

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: Paul Kirn, Jr. Owner Agent
 Address: 6393 East Bend Rd., Burlington, Ky. Telephone: 586-9682 ^{work} 431-6915

Location: 7049 Curtis Ave. - (Lot adjacent to that address)

Name of Property Owner: Roy & Kim Dringenburg

Address of Property Owner: 7049 Curtis Ave

Zoning District: SR-2 Area in Acres: 8100 sq. ft.

Deed Book: 338 Page Number: 143 Group Number: 94

Description of Request: Variance to allow agent to construct duplex unit with 54 feet frontage on Curtis Ave. + CUP to allow construction of duplex

Applicant's Signature: X Paul Kirn Jr.

Property Owner's Signature: Roy Dringenburg Kim Dringenburg

Application Fee: \$162 Date Received: 11-20-87 By: RJB

Referred To: _____ Meeting Date: _____

Action Taken: denied Date of Action: 1-13-88
deferred → 12-7-87

STAFF REPORT

APPLICANT: Paul Kirn, Jr.
DEVELOPMENT: duplex dwelling unit
LOCATION: Lots 18, 19, and part of 20, Erlanger Heights
Subdivision (Curtis Avenue), Florence
ZONE: Suburban Residential Two (SR-2)
DATE: December 9, 1987; 8:30 p.m.

REMARKS:

The applicant is requesting a Conditional Use Permit and a Variance in the required lot frontage in order to allow the construction of a duplex dwelling unit. The 8,100 square foot tract, located west of 7049 Curtis Avenue and south of 7052 Curtis Avenue, is zoned Suburban Residential Two (SR-2) and is owned by Roy and Kim Dringenburg.

Under the recently amended Boone County Zoning Regulations, duplex dwelling units are principally permitted in the SR-2 zoning district only when three or more acres are developed for duplexes. A Conditional Use Permit is now required to construct individual duplexes on vacant lot(s) of less than three acres. The applicant intends to construct one duplex on 8,100 square foot of property (lots, 18, 19, and part of 20 of the Erlanger Heights Subdivision). The SR-2 requires a 8,000 square foot lot with a minimum of 60 feet of road frontage in order to build a duplex. The applicant intends to build on the combined lots with only 54 feet of road frontage and is, therefore, requesting a 6 foot Variance in addition to the Conditional Use Permit.

All adjoining property is zoned SR-2. Land uses of these properties include:

North: single-family residences
South: currently vacant (parking lot for an expanded Kentaboo Baptist Church recently approved by the Board); behind vacant lot is Oakwood Apartments
East: single-family residence (Dringenburg's)
West: 2 duplex dwelling units, entrance to Ashgrove Apartments

In addition to these uses which directly adjoining the applicants' property, there are three duplexes located on the southern end of Curtis Avenue, as well as an apartment/condominium complex.

The following reviews the general standards applicable to all Conditional Uses:

1. The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Medium Density Residential. (three to eight dwelling

units per acre). A single duplex on an 8,100 square foot lot represents 10.76 dwelling units per acre. The Land Use element of the Plan makes the following statements about the area:

"Residential development within this study area will continue but be moderate. There are only a few pockets of residential land still undeveloped within this area. Infilling of these areas and individual lots within established subdivisions should coordinate and agree with the developments or subdivision surrounding these buildable areas and lots.

Higher density residential development should only occur where it can serve as a buffer between industrial or commercial intrusion on single-family residential areas or where it is easily accessible.

Overall, the existing residential communities must be protected from inappropriate infilling and remain buffered from the increasing industrial and commercial development within the city." (p. L-19)

The following are listed as Goals of the Housing Element of the Plan:

Goal:

To ensure that safe, decent, and sanitary housing exist for all Boone County residents.

Objectives:

1. A broad range of housing opportunities (e.g., size, type) shall be provided at locations which meet the needs and desires of household types.

5. In order to offer the citizens of Boone county maximum choice in living environment, residential development plans shall be judged primarily on the basis of density (dwelling units per acre) with only secondary consideration given to type of structure.

8. Existing sound residential areas/neighborhoods shall be conserved, and deteriorated residential areas with redeeming qualities should be regenerated.

