

APPLICATION FOR ZONING ACTION

Millie Becker
334-2196

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: Wiluhoff Development Co. Owner
 Address: 7110 Dixie Hwy Agent
Florence, Ky. 41042 Telephone: 525-1464
 Location: 15 Banklick - Florence, Ky.
 Name of Property Owner: Wiluhoff Development Co.
 Address of Property Owner: 7110 Dixie Hwy - Florence, Ky 41042
 Zoning District: C-2 Area in Acres: 0.28
 Deed Book: ~~361~~ 361 Page Number: ~~319~~ 319 Group Number: ~~Not available~~
2043A

Description of Request: Variance to allow for a 10 ft wide driveway for 2 way traffic for access to rear parking lot.

Applicant's Signature: Steph R. Wiluhoff
 Property Owner's Signature: Steph R. Wiluhoff

FOR PLANNING COMMISSION USE ONLY
 Application Fee: *185.00 See below Date Received: 7-24-87 By: JPA
 Referred To: _____ Meeting Date: 8/12/87
 Action Taken: _____ Date of Action: _____

*#100 paid on 7-15-87 as min. Site Plan Review fee Receipt #12279
 #85 paid when changing to variance request for pub & adj prop letters Receipt #577435
 7-24-87*

STAFF REPORT

APPLICANT: Wilmhoff Development Company
DEVELOPMENT: Wilmhoff Development Company
LOCATION: 15 Banklick Street, north of Dixie Highway
ZONING: Commercial Two (C-2)
DATE: August 12, 1987
REMARKS:

The applicant is requesting a Variance in the required width for an access driveway in a Commercial zoning district. The 0.28 acre site currently contains a house which the applicant intends to utilize as office space. The site is zoned Commercial Two (C-2) and is the subject of a Site Plan Review request with the Boone County Planning Commission. The applicant intends to upgrade an existing drive off Banklick Street around to the back of the building to access a proposed parking area on the site plan. Because of this existing 13 foot side yard setback of the building, the applicant is requesting a Variance from the required 20 foot access driveway to allow a 10 foot access driveway for two-way traffic. The Site Plan Review is pending this request.

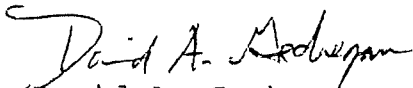
The following passages examine the four criteria the Board must use to decide each Variance request:

1. The 0.28 acre parcel contains a 50 foot frontage as do many of the nearby lots on Banklick Street. This site does, however, adjoin a commercial use, Nationwide Auto Parts, that presents feasible opportunities for common access.
2. The strict application of the Zoning Regulations would prevent adequate parking for a commercial use if the existing residential structure is used. However, access through neighboring property could allow reasonable use of the land without needing adjustment of the Zoning Regulations.
3. The site contains a pre-existing residential use in a Commercial Two (C-2) zone. The narrow side yard setbacks are a result of the residential use of the property and the applicant's intent to use the existing structure. Staff would like to ensure that the applicant has explored all access alternatives available in converting the residence to a business use. As can be noted on the submitted Site Plan, a logical access through Nationwide Auto Parts could easily be pursued.

4. The Variance could have an adverse effect on the public health, safety, and welfare by potentially creating traffic conflict on a 10 foot drive intended to carry two direction of traffic. Staff feels that the potential for hazard or nuisance to the public would be present if two cars approached each other in opposite directions on the proposed drive. Such a conflict would result in one of the two vehicles backing either into the parking area or Banklick Street. Staff is especially concerned on this point because of the Commercial Two (C-2) zoning on the site which allows more than 100 different uses. Future uses could occur on the site that generate considerable customer traffic. This could include drivers unfamiliar with the site or streets in the vicinity. For comparison purposes, the Board should recall that the minimum width of a parking space in a Commercial zoning district is 10 feet, the same as the requested access drive width.

