

APPLICATION FOR ZONING ACTION

Florence Board of Adjustments

TO:  Boone County Planning Commission  City of Union Board of Adjustment
 City of Florence Board of Adjustment  City of Walton Board of Adjustment
 Boone County Board of Adjustment  Zoning Enforcement Officer

FOR:  Zoning Text Amendment  Zoning Map Amendment
 Comprehensive Plan Change  Preliminary Plat Approval
 Improvement Plat Approval  Final Plat or Deed Plat
 Conditional Use Permit  Site Plan Review
 Concept Development Plan  Historic District Overlay
 Preliminary Development Plan  Sign Permit or Zoning Permit
 Change of Non-Conforming Use  Appeal or Variance
 Design Review Board Hearing and Certificate of Appropriateness

Applicant: JAMES AND BERTHA HUFF  Owner  Agent
Address: 7801 HIGHWAY 42, FLORENCE, KENTUCKY 41042
Telephone: 331-0598

Location: CORNER OF HOLLYWOOD DRIVE & U.S. 42
Name of Owner: JAMES AND BERTHA HUFF
Address of Owner: 10 CAMBRIDGE DRIVE, FT. MITCHELL, KY 41017
Zone: C2 Area in Acres: 0.205

Deed Book: 241 Page No.: 101 Group No: 2042

Description of Request: WIDE YARD FOR ADDITION TO SQUARE OF BUILDING WOULD BE 8.6' (50 FEET) & ADDRESS LEAVE (2) 10.0'

Owner's Signature: [Signature]
Date 10-19-83 Applicant's Signature: [Signature]

FOR PLANNING COMMISSION USE:
Application date and fee of \$ \_\_\_\_\_ Received: \_\_\_\_\_
Referred to: \_\_\_\_\_ For Meeting Date: \_\_\_\_\_
Action: \_\_\_\_\_ Date: \_\_\_\_\_

BOARD OF ADJUSTMENT AND ZONING APPEALS

CHECKLIST

I. General Information

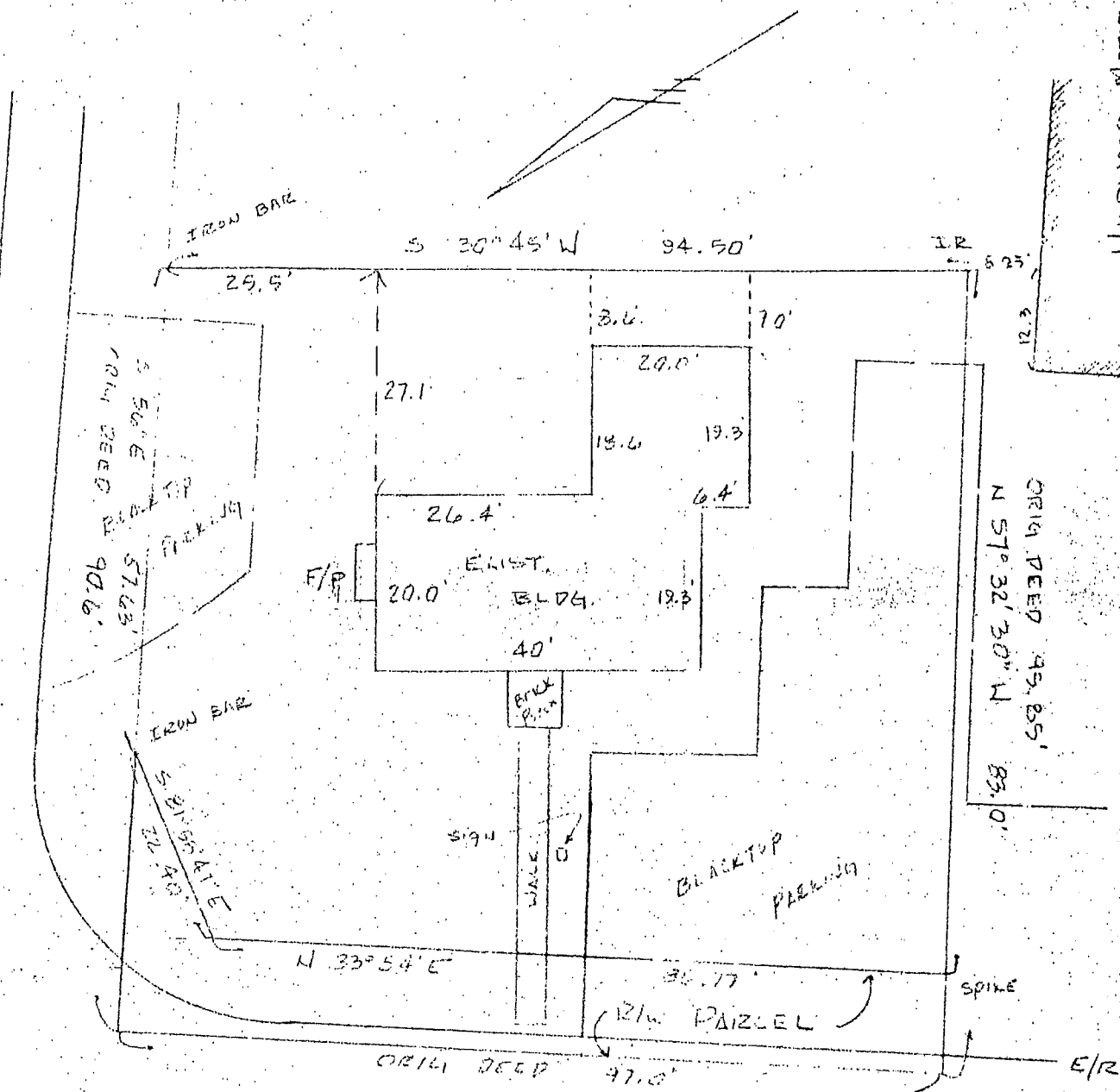
1. Applicant's name: James and Bertha Huff  
Interest in property: Property owners'
2. Location and/or address of property: southwest corner of U.S. 42 and Hollywood Drive  
Deed book and page number: Book:241 Page:101 Group:2042
3. Request of the applicant: The applicant is requesting that the Board grant a variance in the side yard for an addition to the existing building. (Please note that in my review that the building does not currently meet the setback for the front, side, or second-front setbacks.
4. Present zoning of subject property including page number and section number(s) of the Zoning Order (Ordinance): Presently the property is zoned Commercial Two, C-2 found on pages 9-3 through 9-6 being section 920 through 926 of the Florence zoning regulations.
5. Present use of the subject property: Presently the property is not in use but is to house the offices of Huff Realty.  
Present use of the adjoining properties: Adjoining to the south and west is commercial use. while, to the north and east is current use of residential.