The Housing Element of the Plan itself discusses duplexes:

"Table H-7 shows a 77.1 percent occupancy for duplexes in Florence in 1980. This, at first, indicates a saturation of the market and a probable slowdown in duplex construction, however, as Table H-3 indicates, the percentage of Boone County duplexes in Florence rose from 48.7 in 1980 to 58.5 in 1984, indicating that the low occupancy rate in 1980 could have resulted from newly constructed units that had not been rented or sold yet. In one respect, duplexes are desirable over multi-family housing because they are more successful in blending in with their surroundings. Therefore, when buffering is minimal between single-family housing areas and multi-family unit are desired, an appropriate transitional area of duplexes should be designed, wherever feasible. Multi-family housing should have convenient access to commercial districts. The developments should be designed to offer the shortest trips to the most people. High density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. This provides a supply of affordable housing for county residents."

This text suggests that duplexes can be used as a buffer between single-family uses and others, particularly multi-family uses.

2. Staff believes a duplex on this property can be designed and constructed so as to be harmonious and appropriate in appearance with surrounding uses.
3. A duplex will not be hazardous to existing or future neighboring uses.
4. The site is adequately served by essential public facilities.
5. Excessive additional requirements at public cost for public facilities will not be created.
6. A duplex does not involve uses or activities which will be detrimental to any persons, property, or the general welfare.

7. Vehicular approaches to the property have been designed so as not to create an interference with traffic on surrounding public thoroughfares.

The Board must also consider specific criteria for Conditional Uses in the SR-2:

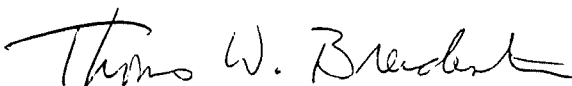
- a) The purpose of the SR-2 is "to provide more compact, but essentially single-family residential environment. Such districts will be located on suitable lands within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed." The Board must consider whether or not another duplex would contradict the single-family character of this SR-2 area.
- b) The Board must also consider whether or not the proposed arrangement of the duplex will be compatible with the organization of permitted uses to be protected. Attached is a copy of a plot plat submitted by the applicant showing the proposed arrangement.

The following reviews the four standards the Board must use in considering the requested frontage Variance:

1. Staff could find no special circumstance which does not apply to land in the general vicinity. All lots in this section of the Erlanger Heights Subdivision lots are 25 feet wide. Two lots joined together would provide the minimum lot frontage for a single-family residence in the SR-2 zoning district.
2. Strict application of the Zoning Regulations would allow the applicant to build a single-family residence and, therefore, would not deprive the applicant of a reasonable use of the land or create an unnecessary hardship.
3. Again, no special circumstances were found.
4. If the Variance is granted, staff can find no reason why the public health, safety, and welfare would be adversely effected or why the essential character of the vicinity would be altered.

