

APPLICATION FOR ZONING ACTION

TO:

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

FOR:

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

Applicant: Mary Jo Menning dba Menning Day Care Center  Owner  Agent

Address: 8230 + 8228 U.S. Hwy 42

Florence Ky 41042 Telephone: 283-0999

Location: Same as above

Name of Property Owner: Dorothy Patten

Address of Property Owner: 145 W Dilcrest Florence Ky 41042

Zoning District: C2 Area in Acres: .23 for each property

Deed Book: 209 Page Number: 105 + 107 Group Number: \_\_\_\_\_

Description of Request: See attached

Applicant's Signature: Mrs. Mary Jo Menning

Property Owner's Signature: Dorothy Patten

Application Fee: 1185 FOR PLANNING COMMISSION USE ONLY Date Received: 2/20/87 By: TWB

Referred To: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ Date of Action: \_\_\_\_\_

STAFF REPORT

APPLICANT: Mary Jo Menning  
DEVELOPMENT: Menning Day Care  
LOCATION: 8230 and 8228 U.S. 42, Florence,  
Kentucky.  
ZONING: Commercial Two (C-2)  
DATE: March 11, 1987  
REMARKS:

The applicant is requesting side yard Variances in order to allow the construction of a connection between the existing two structures. The 0.46 acre site, located on the west side of U.S. 42, just south of Mall Road, is currently owned by Dorothy Patten and is zoned Commercial Two (C-2).

Presently, Mrs. Menning operates a nursery/child care center out of two existing wood houses. Her intent is to construct a 792 square foot addition between the two houses to increase the size of the business and to make travel between the two halves easier. Normally, this type of expansion would simply require Site Plan Review. Variances are required because each house sits on its own deeded parcel.

The following examines the four criteria which the Board must use to decide each Variance:

1. The special circumstance of one business being conducted out of two structures, each with its own deed, does not generally apply to land in the general vicinity.
2. Strict application of the zoning regulations would not permit the applicant to connect the two buildings. The business could be expanded to the rear, but the Board may want to consider the hardship of this type of business being conducted in two separate buildings.
3. The two separate parcels of land became lots of record well before the Zoning Regulations took effect. However, these two parcels have been used for the applicant's business only since last year.
4. Staff can find no reasons that the Variances will adversely affect the public health, safety and welfare, nor will they alter the essential character of the vicinity, nor will they cause a hazard or a nuisance to the public.

Should these Variances be granted, staff would remind the Board that formal Site Plan Review by the Planning Commission would be required. No conditions would be suggested by staff.

