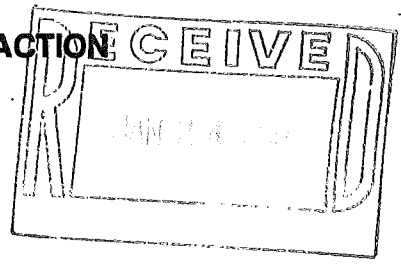


APPLICATION FORM

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 Claude Robinson  
Phone Number 959 Edgehill Dr. 371-9856  
Applicant's Address Florence Ky 41042  
City State Zip
- 4. Description of Request: To Reduce the backyard requirement from 30 feet to 20 feet because of the irregular shape of lot
- 5. Name of Development Williamsburg West Subdivision
- 6. Location of Development ON BURGESS LANE
- 7. Acreage Under Review 0.23 Acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
Lot 33 Williamsburg West Subdivision
- 9. Owner of Property Claude Robinson  
Phone Number 371-9856
- 10. Address of Property Owner 959 Edgehill Dr  
Florence Ky 41042  
City State Zip
- 11. Proposed Use(s) On Site Single Family
- 12. Total Square Footage of Existing and/or Proposed Buildings  
1093.47 SQ. FT.
- 13. Current Zoning on Property R1F
- 14. Deed Book 420 Page No. 24 Group No. 1811
- 15. Is the site subject to a zone change? NO  
If yes, give date of approval N/A
- 16. Have you submitted a Site Plan with this request? Yes
- 17. Have you submitted a list of adjoining property owners with this request? Yes
- 18. Applicant's Signature: \_\_\_\_\_
- 19. Property Owner's Signature: Claude Robinson

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 1-24-90
2. Fee Received \$ 211.00
3. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
4. Staff Reviewer \_\_\_\_\_
5. Scheduled Board Action Date 2/14/98
6. Board Action:  
\_\_\_\_\_ Approval  
 Approved With Conditions (See #7)  
\_\_\_\_\_ Disapproved (See #8)
7. Conditions: VARIANCE GRANTED SUBJECT TO CONDITION THAT  
A SPLIT RAIL FENCE BE CONSTRUCTED ALONG THE CORNER OF  
THE HOUSE AT LOT # 34 & # 31
8. Reasons For Disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BCPC:7/11/88

STAFF REPORT

#2

DEVELOPMENT: Single family residence  
APPLICANT: Claude Robinson  
LOCATION: lot 33, Williamsburg West Subdivision  
ZONING: Suburban Residential One (SR-1)  
DATE: February 14, 1990

REMARKS:

The applicant is requesting a rear yard Variance to allow the construction of a single family residence. The 0.23 acre lot, located on Burgess Lane (lot 33 Williamsburg West Subdivision), is zoned Suburban Residential One (SR-1) and is owned by Claude Robinson.

Attached is a reduced copy of Section VI, of the Williamsburg West Subdivision which shows the relationship of lot 33 to the other lots in the area. Also attached is a copy of the applicant's plot plan showing a 1,093 square foot house (26' 8" X 41') with a twenty-two (22) foot rear yard setback rather than the required thirty (30) feet. Finally, the buildable area of the lot is indicated on third attached plan.

Staff believes that, if granted, this Variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, nor will it allow an unreasonable circumvention of the requirements of the zoning regulations. In reporting on this belief, the following were considered:

- a. The requested Variance arises from the special circumstance of an irregular lot shape. Since it is located on a curve in the road, the lot is not as deep as all other lots in this section of the subdivision.
- b. Strict application of the setback requirements would allow only a limited and unusual buildable area on the lot.
- c. This special circumstance is not the result of action if the applicant taken subsequent to the adoption of the zoning regulations.

At this writing, Staff has no concerns with this request. However, an adjoining property owner, Mr. Jim Elliott, has requested that the Board require a split

STAFF REPORT - CLAUDE ROBINSON  
FEBRUARY 14, 1990

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PAGE 2

rail fence (or other appropriate fence) to "protect" the area from "future encroachments" and "avoid misunderstandings between neighbors". A copy of his letter is attached.