### III. Variance Requests

1. What variance is needed and what section of the Zoning Order (Ordinance) does it apply to? A variance is needed in the side yard and the setback required for the building from the side street property line.
2. What could be the unique conditions justifying the variance?
  1. That the building existed within the side yard setback before the current zoning regulations.
  2. That the literal conformance to the regulations would prevent the addition as planned.
3. What reasonable use of the land will be denied the applicant if the variance is not granted? If this variance is not granted by the Board the building may not be added onto in this direction. The place that they could add onto would be toward the Wildwood Motel property.
4. Has the applicant caused the unique conditions? No, the building and the lot that it is on existed before the current regulations.
5. Will the variance be detrimental to the public welfare or preserve it and how? Will it alter the essential character of the neighborhood? If granted this would permit an addition for commercial purposes to within 50 feet of an existing residence. The character of the area would not be changed dramatically because the existing house does lie near or as near to the current building than the new addition.

HOLLYWOOD DRIVE

WILLOWOOD MOBILE HOME



U.S. 42

SURVEY  
 EXISTING SITE  
 HUFF REALTY

7301 U.S. HIGHWAY 42  
 FLORENCE, BOONE CO., KENTUCKY

FLORENCE BOARD OF ADJUSTMENT

MINUTES

DECEMBER 14, 1983 8:05 P.M.

Vice Chairman Bolton called the meeting to order at 8:05 P.M.. Chairman Holland and Mrs. Lanigan were absent. Staff members present were Mr. Wilson, Mr. Block and Mrs. Ryan; Mr. Lynn was absent. Mr. Schreiber moved to approve the minutes of November 9, 1983; Mr. White seconded. The motion carried unanimously.

