

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations).

SECTION A (To be completed by applicant)

1. (Check One) Boone Florence Walton Union
2. (Check One) Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant's Name Ray Matraccio
Phone Number 384 3044 Day 371 2941
Applicant's Address 8511 Kroth Lake
Union Ky 41091
City State Zip
4. Description of Request: Conditional use permit for
two family construction
5. Name of Development Lot D Lexington Avenue
6. Location of Development Lot D Lexington Ave
reference #1
7. Acreage Under Review 0.4
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot D Lexington Ave
9. Owner of Property Fred Spillman James above
Phone Number _____
10. Address of Property Owner Box 488 Stephenson Hill Rd
Walton Ky 41094
City State Zip
11. Proposed Use(s) On Site Vacant Lot
Two family construction
12. Total Square Footage of Existing and/or Proposed Buildings
1632 SF
13. Current Zoning on Property SR 2
14. Deed Book 401 Page No. 50 Group No. 1676
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? _____
18. Applicant's Signature: Ray Matraccio
19. Property Owner's Signature: Fred Spillman

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 7-20-89
2. Fee Received \$193.25 R# 8000752
3. Is application complete? Yes No
4. Staff Reviewer _____
5. Scheduled Board Action Date _____
6. Board Action:
 Approval
 Approved With Conditions (See #7)
 Disapproved (See #8)
7. Conditions: 1) THE TREES IN THE FRONT PORTION OF THE LOT MUST BE MAINTAINED
8. Reasons For Disapproval: _____

STAFF REPORT

#3

DEVELOPMENT: residential duplex
APPLICANT: Ray Matraccia
LOCATION: Lexington Avenue, Florence, Kentucky
ZONING: Suburban Residential Two (SR-2)
DATE: September 13, 1989

REMARKS:

The applicant is seeking a Conditional Use Permit to allow the construction of a 2 story residential duplex. The 0.4 acre site is located on the east side of Lexington Avenue, approximately 130 feet south of the Lexington Avenue/Virginia Avenue intersection, Florence, Kentucky. The property is zoned Suburban Residential Two (SR-2) and is owned by Ray Matraccia.

The subject parcel is currently largely overgrown with grown vegetation and trees. An old shed and accumulated junk are the only existing uses. Considerable grading will be required to render the site usable as a residential lot.

Surrounding Zoning and Land Uses

north: SR-2; residential duplex
south: C-2; restaurant
east: SR-2; residential uses
west: SR-2; single-family residences

Before granting a Conditional Use Permit, the Board must make certain considerations regarding the proposed use. 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 (3 to 8 dwelling units per acre). The Land Use Element of the Plan states that residential development in this general area will be moderate. The development of individual lots within established subdivisions should coordinate and agree with the surrounding development (p. L-19). The Plan also encourages the provision of a broad range of housing opportunities (p. G-1).

In the opinion of the Staff, the proposed duplex will be harmonious and in accordance with the general objectives of the County's Comprehensive Plan.

=====

2. Based on examples of previous duplex units constructed by the applicant, the proposed duplex will be harmonious and appropriate in appearance with the existing character of the general vicinity and will not change the vicinity's essential character.
3. The proposed duplex will not be hazardous to existing or future neighboring uses.
4. The proposed duplex will be adequately served by essential public facilities and services.
5. The proposed duplex will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
6. The proposed duplex will not be detrimental to any persons, property, or to the general welfare.
7. Vehicular approaches to the duplex will not create an interference with traffic on Lexington Avenue.

In addition to the above general standards, the Board must also consider the specific criteria applicable to Conditional Uses in SR-2 districts:

1. The proposed duplex will not contradict the compact, but single-family character of the district in that there are duplexes in the immediate area and the building generally matches the appearance of a single-family unit.
2. The arrangement of the duplex will be compatible with the organization of uses to be protected in the SR-2 district.

Attached to this report is a portion of the 1986 Boone County Comprehensive Plan Future Land Use Map, copies of photos of other duplexes constructed by the applicant, and a copy of a Concept Plan submitted by the applicant.

