- Existing Plat
- Proposed Conveyance Plat

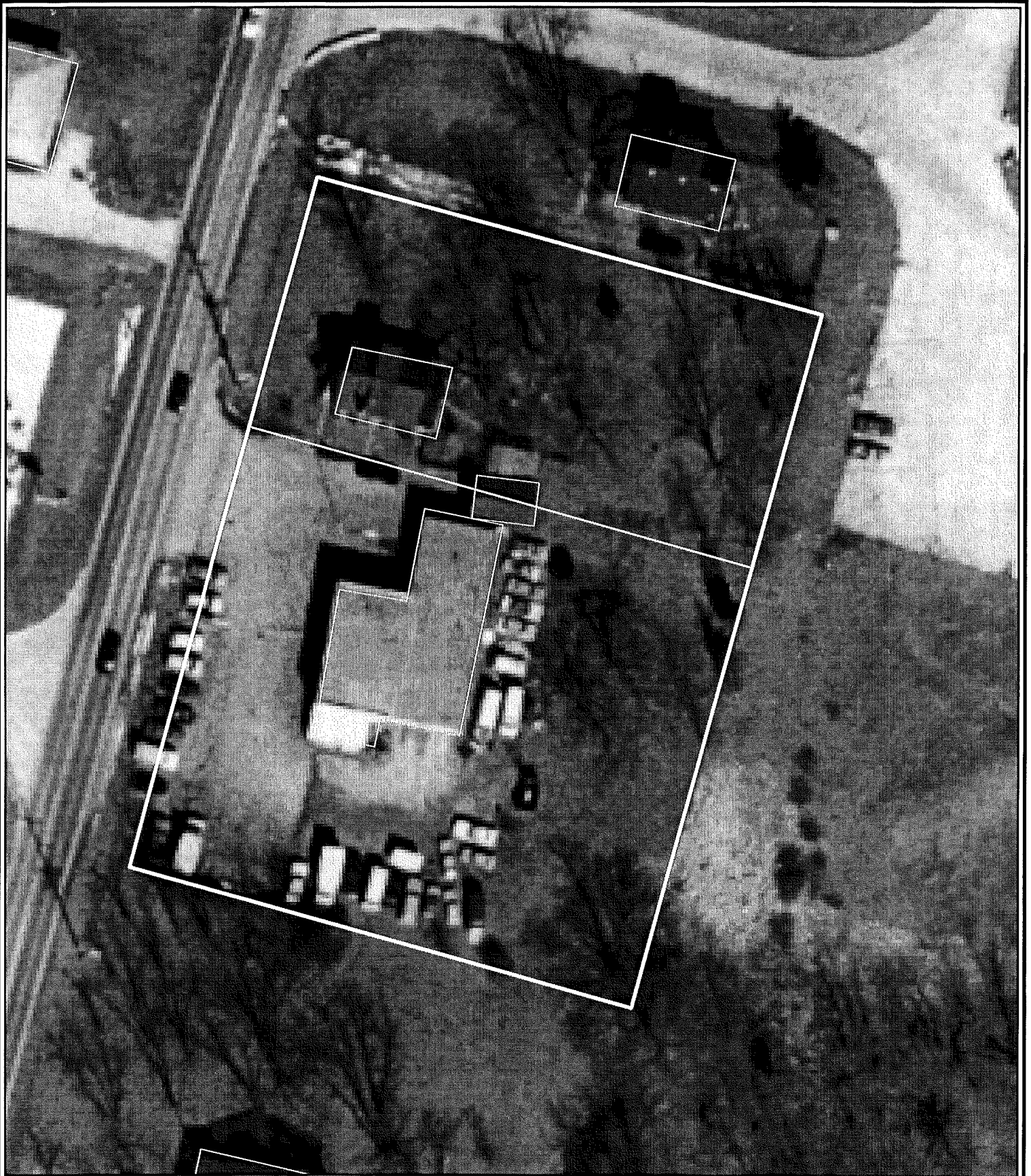


8525 Dixie Hwy Brown Property



1 inch equals 1000 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 June 23, 1998







