

REVIEW NO. \_\_\_\_\_

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 James T. Bowling  
Phone Number (606) 283-1533  
Applicant's Address 8467 Partridge Circle  
Florence Kentucky 41042  
City State Zip
4. Description of Request: Existing home built on this lot does not meet the required 25' setback line. Right corner front (Garage side) sets inside the setback line 2 feet 2 inches. Please issue a variance on this issue.
5. Name of Development N/A
6. Location of Development N/A
7. Acreage Under Review N/A
8. Lot Number and Name of Subdivision (if part of a subdivision)  
Lot # 82 Pheasant Run Subdivision (Section 3)
9. Owner of Property James T. & Rhonda L. Bowling  
Phone Number 283-1533 - Home Work 786-2858
10. Address of Property Owner 8467 Partridge Circle  
Florence Kentucky 41042  
City State Zip
11. Proposed Use(s) On Site Existing residential single family ranch home, with one car attached garage
12. Total Square Footage of Existing and/or Proposed Buildings  
1393.6 Square feet total House and garage
13. Current Zoning on Property Residential
14. Deed Book 370 Page No. 31 Group No. 1482
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: James T. Bowling
19. Property Owner's Signature: James T. Bowling

APPLICATION FORM  
BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 8-22-90
2. Fee Received \$ 231.00 R
3. Is application complete? ✓ Yes \_\_\_\_\_ No
4. Staff Reviewer Amy Moore
5. Scheduled Board Action Date 9/12/90
6. Board Action:  
\_\_\_\_\_  Approval  
\_\_\_\_\_  Approved With Conditions (See #7)  
\_\_\_\_\_  Disapproved (See #8)
7. Conditions: None  
\_\_\_\_\_  
\_\_\_\_\_
8. Reasons For Disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## STAFF REPORT

#1

DEVELOPMENT: existing home  
APPLICANT: James T. Bowling  
LOCATION: 8467 Partridge Circle, Florence, Kentucky  
ZONING: Residential One Family (R1F)  
DATE: September 12, 1990  
REMARKS:

The applicant is requesting a Variance in the minimum front yard setback requirement. The site is approximately 0.25 acres and is located at 8467 Partridge Circle, Florence. The property is owned by James T. and Rhonda L. Bowling.

Article 8, Section 896 of the Boone County Zoning Regulations states minimum setbacks for any structure constructed in a Residential One Family (R-1F) zone. On December 8, 1977, a Final Plat for this lot was approved by the Boone County Planning Commission. The Plat illustrated a 25 foot building setback line. During August, 1986 a zoning permit was issued for this site.

The following reviews the seven criteria the Board must use to judge each variance request:

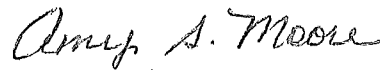
1. If granted, the Variance will not adversely affect the public health, safety or welfare.
2. The Variance will not alter the essential character of the general vicinity.
3. The Variance will not cause a hazard or a nuisance to the public.
4. The Variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.
5. This lot was not subject to any special circumstances that land in the general vicinity or in the same zone did not have.
6. The strict application of the provisions of the regulations would create a hardship on the applicant.
7. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

STAFF REPORT - JAMES BOWLING  
SEPTEMBER 12, 1990

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Attached to this report is a copy of the Final Plat with the location of the existing house illustrated.

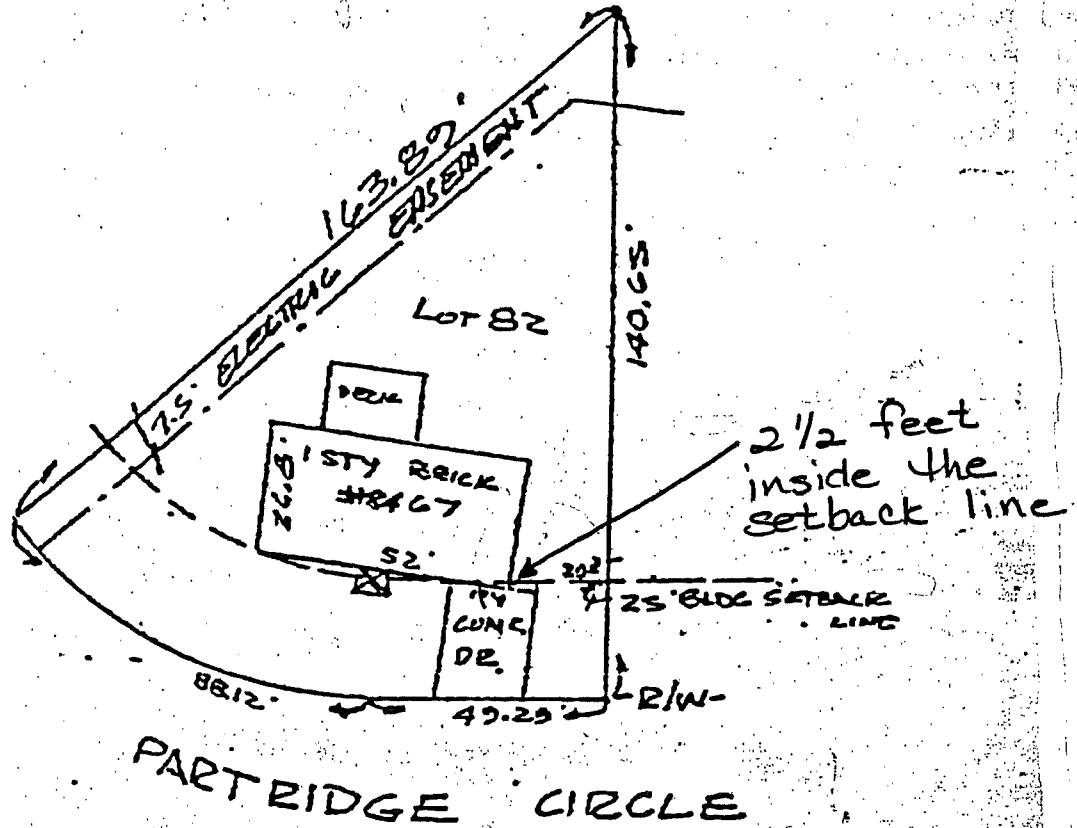
Respectfully Submitted,

A handwritten signature in cursive script that reads "Amy S. Moore".