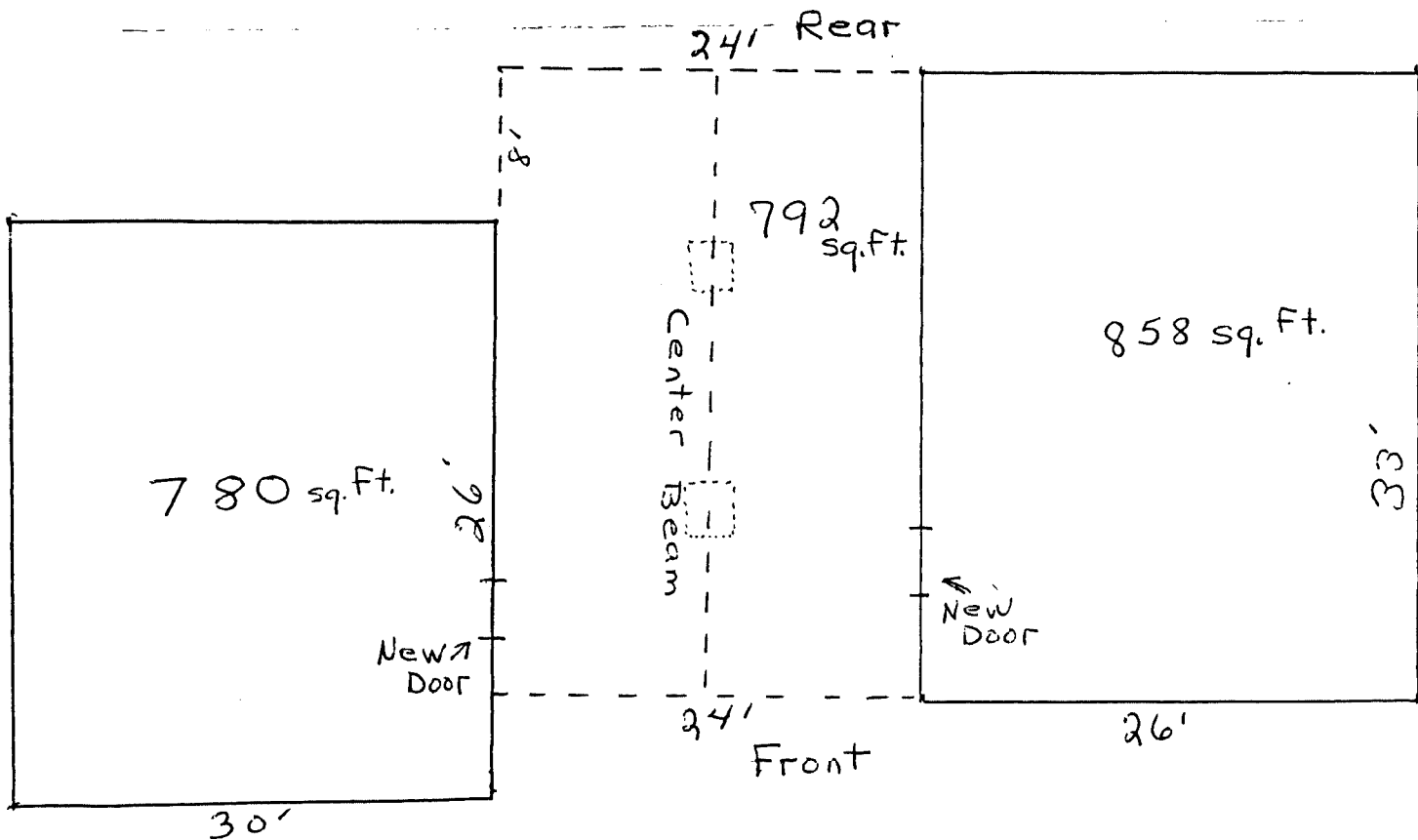
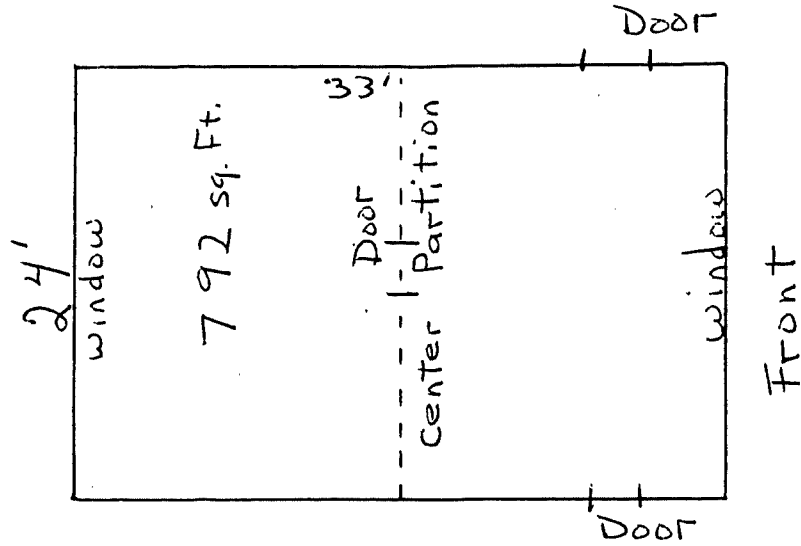
Respectfully submitted,

A handwritten signature in cursive script, reading "Thomas W. Breidenstein", written over a horizontal line.

Thomas W. Breidenstein  
Zoning Enforcement Officer

TWB:mcb

New building between existing buildings will be 24' x 33'. Consisting of footing and foundation, framed floor and walls. Trusses will be used for roof. Building will have windows front and back and (1) access door from each existing building. One interior partition will divide room with (1) center door. All interior walls and ceilings will be drywalled.



Total 2,430 sq. Ft.

CITY OF FLORENCE  
BOARD OF ADJUSTMENT  
MARCH 19, 1987  
7:30 P.M.

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Chairman Holland called the meeting to order at 8:05 p.m.

BOARD MEMBERS PRESENT:

Mr. Ashcraft  
Chairman Holland  
Mr. White

BOARD MEMBERS NOT PRESENT:

Ms. Lanigan

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

AGENDA ITEMS

1. The request of Mary Jo Menning for side yard variance to allow the expansion of an existing day care facility. The 0.46 acre site, located at 8230 and 8228 U.S. 42, Florence, is currently owned by Dorothy Patten and is zoned Commercial Two (C-2).

Thomas Breidenstein presented the Staff Report and a slide presentation. Mr. Breidenstein explained that the variances were needed since there are two (2) properties involved.

Chairman Holland asked if there was anyone who wishes to speak in regard to the application. Ms. Menning briefly described her plans for the property. In response to a question from the Board, Staff Member Tom Breidenstein stated that the property owner, Ms. Dorothy Patten, was aware of the request, since she had signed the application.

After further discussion, Mr. White moved to approve the requested variances to allow the expansion of the day care center. The motion was seconded by Mr. Holland.