8525 Dixie Hwy Brown Property

100 0 100 Feet

1 inch equals 50 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 24, 1998





COOPER SURVEYING

3382 Appomattox Dr.
Erlanger, KY 41018

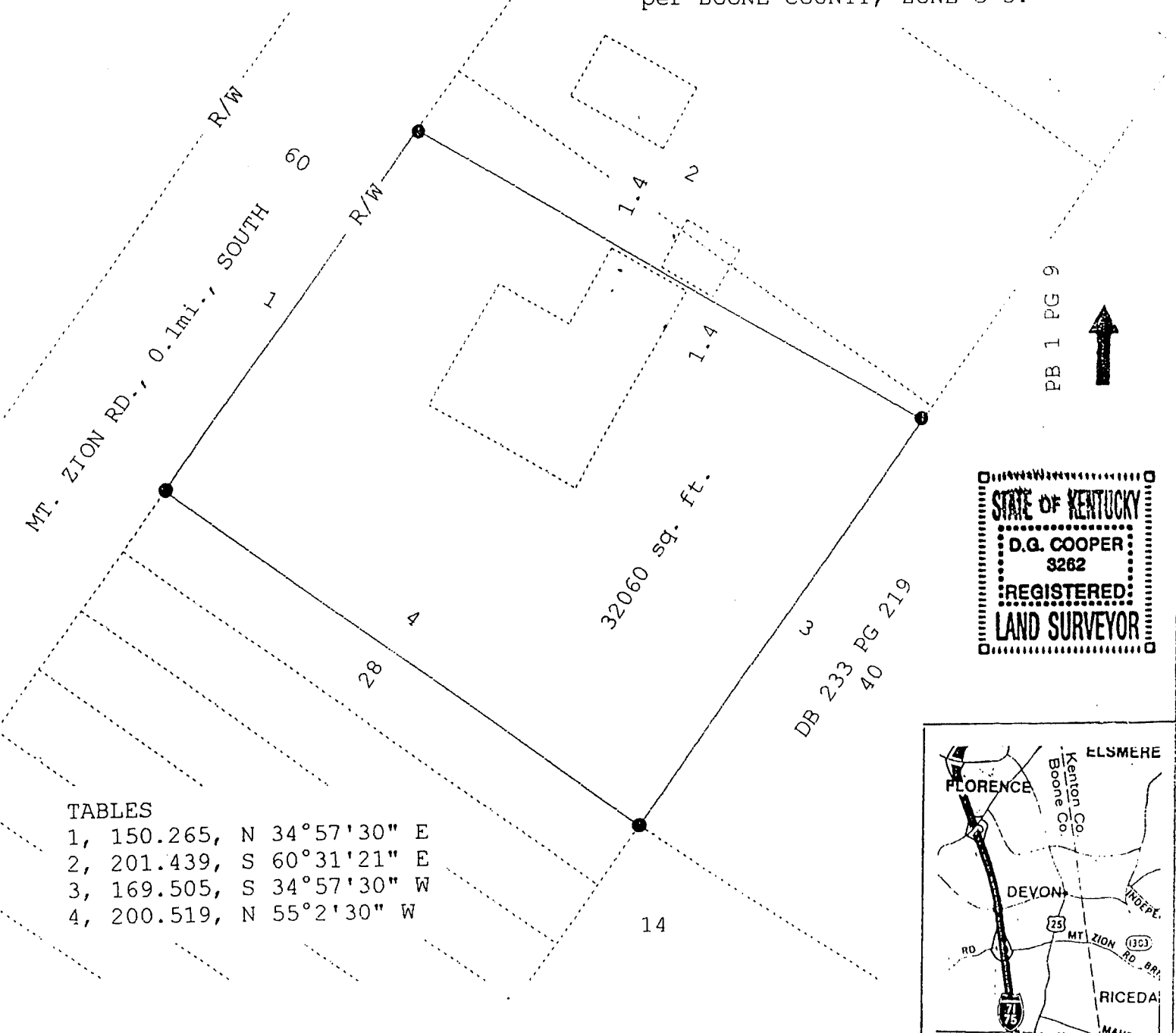
DAVID G. COOPER, LS
Owner

LEGEND
● = 5/8in REBAR #3262

1 IN = 50 FT

Re-DIVISION of LOT'S 29
thru 39, WEBER PLACE SUB.,
of 1925, PB 1, PG 9,
DB 379, PG 251, MAP 74,
PARCEL 37 and 39, BOONE,
BURLINGTON,
GROUP NO.'s 40 and 41.

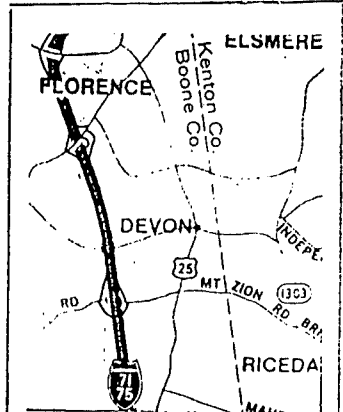
PROPERTY LINE CHANGE DUE TO
EXISTING ENCROACHMENTS. DOESN'T
MEET CURRENT SIDE YARD REQUIREMENTS
per BOONE COUNTY, ZONE C-3.



