

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 FENTON PAINTER  
Phone Number 525-6821  
Applicant's Address 131 BURGESS LANE  
FLORENCE KY 41042  
City State Zip
- 4. Description of Request: ADDITION OF GARAGE TO  
FIRST FLOOR OF HOME TO ALLOW EASIER ENTRY INTO  
HOME BECAUSE OF HANDICAP.
- 5. Name of Development WILLIAMS BORG WEST SUB #2 Sect #1
- 6. Location of Development FLORENCE, KY
- 7. Acreage Under Review 10.197 SQ FT
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
# 27 WILLIAMS BORG WEST
- 9. Owner of Property FENTON PAINTER  
Phone Number 525-6821
- 10. Address of Property Owner 131 BURGESS LANE  
FLORENCE KY 41042  
City State Zip
- 11. Proposed Use(s) On Site ADDITIONAL GARAGE
- 12. Total Square Footage of Existing and/or Proposed Buildings  
1800 EXISTING, 616 ADDITIONAL PROPOSED
- 13. Current Zoning on Property 30' SET BACK FROM REAR PROPERTY LINE
- 14. Deed Book 360 Page No. 65 Group No. 1317
- 15. Is the site subject to a zone change? YES  
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? YES
- 18. Applicant's Signature: Fenton Painter
- 19. Property Owner's Signature: Fenton Painter

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 10-25-90
2. Fee Received 226.00
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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Reasons For Disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# STAFF REPORT

#1

DEVELOPMENT: Williamsburg West  
APPLICANT: Fenton Painter  
LOCATION: 131 Burgess Lane  
ZONING: Residential One Family (R1F)  
DATE: November 14, 1990

## Remarks:

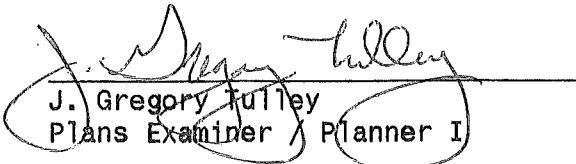
The applicant is seeking a Variance to allow a reduction in the rear yard setback. The 0.25 acre site is located in the Williamsburg West Subdivision, and is owned by Fenton Painter.

The applicant is requesting a 15' reduction in the rear yard setback from the required 30' to 15' in order to build a garage that will have easier access to an existing house.

The Board must make certain considerations on determining the findings necessary for granting Variances in Boone County. These are addressed below.

