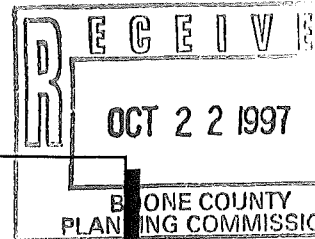


98-004

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)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name CARL FANT
Phone Number (606) 282-0202 Fax No.
Applicant's Address 7143 SPRUCE DR. #3
FLORENCE KY 41042
City State Zip
4. Description of Request: TO AMEND CURRENT STATUS OF PROPERTY TO BE ABLE TO CONSTRUCT A TWO FAMILY RESIDENCE
5. Name of Development
6. Location of Development Behind 29+31 and 33+35 Circle Dr. FLORENCE, KY.
7. Acreage Under Review .23 acres
8. Lot Number and Name of Subdivision (if part of a subdivision) F2-25-5 = 174, 175 CARPENTER SUBDIVISION
9. Owner of Property CARL FANT
Phone Number of Owner (606) 282-0202
10. Address of Property Owner 7413 SPRUCE DR. #3 FLORENCE, KY 41042
City State Zip
11. Proposed Use(s) on Site CONSTRUCTION of a high quality TWO FAMILY RESIDENCE CONTEMPORANEOUS WITH EXISTING-ADJACENT PROPERTY UNITS.
12. Total Square Footage of Existing and/or Proposed Buildings 2200 SQUARE FEET
13. Current Zoning on Property SR1
14. Deed Book 211 Page No. 483 Group No. F2-25-5 2048B
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?
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: Carl Fant

Property Owner's Signature: Carl Fant

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 10-22-97 Fee Received RA 15028 \$476.00
2. Is application complete? Yes Yes _____ No _____
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date 1/14/98
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: SEE THE MINUTES FROM THE
1/14/98 PBDA MEETING
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

APPLICANT: Carl Fant, property owner

LOCATION: Lot between 29 and 31 Circle Drive, Florence, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: January 14, 1998

Proposal

The applicant is requesting a Conditional Use Permit to allow a duplex dwelling unit on a combined .369 acre lot, located behind two existing residences (29 and 31) on Circle Drive in Florence. The applicant currently owns .279 acres of the site and is negotiating with the owner of the Orchard Terrace Apartments for an additional .0895 acres in order to meet the minimum 16,000 square foot lot requirement for a duplex in the City of Florence.

Article 9 "Residential Districts," Section 933 of the Boone County Zoning Regulations, permits duplex dwelling units in the City of Florence as a Conditional Use within Suburban Residential One (SR-1) zoning districts. The Board must use the following criteria from Sections 933 in addition to the seven criteria in Section 262 of the Boone County Zoning Regulations to determine if a Conditional Use Permit for the applicant's request is appropriate. In order to approve the applicant's request, the Board shall find that:

1. The activity is an integral and subordinate function of a permitted use; or
2. The activity will not contradict the low density character of the district; and
3. the arrangement of uses, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

The following standards shall apply to any permitted, accessory, or conditional use and structure in this district:

1. A 15 X 40 foot driveway will be required for each duplex structure.
2. A common entrance shall be provided to the front of duplex buildings.
3. Each duplex dwelling shall provide landscaping in the front yard as per buffer yard "A" as outlined in Section 3645.
4. Duplex dwellings shall be encouraged to have a shared driveway with the parking located behind the unit if practical. A garage will be required for each unit which can either be attached or detached to the duplex building.

5. The building shall have the appearance of one building rather than two separate units. Therefore, separate materials and colors which designate one unit from another will not be permitted.

Surrounding Land Uses and Zoning

This area of Circle Drive is characterized by single family detached houses, duplex dwelling units and fourplex dwelling units. The two residences at 29 and 31 Circle Drive, which are in front of the applicant's site, are duplexes. The property behind the applicant's site (South) contains the Orchard Terrace Apartments. Single family residences are located on both sides of the property. All properties immediately adjacent with the applicant's site are zoned Suburban Residential One (SR-1).

Relationship to the Comprehensive Plan

The Comprehensive Plan's *Land Use Map* indicates the site's future land use classification as "Suburban Density Residential" and is defined as single family housing of up to four units per acre. This classification also includes any low density or estate residences developed as a formal subdivision. This particular site is not specifically mentioned or described in the Land Use Section of the Comprehensive Plan.