Chairman Holland asked for a roll call vote on the motion which found all Board members in favor. The motion passed unanimously.

2. The request of Harold and Judi Deatherage for a Conditional Use Permit to allow the construction of a lube and oil change facility with a car wash. The 0.92 acre site, located at the northwest corner of Nicholas Street and Dixie Highway, is owned by Harold and Judi Deatherage and is zoned Commercial Two (C-2).

Staff member Tom Breidenstein presented the Staff Report and a slide presentation. Mr. Breidenstein stressed the concerns staff had about the site plan, including shared access, the curb cut onto Dixie Highway, the construction of a sidewalk and signage. The Chairman asked if there was anyone present to speak on behalf of the request.

Mr. Harold Deatherage described his intentions for the property. He explained the need for the curb cut onto Dixie Highway and questioned the shared access to the adjoining property. He had no problem with the addition of a sidewalk.

Mr. Deatherage further explained that the primary use of his property would be the oil changes. He anticipated giving away a free car wash for each oil change and charging money for a car wash without an oil change. Therefore, the car wash would be an accessory to the oil change. He did not anticipate a large volume of traffic.

The Chairman asked if there was anyone opposed to the request.

Mr. Steve O'Brien, a resident of Nicholas Street, Florence, presented a petition signed by ten residences of Nicholas who were opposed to the request. He described the neighborhood as being a cul-de-sac; therefore, there is not much traffic. There is a problem, however, whenever the business college lets out. He explained that he was concerned with additional traffic generated by the car wash coming down Nicholas and creating a potential hazard to the large number of children who play on the street. He was concerned, too, that cars lining up to go through the car wash would block off Nicholas.

Mr. Deatherage explained that since the car wash was an accessory, he did not anticipate any traffic backups. If there were a number of cars, he believed there was adequate space on the lot to stack the cars in line.

Mr. O'Brien continued to express his concerns. He asked if there would be a fence along the rear property line and whether or not the car wash machinery was going to be stationary or if cars would move through the building on a conveyor.

Mr. Deatherage answered that he was agreeable to erecting a fence. He also stated that the car wash would be safe.

Further discussion followed concerning the traffic volume that would be generated. Mr. Deatherage stated that his facility would generate much fewer traffic than would a convenience store, which is a principally permitted use. Staff member Tom Breidenstein concurred with this statement.

Mr. Spillman, owner of Colony Car Wash, addressed the Board on the issue of traffic volume to the car wash. He stated that each car wash in Florence usually has a long line of cars waiting to be washed on the weekends. This situation would definitely create a problem at the Deatherage property.

Mr. Spillman advised the Board that he was speaking as an owner of a car wash, and not as a competitor for business purposes. He further explained that, for example, after a snowfall and salt had been used on the roads, weather conditions favorable for washing cars, etc., the traffic flow increased tremendously during these times, and he was of the opinion that Mr. Deatherage was not aware, nor could be anticipate, the traffic flow that would result.

Discussion of the curb cut onto Dixie Highway followed. Mr. Breidenstein explained that a site plan for a laundromat was approved on this site in August, 1985. A 15 foot wide access onto the highway was approved at that time. The Planning Commission approved the access because it was in connection with a principally permitted use. The Board, however, when considering applications for Conditional Use Permits, must evaluate the safety of traffic approaches to the site. Staff feels that the site is adequately served by the two proposed access points onto Nicholas and that the third cut onto Dixie Highway would be dangerous.

Discussion followed on the curb cut, shared access, the volume of traffic, and signage.

Mr. White moved that the Board grant the Conditional Use Permit subject to the following conditions: 1) that the permit be for the lube and oil change facility only. The applicant could re-apply after one year to include the car wash; 2) that the curb cut onto Dixie Highway be eliminated; 3) that the applicant grant the adjoining property owner access as long as the property is used residentially; and 4) that the applicant agree to develop shared access with the adjoining property owner should that property ever be developed commercially. Mr. Ashcraft seconded the motion.

Attorney, Dale Wilson, advised that the other course the Deatherages could pursue at this point would be to re-apply. No decision was made as to the fee for the re-application.

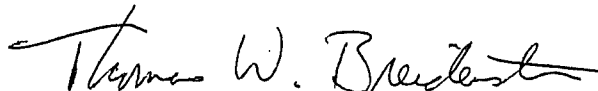
Chairman Holland called for a roll call vote. Ashcraft and White voted in favor of the request; Chairman Holland voted against the request. The request passed.

There being no further business to come before the Board, Chairman Holland moved, seconded by Mr. White, that the meeting be adjourned. The motion carried unanimously and the meeting was adjourned.

City of Florence  
Board of Adjustment  
March 19, 1987  
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CHARLES HOLLAND, CHAIRMAN

Attest:

  
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THOMAS W. BREIDENSTEIN,  
ZONING ENFORCEMENT OFFICER