Respectfully submitted,



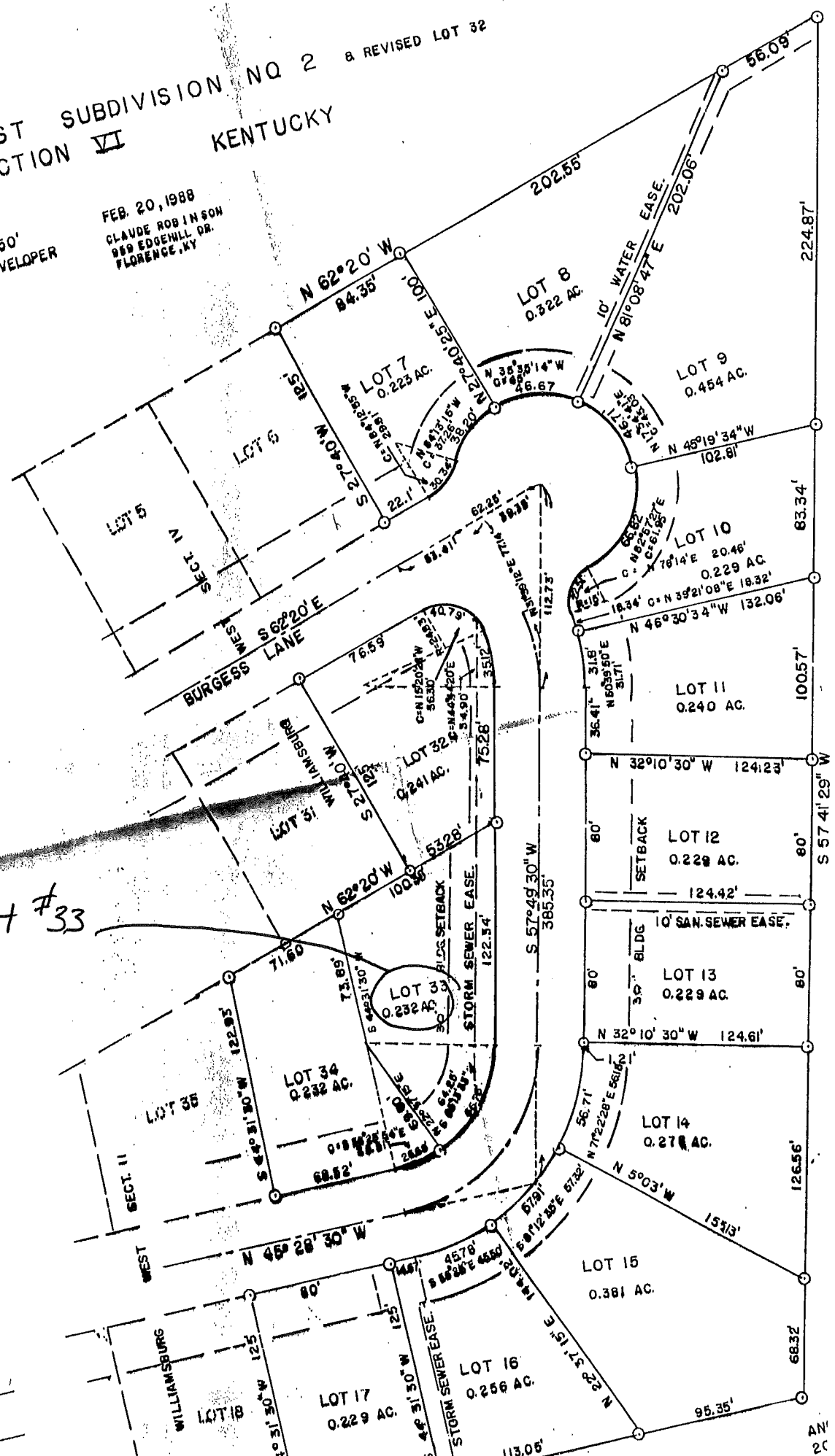
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Thomas W. Breidenstein  
Zoning Enforcement Officer

