

NOV 19 1991

APPLICATION FORM

RECEIVED

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 Dr. Joseph F. Daugherty II  
Phone Number 371-4000  
Applicant's Address 256 Main St.  
Florence Ky 41092  
City State Zip
- 4. Description of Request: To construct shelter at front entry. Plan Attached.
- 5. Name of Development 10 Girard St
- 6. Location of Development 10 Girard St
- 7. Acreage Under Review Front yard Set-back
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
- 9. Owner of Property Dr. J.F. Daugherty II  
Phone Number 371-4000
- 10. Address of Property Owner 256 Main St.  
Florence Ky 41092  
City State Zip
- 11. Proposed Use(s) On Site existing Hair Styling & Health Services
- 12. Total Square Footage of Existing and/or Proposed Buildings  
780 x 2 = 1960 sq ft
- 13. Current Zoning on Property C-2
- 14. Deed Book 426 Page No. 255 Group No. 208 & 2034\*
- 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? Yes: See Survey.
- 18. Applicant's Signature: J. W. Daugherty
- 19. Property Owner's Signature: J. W. Daugherty

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 11-19-91
2. Fee Received \$ 356.00 R 7354
3. Is application complete?  Yes  No
4. Staff Reviewer \_\_\_\_\_
5. Scheduled Board Action Date 12-11-91
6. Board Action:  
 Approval  
 Approved with Conditions (See #7)  
 Disapproved (See #8)
7. Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Reasons for Disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BCPC:7/11/88

## STAFF REPORT

#1

APPLICANT: Dr. Joseph F. Daugherty II  
DEVELOPMENT: office/commercial  
LOCATION: 10 Girard St., Florence  
ZONING: Commercial Two (C-2)  
DATE: December 11, 1991

### REMARKS:

The applicant is requesting a six (6) foot Variance in the front yard setback to allow the addition of a shelter at the front door entry. The 0.613 acre site, located on the north side of Girard Street, between Lloyd Avenue and Main Street, is zoned Commercial Two (C-2) and is owned by Dr. Daugherty.

### Background

On August 15, 1990, the applicant received Site Plan approval for this project from the Boone County Planning Commission for the conversion of an apartment building to office/commercial. No revisions or additions to the building were approved at that time.

The applicant now proposes to add an overhang onto the front of the building to provide shelter for the entry. This overhang is designed to extend six (6) feet from the front of the building. Since the principal structure already encroaches into the required seventy-five (75) foot front yard setback, a Variance is required for any further encroachment. In effect, the applicant is requesting a Variance from the pre-existing, non-conforming setback of twenty-eight (28) feet to twenty-two (22) feet.

### Review

The following reviews the standards the Board must use in reviewing all Variance requests:

1. Staff can find no reason why, if granted, the Variance would adversely affect the public health, safety, or welfare, would alter the essential character of the area, would cause a hazard or a nuisance to the public, or would allow an unreasonable circumvention of the zoning regulations. The Board should consider the following:
  - a. Staff is unaware of any special circumstances which give rise to this Variance request and which do not generally apply to land in the general vicinity. Generally, all structures in the area have non-conforming front yard setbacks;
  - b. Strict application of the provisions of the setback requirement would deprive the applicant of any type of addition on the front part of his building. The Board must consider whether this prohibition would deprive him of the reasonable use of the land, or would create an unnecessary hardship, and;

- c. Again, since no special circumstances are apparent, Staff cannot advise as to whether they are the result of actions taken by the applicant taken subsequent to the adoption of the zoning regulations.
2. The Board must deny any application that is the result of a willful violation of the zoning regulations. This consideration is unnecessary with this application.

**Conclusion**

Should the Board grant this Variance request, Staff has no conditions to recommend. No further review should be necessary for this addition, if approved.