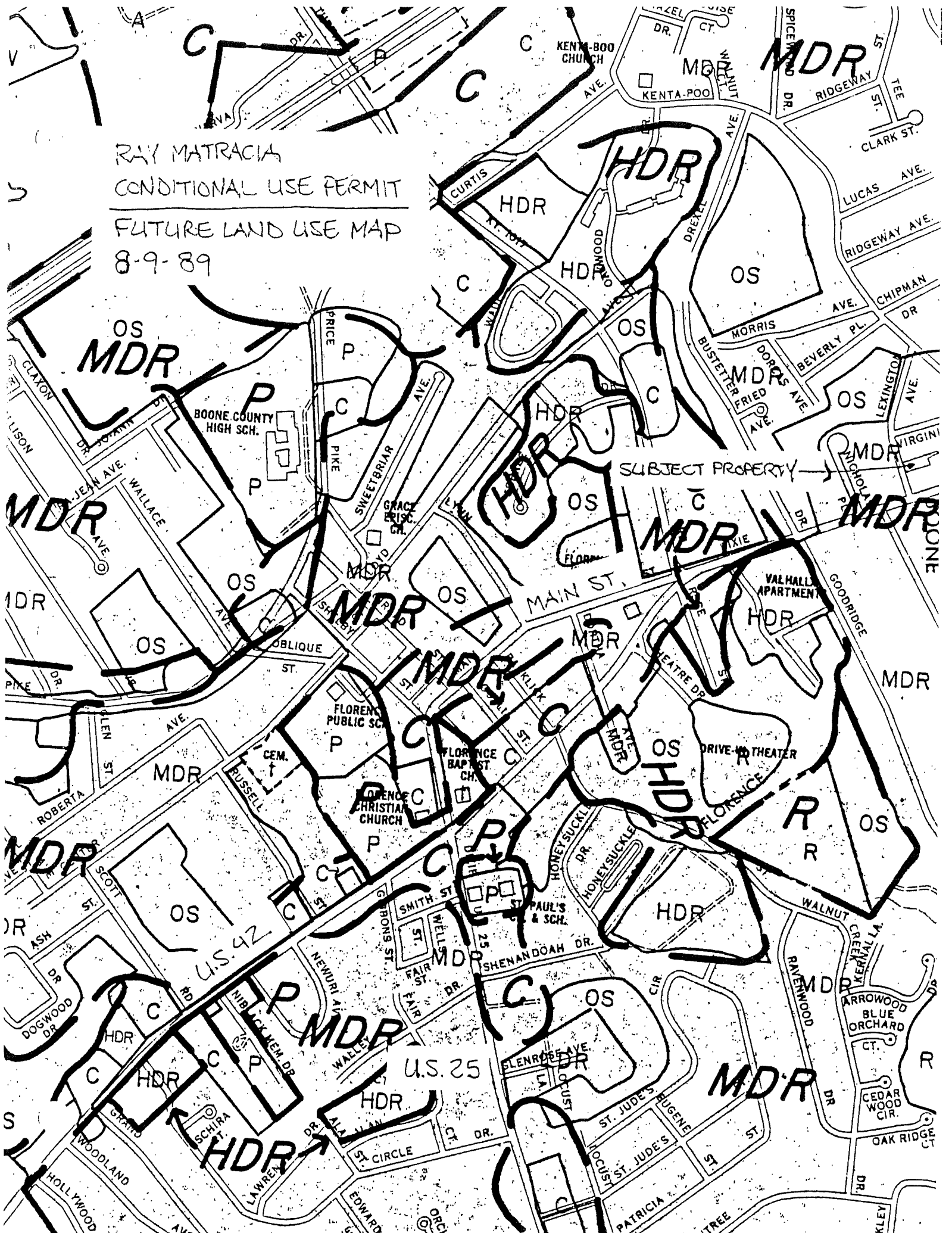
Respectfully submitted,



Paul R. Miller
Plans Examiner/Planner II

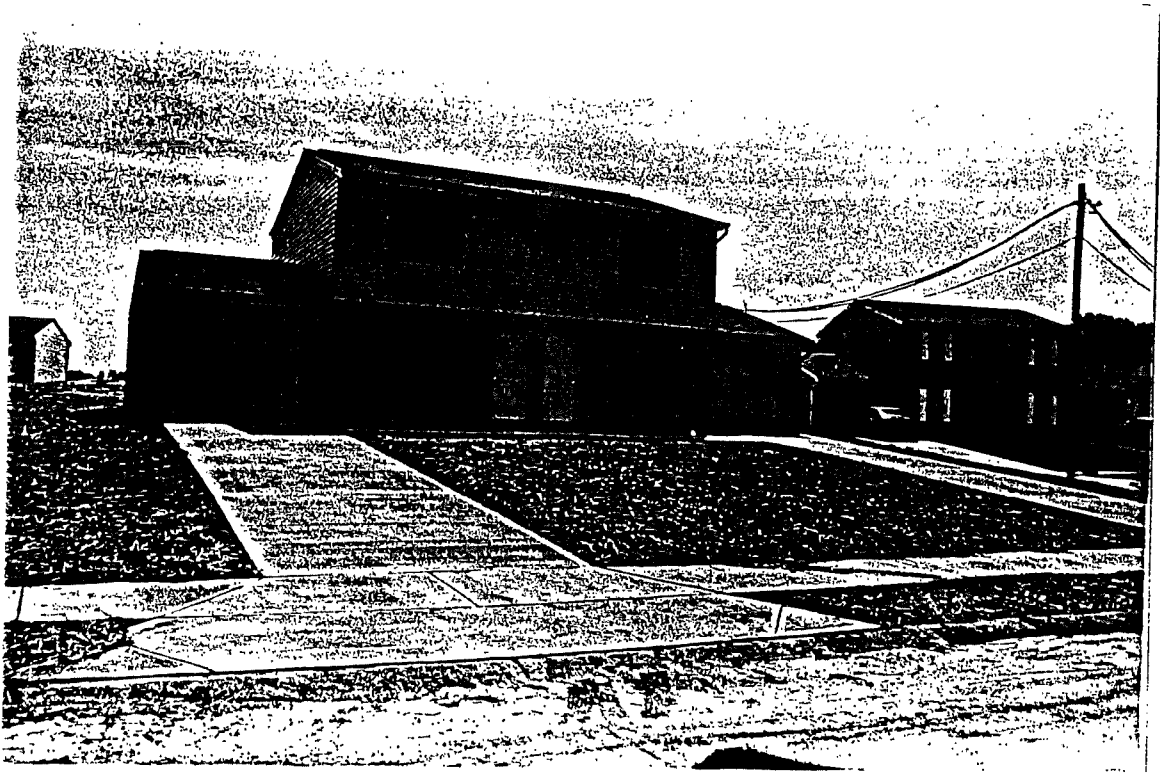
PRM:hs

RAY MATRACIA
CONDITIONAL USE PERMIT
FUTURE LAND USE MAP
8-9-89



RAY MATRACIA,
CONDITIONAL USE PERMIT

8-9-89



EXAMPLES OF DUPLEXES CONSTRUCTED
BY APPLICANT.

