

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 STEVEN BUTCHER
 Phone Number 586-8346
 Applicant's Address 3121 KIRKPATRICK CT
BURLINGTON KY. 41005
 City State Zip
- 4. Description of Request: DIMENSIONAL VARIANCE
FOR ~~SETBACKS~~ SETBACKS & PARKING REQUIREMENTS
- 5. Name of Development _____
- 6. Location of Development 35 SHELBY ST FLORENCE
- 7. Acreage Under Review 0.3298
- 8. Lot Number and Name of Subdivision (if part of a subdivision)

- 9. Owner of Property MIKE & BECKY CLAYPOOL
 Phone Number 371-4025
- 10. Address of Property Owner 330 LONGMEADOW LANE
FT MITCHELL KY 41017
 City State Zip
- 11. Proposed Use(s) On Site OFFICE & STORAGE FACILITY
FOR AUDIO / VISUAL EQUIPMENT
- 12. Total Square Footage of Existing and/or Proposed Buildings
PROPOSED BLDG 3840
- 13. Current Zoning on Property C-2
- 14. Deed Book 273 Page No. 251 Group No. _____
- 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
- 18. Applicant's Signature: Steven Butcher
- 19. Property Owner's Signature: Michael A Claypool

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received _____
2. Fee Received _____
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

#2

APPLICANT: Steven Butcher
DEVELOPMENT: office and storage facility for audio/visual equipment
LOCATION: 35 Shelby St., Florence
ZONING: Commercial Two (C-2)
DATE: December 11, 1991

REMARKS:

The applicant is requesting front and rear yard Variances to allow the construction of an office and storage facility for Mac Productions audio/visual equipment rental. The 0.33 acre site, located on the south side of Shelby Street between Burlington Pike and Center Street, is zoned Commercial Two (C-2) and is owned by Mike and Becky Claypool.

Background

Recently, a small, residence on three 42' x 126' lots on Shelby Street lots was burned and removed. The owner and applicant intend to replace it with a 3,840 square foot office and storage facility for their audio/visual equipment rental. The applicant proposes side yard setbacks of 10 feet, a front yard setback of 67 feet, and a rear yard setback of 11 feet (or 15 feet if an alleyway is not considered) for the 80' x 48' building. (see attached exhibit "A"). The Boone County Zoning Regulations require a front yard setback of 75 feet and a rear yard setback of 20 feet in C-2 districts. These setbacks would allow the construction of a 2,400 square foot building only. (see attached exhibit "B").

Review

The following reviews the standards which the Board must use when considering Variance requests:

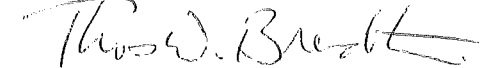
1. Staff can find no reason why, if granted, the Variances would adversely affect the public health, safety, or welfare, would alter the essential character of the area, would cause a nuisance or a hazard to the public, or would allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board must further consider the following:
 - a. Staff can find no special circumstances which give rise to this Variance request and which do not generally apply to land in the area. The small lot size is standard for this part of the City;
 - b. Strict application of the setback requirements would limit the applicant to a structure of 2,400 square feet, rather than the proposed 3,840 square feet. The Board must consider whether this reduced size building (a difference of 1,440 square feet) would deprive the owner of the reasonable use of the land or would create an unnecessary hardship on the owner, and;

- c. Again, no special circumstances were found which were the results of the applicant and which give rise to this request.
2. Finally, the Board must deny any request which is the result of willful violations of the zoning regulations. This requirement does not apply in this case.