TWB:kat

FLORENCE MSBURG WEST SUBDIVISION NO 2 & REVISED LOT 32  
SECTION VI KENTUCKY

FEB. 20, 1988  
CLAUDE ROBINSON  
959 EDGEHILL DR.  
FLORENCE, KY  
Scale - 1" = 50'  
OWNER-DEVELOPER



OF  
RT

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MITTED  
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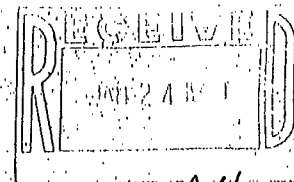
lot #33

(S) OF THE PROPERTY  
THIS PLAT OF  
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DEDICATE ALL STREET,  
BLIC OR PRIVATE USE  
THE PROPERTY SHOWN  
K 378, PAGE 277 OF  
AND THAT FOR ACCEPTANCE  
ON THE APPROPRIATE

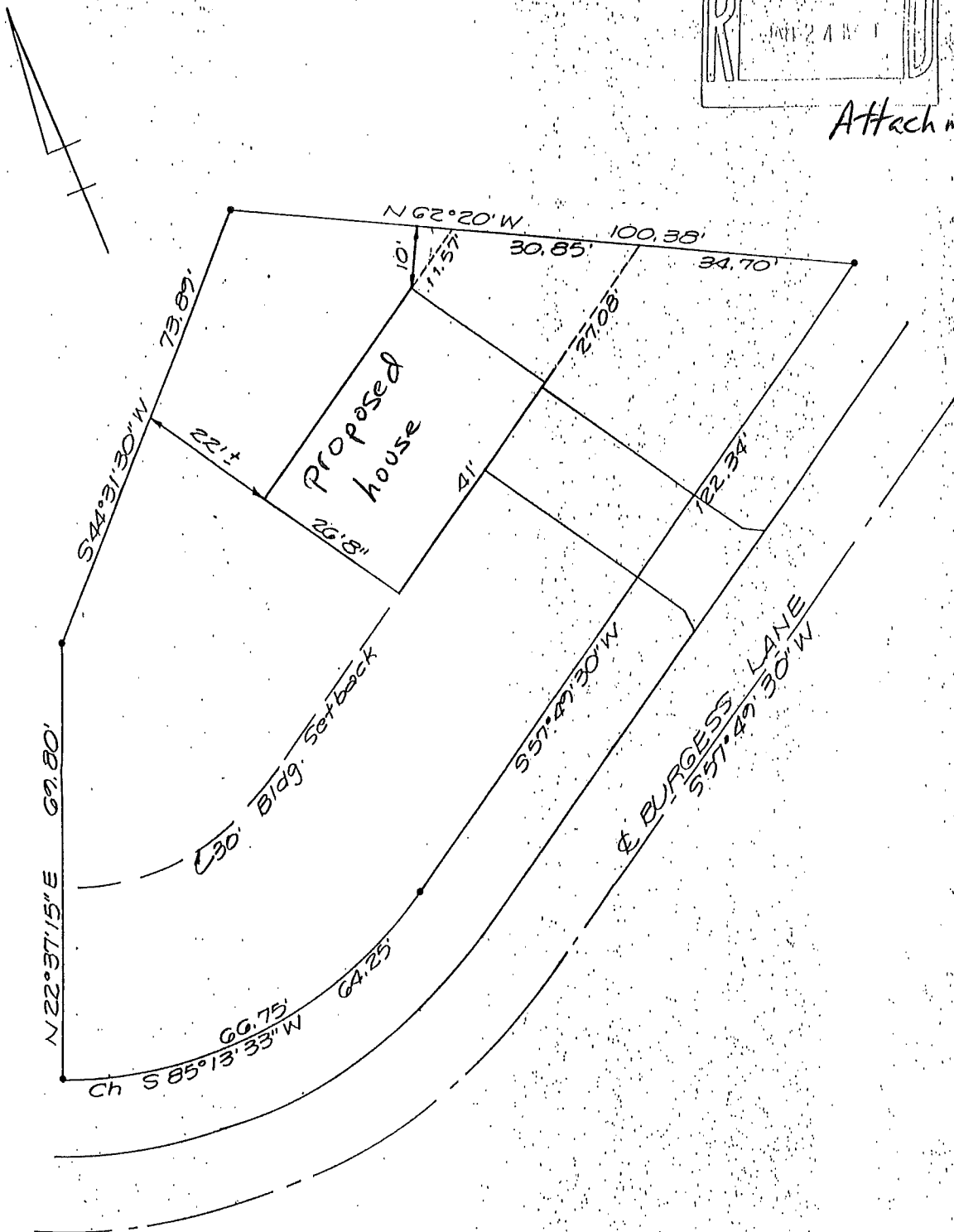
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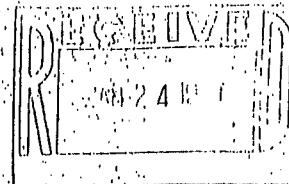
Attachment 2