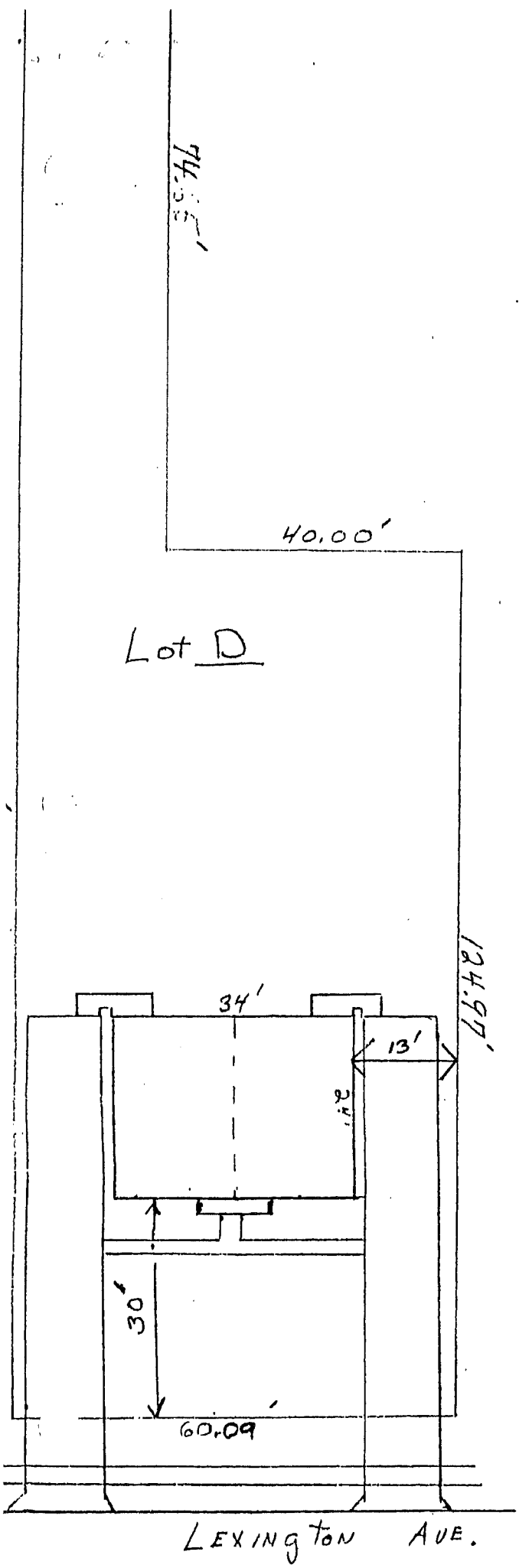


RAY MATRACIA,
CONDITIONAL USE PERMIT

SITE PLAN
8-9-89

Lot D LEXINGTON AVE

FLORENCE Ky.



CITY OF FLORENCE
BOARD OF ADJUSTMENT

September 13, 1989 - 7:30 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 called the meeting or order at 8:15 P.M..

Approval of the Minutes:

The Chairman stated that each member had received a copy of the Minutes of the Board of Adjustment Meeting of August 31, 1989 and asked if there were any comments or corrections.

There being no changes to the Minutes, Chairman Holland moved that they be approved as mailed. Mrs. Ward seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Fellowship of Believers for a Conditional Use Permit to allow the conversion of a house into church offices. The 0.17-acre site is located at 6812 Highridge Avenue, Florence, Kentucky. The property is zoned Suburban Residential Two (SR-2) and is owned by Ed and Jill Harvey.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Holland asked if there was a representative of the applicant present.

Mr. Gary Dawson, Assistant Pastor of Fellowship of Believers, stated that they are in agreement with the two conditions in the Staff Report.

The Chairman asked if there was anyone else present who wished to speak in regard to this request.

Mr. E. J. Foltz, 6820 Highridge Avenue, stated that he lives next door to the house at 6812 Highridge Avenue which the church wants to use. He stated that Mr. Breidenstein had indicated that the church intends to maintain the appearance of the house as a residence. He stated that this is not indicated on the application. He stated that there should be sufficient room in the church to accommodate four employees and they should not have to buy a house in an established residential neighborhood. The church has people coming and going at all hours every day of the week. He questioned how this could be harmonious with the neighborhood. He stated that he had talked with a lot of property owners within a two-block area and distributed to the Board a petition signed by 16 property owners on Highridge Avenue in opposition to this use for the house.

Counselor Wilson advised that the Staff does not take the position that the use is harmonious. That is a factor to be considered by the Board.

Mr. Foltz stated that the cub scouts had already used the backyard of the house and he does not want this. He stated that he can see steps being built and a concrete sidewalk up to the back door of the house would be unsightly. He does not think additional parking can be accommodated on the church parking lot. He stated that there are 120+ vehicles and 80+ parking spaces. He stated that the church has not indicated expanding on their site, even though they may have indicated this verbally. The church indicated to him that they will keep the house for two years and then resell it as a residence, but this is not on the application and subject to change. The plan submitted by the church does not show the accurate layout of the church and the parking. He stated that the church has room to expand on the site, but their Site Plan shows a ballfield. He stated that they have already closed on the house, even though the original contract was contingent on the Board's approval. He stated that the church does not have to abide by Mr. Breidenstein's suggestion and could change the exterior of the house and have signs. He stated that they could demolish the house and pave the site for additional parking, which he does not want. He asked that if the existing house were destroyed, what commitment is there to reconstruct it as it is. They could reconstruct it to look like an office and resell it as an office. He reviewed the zoning regulations and referred to Article 19. He stated that this would be a contiguous development of more than two acres and they could erect an illuminated sign. Mr. Foltz questioned the seating capacity of the church.