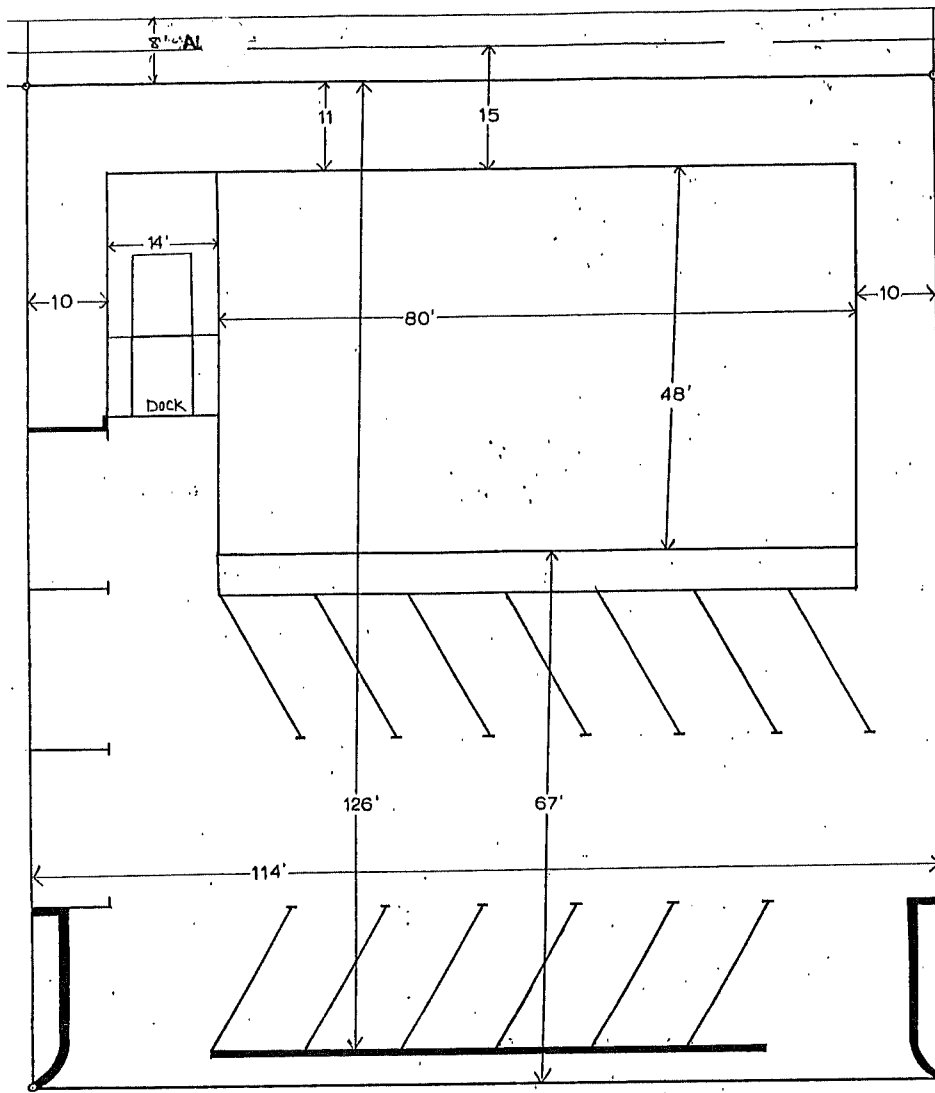
Conclusion

Since this area of the City is in a transitional phase from residential to commercial, Staff would recommend that, if the Variances are granted, adequate landscaping and buffering be provided. This requirement may be reviewed by the Planning Commission at the Site Plan stage.