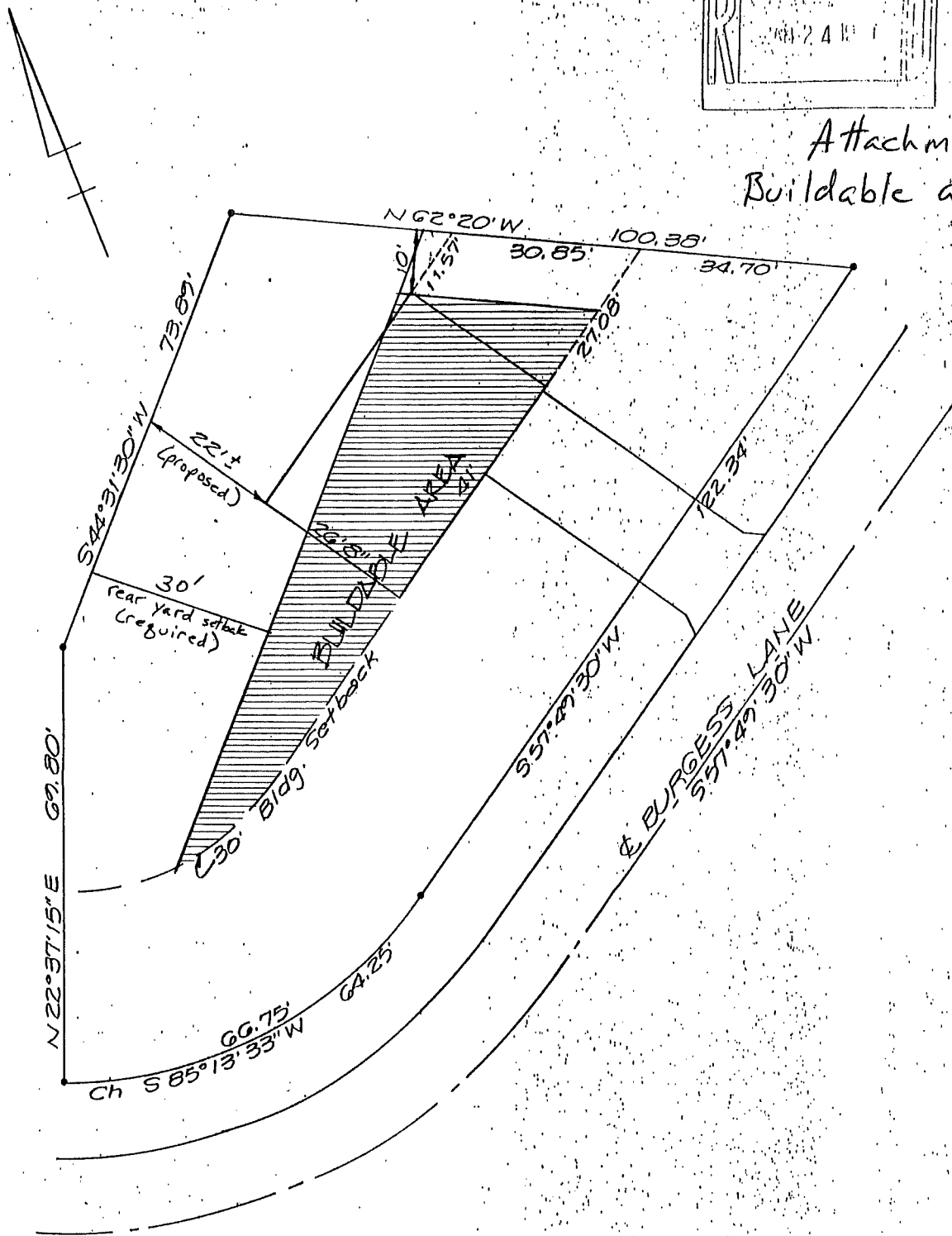
SITE PLAN  
 Lot 33  
 Williamsburg West