Mr. Dawson advised that he believes the seating capacity to be 400.

Mr. Foltz stated that one parking space is required for each five seats. He stated that there are only 82 parking spaces and they have outgrown their parking. He stated that there are more than 410 seats in the church. He stated that the regulations require screening within 50 feet of a residential area and there is no screening or fencing. Referring to the regulations, he stated that accessory uses should not be on an adjacent lot extending out into a residential neighborhood. The use will not be compatible with the residents. He stated that this is an office, it just happens to be a church office. If someone wanted to establish a real estate office or a beauty parlor, there would be no doubt. He stated that the interpretation is vague because it is a church.

Chairman Holland advised that the Board could impose conditions of approval to address many of his points.

Betty Kleete stated that they have enough land and do not need to put an office in the middle of the houses.

Donna Royce, 6751 Highridge, stated that they intend to pave the lot and make a parking lot, but at the same time they are saying they will not change the exterior appearance. She noted that no other house has a paved backyard.

Mr. Miller advised that the possibility of paving for additional parking was identified as a concern.

Mr. John Lohnhart, 6727 Highridge, across the street from the proposed ballpark, stated that they have cleared out the trees and they now get noise from the interstate.

Mr. Dawson stated that they have 7½ acres and purchased the house in lieu of building because at some point they want to make a major addition to the church. They cannot afford to build a sanctuary to seat 1,000 people at this time. They want to use the existing house space for daycare and classrooms. They never intended to pave the back lot. They intend to use the facility for two years, not change the exterior, and resell it as a house when they decide to build. He added that they had gotten a Variance for their sign and letters were sent out.

A lady in the audience polled the residents and they indicate that they did not receive letters.

Mr. Dawson stated that four people would use the office regularly. They cannot have the offices in the church because those facilities are needed for classroom space. He added that they would probably put a sign on the door in regard to the offices. He stated that they will not be putting in steps or paving the lot.

Mr. Ashcraft stated that at the time of the original application, there was a condition that the parking lot be paved. They were made to do this when they came in for a sign request. They were made to do at that time what they had agreed to do previously. He asked about the screening mentioned by Mr. Foltz. Mr. Ashcraft questioned if conditions of approval could include a time limitation of two or three years and no changes to the interior, such as removing walls.

Counselor Wilson advised that he believes both conditions would be allowed. He added that the conditions should be structured to preserve the residential character of the neighborhood. He noted that interior changes would not be in contemplation of a temporary situation. He added that there could also be conditions about the paving of the lot and rebuilding of the structure if it were destroyed. He noted that the Conditional Use Permit runs with the land and any owner would be subject to the conditions.

Mrs. Meihaus stated that she believes an office will change the essential character of the neighborhood.

Mr. Ashcraft moved that a temporary Conditional Use Permit be granted, not to exceed 30 months. The property is to be used as a church office, but the residential character of the property is to be maintained in all respects during this period. There will be no signs whatsoever. There will be no change in the present driveway. There will be no changes in the interior walls, or exterior appearance of the building. At the end of the thirty-month period, the applicant must appear before the Board to request a renewal, with notice to abutting property owners being required. There are to be no steps, sidewalks, or pathways leading from the present church property to this site. There is to be no paving of the backyard. The building is to be used specifically for offices and there is to be no uses such as nursery, classrooms, or meeting rooms. If the property is destroyed, reconstruction would be subject to the jurisdiction of this Board or the Planning Commission and they would have to apply for approval before erecting a new structure. Mr. White seconded the motion.

Chairman Holland asked for a roll call vote on the motion which found Mr. Ashcraft, Mr. White and Chairman Holland in favor. Mrs. Meihaus and Mrs. Ward were opposed. The motion carried.