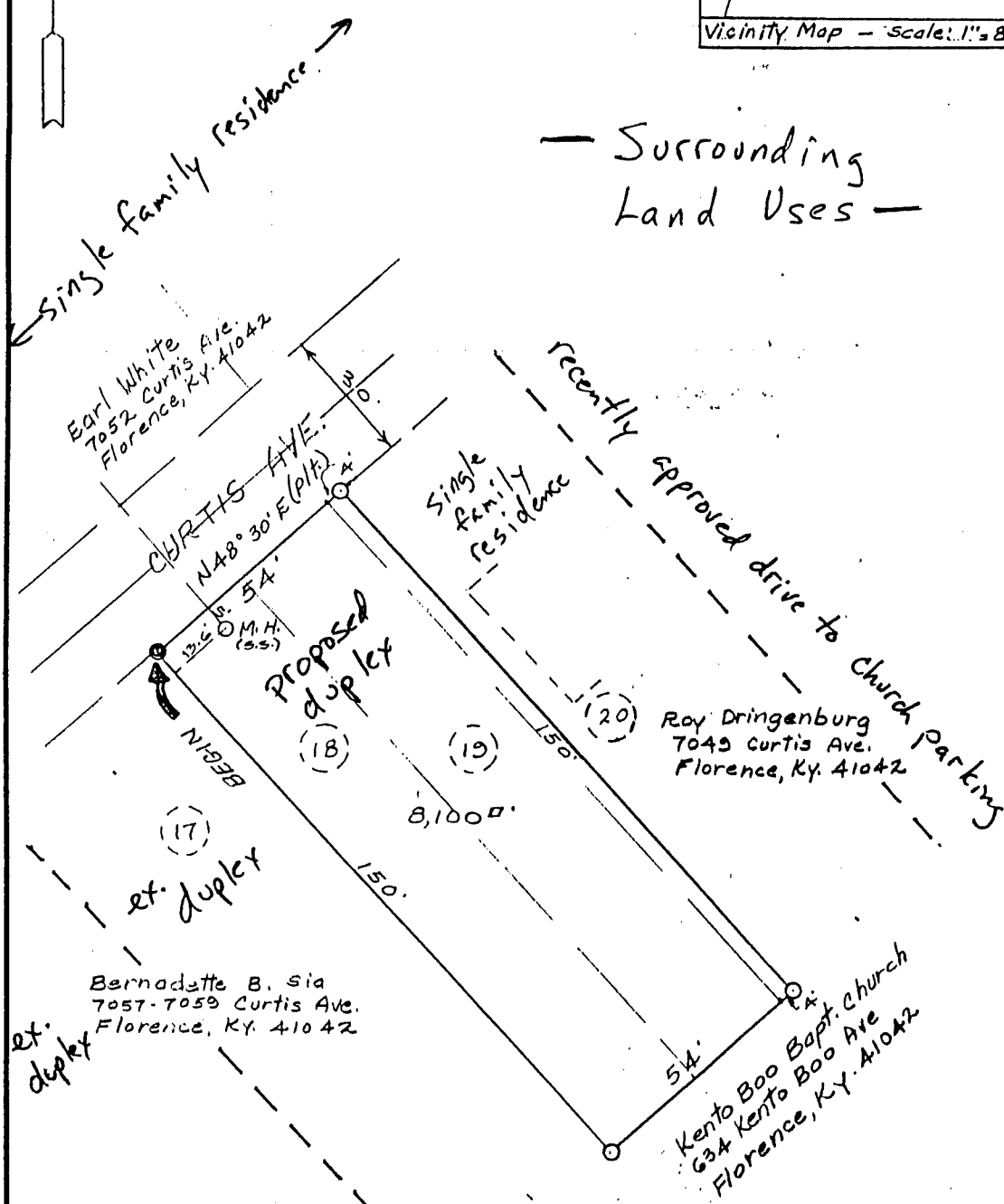
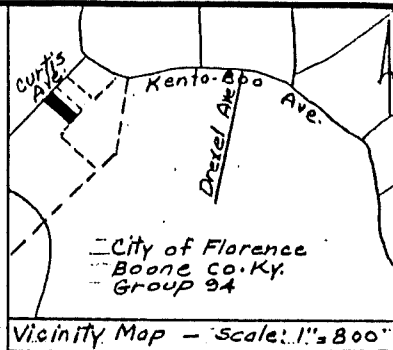
At this writing, staff has no conditions to suggest should the Board grant this Conditional Use Permit and Variance.

Respectfully submitted,



Thomas W. Breidenstein,
Zoning Enforcement Officer

Paul Kirn
 Conditional Use Permit
 12-9-87



— Surrounding Land Uses —

PLAT OF ALL OF LOTS 18 & 19 AND PART OF LOT #20, ER-LANGER HTS. S/D, BLOCK 11, S.E. SIDE OF CURTIS AVE. FLORENCE, KENTUCKY FOR ROY DRINGENBURG