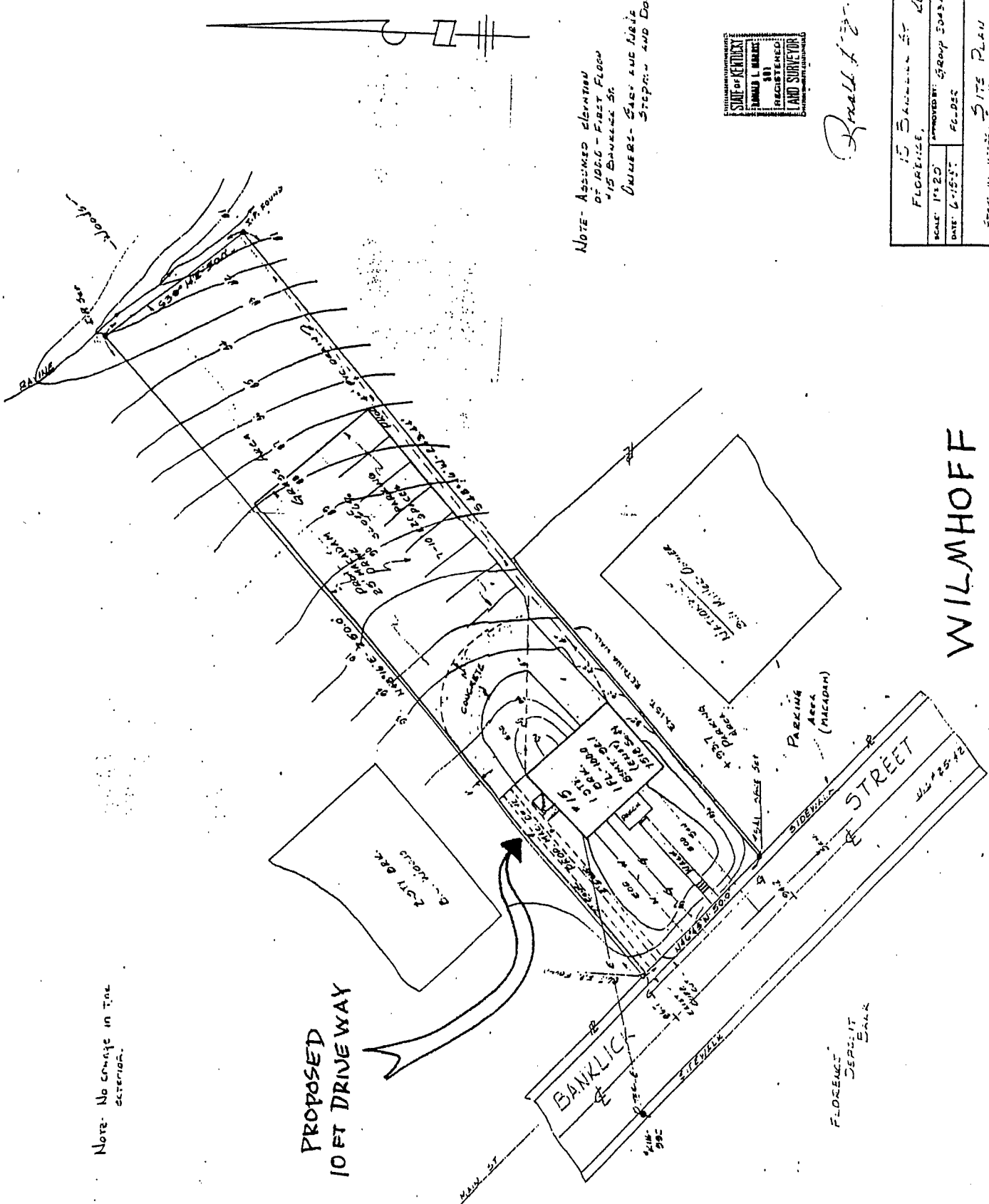
Staff feels that the Board needs to examine this request very closely in regards to the overall potential development of Banklick Street under the existing Commercial Two (C-2) zone. On a site where alternate means of access could be pursued, the safety and convenience of the public becomes the paramount issue in considering a Variance. In the event that the request is granted, staff recommends that the applicant be required as a condition of this Variance to participate in common access or interconnecting drives with adjacent developments, upon change of use of those neighboring sites.

Respectfully submitted,



David A. Geohegan,
Planner/Plans Examiner

DAG:mcb



Note: No change in the exterior.