Site Plan

The rectangular site, including the 3,900 square foot tract, contains approximately .369 acres. The proposed duplex meets the setback requirements in a Suburban Residential One (SR-1) zoning district. Access to Circle Drive would be from the existing driveway which services the two duplexes in front of the proposed site. In addition to the site plan, the applicant has provided building elevations and floor plans of the proposed duplex.

Staff Concerns and Comments

1. The Zoning Regulations require that the minimum lot size for a duplex in a Suburban Residential One (SR-1) zoning district be at least 16,000 square feet. If the Board of Adjustment approves the applicant's request, the applicant shall be required to obtain an approved Conveyance Plat from the Boone County Planning Commission, indicating at a minimum, a 16,000 square foot lot, before construction of the duplex occurs. Construction of a duplex on a lot, which is deficient of 16,000 square feet, is a violation of the Boone County Zoning Regulations.
2. The applicant would be required to obtain, as part of the Conveyance Plat approval, access to the property from the joint access driveway, which currently serves the residences at 29 and 31 Circle Drive.

3. The applicant is entitled to construct a single family detached residence on the lot as it exists now. The construction of a house, whether to be used as a single family residence or as a duplex, will require no additional curb cut onto Circle Drive. The house, if designed as a single story unit, as proposed by the applicant, will not be highly visible from Circle Drive because of its setback off the street.

Conclusion

The Board should base its decision on the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the criteria for a Conditional Use within a Suburban Residential One (SR-1) zoning district. It is the opinion of Staff that the duplex can be harmonious with surrounding area if the applicant follows the supplemental standards required for duplexes in the City of Florence. It is Staffs' position that the applicants site, if developed with a duplex, would be no more intensive than the two properties in front of the site, which both contain duplexes, and would be less intensive than the property south of the site, which contains an apartment complex, all of which are in the same Suburban Residential One (SR-1) zoning district. Staff also contends that the proposed duplex would be an improvement of the existing site, which has become overgrown with weeds and shrubs.

