

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning
Commission Staff)

1. Date Received 5/25/95 Fee Received ~~\$~~ 376.00 Ret 6832
2. Is application complete? Yes No
3. Staff Reviewer Jeff Hoyer & Mitchell Light
4. Scheduled Board Action Date 6/14/95
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Minutes

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

DEVELOPMENT: **Bangerter Subdivision**

APPLICANT: Tim Bangerter

LOCATION: Dorcus Avenue, Florence, KY

ZONING: Suburban Residential Two (SR-2)

DATE: June 14, 1995

The applicant is requesting a Conditional Use Permit to allow the development of two duplex dwelling units at the end of Dorcus Avenue. The site is approximately .7 acres in area and is located at the southwest end of Dorcus Avenue (See Sheet #1). A creek runs through the heavily wooded site at the southern end. Sheet #2 indicates the location of the proposed duplexes and how these units would be accessed. Dorcus Avenue is a deadend street which currently has several duplex dwelling units located on the street.

Article 9, Section 943, Item 6 permits duplex dwelling units with garages with a Conditional Use Permit. In addition to the seven criteria the Board must use to determine the appropriateness of a Conditional Use Permit, the Board must also consider the following:

- a) the activity is an integral and subordinate function of a permitted use;
- b) the activity will not contradict the compact, but single family character of the district;
- c) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

Surrounding Land Uses and Zoning (See Sheet # 3)

North: Single family and duplex homes zoned SR-2

South: Vacant land zoned Commercial Two (C-2) and SR-2

East: Single family home zoned SR-2

West: Vacant land zoned Commercial Two (C-2)

The 1995 Boone County Comprehensive Plan discusses the need to protect well-established single family residential neighborhoods from the influx of multi-family or duplex construction. It also discusses the need to retain residential uses even if it means changing the type of residential use.

Therefore, single family housing should remain an ingredient of the urban areas. Established single family housing in urban settings should not experience an influx of multi-family or duplex construction unless proper and adequate buffering can be provided. Large, left-over parcel in urban service areas are well suited for high density residential uses.

Duplexes are often more successful than multi-family housing in blending in with single family surroundings. Therefore, when buffering is minimal between single family units, an appropriate transitional area of duplexes may be designed, where feasible.

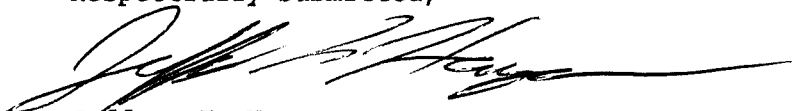
Staff Concerns

1. The applicant will be required to undergo Subdivision Review and Site Plan Review for the two proposed duplexes if the Conditional Use Permit is granted.
2. Staff is concerned whether or not the applicant will be able to comply with the Subdivision Regulation regarding street frontage requirements and the Zoning Regulations regarding lot size and setbacks.
3. Every effort should be made to preserve as many of the existing trees as possible during the construction of duplexes. Therefore, Staff believes that the applicant should identify the trees which will be removed and the trees which can be preserved during the Site Plan Review procedure. Preventive measures should be taken to protect the trees which will remain during construction of the site.
4. Staff believes that the design and materials to be used for the duplexes should be identify and reviewed by the Board.