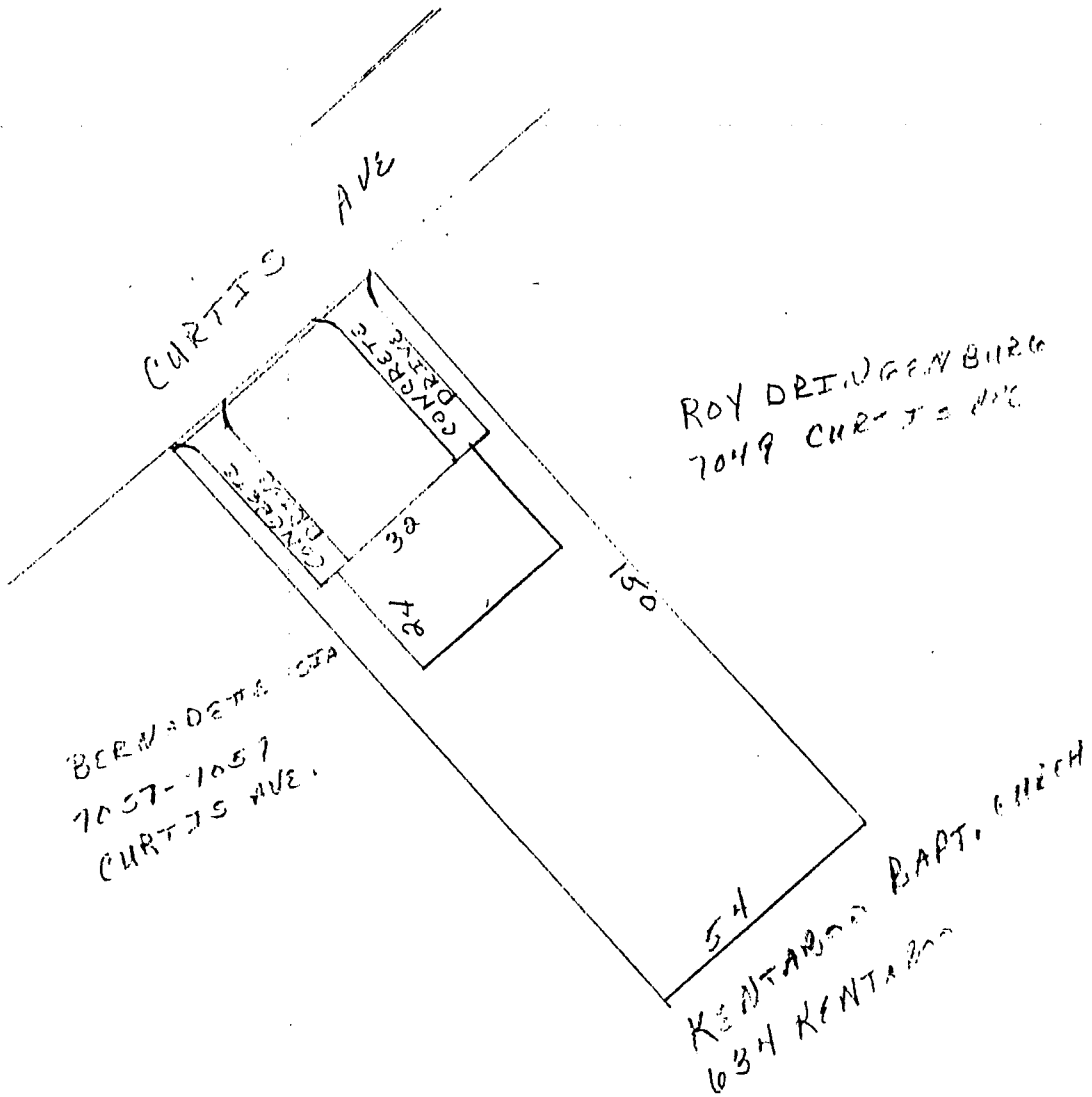


SCALE: 1" = 30'	APPROVED BY: N.F.T.D.	DRAWN BY
DATE: 11/18/87		REVISED
Part of D.B. 338 Pg. 143, Plat Book 1 page 62, Group 94, Boone County Clerk's records, Burlington, Ky.		
Walton & Walton — Civil Engineers — Surveyors Burlington, KY 41005 ••• Phone 586-6017		DRAWING NUMBER

Kirn



— Proposed
Arrangement —



CITY OF FLORENCE
BOARD OF ADJUSTMENT

January 13, 1988 - 8:00 P.M.

Chairman Holland called the meeting to order at 8:00 P.M..

BOARD MEMBERS PRESENT:

Mr. Ashcraft
Chairman Holland
Mrs. Meihaus
Mrs. Ward
Mr. White

BOARD MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Holland stated that each member had received a copy of the Minutes of the Board of Adjustment Meeting of December 9, 1987 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. White moved, seconded by Mr. Ashcraft, that the Minutes be approved as written. The motion carried unanimously.

1. A request of Lackner Sign Company for a Variance in the height of a free-standing sign. The site is approximately one acre in size. An existing free-standing sign, 35 feet in height and 254 sq. ft. in size, is located adjacent to I-75 near the northwest corner of the site. The applicant is proposing to raise this sign to 65 feet in overall height. (Deferred from the December 9, 1987 meeting.)

Staff Member, Jim Sturdevant, advised that the Staff Report and slides in regard to this request had been presented at the last meeting. He asked the Board if it was necessary to present this material again. The Board did not find it to be necessary to present the Staff Report and slide presentation again.

Mr. Bill Marquet, Lackner Sign Company, stated that they had reflagged the sign. He stated that Mr. Grone of McDonald's and Chairman Holland had been present for the flagging. He presented to the Board a drawing of the proposed sign.

In response to a question from Mr. Ashcraft, Mr. Breidenstein stated that he believed most of the signs in the area had been granted a Variance by the Board.

