

**R** AUG 24 1992 **D**  
**RECEIVED**

APPLICATION FORM

**BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION**

(See Boone County Zoning Regulations.)

SECTION A (To be completed by applicant)

(Check One)  
1. \_\_\_\_\_ Boone  Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union

(Check One)  
2. \_\_\_\_\_ Conditional Use Permit  Variance \_\_\_\_\_ Appeal  
\_\_\_\_\_ Change in Non-Conforming Use

3. Applicant's Name ENTIRE AUTO CARE INC.  
Phone Number (606) 491-8863  
Applicant's Address 7209 Burlington PK.  
FLORENCE KY 41042  
City State Zip

4. Description of Request: EXPANSION ONTO EXISTING BUILDING OF 18' - REDUCING DISTANCE FROM BUILDING TO PROPERTY LINE TO 12'

5. Name of Development N/A

6. Location of Development 7209 Burlington PK. - FLORENCE KY  
CORNER: KY 18 - SHELBY ST

7. Acreage Under Review .2952

8. Lot Number and Name of Subdivision (if part of a subdivision)

N/A  
9. Owner of Property JOHN DAVID  
Phone Number (606) 341-5159

10. Address of Property Owner 157 BARNWOOD DR  
EDGEWOOD KY 41017  
City State Zip

11. Proposed Use(s) On Site SAME.

12. Total Square Footage of Existing and/or Proposed Buildings  
EXISTING 2442 / PROPOSED EXPANSION 1332

13. Current Zoning on Property C-2

14. Deed Book 378 Page No. 59 59 20 Group No. 938 20412

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: Charles J. Montgomery

19. Property Owner's Signature: \* John P. Hill

Robert Hall

SECTION B

(To be completed by Boone County Planning Commission Staff)

- 1. Date Received 8-24-92
- 2. Fee Received 466.00 R 8354
- 3. Is application complete? Yes Yes \_\_\_\_\_ No \_\_\_\_\_
- 4. Staff Reviewer Diane E. Thompson
- 5. Scheduled Board Action Date Oct. 14, 1992
- 6. Board Action:

- Approval
- Approved with Conditions. (See #7)
- Disapproved (See #8)

7. Conditions: \_\_\_\_\_  
\_\_\_\_\_

8. Reasons for Disapproval: will not deny unreasonable use of the land as by Mr. Montgomerie's own admission they originally hoped for \$300,000/yr. business and were doing \$600,000 instead. Board was not satisfied with constant parking of cars on the site during the night. Increasing size of business would inflate parking problem.

BCPC:7/11/88

## STAFF REPORT

DEVELOPMENT: Entire Auto Care, Inc.  
APPLICANT: Entire Auto Care, Inc.  
LOCATION: South side of Burlington Pike-KY 18, on the corner of Burlington Pike, Price Pike, and Shelby Street, Florence, Kentucky  
ZONING: Commercial Two (C-2)  
DATE: October 14, 1992

## REMARKS:

The applicant is requesting a Variance in the minimum rear yard setback. The 0.3 acre site is located at 7209 Burlington Pike-KY 18, Florence, Kentucky. The property is zoned Commercial Two (C-2) and is owned by John David.

There is some past history about this site that the Board should be aware of before making a decision on this variance request. Amy Moore stated in her Staff Report concerning a past Conditional Use Permit (February 13, 1991) for this site to use the existing building for automobile tire sales and automotive repair services "The existing building was originally constructed as an automobile repair service outlet. The conditional use permit for this use was later revoked and another permit was granted for the sale of automobiles." The Florence Board of Adjustment granted the Conditional Use Permit "with the following conditions- (1) there is to be no outside storage on the property except the (waste oil) tank and an occasional dumpster, (2) the building will be maintained in reasonable condition, and (3) there is to be no parking behind the building."

Table 31.1, Dimensional Standards, of the 1991 Boone County Zoning Regulations indicates that the minimum rear yard setback is 20 feet. The applicant is requesting a setback of 12 feet.