Respectfully Submitted,

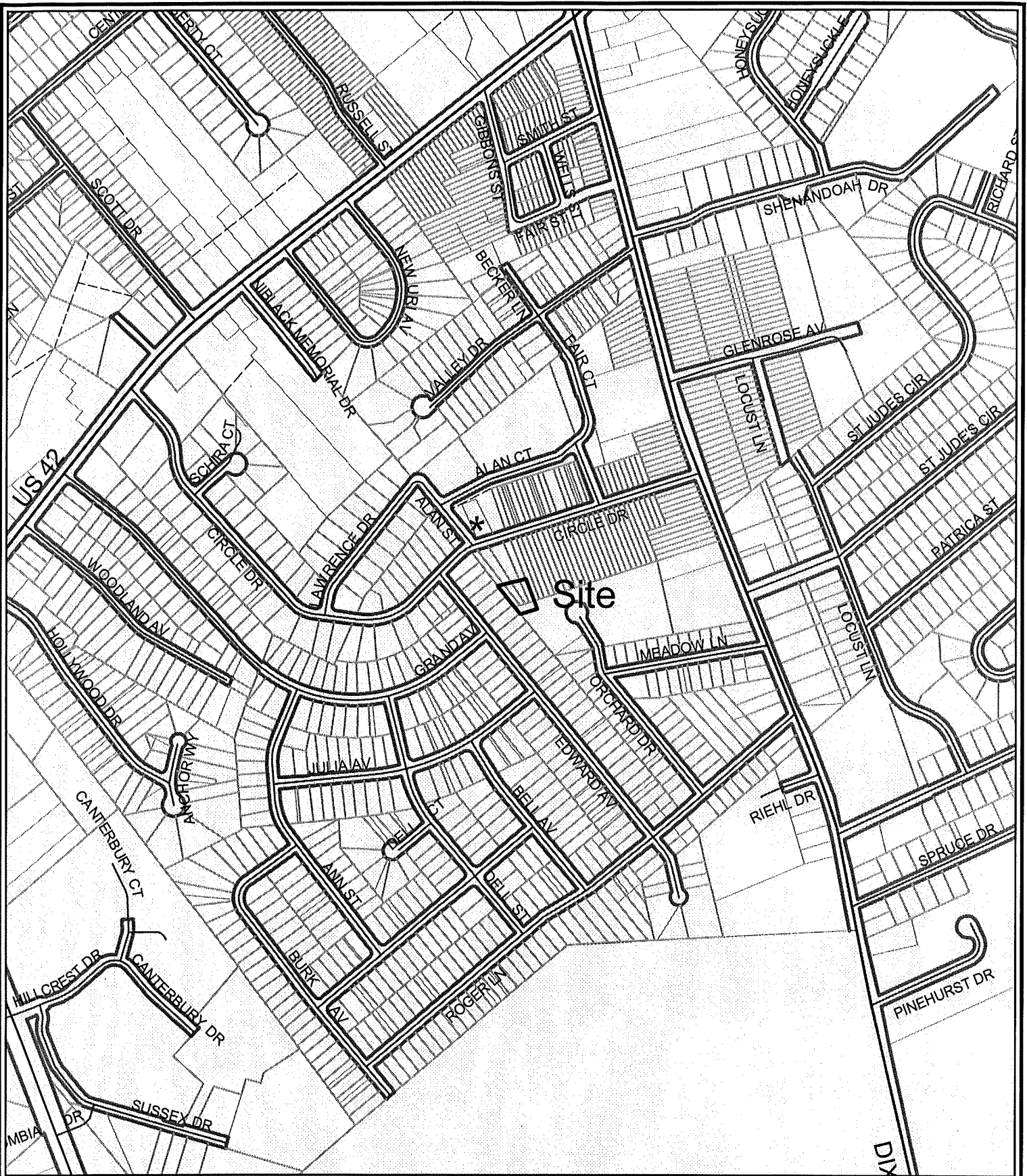


Edward Coleman
Planner

EC\par

Attachments

- Location Map
- Survey Plat
- Site Plan
- Building Footprints and Elevations



Fant Property/Circle Drive Florence, Kentucky

600 0 600 Feet

1 inch equals 600 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 9, 1998



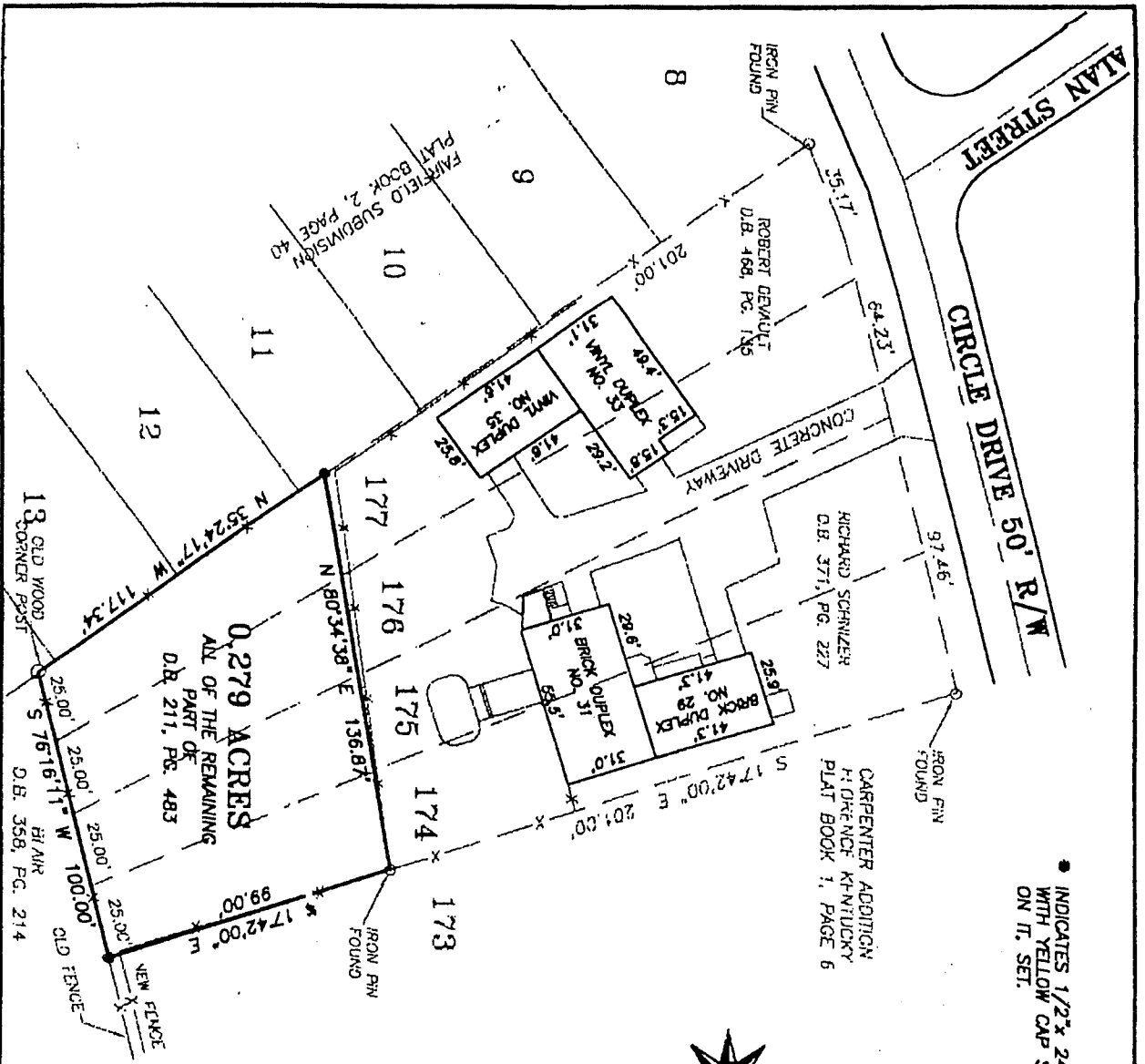


Fant Property/Circle Drive

100 0 100 Feet

1 inch equals 100 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 5, 1998





INDICATES 1/2" x 24" IRON PIN WITH YELLOW CAP STAMPED 2936 ON IT, SET.



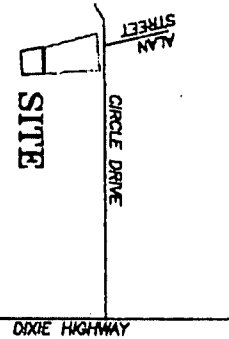
STATE OF KENTUCKY
 DEED L. CANNON
 REGISTERED
 2938
 AND SIGNED

SCALE: 1" = 50'
 DATE 12-18-97
 DWN BY: J.L.C.
 JOB NO. 97170A
 FILE NAME:
 ANDREW R. ADRENT & JERRY L. CANNON
 LAND SURVEYORS
 655 FAY OAKS LANE, EDGEWOOD, KENTUCKY 41017
 806-341-7828

ROBERT WEST TO
 SURVEY FOR CONVEYANCE
 LOCATED 201 FEET SOUTH OF CIRCLE DRIVE AND
 0.17 MILES WEST OF DIXIE HIGHWAY
 BOONE COUNTY, KENTUCKY