2. The request of Dr. L. B. Payne for a Variance to allow the reduction in the minimum required landscape buffer. The 0.36-acre site is located at 7349 Burlington Pike, Florence, Kentucky. The property is zoned Commercial Two (C-2) and is owned by Dr. L. B. Payne.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Mike Hoppenjans, representing Dr. Payne, stated that they will not lose two parking spaces and the new parking area is intended for the staff only. The Staff arrives an hour before the patients and is there until after the patients leave. The cars will be there continuously and they will not lose the two parking spaces as there will not be a need to get the cars in and out. He added that they have reached agreement that the barrier will be removed. He stated that there is a lot of landscaping and trees that would have to be destroyed if they put up the eight foot fence. He added that the additional parking will not be a traffic or noise problem.

Mr. Tom Powers, 202 Roberto, stated that there is only one tree there. The other trees belong to Mr. Vance. He added that he was previously asked to sign a paper allowing Dr. Payne's chiropractic office, but was told the parking would be in the front. He stated that the first fence was not put up and now there is a promise of another fence. He stated that the parking lot is illegal and has been used for two or three months.

Counselor Wilson advised that Dr. Payne has been given notice of the violation.

Mr. Powers added that the house next to Dr. Payne is for sale and he could buy it and pave the lot for parking instead of parking in his backyard. Mr. Powers does not want the parking in his backyard and does not want an 8' high fence there.

Mr. Hoppenjans stated that they were notified of the violation and were here last month to try to comply.

Donna Valentine, speaking for her mother-in-law, who lives behind the parking lot, stated that there are concrete blocks that are not stationary and they roll into her fence. She questioned why Dr. Payne did not buy the house next door.

Mr. Hoppenjans advised that they have been trying to buy the house next door.

Marilyn Powers stated that the doctor needs extra parking because he is making more money and he could afford something different.

Mr. White noted that on the Site Plan one of the front driveways is eliminated. He questioned how Dr. Payne would feel about a shared driveway in the back.

Mr. Hoppenjans advised that the front driveway was redone by the state. It is not their intention to eliminate the left curb cut. He added that Dr. Payne is totally against a shared driveway because of the traffic and it would eliminate two or three parking spaces.

Chairman Holland stated that the request could be tabled and Dr. Payne asked if he could accept a buffer of twelve feet or fifteen feet, or some agreeable amount. Mr. Hoppenjans stated that they would need to do some measuring.

Mr. White stated that he is against the parking lot going up to the people's houses. He suggested that the request be tabled and that Dr. Payne come himself, after getting together with Mr. Vance and getting this settled.

Mr. Vance stated that he does not want to lose any parking spaces.

Mr. Ashcraft stated that he is concerned that this matter was before the Board a month ago, it is here tonight, and it may be continued. That would be ninety days. Counselor Wilson advised that it would be advisable for the applicant to agree to the extension of time.

Mr. Ashcraft asked Mr. Hoppenjans if he would agree to a 30-day extension and Mr. Hoppenjans stated that he was in agreement with the extension.

Mr. Ashcraft moved that the request be tabled until the next meeting and that the fee be waived. Mrs. Meihaus seconded the motion and it carried unanimously.

Mr. Miller advised that this is a deferral of the request and there will not be notification in the paper or to adjoining property owners.

3. The request of Ray Matraccia for a Conditional Use Permit to allow the construction of a two-story residential duplex. The 0.4-acre site is located on Lexington Avenue in Florence, Kentucky. The property is zoned Suburban Residential Two (SR-2) and is owned by Ray Matraccia.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Matraccia advised that this lot is between three duplexes and a restaurant. He is interested in an investment, not a single-family residence. He stated that a letter was supposed to go to the Chairman from the Building Inspector. The letter was not mailed, but he had a copy.

Chairman Holland read the letter from Mr. Tuffensam, which is on file. He commented that the city has had a lot of problems with trash on the lot and it is an eyesore.

Mr. Mark Ditman stated that they own the lot on the corner. He stated that someone else wanted to build a two-family on the lot, but was not allowed as you can only have so many residences in so many square feet and the city sewer system would not accept another two family there.

Mr. Moroni stated that when Rick built duplexes, he was told that they had to face Virginia Avenue.