Engineer: Raymond Erpenbeck  
 Consulting Engrs.  
 4205 Dixie Highway  
 Elsmere, Ky. 41018

Scale: 1" = 20' Date: Jan. 1990



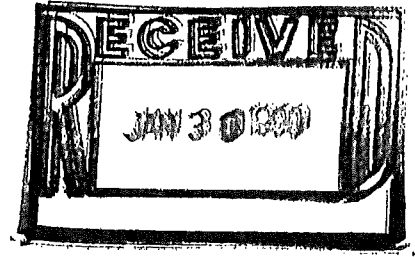
# Attachment 3 Buildable area



SITE PLAN  
 Lot 33  
 Williamsburg West

Engineer: Raymond Erpenbeck  
 Consulting Engrs.  
 4205 Dixie Highway  
 Elsmere, Ky. 41018

Scale: 1" = 20' Date: Jan. 1990



January 27, 1990

Tom Breidenstein  
Zoning Enforcement Officer  
Boone Co. Planning Commission  
PO Box 697  
Burlington, Ky 41005

Reference your letter of 1-26-90 concerning lot 33, Williamsburg West Subdivision.

I have no objection to having a home constructed on Mr. Robinsons lot however I strongly feel that 22 feet for a back yard is probably insufficient for most families needs. To avoid future conflicts, I would request that Mr. Robinson be required to erect a split rail fence(of a like kind predominately found in the area). This would protect the surrounding property owners from future encroachments by the new homeowners and avoid misunderstandings between neighbors.

I will look forward to meeting you personally at the public meeting as announced in your letter.

Sincerely,

A handwritten signature in cursive script that reads "Jim Elliott".

Jim Elliott  
211 Burgess Ln.  
Florence, Ky 41042

CITY OF FLORENCE  
BOARD OF ADJUSTMENT

February 14, 1990 - 7:30 P.M.

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Mr. Charles Holland, Chairman, called the meeting to order at 7:30 P.M..

BOARD MEMBERS PRESENT:

Mr. Ashcraft  
Mr. Ewing  
Chairman Holland  
Mr. White

BOARD MEMBERS NOT PRESENT:

Mrs. Ward

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Counselor Wilson stated that Mr. Ewing had taken the oath.

Approval of the Minutes:

Chairman Holland stated that each Board member had received a copy of the Minutes of the Board of Adjustment Meeting of January 10, 1990 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Ashcraft moved that they be approved as mailed. Mr. White seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Glenn C. Utz for Variances in the width of an access driveway and in the width of a driveway aisle. The 0.34-acre site, located on the southeast side of U.S. 42 between the White Castle Restaurant and the law office of Knapmeyer and Wilder, is zoned Commercial Services (C-3) and is owned by Cecil Burdell and Quetta Longo. This request was deferred at the January 10, 1990 meeting.

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Holland stated that at the last meeting, there was question in regard to the width of the driveway. He asked if the driveway had been measured.

Mr. Tulley stated that he measured the driveway, as did the applicant's engineer, and it was found to be 9.55 feet from the corner of the porch to the property line. This measurement was indicated to be ten feet at the last meeting. Mr. Tulley stated that one would be able to maneuver a car through there with the elimination of the stairs. The concrete-type curb would have to be 4 or 5 inches wide, leaving nine feet, which is the width of a parking stall.

Mr. Wilder, attorney and adjoining property owner, stated that his concerns are still the same. He stated that if this request is granted, it will create a hazard for his property. He stated that there is still a tax base on the property if it is residential.

