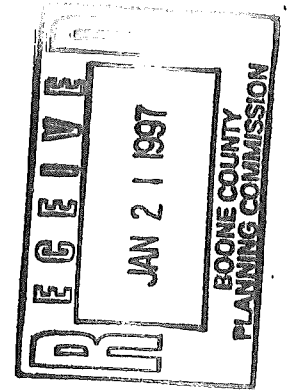


APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



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 THORNTON OIL CORP. (ERIC R. ZOPH)
 Phone Number (502) 425-8022 Fax No. (502) 425-9664
 Applicant's Address 10101 LINN STATION RD
LOUISVILLE KY 40223
 City State Zip
- 4. Description of Request: REAR YARD SETBACK VARIANCE

- 5. Name of Development THORNTONS GAS AND FOOD MART
- 6. Location of Development 7601 INDUSTRIAL RD.
FLORENCE, KY 41042
- 7. Acreage Under Review 1.35
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 1A OF INDUSTRIAL RD. COMMERCE CENTER
- 9. Owner of Property THORNTON OIL CORPORATION
 Phone Number of Owner (502) 425-8022
- 10. Address of Property Owner 10101 LINN STATION RD. LOUISVILLE KY
 City State Zip 40223
- 11. Proposed Use(s) on Site CONVENIENCE STORE WITH GAS

- 12. Total Square Footage of Existing and/or Proposed Buildings 3,098 S.F. PROPOSED
- 13. Current Zoning on Property C-3
- 14. Deed Book 451 Page No. 153 Group No. 2049A
- 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. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: *Eric R. Zoph*

Property Owner's Signature: *D-N. B... General Counsel*

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 1-21-97 Fee Received \$20.00 R12436
2. Is application complete? yes Yes [Signature] No
3. Staff Reviewer Ee Coleman [Signature]
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: 500 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: Thornton Oil Corporation
APPLICANT: Eric Zoph/Thornton Oil Corporation
LOCATION: 7601 Industrial Road, Florence, Kentucky
ZONING: Commercial Services (C-3)
DATE: February 12, 1997

The site is located in Florence at the southwest corner of Safeway Drive and Industrial Road, (See Location Map). The applicant is requesting a Variance to allow a reduction in the rear yard setback for a new building. The existing Thornton building is to be demolished and replaced with a new 3,080 square foot building (See Proposed Site Plan). The minimum rear yard setback in a Commercial Services (C-3) zoning district is 20 feet. The applicant is seeking to reduce the setback from 20 feet to 4.19 feet.

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustments and Zoning Appeals shall have the power to hear and decide on applications for variances. A Variance is defined as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.247.

Article two, Section 251 of the Boone County Zoning Regulations labeled "Application and Standards for Variances" states:

A variance from the terms of this order will not be granted by the Board of Adjustment and Zoning Appeals unless and until a written and signed application for a Variance is submitted to the Zoning Administrator and the Board of Adjustment and Zoning Appeals, along with any additional information the Board may find appropriate.

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

- a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - b. 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;
 - c. The circumstances are the result of actions of the applicant taken subsequently to the adoption of the zoning regulations from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Surrounding Land Uses and Zoning

The adjoining property, where the variance is being requested is the Details Car Accessories Shop. The shop is zoned Commercial Services (C-3). Directly north of the site is Safeway Drive and property that is currently not developed. This undeveloped property does however contain a storm water easement where a storm drainage channel is being constructed. This property is zoned Commercial Services (C-3). East of the site across Industrial Road are the Carriage House Apartments which are zoned Urban Residential Two (UR-2). Public Storage, a self storage development, located south of the Thornton Oil site, is zoned Commercial Services (C-3), (See Zoning Map).

Staff Comments

The reduction of the rear yard setback will allow the new building to occupy the area behind the existing building that is currently "wasted space." Because of the type of uses that occur on the two sites, the building orientations in relation to their frontages, the fact that this area is not seen from Industrial Road, and is not used for screening or as a buffer area, and because no activity essential to the business takes place behind the building on the site. It is Staffs' opinion that the Variance should be granted.