Counselor Wilson advised that a non-conforming use can continue without regard to ownership and that the advertising on the sign could be changed.

Chairman Holland stated that a letter had been received from Mr. Gallenstein, owner of the strip center which includes Peking Palace, indicating that he has no objection to McDonald's sign being raised.

Chairman Holland stated that he had traveled the expressway both northbound and southbound. The McDonald's sign is fairly visible going north and there is an additional sign for the exit. The sign is not visible southbound due to the topography.

Mr. Grone advised that he will remove his advertisement from the billboard sign one mile south of the Mt. Zion Road area as indicated at the last meeting.

Mr. White moved that the Variance be granted from 35 feet in height, not to exceed 65 feet in overall height. He noted that his motion did not include the condition of removing the advertising from the billboard sign in the Mt. Zion Road area. Mr. Ashcraft seconded the motion.

Chairman Holland asked if there was anyone in the audience who wished to speak in regard to this request. There was no response.

Chairman Holland asked if there was any further discussion. There being none, he asked for a roll call vote on the motion and it carried unanimously.

2. A request of Paul Kirn, Jr. for a Conditional Use Permit and a Variance in the required lot frontage in order to allow the construction of a duplex dwelling unit. The 8,000 sq. ft. tract, located west of 7049 Curtis Avenue and south of 7052 Curtis Avenue, is zoned Suburban Residential Two (SR-2) and is owned by Roy and Kim Dringenburg. (Deferred from the December 9, 1987 Meeting.)

Staff Member, Tom Breidenstein, presented slides of the subject site as had been shown at the previous meeting. He presented the Staff Report and noted its attachments. (see Staff Report)

In response to questions from Chairman Holland, Mr. Kirn stated that there would be two separate driveways to the project -- one for each unit. In response to questions from Mr. Ashcraft, he added that he would be the builder and most likely the owner of the project, but he would not occupy the property.

Mr. Charles Callan, 7035 Curtis Avenue, stated that he had previously owned the property and sold it to the Dringenburgs. He had had an offer from a builder but Mr. Callan did not want any more apartments on the street. He had also sold the property to the church for a parking lot. He stated that the Dringenburgs were moving and would not be living next door to this duplex. He noted that there are problems with rental properties. He noted a vacant lot on the corner of the street and stated that if this duplex is permitted, then a duplex may also be permitted on that lot. Mr. Callan stated that the lot should be used for a single-family dwelling.

Mr. Glen Waley, trustee of the Kentaboo Baptist Church, stated that they do not want drainage from this property to go onto their parking lot.

Arlene Jones, real estate agent, stated that the Dringenburg's home is for sale as their family has grown. She stated that they need to get the most money for their property and that this is the highest and best use of the property. She added that the church had the option to buy the property but they did not want to pay the price and if they can stop this Variance, then they can buy it for a lesser price.

Mr. Waley replied that the church is not interested in acquiring the lot, but is concerned by the drainage and grading.

Mr. Kirn stated that the drainage off the roof would be no different than a single-family house.

Mr. White advised that a four-foot drop beside the driveway would have to be filled to stop drainage via the natural drain onto the church property.

Mr. Kirn stated that he would fill the area indicated by Mr. White. He added that the City Manager had been to the site today with a representative of the real estate agency, but he did not know the result of the meeting.

Mr. White advised that he believed this was the Public Works Director, not the City Manager.

Mr. Phil Beeton, trustee of the Kentaboo Baptist Church, stated that there is no intention on the part of the church to block this project in order to buy the lot at a lesser price.

Mr. White stated that Mr. Gary Rice is opposed to this request due to parking problems. Mr. Jake Kendricks is also opposed on the basis that there are enough duplexes on the street. These gentlemen were not able to attend this meeting and asked Mr. White to speak for them.

Mr. Ashcraft stated that the applicant is asking for an exception at the expense of the people who live there and have homes there.

Mr. Kirn stated that he believes a duplex on the lot is better than a parking lot.

Mrs. Meihaus stated that she is in agreement with the residents of the area and that this development is not harmonious with the area.

Mr. Ashcraft moved that the Conditional Use Permit be denied as it is not in conformity with the Comprehensive Plan and it is an intrusion on the single-family residences in the area. 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, Mrs. Meihaus, Mrs. Ward and Chairman Holland in favor. Mr. White abstained. The motion carried.

Counselor Wilson advised that since the Conditional Use request was denied, the Variance cannot be granted.

