

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations).

SECTION A (To be completed by applicant)

- 1. (Check One) X Boone X Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
- 2. (Check One) \_\_\_\_\_ Conditional Use Permit X Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
 \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
- 3. Applicant's Name ED KNUX  
 Phone Number 273-1330  
 Applicant's Address 7333 BURLINGTON MIKE  
FLORENCE KY 41042  
 City State Zip
- 4. Description of Request: ATTACHED
- 5. Name of Development \_\_\_\_\_
- 6. Location of Development SAME
- 7. Acreage Under Review .38
- 8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
- 9. Owner of Property SAME  
 Phone Number \_\_\_\_\_
- 10. Address of Property Owner SAME  
 City State Zip
- 11. Proposed Use(s) On Site IN DOOR TRAINING TANK
- 12. Total Square Footage of Existing and/or Proposed Buildings  
1384
- 13. Current Zoning on Property C2
- 14. Deed Book 401 Page No. 78 Group No. 2041 B
- 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: \_\_\_\_\_
- 19. Property Owner's Signature: \_\_\_\_\_

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 3-19-92
2. Fee Received \$ 356.00 R 7908
3. Is application complete?  Yes  No
4. Staff Reviewer Amy Moore
5. Scheduled Board Action Date 5/13/92
6. Board Action:  
 Approval  
 Approved with Conditions (See #7)  
 Disapproved (See #8)
7. Conditions: See minutes  
\_\_\_\_\_  
\_\_\_\_\_
8. Reasons for Disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BCPC:7/11/88

## STAFF REPORT

#1

DEVELOPMENT: Northern Kentucky Diving Center

APPLICANT: Ed Knue (owner)

LOCATION: 7333 Burlington Pike, Florence

ZONING: Commercial Two (C-2)

DATE: May 13, 1992

### REMARKS:

The applicant is requesting a Variance to reduce the minimum rear yard setback for an existing structure from 50 feet to 25 feet. The 0.38 acre site is located at 7333 Burlington Pike (KY 18), Florence, Kentucky. The property is zoned Commercial Two (C-2) and is owned by Ed Knue.

On June 20, 1990, the Boone County Planning Commission approved a Site Plan for site improvements only. During the Post-Development Review of the site, it was determined that the existing building addition had been constructed without Site Plan approval. Since the previously approved Site Plan indicated the addition as future construction, the addition was not reviewed as part of the Site Plan.

Article 31, Table 31.1, of the 1991 Boone County Zoning Regulations indicates that the minimum rear yard setback in a C-2 abutting an Suburban Residential One (SR-1) is 50 feet.

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

1. If the Variance is granted, it would not adversely affect the public health, safety or welfare.
2. The Board should determine if the Variance will alter the essential character of the general vicinity.

The applicant is proposing to plant some vegetation around the building addition to buffer the surrounding residences from the structure. The buffer that has been proposed consists of ten (10) 5 foot tall white pines. Please refer to the illustration attached to the Staff Report.

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. The requested Variance does not arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.

6. The Board should decide if the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
7. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

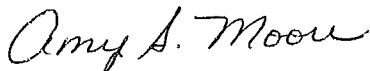
The building addition was constructed subsequent to the adoption of the Boone County Zoning Regulations in 1986.

STAFF CONCERNS:

1. Staff is concerned that the landscaping proposed by the applicant will not adequately buffer the existing commercial structure from the surrounding residential area. If the Variance request is approved, Staff suggests that the applicant be required to utilize a combination of berms and a variety of landscaping features for buffering instead of a single row of white pines. The Board should consider requiring the applicant to submit another landscaping plan for the Board's approval or Staff approval.
2. If the Variance request is approved, the applicant will be required to receive Site Plan Review approval by the Boone County Planning Commission.

Attached to the Staff Report is a drawing of the site illustrating the location of the existing structure and the proposed landscaped buffer.

Respectfully submitted,



Amy S. Moore  
Planner I

ASM:kat



CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Ed Knue  
7333 Burlington Pike  
Florence, KY 41042

2. ADDRESS OF PROPERTY

7333 Burlington Pike  
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Northern KY Diving Center

DEED BOOK: 401

PAGE NO.: 78

GROUP NO.: 2041B

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

Amy S. Moore  
SIGNATURE OF COMPLETING OFFICIAL

Amy S. Moore, Planner I  
NAME AND TITLE OF COMPLETING OFFICIAL  
(type or print)

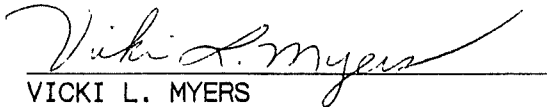
COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Amy S. Moore

on behalf of the Boone County Planning Commission this 7th day

of July, 1992.

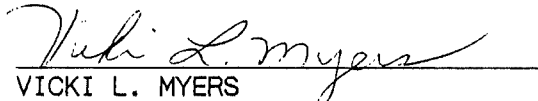


VICKI L. MYERS  
NOTARY PUBLIC, State at Large

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 Variance as approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of May 13, 1992, (Certificate of Land Use Restriction # 92-FBOA-003-A), for Ed Knue, property owner.

The 25-foot Variance is granted subject to the following conditions:

1. That the three sides of the building be covered by vinyl siding of a quality not less than Sear's best quality vinyl and that it be installed by a professional installer, who shall be "Aluminum Craft" owned by Mr. Barrett. That the foundation below the vinyl siding shall be of stucco on all three sides.
2. Foundation plantings shall be placed along two sides (the west side and the south side).
3. The vinyl siding shall be maintained at all times.
4. The Staff will have the responsibility to see that the quality of the vinyl is in accord with the condition.
5. That nothing shall be permitted to be left outside of the building for a period in excess of 24 hours; with the exception being an air cylinder which will be permitted on the west side of the building with the tank being no higher than one foot above grade and no longer than ten feet. It will be hidden to a reasonable degree by shrubs.

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 401 PAGE NO. 78 Group No. 2041B