Amy S. Moore  
Plans Examiner/Planner I

ASM:kat

James T. Bowling  
Variance request



STATE OF KENTUCKY  
ANDREW R. AMENT  
1728  
REGISTERED  
LAND SURVEYOR

FLORENCE BOARD OF ADJUSTMENT  
BUSINESS MEETING

September 12, 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  
Mrs. Ward  
Mr. White

BOARD MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Chairman Holland stated that the Board members had received a copy of the Minutes of the Board of Adjustment Meeting of August 8, 1990 and asked if there were any comments or corrections.

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

Agenda Items:

1. The request of James T. Bowling for a Variance in the minimum front yard setback requirement. The 0.25-acre (approx.) site is located at 8467 Partridge Circle, Florence, Kentucky. The property is zoned Residential One Family (R1F) and is owned by James T. Bowling.

Staff Member, Amy Moore, presented the Staff Report which included a slide presentation (see Staff Report).

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

Mr. James Bowling, the applicant, was present but stated that he had nothing to add to the Staff Report.

There being no discussion of the request, Mr. White moved that it be approved granting the 2½-foot Variance. Mr. Ashcraft seconded the motion and it carried unanimously.

2. The request of Dr. Stewart Biederman, Ed. D., for a Conditional Use Permit for a child day care center. The 1.10-acre site is zoned Office Two (O-2) and is located on the northwestern side of Dream Street, Florence. The property is owned by the Monohan Development Company.

Staff Member, Amy Moore, presented the Staff Report which included a slide presentation (see Staff Report).

In response to a question from the Chairman, Mrs. Moore advised that the Comprehensive Plan indicates that day care centers should be located in the area of an employment district so that the employees in the area can use the facility.

Chairman Holland asked if there was anyone present who wished to speak in regard to the request.

Mr. Ed Mulligan advised that based on the current zoning, the development will have to be all offices. It is not really a restaurant district.

Mr. Ashcraft questioned the affect of the noise of the airplanes on the facility, as well as the noise of I-75. He also asked about the ages of the children.

Dr. Biederman advised that the children will be from 18 months to Kindergarten age. He added that they have a 4-foot chainlink fence in all of their centers and they do not turn a lot of children loose at once. Their child/staff ratio is the same outside as it is inside. He stated that this part of the street is a quiet area. The location is close to the expressway exit and is set back from the traffic problems.

Chairman Holland questioned the hours of operation and Dr. Biederman advised that the facility is open from 6 A.M. to 6 P.M.. Chairman Holland asked that the applicant address the issue of the fence.

Mr. Ewing noted that there is an 8-foot chainlink fence on each side. Mr. Ashcraft noted that this fence belongs to the Highway Department.

Dr. Biederman stated that he is concerned about the safety of the children, but an 8-foot fence seems too high.

Chairman Holland asked if this building will look exactly like the one on Turfway. Dr. Biederman stated that it will be basically the same, but there will be some changes.

Chairman Holland asked if it would be a circular driveway, or pull-in and pull-out. Dr. Biederman advised that it is a pull-in and pull-out type of entrance.

Mrs. Moore advised that there is more parking on the site than the regulations require, which should help with the parents coming in. Mr. Ewing added that there are 21 parking spots and they only need ten.

Mr. White noted that when the new north/south runway opens, the flights will go right over this site. He advised that the airport will show people how to soundproof buildings in the flight path. Mr. White asked if the noise level is a proper consideration.

Counselor Wilson advised that it is a proper consideration in the overall question of whether the proposed use is suitable for the location. He noted that this is not a mandatory school for children.

Chairman Holland commented that he believes it would be better to soundproof the building now, rather than later. He noted that it may be a selling feature that the building is relatively soundproof.

Staff advised that the site is in the 70 LDN Zone. Counselor Wilson stated that he believes 70 LDN is not recommended for residential use. In the 70 LDN zone, you have to stop talking when you are outside and a flight goes over. Counselor Wilson advised that it is appropriate to let the applicant know the site is in the 70 LDN and he may want to take steps to make his business viable in this location.

Chairman Holland asked that the issue of the fence be resolved.

Dr. Biederman stated that the full-day program has children up to Kindergarten age, but the before and after school program has children up to age 8. He stated that a six-foot fence would be fine.

There being no further discussion, Chairman Holland moved that the Conditional Use Permit be granted, subject to the condition that there be a six-foot chainlink fence, and with a recommendation that they add soundproofing in consideration of the LDN and investigate the new regulations regarding noise. Mr. Ashcraft seconded the motion and it carried unanimously.

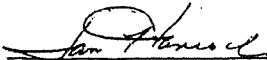
There being no further business to come before the Board, Mr. White moved that the meeting be adjourned. Chairman Holland seconded the motion. The meeting was adjourned by unanimous consent at 8:40 P.M..

APPROVED:



Charles F. Holland, Chairman

Attest:



Jan Hancock, Recording Secretary