Vice Chairman Bolton proceeded with the request of James and Bertha Huff for a variance for the side yard as required for a corner lot and the required setback from the side street, for property located at the corner of Hollywood Drive and U.S. 42, Florence, Kentucky on a 0.205 acre tract in Commercial Two (C-2) Zoning District. Mr. Block stated the side yard variance had been granted at the Board meeting of November 9, 1983; the request being heard tonight being a variance in the width of the driveway. Mr. Block presented the Enforcement Officer's Report. Mr. Block stated the request for a variance on the driveway should not be approved. Mr. Block further stated the site development plan shows the driveway between this building and the adjoining residents to be approximately five (5') - eight (8') feet from the existing adjoining residence. Mr. Block continued this would be detrimental to the residents in that a possible driveway there in a future commercial site is a conceivable situation where a retail commercial site could go in which would have circulation all the time. Mr. Block stated he did not think this is an appropriate condition for a variance or conditional use permit. He continued in the protection of property owners, should they want to put a fence along the property line, the driveway would limit vehicular access. This would be an adverse situation to the adjoining property owner and may change the circulation habit of the vehicles there. Mr. Block stated there has been a problem in the past regarding the parking of vehicles in the current parking facility. Mr. Block stated in his opinion by keeping the parking area as it now is you would be giving people protection on Hollywood. If you permit a driveway, the vehicular circulation may be changed enough to result in adversely affecting the other residents' vehicular accessibility on Hollywood. Mr. Block stated he personally as Zoning Enforcement Officer did not think the variance should be approved as it would be a detriment to the adjoining property and in his opinion Mr. Huff's usage of the property as a real estate office would not be adversely affected whatsoever. Mr. Bolton stated for the record no one was present in the audience for or against the variance. Mr. Bolton asked for comments from the Board. Mr. Schreiber moved incorporating the findings contained in Mr. Block's report the variance for the width of the driveway on the property owned by James and Bertha Huff be denied. Mr. Block stated

the variance is for the width of the driveway between the two parking lot areas. In response to Mr. Schreiber Mr. Block stated they are allowed to pave between the parking lot on Hollywood and the property line. Mr. White asked if by denying the variance on the driveway it would disallow them to pave between there. Mr. Block replied if the variance is denied on the driveway between the existing office and the property line it would prevent them from having any additional paving between the building and property line. It would have to remain in its current state. Discussion followed regarding keeping the parking area as it currently exists and whether to add on additional spaces off of Hollywood Drive. Staff stated that should it be any different from the site plan reviewed by the Planning Commission it would need to be re-reviewed by the Commission to determine whether a new site plan would be necessary or if the change could be incorporated into the previous approvals. Mr. White seconded the motion. The Board requested Staff send a letter of denial to the applicant.

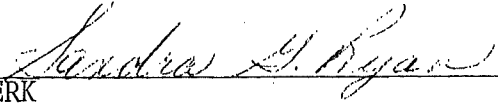
Mr. Wilson brought to the Board's attention the request of Chevron USA, Inc. for a Special Meeting of the Florence Board of Adjustment for a dimensional variance for property located at 450 Burlington Pike, Florence, Kentucky, being a 1.0 acre tract in a Commercial Three (C-3) Zone. Mr. Wilson stated due to the publication requirements for a variance, the earliest date which could be set for the meeting would be December 29, 1983. Mr. Wilson continued Mr. Lynn and Mr. Block would be on vacation until the first week of January. Mr. Block stated the application was received December 9, 1983 and that action would have to be taken by January 18, 1984. Discussion followed. Board members were in agreement to scheduling a Special Meeting upon Staff's notifying Chairman Holland and obtaining his agreement.

Vice Chairman Bolton for any further business. Mr. White brought to the Board's attention the topic of better guidelines for height variances on signs. In response to Mr. Schreiber Mr. Block stated he reviews the sign heights with the building inspector and inspects the sign as it is constructed. He continued the height could be calculated by looking at the pole to make sure it is of that height. Mr. Block stated he discussed this matter with Mr. Schreiber before the meeting. Mr. Block questioned whether a sub-committee of two Board members, willing to meet at the site with the applicant prior to the regularly scheduled meeting to review the request and report to the Board could be set up as a procedure. Mr. Wilson stated under the Sunshine Law public notice would have to be given for such meetings. Discussion followed. Mr. Wilson stated he would try to put something on paper as any Zoning Text Amendments would have to go through the Planning Commission.

Mr. White moved for adjournment; Mr. Schreiber seconded. The motion carried unanimously. The meeting adjourned at 8:37 P.M..

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FLORENCE BOARD OF ADJ.  
DECEMBER 14, 1984

RESPECTFULLY SUBMITTED

  
CLERK

APPROVED: \_\_\_\_\_

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Charles F. Holland  
Chairman