VICINITY MAP



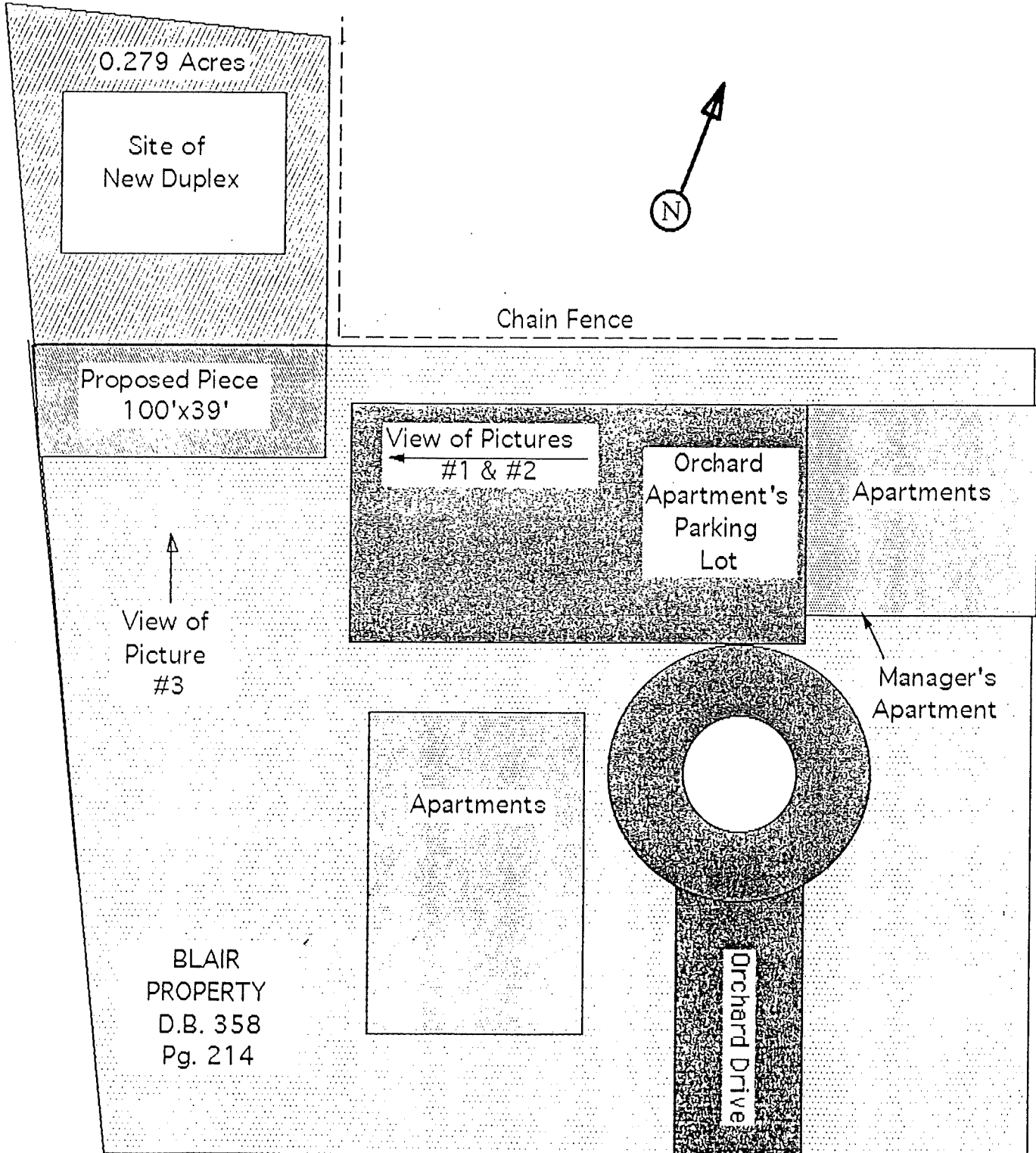
CHAIRMAN'S SIGNATURE

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
 APPROVED FOR RECORDING THE TRANSFER OF PROPERTY ONLY
 BY THE BOONE COUNTY PLANNING COMMISSION THIS
 DAY OF _____, 19__

JERRY CANNON, REC. NO. 2938
 DATE 12-18-97

I HEREBY CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE UNDER
 MY DIRECTION BY THE METHOD OF RANDOM TRAVERSE THE NORTH
 POINT AND BEARINGS SHOWN HEREON ARE BASED ON MAGNETIC
 NORTH. THE BEARINGS AND DISTANCES SHOWN HEREON HAVE
 NOT BEEN ADJUSTED FOR CLOSURE. THE UNADJUSTED ERROR OF
 CLOSURE THIS SURVEY OR EXCEEDS 1" IN 5000' LINEAR ERROR OF CLOSURE
 STANDARDS OF ALL LOCAL AUTHORITIES AND THAT THERE ARE NO
 VISIBLE ENCROACHMENTS EXCEPT AS SHOWN

Proposed piece
100' x 39'
exists in north-west corner
of Orchard Apartments



0.279 Acres

Site of
New Duplex



Chain Fence

Proposed Piece
100'x39'