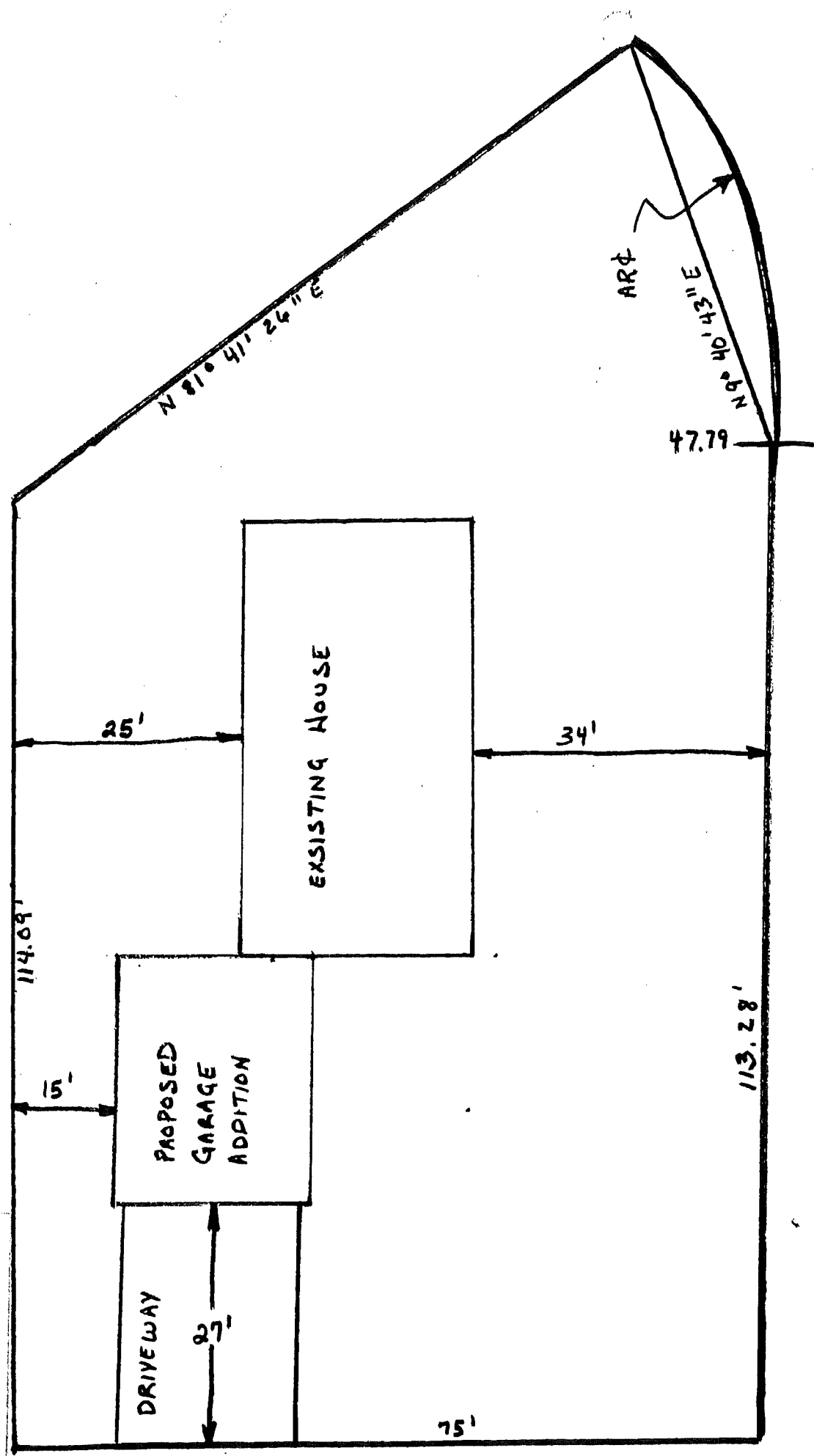
1. The requested Variance must arise from special circumstances that do not generally apply to the general vicinity or same zone. Staff can not determine any special circumstances relating to the general vicinity or same zone.
2. Strict application of the Boone County Zoning Regulations would require the applicant to adhere to the 30' rear yard setback.
3. The above mentioned circumstance is a result of the applicant's desire to have a more convenient entrance to his house due to a handicap. A letter has been submitted by the applicant addressing this issue, and it is attached.
4. If granted, staff does not feel that the public health, safety, or general welfare will be adversely affected or the essential character of the general vicinity will be altered.

Respectfully submitted,

  
J. Gregory Fulley  
Plans Examiner / Planner I

JGT:kat

PROPOSED GARAGE ADDITION  
FOR: FENTON PAINTER  
131 BURGESS LANE  
FLORENCE, KY.



BURGESS LANE

BURGESS LANE

RECEIVED  
OCT 25 1990

Fenton Painter  
131 Burgess Lane  
Florence ,Ky. 41001

10-25-90

Thomas W Breidenstein  
Zoning Enforcement Officer  
Boone County Planning Commission  
P.O. Box 596  
2950 Washington ST.  
Burlington, KY. 41005

Dear Mr. Breidenstein:

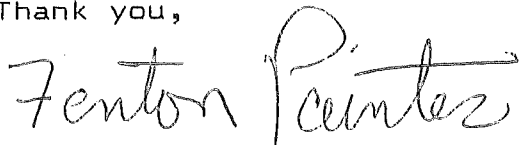
I would like to build the proposed garage onto my house so I can have access to the upper floor of my house without the use of steps. My left leg was amputated in 1973, and I use an artificial leg to walk with. The layout of my house (a split level) makes it necessary to use the Stairs every time I enter the house, This is very uncomfortable and a hardship for me.

Because of the odd shape of my lot and the slope of the side yard, the only place to put a upper floor level garage with a flat driveway is illustrated on my site plan.

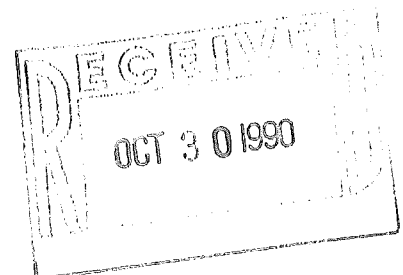
This garage would adhere to the zoning and building requirements except one: it would need to be closer to the back of my property line than is allowed in our zone (15 feet verses 30 feet) . That is why I am applying for this variance.

This garage will in no way affect public health safety or welfare, and it will not alter the essential character of the general vicinity.