PROPOSED
10 FT DRIVEWAY

NOTE: Assumed elevation of 1000 - First Floor
15 BANKLICK ST
OWNERS: GARY and HELEN WILMHOFF
STEPHEN and DONNA WILMHOFF



RECEIVED
JUL 15 1987

Small text, possibly initials or name.

FLORENCE, KENTUCKY	
SCALE: 1"=20'	APPROVED BY: GARY SOUSA
DATE: 6/15/87	DESIGNED BY: E.L.K.
SITE PLAN	
DRAWING NUMBER: 877	

WILMHOFF

CITY OF FLORENCE
BOARD OF ADJUSTMENT

August 12, 1987 - 8:00 P.M.

Chairman Holland called the meeting to order.

BOARD MEMBERS PRESENT:

Mr. Ashcraft
Chairman Holland
Ms. Meihaus
Mrs. Ward

BOARD MEMBERS NOT PRESENT:

Mr. White

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Holland advised that Ms. Meihaus had been sworn in by Counselor Wilson as a member of the City of Florence - Board of Adjustment. Ms. Meihaus will replace Ms. Lanigan as a member of the Board.

Chairman Holland stated that each member had received a copy of the Minutes of the Board of Adjustment Meeting of July 8, 1987 and asked if there were any comments or questions.

Mr. Ashcraft stated that "for mosquitoes" should be added to the end of the sentence of Paragraph 8 on Page 3.

With the above correction, Chairman Holland moved, seconded by Mr. Ashcraft, that the Minutes be approved. The motion carried unanimously.

AGENDA ITEMS:

1. A request of Randall Bessler for a Variance in the number of building-mounted signs to allow the continued use of five small signs installed without permits. The 0.277-acre site, located at the southwest corner of Shelby and Main Streets in Florence, is zoned Commercial Two (C-2) and is owned by Edward Bessler.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Randall Bessler stated that the signs in question were placed on the building to indicate that groceries are for sale. The site had been used previously only as a butcher shop. The signs, which look like vegetable cans, are attached into the brick of the building with 3/8" anchors. Mr. Bessler stated that the Economy Market sign is not visible going north on Main Street, but the cans are. The cans project exactly 12 inches from the building. He noted the Staff's comments that the signs may be hazardous, and stated that there are flower pots, which are 31 inches wide, located underneath the signs. The signs do not stick out as far from the building as the planters. Mr. Bessler stated that his father put a lot of time and money into cleaning up the area. They wish to continue to do business and want to keep the cans (signs).

Chairman Holland asked if Stokely or any other companies reimbursed them for this advertising. Mr. Bessler stated that they did not.

Chairman Holland agreed that Mr. Bessler's father had greatly improved the site.

In response to a question from Mr. Ashcraft, Mr. Bessler stated that he was not aware of the need for a variance until the Zoning Enforcement Officer told him. He has paid \$181 for the variance.

Mr. Ashcraft also noted that the building is very much improved, and asked if there had been any opinions expressed by the neighbors regarding the signs.

Mr. Breidenstein stated that there had been no specific comments.

Mr. Steve Wilmhoff, a member of the String Town on the Pike Association, stated that the Association is very pleased with the improvements the Besslers have made to the building. He stated that he had no objections to the request.

Chairman Holland asked if there was anyone else present who wished to comment on this request.

There being no further discussion, Mr. Ashcraft moved that the variance be granted for the five additional signs as presently installed. Chairman Holland seconded the motion.

A roll call vote on the motion found Mr. Ashcraft, Chairman Holland, Ms. Meihaus, and Mrs. Ward in favor. The motion carried unanimously.

2. A request of Snappy Car Rental, Inc. for a Conditional Use Permit to allow the operation of a car rental agency. The 5.0-acre site, located at the Mall Road Center (8156 Mall Road) is zoned Commercial Two/Planned Development (C-2/PD) and is owned by Toebben, Limited.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Ms. Carol Brock, speaking for Snappy Car Rental, Inc., stated that in relation to the location of Gold Star Chili, their facility will be the corner location on the inset courtyard. There will be a lighted sign on the building. She stated that the maximum number of cars they will need to be stored on the site is 15, as they dispatch them from one location to another. Ms. Brock stated that they are not like Avis Rent-a-Car. They work for insurance companies, doing insurance replacement and retail business.