Respectfully submitted,


Thomas W. Breidenstein
Zoning Enforcement Officer

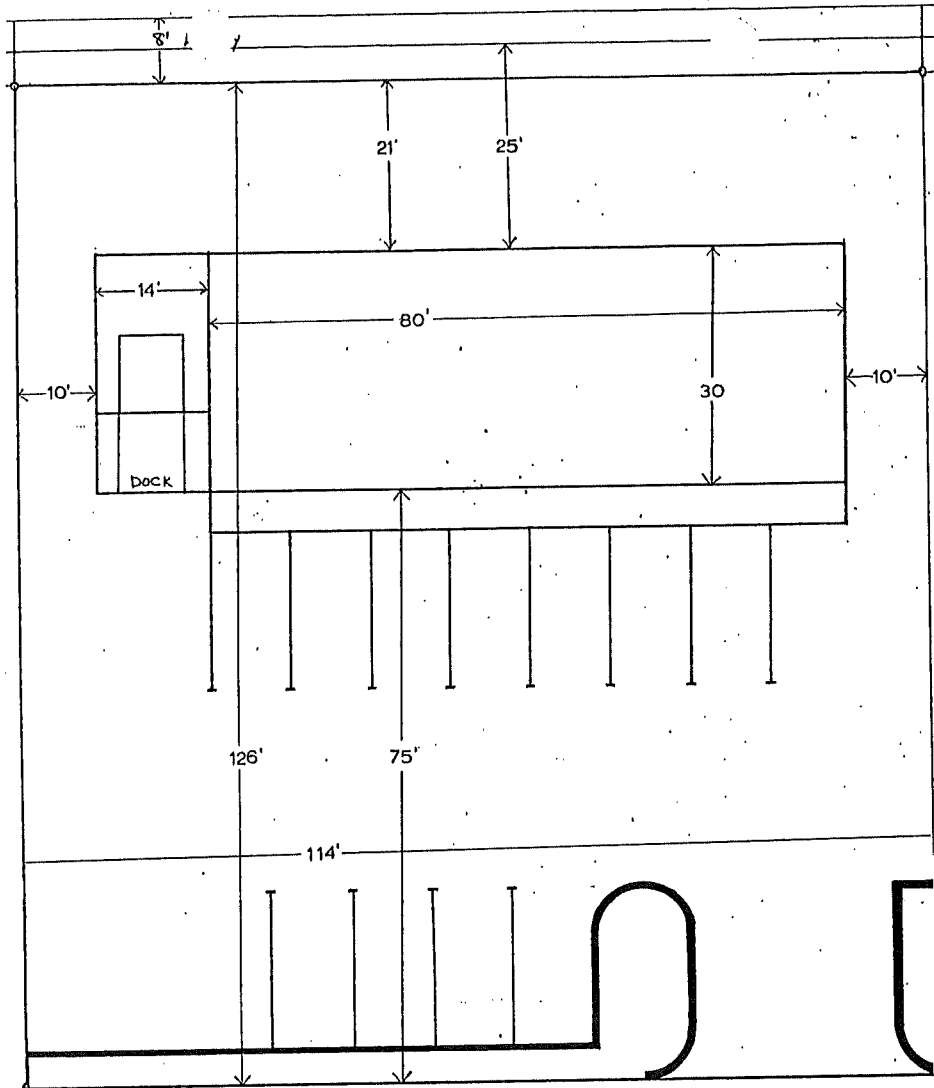
TWB:kat



REVISED PROPOSAL of BUILDING
for Michael & Becky Claypool

35-37
SHELBY STREET

Exhibit "A"
Butcher 12-11-91



PROPOSED BUILDING TO CODE
for Michael & Becky Claypool

35-37
SHELBY STREET

Exhibit "B"
Butcher 12-11-91

COPY

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Mike & Becky Claypool
330 LongMeadow Lane
Ft. Mitchell, Kentucky 41017

2. ADDRESS OF PROPERTY

35 Shelby Street
Florence, Kentucky 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Mac Productions

DEED BOOK: 273

PAGE NO.: 251

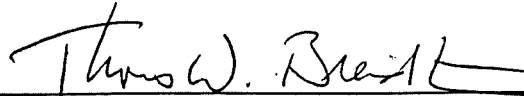
GROUP NO.: 2034A

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

<input type="checkbox"/>	Zoning Map Amendment from _____ to _____	<input type="checkbox"/>	Conditional Use Permit
<input type="checkbox"/>	Development Plan	<input type="checkbox"/>	Conditional Zoning Condition
<input type="checkbox"/>	Subdivision Plat (unrecorded)	<input type="checkbox"/>	Other: (Specify)
<input checked="" type="checkbox"/>	2 Variances		

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.

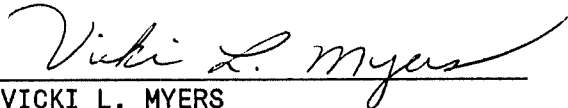


VICKI L. MYERS
NOTARY PUBLIC, State at Large

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

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variances 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-010-A), for Mike & Becky Claypool, property owners.

The above Variances are approved with the following condition: "Mr. Ashcraft moved that the requested Variances be granted with the following condition: that a buffer consisting of white pines, no smaller than four (4) to eight (8) feet in height, be planted on ten (10) feet centers along the entire length of the Craddock property line in order to shield the house from any traffic. Mr. Ashcraft further explained a recommendation that during Site Plan review the Planning Commission take into consideration the drainage pattern from this site which affects all other neighbors as well as the change in elevation which may affect other neighbors."

The approved Variances as well as the preceding conditions apply to the property described in: DEED BOOK 273 PAGE NO. 251 Group No. 2034A