STATE OF KENTUCKY
D.G. COOPER
3262
REGISTERED
LAND SURVEYOR

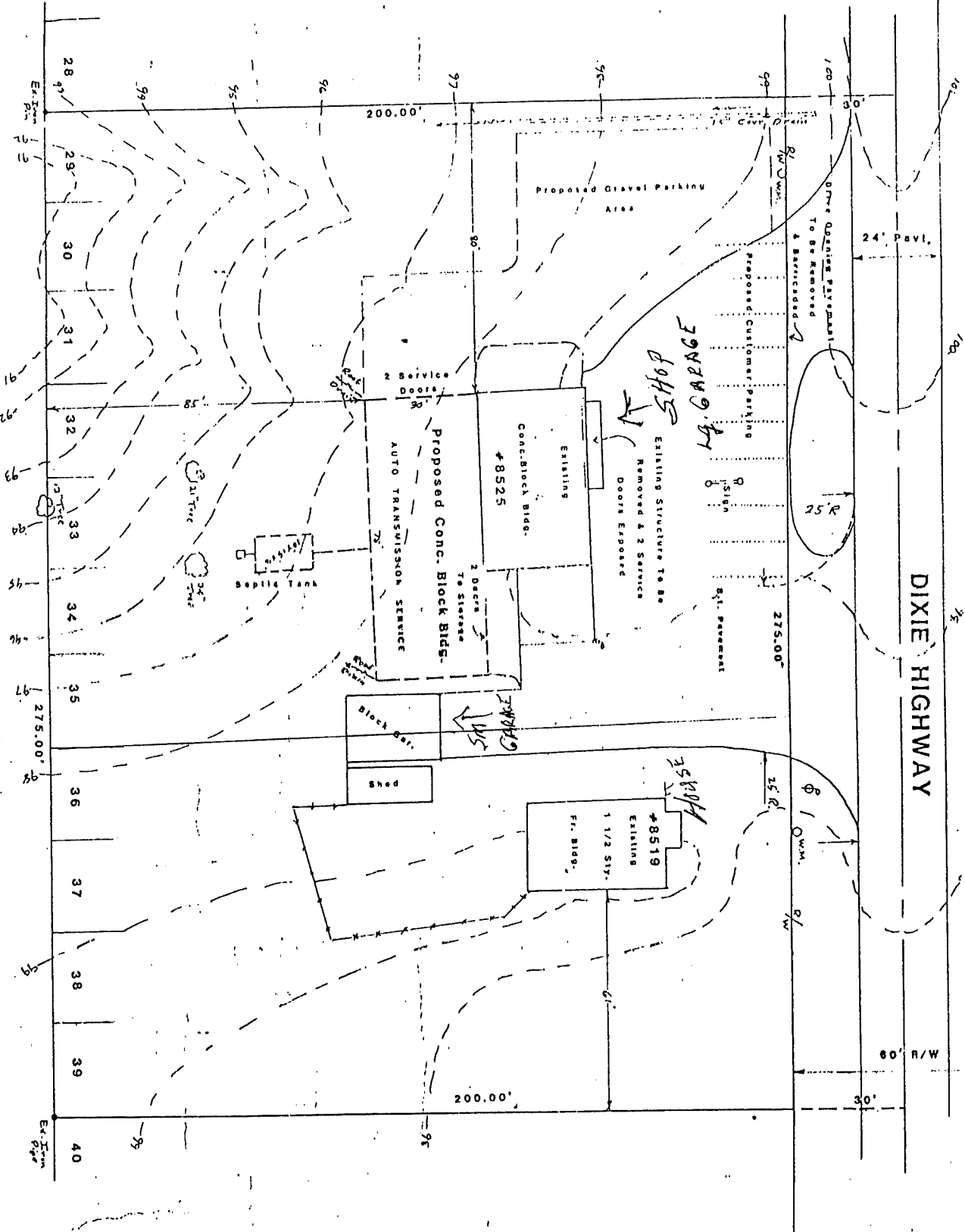
TABLES

| | | |
|----|----------|---------------|
| 1, | 150.265, | N 34°57'30" E |
| 2, | 201.439, | S 60°31'21" E |
| 3, | 169.505, | S 34°57'30" W |
| 4, | 200.519, | N 55°2'30" W |



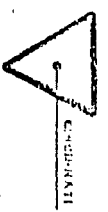
DIXIE HIGHWAY

SCALE 1" = 20'



NOTE:
Existing water service
to be used for proposed addition.
No sewer available.

INDIANA
OHIO
KENTUCKY



TRI-STATE SURVEYORS & ENGINEERS
RED BANK PLAZA
4777 RED BANK EXPRESSWAY
CINCINNATI, OHIO 45227
SUITE 18

LOTS 29, 30, 31, 32, 33,
35, 36, 37, 38, & 39
WEBER PLACE SUBDIVISION

SITE PLAN

ZONE C-3

1.26 AC.

PLAT BOOK 1 PAGE 9

BOONE COUNTY

KENTUCKY

2/8/88

COPY

CLUR # 98-BCBOA-009-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Jerry and Alva Brown
10211 Highland Drive
Florence, KY 41042

ADDRESS OF PROPERTY

8525 Dixie Highway
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

DEED BOOK: 379

PAGE NO.:251

GROUP NO.: 2050

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

___ Zoning Map Amendment: ___ Conditional Use Permit
From 1 to _____

___ Development Plan ___ Conditional Zoning

___ Subdivision Plat ___ Other:
(Not Recorded)

X 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



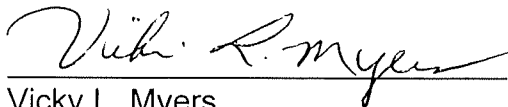
SIGNATURE OF COMPLETING OFFICIAL

Edward Coleman, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

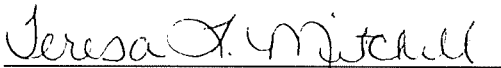
Subscribed, sworn to, and acknowledge before me by Edward Coleman on behalf of
the Boone County Planning Commission this 13th day of August 1998.



Vicky L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
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 approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of July 8, 1998 Certificate of Land Use Restriction (# 98 BCBOA -009-A), for Jerry and Alva Brown, Property Owners

The following conditions will apply: 1). No Conditions

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 379 PAGE NO. 251 Group No. 2050