Chairman Holland stated that Mr. White had also measured the driveway and had given an estimate of 9'2". Mr. Ashcraft stated that a car could get back there and the driveway is usable. Mr. Ashcraft added that he is not sure the property is suitable for residential use and, if it is not suitable for commercial use, then it is only suitable for attachment to the adjoining property.

Mr. Wilder stated that the building could be torn down. The lot is 300 feet deep and a building could be built on the back of the lot. Mr. Ashcraft commented that it would be a very narrow building.

Mr. Wilder stated that everybody else along the street had to live up to all the building and zoning standards and an exception should not be made for this one property.

In response to questions from the Chairman, Mr. Tulley advised that it was originally thought that the property was zoned O-2, but the Zoning Administrator determined that it is zoned C-3.

Mr. Wilder questioned how a blacktop machine and equipment would get to the rear of the property. Dr. Utz advised that a cement truck would be a smaller vehicle. Mr. Tulley stated that the Staff would not object to concrete.

Mr. Wilder stated that the tree trimmers would not be able to get to the back of the lot and the trees are all grown up. He stated that the walls and the barbecue pit would have to be removed to put in the parking lot and questioned how this could be done.

Chairman Holland stated that Mr. Wilder's points may be valid, but he is not in construction and cannot answer his questions. Mr. Ashcraft stated that these are not concerns for the Board to address.

Chairman Holland asked if anyone else wished to speak.

There being no further comments, Mr. Ashcraft moved that the Variances be granted subject to the condition that the applicant install a curb and that any change in the use of the property from a dental office must be appealed to this Board. Mr. White seconded the motion.

Mr. Wilder stated that it had been indicated that there would be one dentist and two employees and questioned if there would be more dentists.

Dr. Utz stated that his intentions were for a total of three to four employees, with two or three chairs at the most. There is not room for more than this. He stated that the nutritional counseling will be done by the dentists.

The Chairman asked for a roll call vote on the motion made by Mr. Ashcraft and it carried unanimously.

2. The request of Claude Robinson for a rear yard Variance to allow the construction of a single-family residence. The 0.23-acre lot, located on Burgess Lane (lot #33, Williamsburg West Subdivision), is zoned Suburban Residential One (SR-1).

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Holland commented that the excavating had already been started. He asked who was present to speak in regard to this request.

Mr. Claude Robinson, the builder, stated that this will be a two-story house, with each floor being 2,200 sq. ft..

Mr. White stated that there is concern about the split rail fence.

Mr. Jim Elliot, 211 Burgess Lane, stated that the split rail fence will conform to the other fences in the neighborhood. He stated that they want an obvious property line so that the people coming in do not have a misunderstanding. (See Mr. Elliot's letter dated January 27, 1990 which is attached to the Staff Report.)

Mr. Ashcraft stated that the Board can ask that the fence be built, but cannot impose the maintenance of the fence on the eventual owner.

Mr. Elliot stated that the split rail will hold up better and require less maintenance. Mr. White commented that the idea of the fence is the power of suggestion as to the property line.

Mr. Hoppenjans stated that his property is Lot #34. Mr. Hoppenjans, Mr. Elliot, Mr. Robinson, and the Board members reviewed the Plot Plan and Mr. Robinson indicated where he would put the fence.

Chairman Holland asked if there was anyone else present who wished to speak.

There being no response, Mr. White moved that a Variance of eight feet be granted subject to the condition that a split rail fence be constructed along the corner of the house at Lot #34 and #31 (the Hoppenjans property and the Elliot property) as discussed and reviewed on the Plan. Chairman Holland seconded the motion and it carried unanimously.

BOARD ITEMS:


1. Chairman Holland stated that the election of officers will be held at the March meeting and the current officers will continue until that time.
2. Chairman Holland asked that a letter be sent to Mrs. Meihaus thanking her for serving on the Board and wishing her well in her elected office.

There being no further business to come before the Board, Mr. White moved that the meeting be adjourned. Chairman Holland seconded the motion. The meeting was adjourned by unanimous consent at 8:10 P.M..

APPROVED:

  
Charles F. Holland, Chairman

Attest:

  
Jan Hancock, Recording Secretary