Mrs. Ditman stated that they object to the driveway coming out onto Lexington Avenue. She stated that there is traffic from China Foods and this would add traffic. The duplex will also bring children into the area which they do not want.

In response to questions from Mr. Moroni, Mr. Matraccia stated that they will not tear down the wall in the back and the only access will be off Lexington Avenue. They would probably park cars in the front of the building.

Mr. Ditman stated that when Ricky Carr bought the corner, he was told that there was only enough room on the parcel for three two-family buildings and the other lot was to be single-family. He questioned why this was not true today.

Counselor Wilson advised that in 1986 there were some duplexes constructed as Principally Permitted Uses, not Conditional Uses, and they did not need to come before the Board unless they did not meet the requirements. He questioned if having another duplex changes the character of the neighborhood from single-family detached to a duplex neighborhood.

Mr. Bill Meshenboch, 7 Lexington Avenue, stated that it is all one-family units all the way down Lexington Avenue. The three duplexes are on Virginia Avenue.

Mr. Matraccia stated that the lot has enough square footage to accommodate a duplex.

Mr. Miller stated that the SR-2 Zone is set up for single-family residences on relatively small lots and one of the Conditional Uses is duplexes with a minimum square footage requirement of 8,000 sq. ft.. Mr. Matraccia advised that the lot is 8,951 sq. ft..

Mr. Ashcraft commented that the lot will have to be regraded and the trees may be knocked down.

Mr. Ditman stated that Mr. Carr was told that he could not build a duplex facing Lexington Avenue.

Mr. White stated that Mr. Carr could have done this but must have accepted information that was not correct.

Mr. Ditman and Mr. Moroni requested to see the elevation drawing, which was not available. ~~Review and revision by the Board.~~

Mr. Matraccia stated that he plans are to keep the front trees. The building will sit as far back as is required. He stated that a single-family residence behind a restaurant and three duplexes would not be a good investment.

Mr. Ashcraft questioned the buffer between this lot and the restaurant parking lot and Mr. Matraccia advised that there is a retaining wall there now. He would keep the windows off of that side and not put in a buffer.

In response to questions from Chairman Holland, Mr. Matraccia advised that there is about 13 feet from the building to the retaining wall and there would be a ten-foot driveway in between. He reviewed the driveway plan with Mrs. Meihaus and she questioned the possibility of one driveway with parking in the rear and tall pines by the retaining wall. Mr. Matraccia stated that there would be an access problem.

Mr. Ditman again requested the elevation drawing and Chairman Holland advised that there was not one at this time. Counselor Wilson advised that Conditional Use requests would not be subject to Site Plan Review

Mr. Miller stated that the Conditional Use request would be subject to building inspection and a zoning permit, which does not include a review of grading. The Board can request information, including topographical information.

Mr. Moroni asked what would happen to their property value. Mr. Matraccia stated that the value of the duplex would be about \$83,000 to \$84,000.

Mr. Ashcraft stated that the Board gives a great deal of weight to people who have invested in their homes, as opposed to someone who is doing this for economic venture. There is a problem with this site and at some time it has to be developed. It needs to be properly buffered from the residents and the restaurant. He stated that the only way the Board could approve this is if it is limited to one driveway on the one side and using what is shown as a second driveway for buffer.

Mr. Matraccia stated that the people that live on the street are about 30 feet below the finished floor of this two-family. The retaining wall is there.

Mr. Hoppenjans stated that the two-family would be the buffer from the restaurant to the residences.


Mrs. Meihaus moved that the Conditional Use Permit be granted with the trees being saved in the front and the elevation acting as a buffer between the residential and the commercial properties. Mr. White seconded the motion. The Chairman asked for a roll call vote on the motion which found Mrs. Ward, Mrs. Meihaus, Mr. White, and Chairman Holland in favor. Mr. Ashcraft was opposed. The motion carried.

There being no further business to come before the Board, Mr. Ashcraft moved that the meeting be adjourned. Chairman Holland seconded the motion. The meeting was adjourned by unanimous consent at 10:40 P.M..

APPROVED:


Charles R. Holland, Chairman
F.

Attest:


Jan Hancock, Recording Secretary