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

1. If the Variances are granted, they would not adversely affect the public health, safety or welfare. Two medium size mature deciduous trees will have to be taken down to enable this expansion. The existing rear setback is 30 feet, if the variance is approved the rear setback will be 12 feet.
2. The Variances will not alter the essential character of the general vicinity. The use will remain the same for this site. Since the site adjoins residential uses, the applicant should describe the anticipated appearance of the proposed expansion.
3. The Variances will not cause a hazard or a nuisance to the public. Staff finds no such hazard or nuisance. Staff is very concerned about any additional proposed curb cut on Shelby Street because of traffic safety.

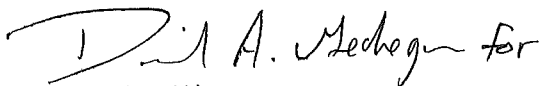
4. The Variances will not allow an unreasonable circumvention of the requirements of the zoning regulations. Article 31, Supplemental Performance Standards of the *Boone County Zoning Regulations* states that the minimum rear yard setback for Commercial Two (C-2) zoning is 20 feet. The new rear yard setback would be 12 feet if this variance is approved. If the waste oil tank remains behind the building it would intrude into this new 12 foot setback area.
5. The requested Variances do not arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone. Staff finds now special circumstance.
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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

Suggested Condition:

Staff suggests that if the Board approves this Variance, that they also place the following conditions on approval: (1) there continue to be no outside storage on the property except for an occasional dumpster and (2) that if the waste oil tank is placed in the back of the building that it be painted and properly maintained. The tank is presently in a rusty condition.

Attached to this report is a site plan showing existing building and proposed extension. If the Variance is approved, applicant will have to apply to the Boone County Planning Commission for a Site Plan Review at which time parking requirements will have to be reviewed.

Respectfully Submitted,



Dean E. Niemeyer  
Planning Assistant

DEN:par

SHELBY ST.

CURB

S56 37'40"E

53.00'

TRACT THREE

41.34'

20' DRIVE

10'

ASIN

N 64° 02' 27.145" E 20.00'

TRACT

N 22° 05' 7.145" E 42.50'

CURB

N 22° 05' 7.145" E 42.50'

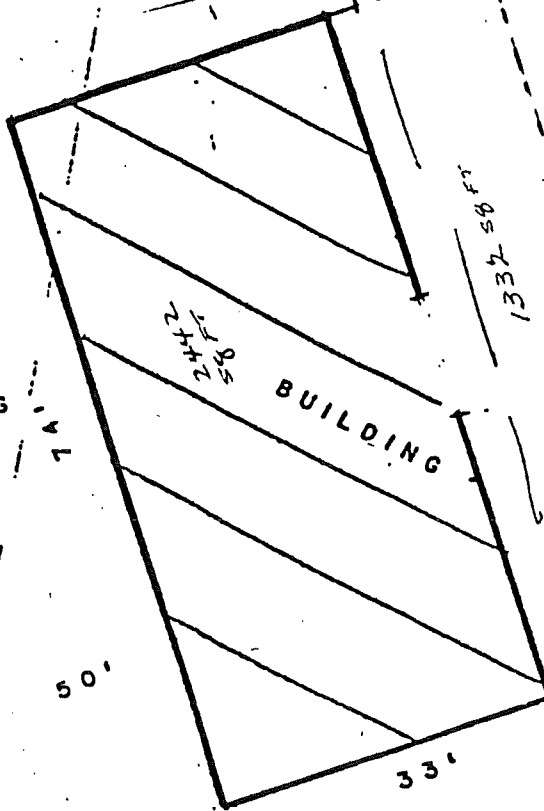
R / W 43.64'

ASPHALT PAVING

84° 04' 48.158" W 73.70'

NOTE: RAN

TRACT TWO



BUILDING

24' x 50'

1337.50 FT

74'

50'

33'

418'

20.52'

N 53 47' 38" W

100.52'

STATE OF KENTUCKY  
REGISTERED  
LAND SURVEYOR  
1870

KY 18