However, if the Variance is granted, the new building location would appear to be constructed over an existing 12-inch storm sewer pipe. In order to obtain Site Plan Approval, the location of the existing storm sewer pipe will have to be removed and relocated (See Existing Site Plan).

Conclusion

K.R.S. 100.241 gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Variance to reduce the rear yard building setback on this site. It is Staff's opinion that the proposed Variance will not adversely affect the Public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

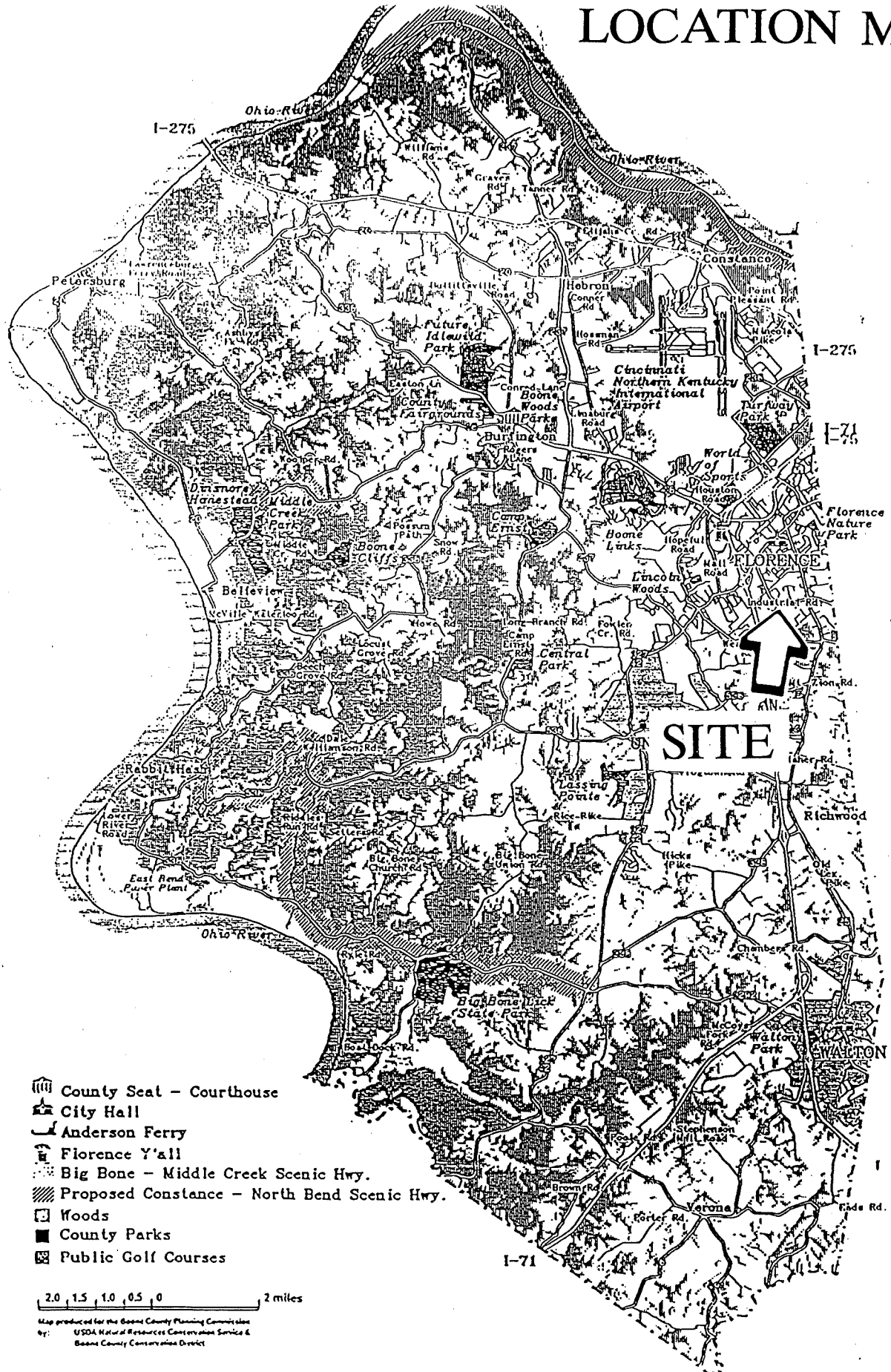
Respectfully Submitted,












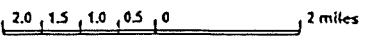
Edward Coleman
Planner

EC\par

LOCATION MAP



-  County Seat - Courthouse
-  City Hall
-  Anderson Ferry
-  Florence Y'all
-  Big Bone - Middle Creek Scenic Hwy.
-  Proposed Constance - North Bend Scenic Hwy.
-  Woods
-  County Parks
-  Public Golf Courses