Mr. Ashcraft asked if maintenance of the automobiles would be done on-site.

Ms. Brock stated that the only maintenance done on-site would be vacuuming of the cars. They have an electrical outlet for this purpose. She stated, in response to a question from Mr. Ashcraft, that there will be no washing of cars on-site.

Chairman Holland asked if there was anyone present who wished to speak regarding this application. There was no response.

Ms. Meihaus asked how they would mark the parking spaces.

Ms. Brock replied that they do not intend to mark the spaces. They will be parking the cars at the rear, by the dumpster, in accordance with their lease. She noted that employee parking is also to the rear.

There being no further discussion; Mr. Ashcraft moved that the request be approved subject to four conditions, including: (1) that no maintenance of any kind be done on-site, except for vacuuming of the automobiles; (2) that the number of cars stored on-site be limited to 15; (3) that no signage be permitted other than the building sign in the front; and (4) that the automobiles be stored at the rear of the building. Mrs. Ward seconded the motion.

Chairman Holland asked if there was any further discussion; there being none, he asked for a roll call vote on the motion which found Mr. Ashcraft, Chairman Holland, Ms. Meihaus, and Mrs. Ward in favor. The motion carried unanimously.

3. A request of Wilmhoff Development Company for a Variance in the required width of an access driveway in a Commercial zoning district. The 0.28-acre site currently contains a house which the applicant intends to utilize as an office building. The site is zoned Commercial Two (C-2) and is the subject of a Site Plan Review request with the Boone County Planning Commission.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Steve Wilmhoff stated that he understands the Staff's concerns regarding his request. He referred to the possibility of shared access with Nationwide Auto Parts as indicated in the Staff Report and stated that he is concerned that Nationwide employees and suppliers will park in his parking lot. He noted that if his driveway were one-way off Banklick Street, with the exit through the Nationwide parking lot, tenants wishing to go out onto Banklick Street would go the wrong way on the driveway. Mr. Wilmhoff discussed a building used by the Cancer Society which has five commercial and five residential tenants, with 9 parking spaces to the rear. They have a 10-foot wide driveway to the rear and no other access. Mr. Wilmhoff had talked to a number of employees of the Cancer Society who indicated that they did not have problems with the parking lot in the rear or the access. He added that the current owners have owned the building for eleven years and have never had any problem with the access. He noted that the Cancer Society building is off Dixie Highway. Mr. Wilmhoff stated that his driveway has good visibility -- someone pulling out could see someone pulling in and yield to them. He noted that a sign could be erected saying, "Incoming Traffic has Right-of-Way". He stated that he has talked to all the adjoining property owners, except Nationwide, and they have no objections. He added that Kathleen Woods, whose property adjoins the subject driveway, has no objections.

Ms. Kathleen Woods stated that she objects to shared access with Nationwide because there would be tractor trailers coming in and out which will destroy the property.

In response to questions from Chairman Holland, Mr. Wilmhoff stated that there will be two offices in the building. He stated that anyone with a lot of traffic would not want to rent the offices due to the visibility. He stated that they will be using the basement space themselves. They do not have their tenants at this time.

Mr. Ashcraft stated that he is familiar with the Nationwide parking area and stated that their driveway is often blocked. Mr. Wilmhoff replied that their access to Dixie Highway is usually open, but the access to Banklick Street is sometimes blocked.

Counselor Wilson asked if there would be a problem in having joint access with Mrs. Woods property should her property ever be used for Commercial purposes.

Mr. Wilmhoff stated that he would not have a problem with such joint access and noted that they could have incoming traffic on one side of the houses and outgoing traffic on the other.

Chairman Holland questioned whether or not the width of Mr. Wilmhoff's driveway would be adequate, noting a porch on the side of the house.

Mr. Wilmhoff stated that they are discussing removing the porch, but he would like to keep it as a second access. There are only a front and a side access, there is no rear access to the house. He stated that retaining the porch would allow for a fire exit. In response to Chairman Holland's question, he added that service trucks and dump trucks have used the driveway without a problem due to the width. He stated that the front and rear of the building would be landscaped.