View of Pictures
#1 & #2

Orchard
Apartment's
Parking
Lot

Apartments

View of
Picture
#3

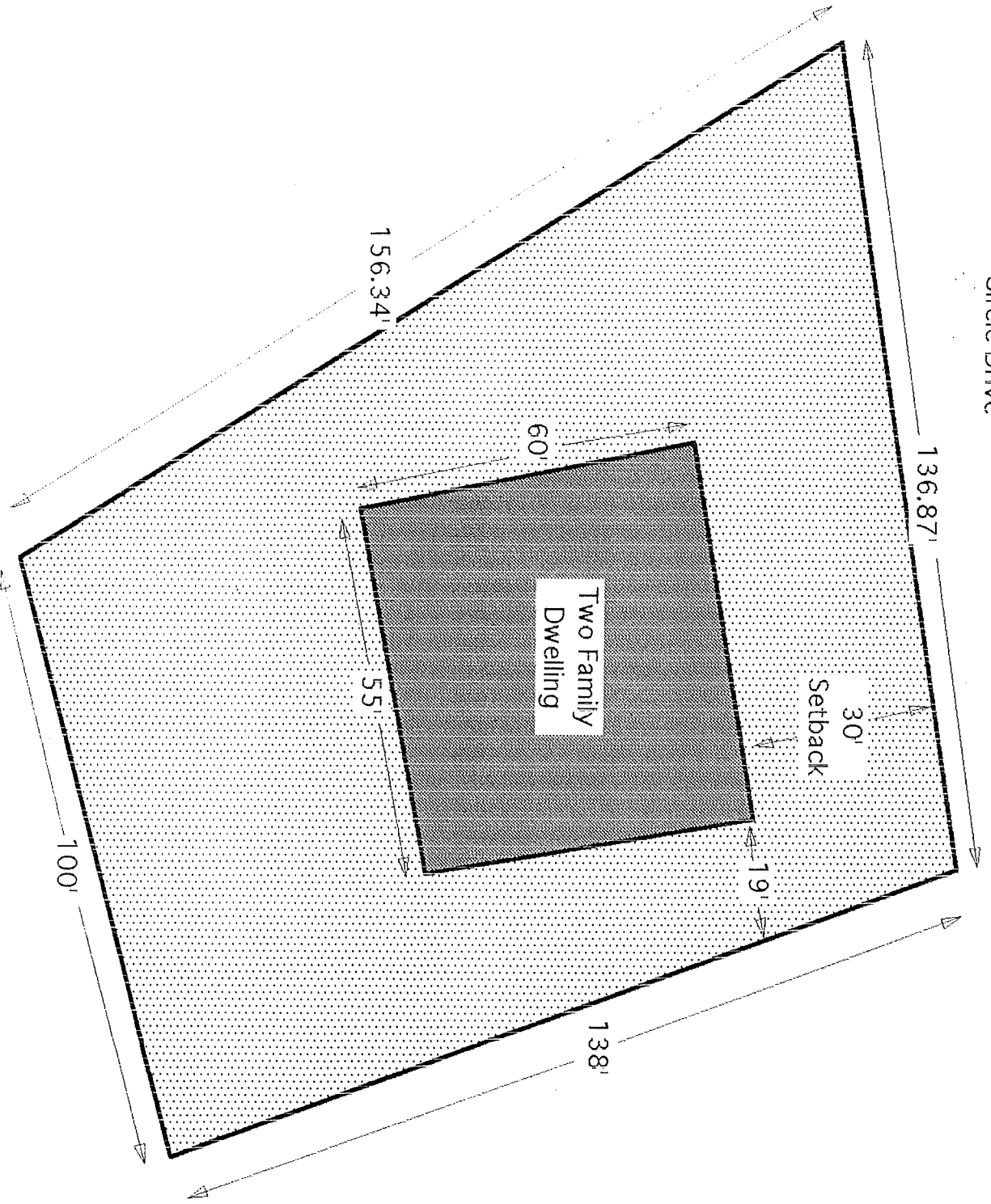