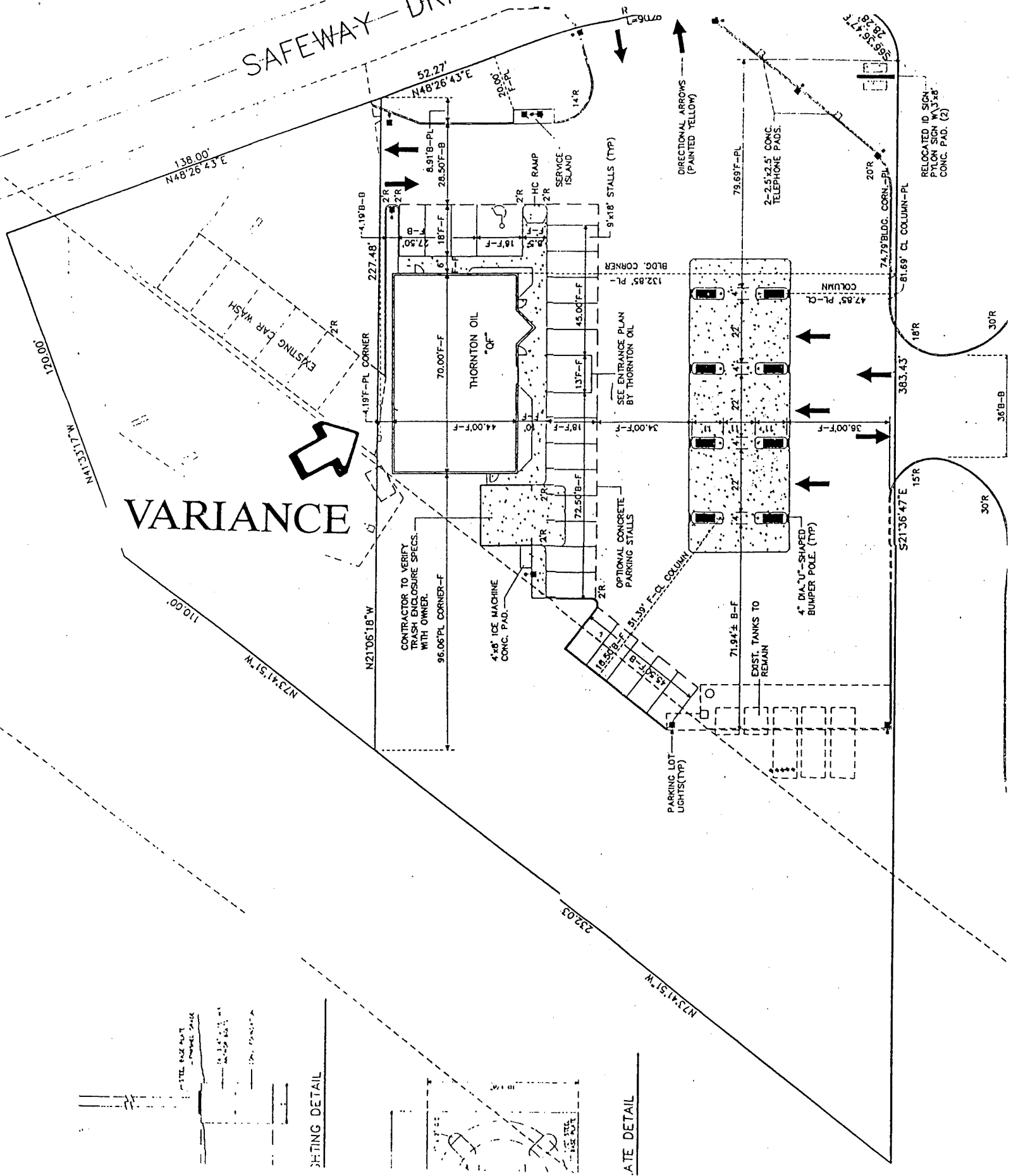


Map produced for the Boone County Planning Commission
 by: USDA Natural Resources Conservation Service &
 Boone County Conservation District

PROPOSED PLAN

SAFeway DRIVE

VARIANCE



138.00'
N48°26'43"E

52.27'
N48°26'43"E

120.00'

VARIANCE

110.00'

N7341.51'W

N21°06'18"W

227.48'

70.00'-F

44.00'-F

18'-F

13'-F

45.00'-F

34.00'-F

36.00'-F

22'

22'

22'

383.43'

521°36'47"E

15'R

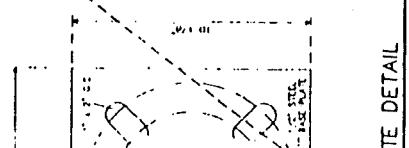
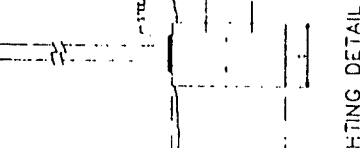
30'R

18'R

30'R

30'R

30'R



DIRECTIONAL ARROWS
(PAINTED YELLOW)

2-2.5'x2.5' CONC.
TELEPHONE PADS.

RELOCATED ID SIGN
PYLON SIGN W/3'x8'
CONC. PAD. (2)

CONTRACTOR TO VERIFY
TRASH ENCLOSURE SPECS.
WITH OWNER.

4'x8' ICE MACHINE
CONC. PAD.

OPTIONAL CONCRETE
PARKING STALLS

PARKING LOT
LIGHTS(TYP)

EXIST. TANKS TO
REMAIN

4" DIA. U-SHAPED
BUMPER POLE (TYP)