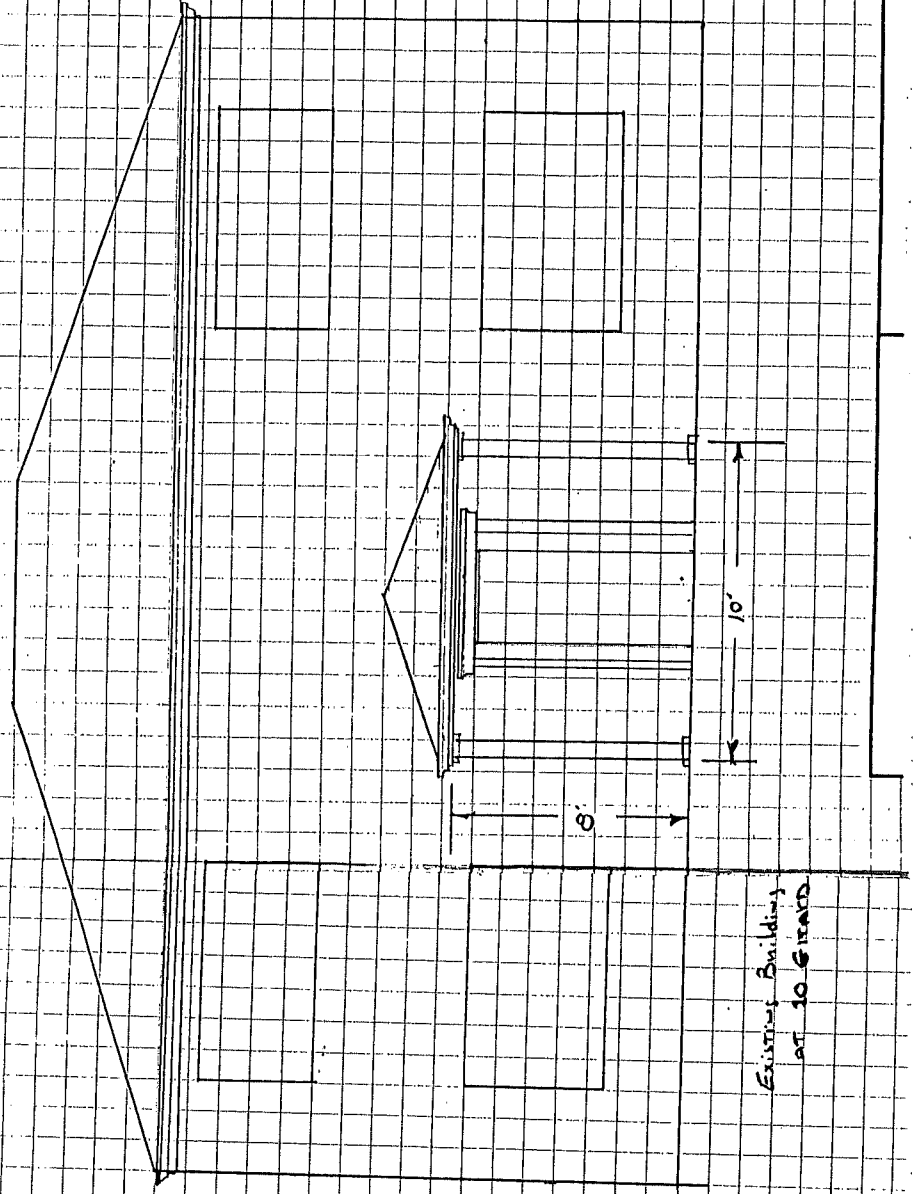
Respectfully submitted,



Thomas W. Breidenstein  
Zoning Enforcement Officer

TWB:kat

Daugherty 12-11-91



2x4 RAFTERS 24" OC  
1/2 Plyform Sheathing  
with stringer

6" A/C Column  
2x8 Beam  
Notched into  
Beam

EXISTING CONCRETE  
SLAB

6'

front edge of building (existing)  
proposed front edge of shelter



Daugherty

12-11-91

10 GIRARD ST

Request for Variance to construct small shelter  
at Front Entry. (Plan Attached).  
C-2 Zone.

- All properties on Girard St are pre-existing non-conforming. Front-yard set-backs vary.
- Neighborhood is in transition from single-family to commercial.
- Shelter will be of convenience to customers, will improve appearance of building and is consistent with design of existing structure. Consists of two wood posts and roof.
- New off-street parking has been constructed in rear. Front yard is unobstructed except for landscaping and sign.

Adjoining Property

Cavanaugh Sewing Center

# 12 Girard

Nelson Chalkberry

# 6 Girard

(J.F. Daugherty

# 8 Girard)

COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Dr. J. F. Daugherty II  
256 Main Street  
Florence, Kentucky 41042

2. ADDRESS OF PROPERTY

10 Girard Street  
Florence, Kentucky 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

N/A

DEED BOOK: 426

PAGE NO.: 255

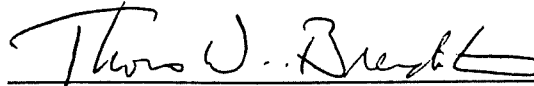
GROUP NO.: 2034A

4. TYPE OF RESTRICTION (S) (Check all that apply)

- |                                     |   |                          |                                 |
|-------------------------------------|---|--------------------------|---------------------------------|
| <input type="checkbox"/>            | Zoning Map Amendment<br>from _____ to _____ | <input type="checkbox"/> | Conditional Use Permit          |
| <input type="checkbox"/>            | Development Plan                            | <input type="checkbox"/> | Conditional Zoning<br>Condition |
| <input type="checkbox"/>            | Subdivision Plat<br>(unrecorded)            | <input type="checkbox"/> | Other: (Specify)                |
| <input checked="" type="checkbox"/> | Variance                                    |                          |                                 |

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2995 WASHINGTON STREET  
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

Thomas W. Breidenstein, Zoning Enforc. Officer  
NAME AND TITLE OF COMPLETING OFFICIAL  
(type or print)

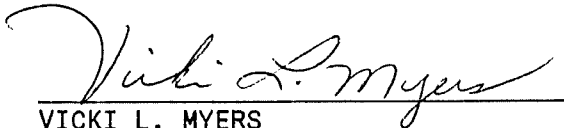
COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Thomas W. Breidenstein

on behalf of the Boone County Planning Commission this 14th day

of January, 1992.

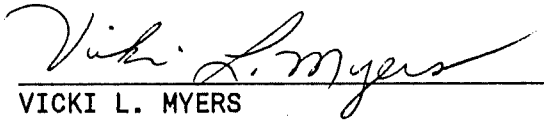


VICKI L. MYERS  
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:



VICKI L. MYERS  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

**NO TITLE EXAMINATION**

(Legal Description and source of Title and Group Number furnished by the applicant.)

BCPC 01/89

CLUR# 91-FBOA-009-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance  
as approved by the Florence Board of Adjustments and in accordance with the  
current zoning in effect as of December 11, 1991, (Certificate of Land Use  
Restriction # 91-FBOA-009-A), for Dr. J. F. Daugherty II, property  
owner.

No Conditions

The approved Variance as well as the preceding conditions apply  
to the property described in: DEED BOOK 426 PAGE NO. 255 Group No. 2034A