Manager's
Apartment

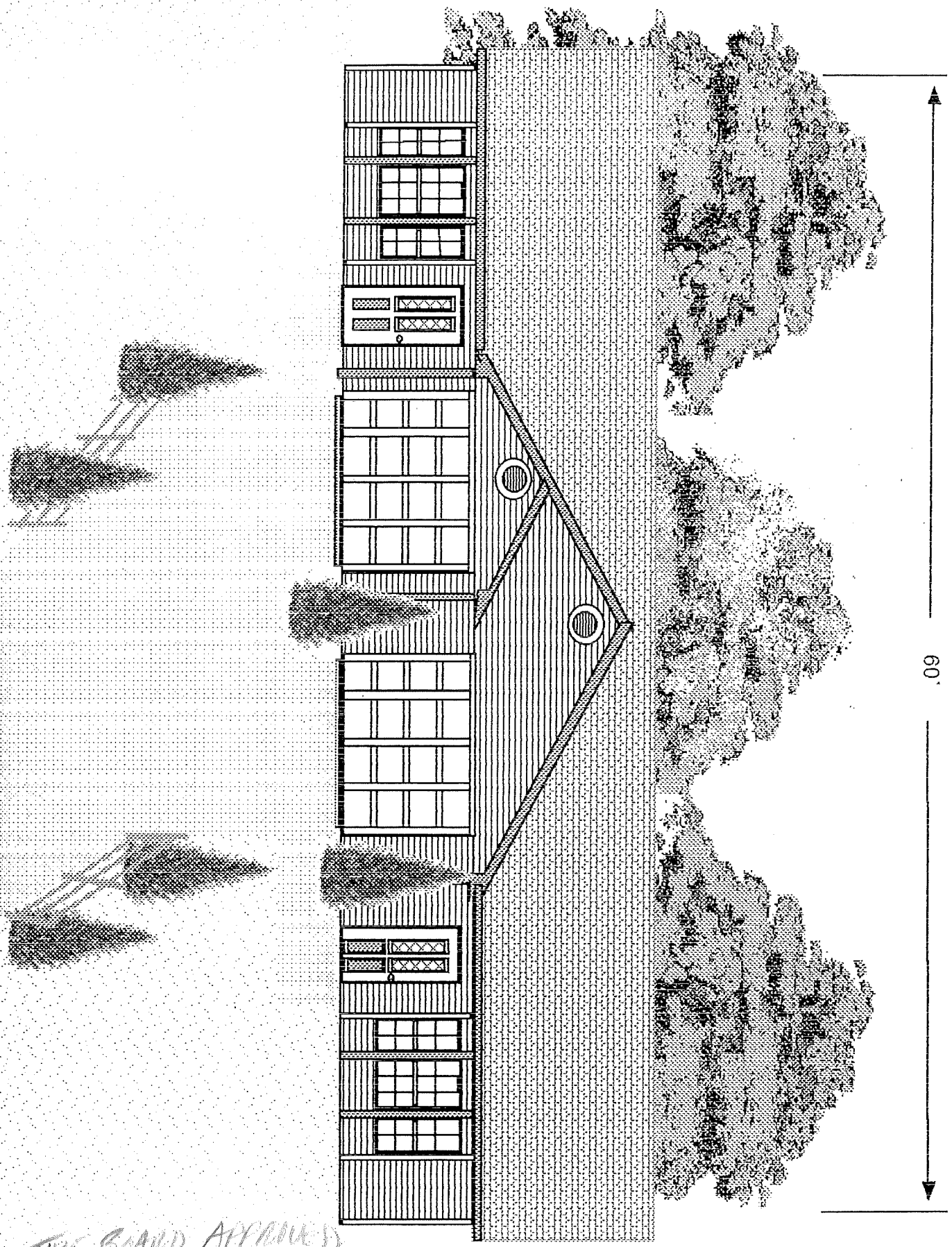
Apartments

BLAIR
PROPERTY
D.B. 358
Pg. 214