Conclusion

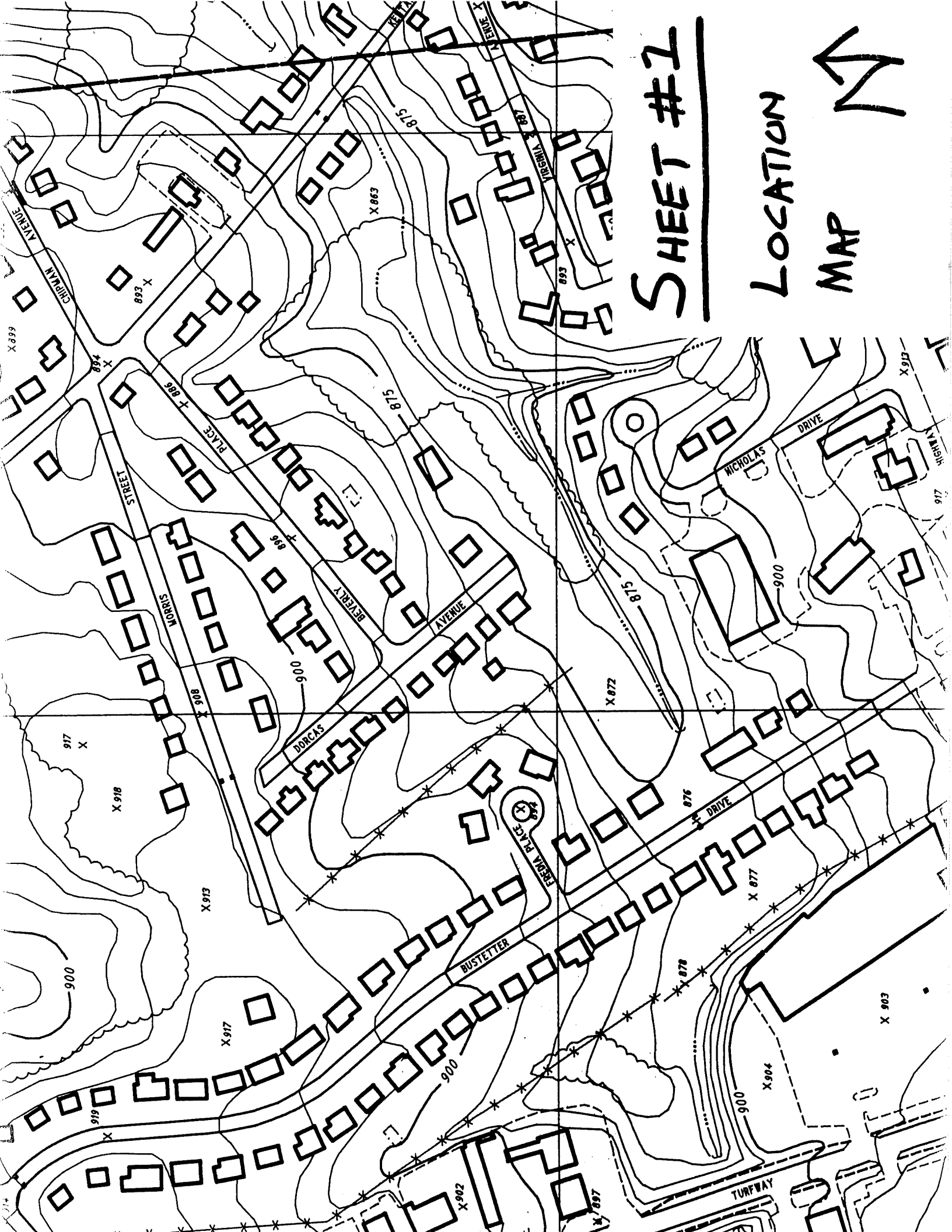
The Board should judge the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the three criteria for a Conditional Use within an SR-2 zone. Staff believes that duplexes could be harmonious and appropriate with the residential character of the area if they are properly designed and located on the site.