3. A request of Ralph W. Sturdivant for a side yard Variance to allow the construction of a two-car garage. The 0.4-acre site, located at the northern corner of Burk Avenue and Roger Lane, is zoned Suburban Residential One (SR-1) and is owned by Ralph W. Sturdivant.

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

Chairman Holland stated that he had visited the site and the applicant had pointed out that the garage was very small and near a furnace.

Mr. Sturdivant stated that the garage is too small for a pick-up truck or a station wagon. He stated that it is so near the hot water tank that he is concerned about safety.

In response to questions from Mr. White, Mr. Sturdivant added that he plans to build a two-car garage which will be attached to the house. He will block up the existing garage door. The new garage will be flat so that he can build a patio on top of it.

Mr. Ashcraft stated that he had visited the site and he does not feel that the new garage will adversely affect the neighborhood.

Chairman Holland stated that the reason why this request is before the Board is that this is a corner lot.

Chairman Holland asked if there was anyone present in opposition to the request. There was no one present opposed to the request.

There being no further discussion, Mr. White moved that the request be granted for a 7-foot setback to allow for construction of the proposed garage. Chairman Holland seconded the motion and asked for a roll call vote. The motion carried unanimously.

4. A request of Margo Grubbs, P.S.C., for a Variance in order to allow an eight-foot one-inch driveway aisle. The 0.2-acre tract, located on the south side of Burlington Pike, across from Wallace Avenue, is zoned Commercial Two (C-2) and is owned by Margo Grubbs and Sara Sidebottom.

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

In response to a question from Mr. Ashcraft, Mr. Breidenstein clarified that proposed Condition #2 indicates that adding any frontage would make the lot "more fully comply" with the requirements.

Counselor Wilson advised that the existing driveway is 8'1" wide and the requirement is for a 25' wide driveway.

Miss Grubbs stated that they will provide client parking in front of the building and employee parking in the rear. She stated that the work would not be done until Spring. She added that it will be at least six months before the room addition is built.

Mr. White moved that the request be granted, subject to the conditions indicated in the Staff Report, and that the concrete work be done as soon as the weather permits. Mrs. Meihaus seconded the motion.

Miss Grubbs stated that she was agreeable to the conditions indicated.

Chairman Holland asked if there was anyone present who wished to speak in regard to this request. There being no one, he asked for a roll call vote on the motion and it carried unanimously.

5. A request of Carroll Properties for an extension of a previously approved Sign Variance to allow the continued use of a 150 sq. ft. "for lease" sign. The 26-acre site, which is located at the northeast quadrant of I-75 and Turfway Road, is zoned Office Two/Planned Development (O-2/PD) and is owned by Turfway Properties (Jerry Carroll, General Partner).

Staff Member, Tom Breidenstein, presented the Staff Report (see Staff Report). He noted a correction to the agenda which indicated the site to be located at the northeast quadrant of I-275 and Turfway Road. This should be I-75.

Mr. Mark Simendinger stated that Mr. Jerry Carroll plans to proceed with the second building as soon as the weather permits. The sign is needed to lease the new building. He stated that there will be a semi-circle of three identical buildings facing I-75. Leasing the project is critical to its success.

In response to questions from Chairman Holland, Mr. Simendinger stated that they would suggest the sign be permitted for another 18 months, with the option to reapply.

Mr. Ashcraft stated that he did not find the sign offensive.

Chairman Holland asked if there was anyone present who wished to speak in opposition to the request. There was no response.

Mrs. Ward moved that the 18-month extension be granted with the option to reapply for additional time. Mr. Ashcraft seconded the motion.

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

BOARD ITEMS:

Counselor Wilson suggested that the Board may wish to hold its annual election of officers at this time.

Mr. Ashcraft moved that Mr. Holland be re-elected Chairman and that Mr. White be re-elected Vice Chairman. Mrs. Meihaus seconded the motion.

Chairman Holland asked for a vote on the office of Chairman. Chairman Holland abstained from voting. All voting members were in favor and Mr. Holland was re-elected Chairman.

Chairman Holland asked for a vote on the office of Vice Chairman. Mr. White abstained from voting. All voting members were in favor and Mr. White was re-elected Vice Chairman.

There being no further business to come before the Board, Chairman Holland moved, seconded by Mr. White, that the meeting be adjourned. The meeting was adjourned by unanimous consent at 9:15 P.M..

APPROVED:


Charles Holland, Chairman

ATTEST:


Jan Hancock, Recording Secretary