74.79' BLDG. CORN. PL

81.69' CL COLUMN-FI

47.65' PL

COLUMN

BLDG. CORNER

132.85' PL

SEE ENTRANCE PLAN
BY THORNTON OIL

18'-F

18'-F

18'-F

18'-F

18'-F

18'-F

18'-F

18'-F

18'-F

18'-F

18'-F

18'-F

18'-F

18'-F

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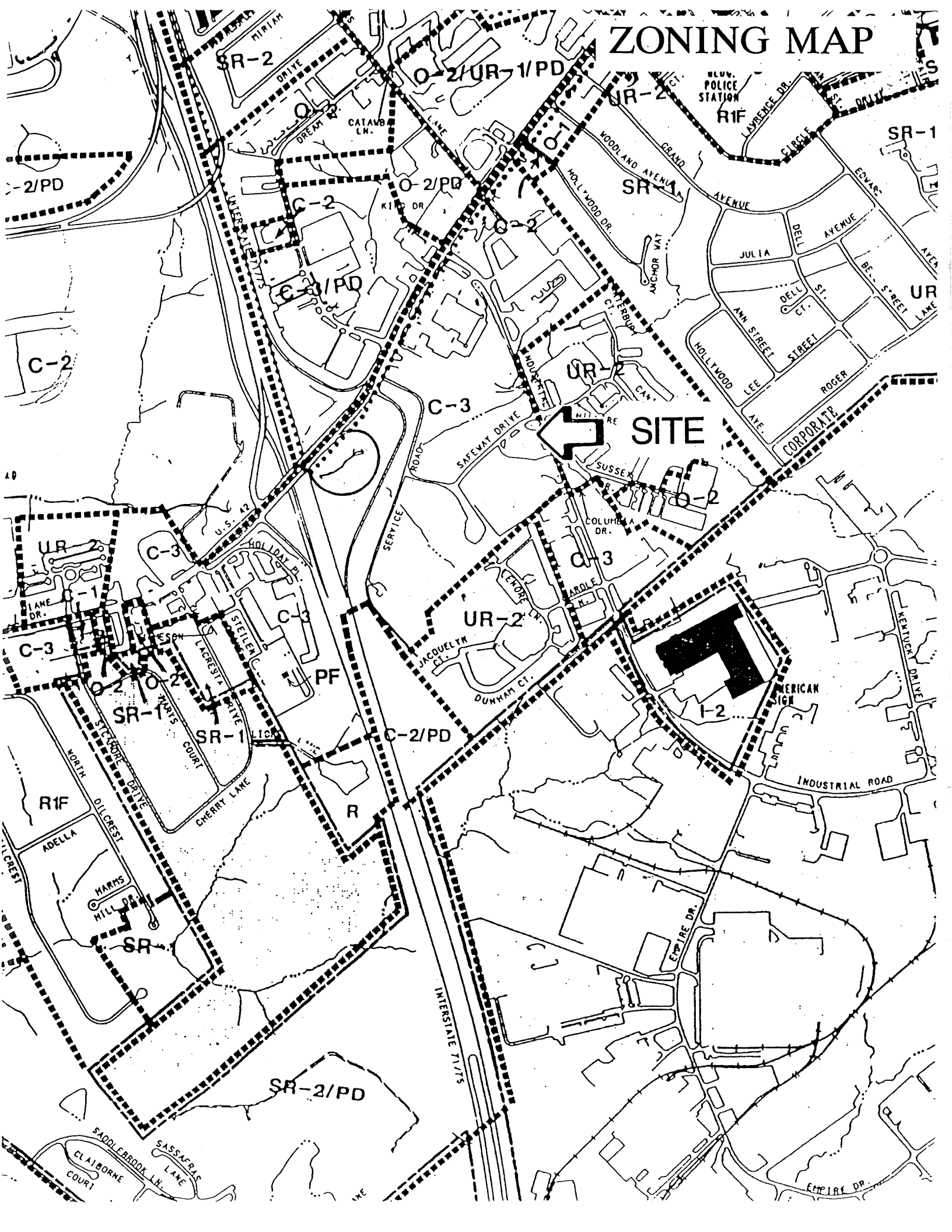
18'-F