Mrs. Ward asked if two cars can pass on the driveway. Mr. Wilmhoff stated that they could not, and referred to the statistics he had given earlier regarding the lack of problems incurred by the Cancer Society building with their 10-foot wide driveway.

Mrs. Ward also questioned the possibility of shared access with Nationwide.

Counselor Wilson discussed the comments made concerning employees, customers, and suppliers of Nationwide parking on Mr. Wilmhoff's lot and using the driveway to exit, even though it says "One Way".

Mr. Ashcraft asked Mr. Wilmhoff if it was his intention to block Nationwide's use of his property if they did not have shared access. Mr. Wilmhoff stated that it was his intention to do so.

Chairman Holland stated that it may be necessary to construct a raised curb, as shrubbery may not be sufficient to do this.

Mr. Breidenstein noted that Mr. Wilmhoff had indicated that he will have two low-intensity tenants. The property is currently zoned C-2 and 140+ units are permissible in this zone. If Mr. Wilmhoff sells the property, and those units were built, the hazards of a two-way 10-foot wide drive would be greatly increased. Staff would like Mr. Wilmhoff to explore the possibility of shared access with Nationwide, which would involve a site study of the Nationwide property. Staff would have liked this done prior to this meeting.

Mr. Wilmhoff repeated his comments regarding the Cancer Society Building's experience with their driveway. He noted that Nationwide probably would like to have shared access with him, however, he sees more problems with this approach than the proposed two-way, 10-foot wide driveway.

Staff noted that a future owner of the property may not be as careful about his tenants as Mr. Wilmhoff may be.

Counselor Wilson stated that if joint access with Nationwide was not accomplished, then the Board may want to consider including a condition limiting the number of parking spaces to the rear of the building. This condition would run with the land if it were sold.

Mr. Wilmhoff stated that he believes eventually Mrs. Woods' property will go Commercial, which will provide additional access.

Mr. Ashcraft moved that the Variance be granted subject to the condition that no more than 7 (seven) parking spaces be permitted on the property as long as the present building exists.

Chairman Holland suggested that the motion made by Mr. Ashcraft be amended to include the conditions that (a) the driveway be cement, (b) a sign be placed on the back of the building saying, "Incoming Traffic has the Right-of-Way", (c) landscaping be provided along Mrs. Woods' side of the driveway, and (d) that a wall or a fence be erected along the property line between Mr. Wilmhoff's property and the Nationwide property.

Mr. Ashcraft agreed to amend his motion as suggested by Chairman Holland. Chairman Holland seconded the amended motion.

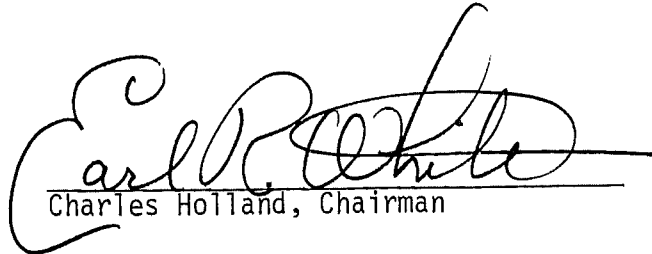
There being no further discussion, Chairman Holland asked for a roll call vote on the motion which found Mr. Ashcraft, Chairman Holland, and Ms. Meihaus in favor. Mrs. Ward was opposed. The motion carried.

BOARD ITEMS:

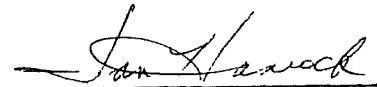
Chairman Holland moved that a letter of proclamation be sent to Ms. Kathryn Lanigan in appreciation of her 17 years of service to the City of Florence and the Board of Adjustment. Mrs. Ward seconded the motion and it carried unanimously.

Counselor Wilson advised that a memorandum will be sent to the Board members advising them of changes in the law in 1986, the functions of the Board, and related information.

There being no further business to come before the Board, Chairman Holland moved, seconded by Mr. Ashcraft, that the meeting be adjourned. The meeting was adjourned by unanimous consent at 9:10 P.M..


Charles Holland, Chairman

Attest:


Jan Hancock, Recording Secretary