Respectfully Submitted,



Jeffrey F. Hayes
Planner

JFH\par

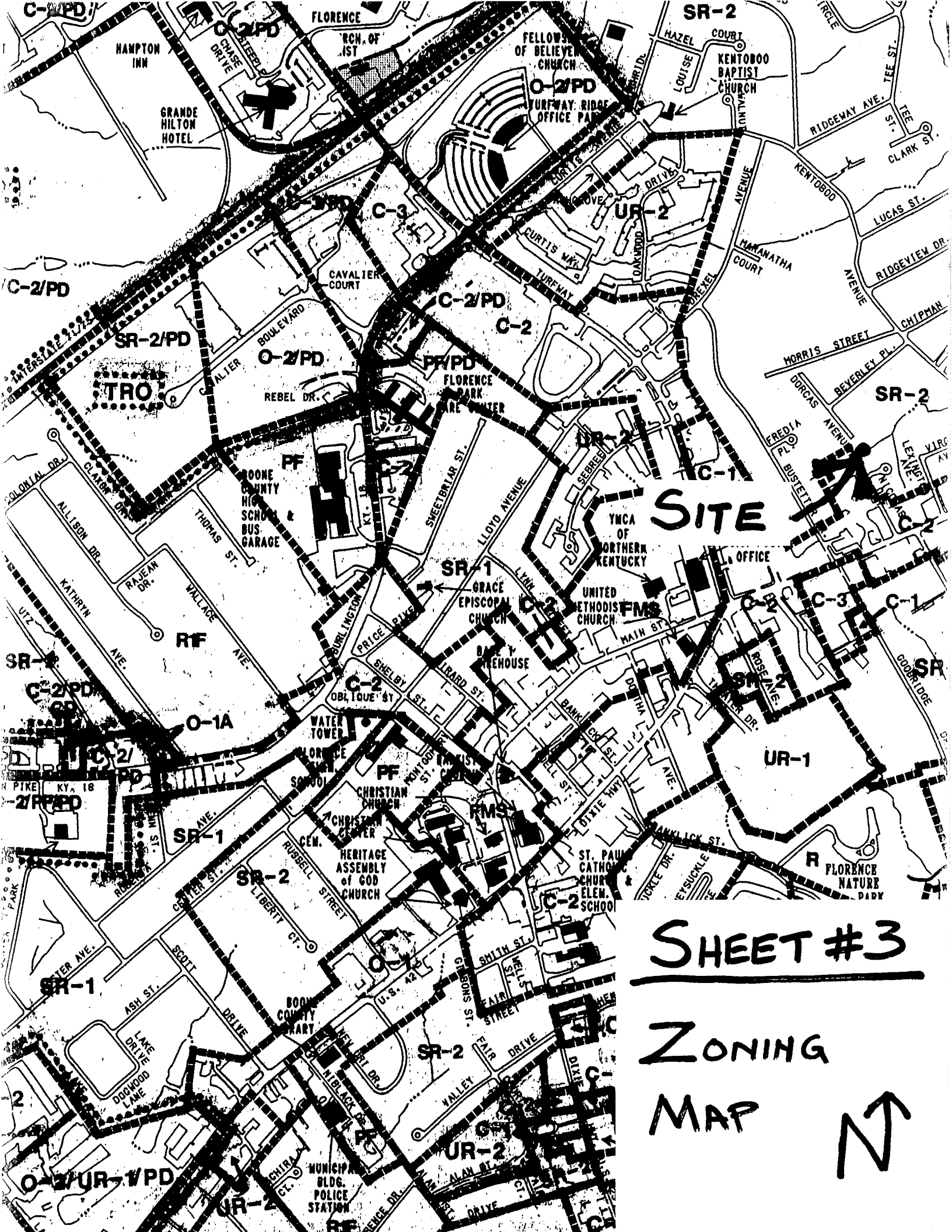


SHEET #2

LOCATION

MAP





SHEET #3

**ZONING
MAP**



COPY

NO.95-FBOA-005-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
J.R. Bangerter
300 South, 200 West
Bountiful, Utah 84610

2. ADDRESS OF PROPERTY
Dorcus Avenue
Florence, Kentucky 41042

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)
Bangerter Subdivision

DEED BOOK: 397

PAGE NO.: 021

GROUP NO.: 2034B

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

_____ Zoning Map Amendment
from _____ to _____

X Conditional Use Permit

_____ Development Plan

_____ Conditional Zoning

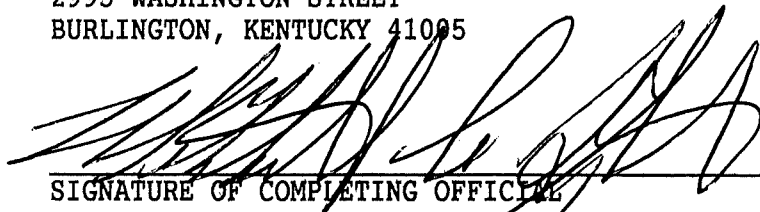
_____ Subdivision Plat
(Unrecorded)

_____ Other:

_____ 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



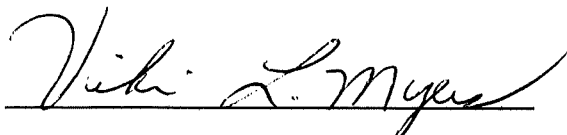
SIGNATURE OF COMPLETING OFFICIAL

Mitchell A. Light, Asst. Zoning Admin./Enforcement Officer
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Mitchell A. Light on behalf
of the Boone County Planning Commission this 11th day
of August, 1995.

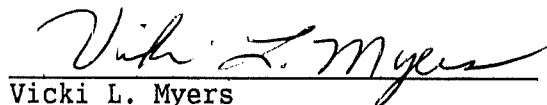


NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of June 16, 1995, (Certificate of Land Use Restriction # 95-FBOA-005-A), for J.R. Bangerter, property owner.

The following conditions will apply: (1) That the duplex have a single entrance and not a double entrance, (2) that there be no on-street parking. All parking must be off-street, (3) If they have a garage, it must be attached to the house or it can be to the rear, (4) that they leave as many trees and natural vegetation as possible to provide as much screening as possible, (5) the water runoff problem is to be addressed at Site Plan Review, (6) there is to be a minimum of 75 foot of lot frontage, (7) as part of the Site Plan Review the applicant must identify the trees that will have to be removed.

The approved Conditional Use Permit as well as the preceding conditions apply to the property

described in: DEED BOOK 397 PAGE NO. 021 Group No. 2034B