Thank you,



Fenton Painter



FLORENCE BOARD OF ADJUSTMENT  
BUSINESS MEETING

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

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Mr. Charles Holland, Chairman, called the meeting to order at 7:35 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

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

Counselor Wilson advised that on Page 2 of the Minutes, "Burt Metzger" should be "Ferd Metzger".

Mr. Ewing moved that the Minutes be approved as amended. Chairman Holland seconded the motion and it carried unanimously.

Agenda Item:

1. The request of Fenton Painter (applicant) for Williamsburg West Subdivision for a Variance to allow a reduction in the rear yard setback. The 0.25-acre site is located in the Williamsburg West Subdivision, and zoned Residential One Family (R1F). The site is owned by Fenton Painter.

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report). He noted a letter from the applicant that was included in the packet and stated that the need for the Variance was due to a handicap.

Chairman Holland asked if it would be possible to use a front entrance garage.

The contractor for Mr. Painter advised that the house is a split level and Mr. Painter wants the garage at top floor level so that he does not have to climb the stairs. It is hard for him to climb the stairs and the problem gets worse as he gets older.

Mr. Ashcraft questioned the distance of the proposed garage from the property line. Mr. Painter reviewed the drawing with him noting that the neighboring house is 15 to 20 feet from the property line and the closest corner is the basement, which is not part of their living area. Mr. Painter stated that he has talked to Mr. Petty, his neighbor, and he did not seem to have a problem with the proposal. He noted that Mr. Petty was not present, but he was on the list to receive notification.

Mr. Ashcraft questioned the size of the garage. Mr. Painter advised that it is a two-car garage measuring 22' x 26'. He will close the garage that currently faces Burgess Lane and use it for a bedroom.

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

The contractor advised that the existing garage will be used for a bedroom and will be made to look good to the other side of Burgess Lane. Mr. Painter added that he will leave the existing driveway pad for off-street parking in the future.

There being no further discussion, Mr. Ewing moved that a Variance of 15 feet in the rear yard setback be granted. Mr. White seconded the motion and it carried unanimously.

2. The request of William M. Jordan (applicant) for Performance Automotive Center for a Variance in the number of free-standing signs, the number of building-mounted signs, and in the height of a free-standing sign. The 8.3-acre site is located at 8025 Action Boulevard, Florence, Kentucky and is zoned Commercial Services (C-3).

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

Chairman Holland questioned why the additional signs were needed.

Mr. William Jordan, representing Performance Auto Mall, stated that their General Manager, Jim Blanton, and Mike Dever, President of Auto Manage, Inc., were also present. Mr. Jordan stated that the products of Mazda and Pontiac have been purchased and are being integrated into the Nissan facility. The additional products require additional signage. He stated that they are allowed one fascia sign per elevation. They propose a Performance sign on the expressway side, a Mazda sign on the north side -- which currently has

a Nissan Truck sign and Nissan channel letters which will be removed, a "Performance Nissan" sign on the south elevation, and the smallest Pontiac sign that is available from the manufacturer on the elevation towards the mall -- the sign will contain the GM emblem and "Pontiac". He stated that this is referred to as the west elevation in the packet. They told the GM signage installer that the sign is 12'6", but he showed it as 13'4". On this same (west) elevation there would be a single-faced Mazda sign which would go under the roof and to the left of the Pontiac sign. Mr. Jordan stated that the site drops drastically and they have terraced areas for the vehicles. The products are 25' to 30' below the level of the showroom floor. The sign would only be obvious from the lower elevation. The sign will show the on-site customers the location of the Mazda showroom. The Pontiac sign is in front of the Pontiac products and the Nissan sign is in front of the Nissan showroom. The sign on the north side is a Mazda channel letters sign. They are removing 42 feet of sign there. He added that Mazda today requested that he ask for 36" high letters rather than 24" high letters -- which is only 51.75 square feet and the code allows them 241 square feet. He stated that they are only at 21% of their allowable signage area. They are asking for three signs on the west elevation and they equal 38% of the sign area allowed on this face of the building. They are proposing the smallest signs available to try to identify the specific parts of the building where the products are located so that their customers can come to the proper location for the product they want.

Mr. Jordan stated that the pylon sign is in the extreme northeast portion of the site. It is 680 feet from the existing Nissan sign and 520 feet from the proposed Mazda sign. He stated that the locations of the signs are remote from the existing Nissan sign. He stated that the packet refers to the Nissan Truck Sign, but it is a Nissan Used Car Sign, and it is being removed and the Mazda sign will be in its location. They purchased the Mazda sign with the products and would like to use it. It is an existing sign in the city now and would help to better identify the multitude of areas in which they will market products. The Pontiac pylon sign in the extreme northeast portion of the site is 47 feet high, and is currently at the Williams dealership. The sign was damaged and is being repaired. He stated that they are obligated to request the same size sign that is currently at the dealership.

