

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Improvement Plan Approval
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Preliminary Plat Approval
- Final or Deed Plat Approval
- Site Plan Review Approval
- Historic District Overlay
- Sign or Zoning Permit
- Appeal or Variance

Applicant: Proctor-Davis-Ray Engineers  Owner  
 Agent  
 Address: 800 Corporate Drive  
Lexington, Kentucky 40503 Telephone: (606) 223-8000

Location: U.S. 42 & Lacresta Road, Florence, Kentucky  
 Name of Property Owner: Chevron U.S.A., Inc.  
 Property Owner's Address: 1527 Starks Building, Louisville, Kentucky 40202  
 Zone: C-3 Area in Acres: Approximately 0.75  
 Deed Book: 169 Page Number: 501 Group Number: 287  
 Description of the Request: To approve a dimensional variance on minimum setback  
from 75 feet to 55 feet.

Owner's Signature: \_\_\_\_\_ Applicant's Signature: David Carroll  
 David Carroll, P.E.

FOR PLANNING COMMISSION USE ONLY  
 Application Fee: \_\_\_\_\_ Application and Fee Received: \_\_\_\_\_  
 Referred to: \_\_\_\_\_ Meeting Date: \_\_\_\_\_  
 Action Taken: \_\_\_\_\_ Date of Action: \_\_\_\_\_

Meeting Date: September 12, 1984

BOARD of ADJUSTMENT and ZONING APPEALS

CHECKLIST

I. GENERAL INFORMATION

Applicant's Name: Proctor-Davis-Ray Engineers (agent) for the

Interest in Property: property Owner Chevron USA.

Location and/or Address of the Property: Southeast corner  
of U.S. Highway 42 and LaCresta

Deed Book: 169 Page Number: 501 Group Number: 287

Request of the Applicant: Requesting a dimensional variance  
in the front yard from the required 75 feet to a requested  
55 feet to build a new "Maxi-Mart" on the site to replace  
an existing station.

Present Zoning and Affected Sections of the Regulations: \_\_\_\_\_

Presently zoned Commercial Services, C-3 and affecting

Section 946 and Table One following Article 17

Present Use of the Subject Property and the Adjoining property: \_\_\_\_\_

Presently used as a gasoline service station. The adjoining

properties to the north, east and the west are currently

commercial. To the south is currently a residence with a

business in the basement.

III. VARIANCE REQUESTS:

1. *What Variance is Needed and to What Section(s) do They Apply:*

A variance is need in the required front yard of 75 feet  
to a requested 55 feet. this affects Table One and Section  
946 for the Commercial Services, C-3 zone.

2. *What Could be the Unique Conditions to Justify the Granting of the Request:*

One unique condition is the existing topography to the rear  
of the site which is steep and would require the removal of  
the hill in order to use the land.

3. *What Reasonable Use of the Land Will be Denied if This is not Granted:*

If not granted then the development would have to be  
reviewed by the engineers for the applicant to see if it  
could be changed to comply.

4. *Has the Applicant Caused These Unique Conditions?*

No these conditions have existed prior to the current  
zoning regulations.

5. *Will the Variance be Detrimental, or will it Preserve, the Public Welfare and How? Will it Alter the Essential Character of the Neighborhood?*

If granted then the setback of the area would look closer to  
the front property line than is permitted. But with the  
current development in the area and the recent variances  
to Whit Castle and Rax this look is already in the area.

FLORENCE BOARD OF ADJUSTMENTS

SEPTEMBER 12, 1984

7:30 P.M.

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The roll call was taken. Three members present: Messrs. Holland, Bolton and Mrs. Lanigan. Counselor Dale Wilson was also present.

Board members reviewed the Minutes of the Florence Board of Adjustments meeting of August 9, 1984. Mr. Bolton moved that the Board approve the Minutes as reviewed. The motion was seconded by Mrs. Lanigan. After discussion, the motion carried unanimously.

Chairman Holland proceeded to the Agenda items.

AGENDA ITEMS:

Dimensional Variance

A request of Proctor-Davis-Ray Engineers (agent) for Chevron U.S.A. (owner) for a front yard dimensional variance from 75 feet to 55 feet for a planned construction of a "Maxi-Mart" at U.S. Hwy. 42 and LaCresta Drive, Florence in a C-3 zoning district.

Mr. Block explained the request for a dimensional variance from the required 75 feet to 55 feet in order to build a convenience mart. Mr. Block explained the current zoning which affects Sect. 946 and Table I of the zoning standards. Mr. Block stated the present use of the property as an existing gas and service station and described the zoning of all adjoining properties. Mr. Block explained that one unique condition of the property that could justify the granting of the dimensional variance is the existing topography to the rear of the site which would require removal of a great deal of fill in order to use the land and that reasonable use of the land would be denied if the dimensional variance is not granted. Mr. Block stated the applicant has revised the site plan and distributed copies of the revised site plan to Board members. Mr. Block presented pictures of the area.

Chairman Holland inquired if the drive would still exist. Mr. Block noted there is some change to the drive area but that his understanding it is a minor change.

Mr. Dave Carroll, Project Manager for Proctor-Davis-Ray Engineers (agent) explained that PDR had looked at ways to increase the setback and have successfully revised and decreased the dimensional variance amount to 59.8 feet. Mr. Carroll

explained three conditions which he felt justified the dimensional variance: 1) a large existing sign that is in the southeast part of the property and the foundations are such that they cannot be pushed the retaining wall back any further without undermining the foundations; 2) underground tanks are relatively new and would like to continue to use those tanks; and 3) the topography problem.

Chairman Holland inquired if the existing building was to be torn down. Mr. Carroll responded the existing building will be torn down. Mr. Holland inquired if the new structure will look like the Chevron on Ky. 18. Mr. Carroll responded it will be very similar.

Mr. Bolton inquired of the pumps on the property. Mr. Block advised that pumps are considered accessory structures to the principal use of the gasoline service station and does not have to maintain front yard setback. Mr. Block also stated it does have to maintain visibility setback which is left up to the determination of the enforcement officer.

Chairman Holland inquired if the pay building would be demolished. Mr. Carroll responded that the pay building would be torn down also. Mr. Block reminded Board members that the pay structure did receive a variance 1 1/2 years previous.

Mr. Bolton inquired of the setback of the nearby Rax Restaurant. Mr. Block responded the variance granted to Rax was for 45' or 46'. Mr. Carroll noted the proposed development will be set back an additional 15 feet over the setback of Rax.

There were no additional questions or comments from the members of the Board.

Chairman Holland moved the request be granted for a front yard dimensional variance from 75 feet to the 59'8" for a planned construction of a "Maxi-Mart" at U.S. Hwy. 42 and LaCresta Drive due to the topography of the land. The motion was seconded by Mrs. Lanigan. A roll call vote on the motion was taken:

Aye: Messrs. Holland, Bolton and Mrs. Lanigan.

The motion was carried unanimously.

There being no further business. Mr. Holland moved that the Board adjourn. The motion was seconded by Mrs. Lanigan.

The meeting adjourned approximately 8:15 p.m.

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Charles Holland, Chairman

Attest:

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