18'-F

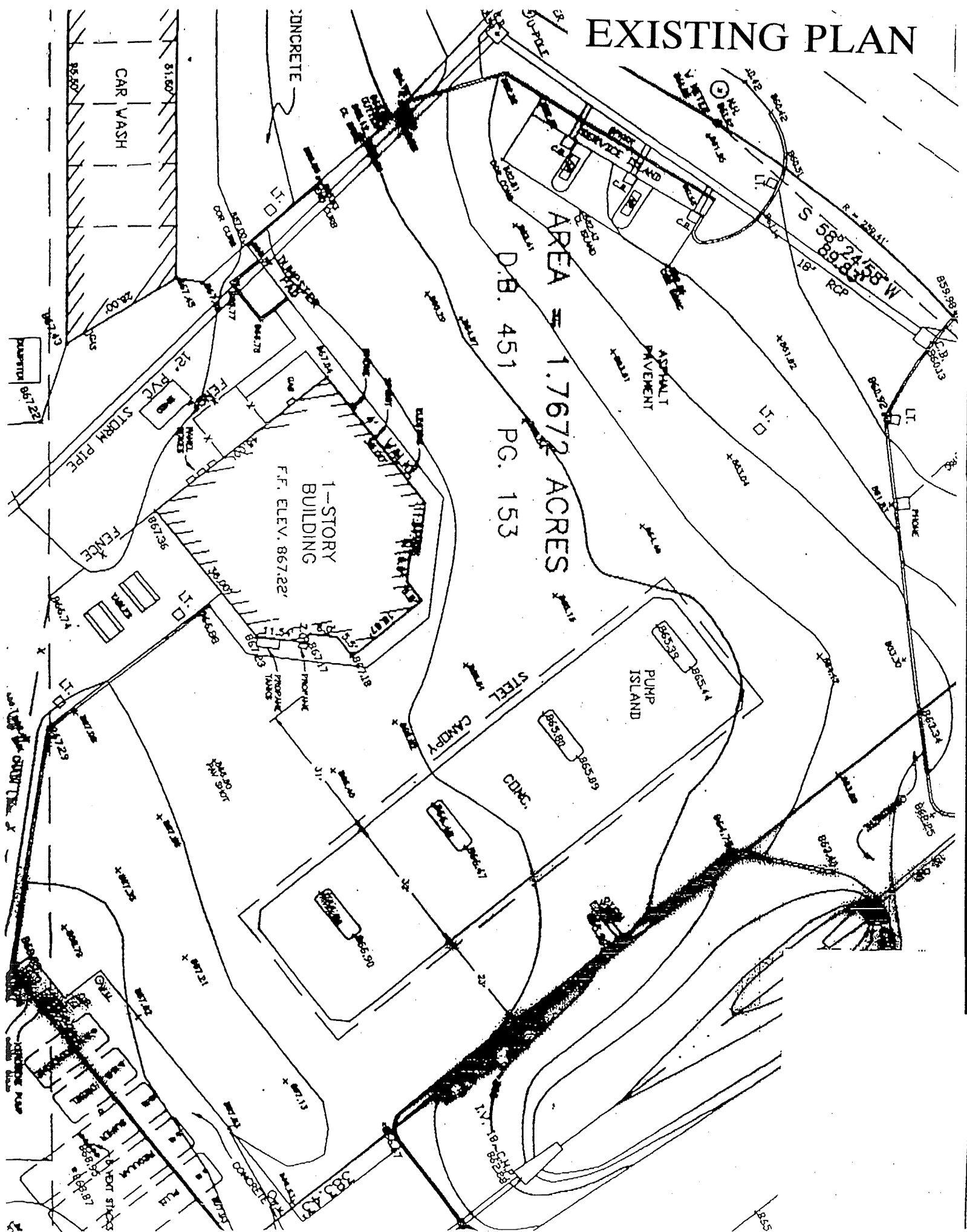
18'-F

18'-F

ZONING MAP



EXISTING PLAN



COPY

CLUR # 97-FBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Thornton Oil Corporation
10101 Linn Station Road
Louisville, Kentucky 40223

2. ADDRESS OF PROPERTY

7601 Industrial Road
Florence, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Thornton Gas and Food Mart

DEED BOOK: 451

PAGE NO.: 153

GROUP NO.: 2049 A

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

Zoning Map Amendment:
From to

Conditional Use Permit

Development Plan

Conditional Zoning

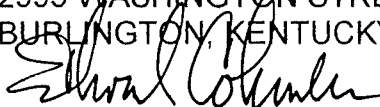
Subdivision Plat
(Unrecorded)

Other: Site Plan

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

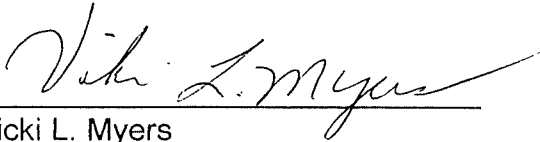
Ed Coleman, Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman on behalf of the
Boone County Planning Commission this 11th day of April 1997.

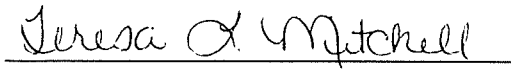


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
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 Variance as approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of February 12, 1997 Certificate of Land Use Restriction (# 97-FBOA-002-A), for Thornton Oil Corporation, Property Owners

The following conditions will apply: (1) No outside storage is permitted behind the building and no storage is permitted by anyone else on the property.

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 451 PAGE NO. 153 Group No. 2049 A