Chairman Holland asked if the sign will be lighted.

Mr. Jordan stated that it will be lighted, and it is the same as the one at Cadillac. It is a 226.25 square foot sign, which is smaller than what is allowed. He stated that the conglomerate size of all of their signs is under the allowable size for free-standing signs. Mr. Tulley agreed with his comments.

Mr. Jordan stated that it is their objective to reeducate the public looking for these products which are no longer on the east side of the expressway and to guide customers when they are within the facility.

Mr. Jordan stated that they chose the most remote corners of the site for the signs in hopes that the distance between the signs would be in keeping with the Signage Code goals to reduce the number of signs. He stated that they are obligated to ask for the existing sign at the Williams dealership. He stated that if the trend in the automotive industry of having more and more products at fewer locations continues, he can see problems arising in other locations in regard to the signage regulations. He stated that their site has 25 service bays, 3 large showrooms, and has been historically hindered by the amount of land available. They are developing the other side of Action Boulevard for a used car facility, with a lot of new car inventory and employee parking on the north side. They will be locating a used car building on the north side of Action Boulevard and are not asking for any signage, other than a fascia sign. It is his understanding that they would be allowed to place the Pontiac sign on that side of the road. If that is done, his concern is that customers would go to the used car building in search of Pontiacs and would then have to get back in their car and drive to the other facility.

Chairman Holland questioned how many cars are allowed on the lot.

Mr. Tulley stated that they can pack the lot as much as they want, provided that the aisle dimensions are kept to 25 feet.

Mr. Ashcraft questioned the sign on which Mazda requested the 36" letters.

Mr. Jordan advised that it is the sign on the north elevation. The standard manufacture size is 36". He stated that it would be 51.75 square feet, which is 21% of the allowable area. He stated that it is not a request for a Variance as it is a legal sign. He stated that they are asking for Variances for the Mazda and Pontiac signs on the west elevation. The Pontiac sign will be on the outside face under roof and the Mazda sign is primarily visible from their parking lot. It is the only identification on the building to show a customer that it is the Mazda showroom. The other Variance is for the third free-standing sign at a height of 47 feet. The sign existed at the Williams location until it was damaged and it is being repaired. He stated that the new code restricts the height to 40 feet rather than 50 feet.

Mr. Ashcraft asked if they intend to ask for a free-standing sign on Action Boulevard for the used car lot. Mr. Jordan stated that they do not know.

Mr. Dever stated that the north lot is about 4.5 acres and they will blacktop about half of it for new car storage and used cars. They do not need a pole sign for those uses. Five years from now, they may want to have a whole new facility and they would remove the pole sign on this lot and put it on that lot. They would not need an additional sign. They cannot make the sign shorter than 47 feet as it is a standard sign with a sculptured base -- it is not just a pole. He stated that the fascia signs are on three separate showrooms. He stated that they have a strip center selling cars and want the signs over the appropriate doors.

Mr. White stated that the request is in line with what they are trying to do. The Mazda sign is only two feet high and the Pontiac sign will be three feet high. He stated that it is unfortunate that the signs cannot be uniform.

Mr. Jordan stated that the signs are on different faces of the building.

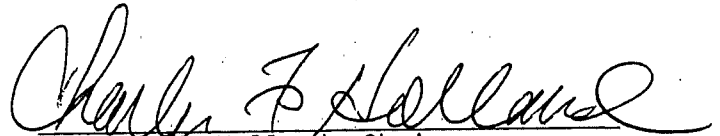
Mr. Ashcraft moved that the following Variances be granted: 1) A seven-foot Variance for the new free-standing Pontiac sign; 2) that an additional free-standing sign be granted, which will be the Pontiac sign; and 3) that three additional building-mounted signs as shown on the submitted drawing be granted. He stated that it is not necessary to address the increase in letter size to 36 inches. Mr. Ewing seconded the motion.

Chairman Holland noted that there was no one present in objection to the request.


There being no further comments, Chairman Holland asked for a vote on the motion made by Mr. Ashcraft 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 8:15 P.M..

APPROVED:

  
Charles F. Holland, Chairman

Attest:

  
Jan Hancock, Recording Clerk