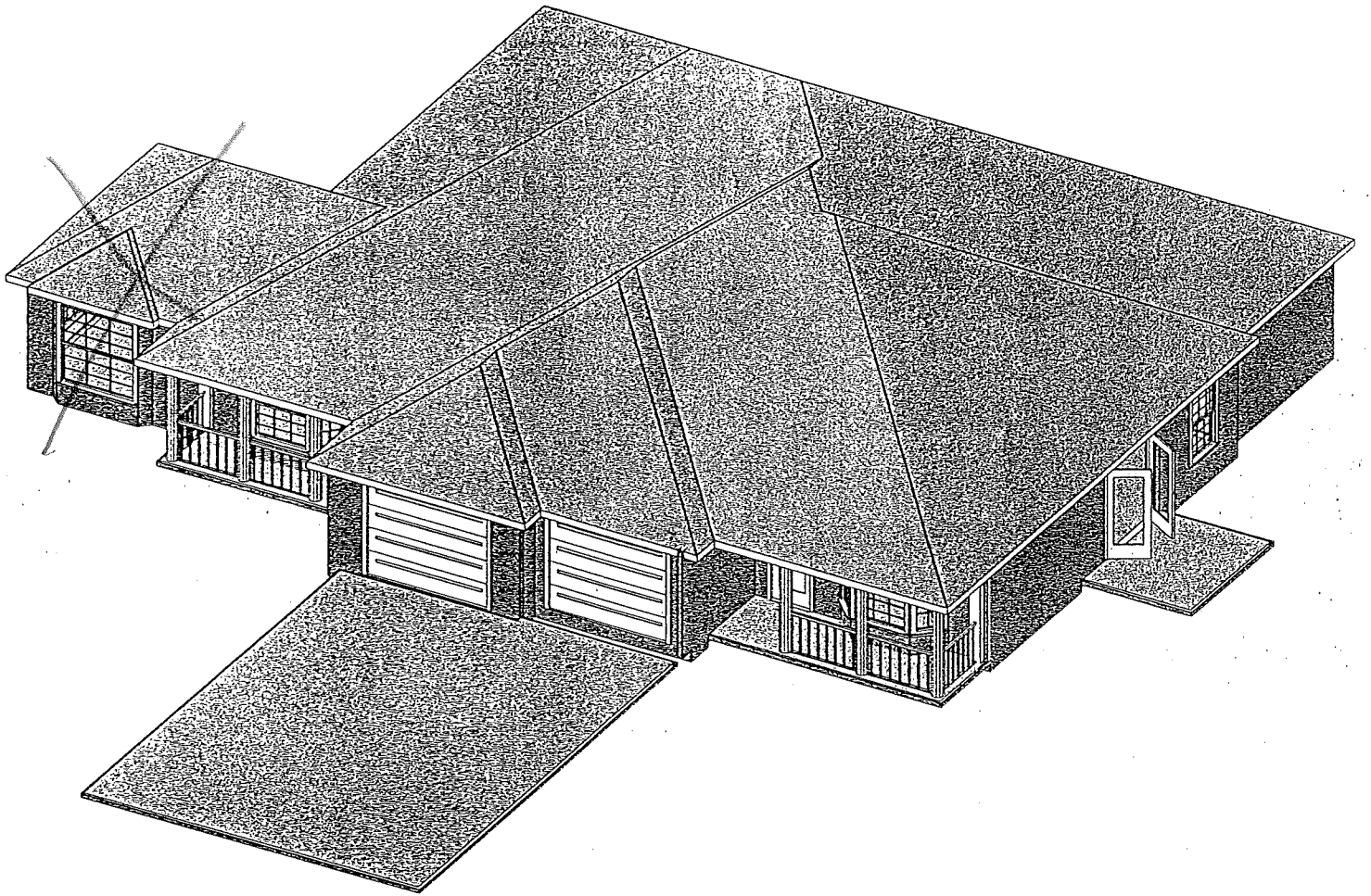
Orchard Drive

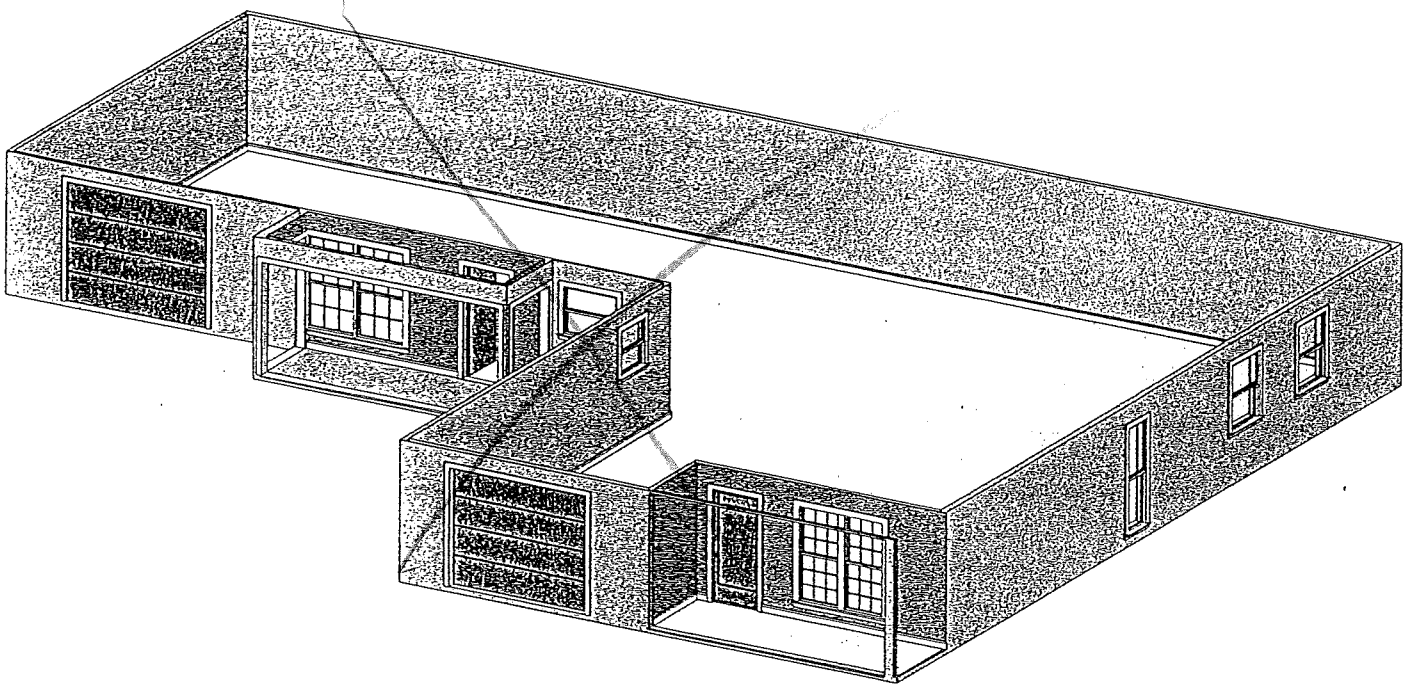
Circle Drive





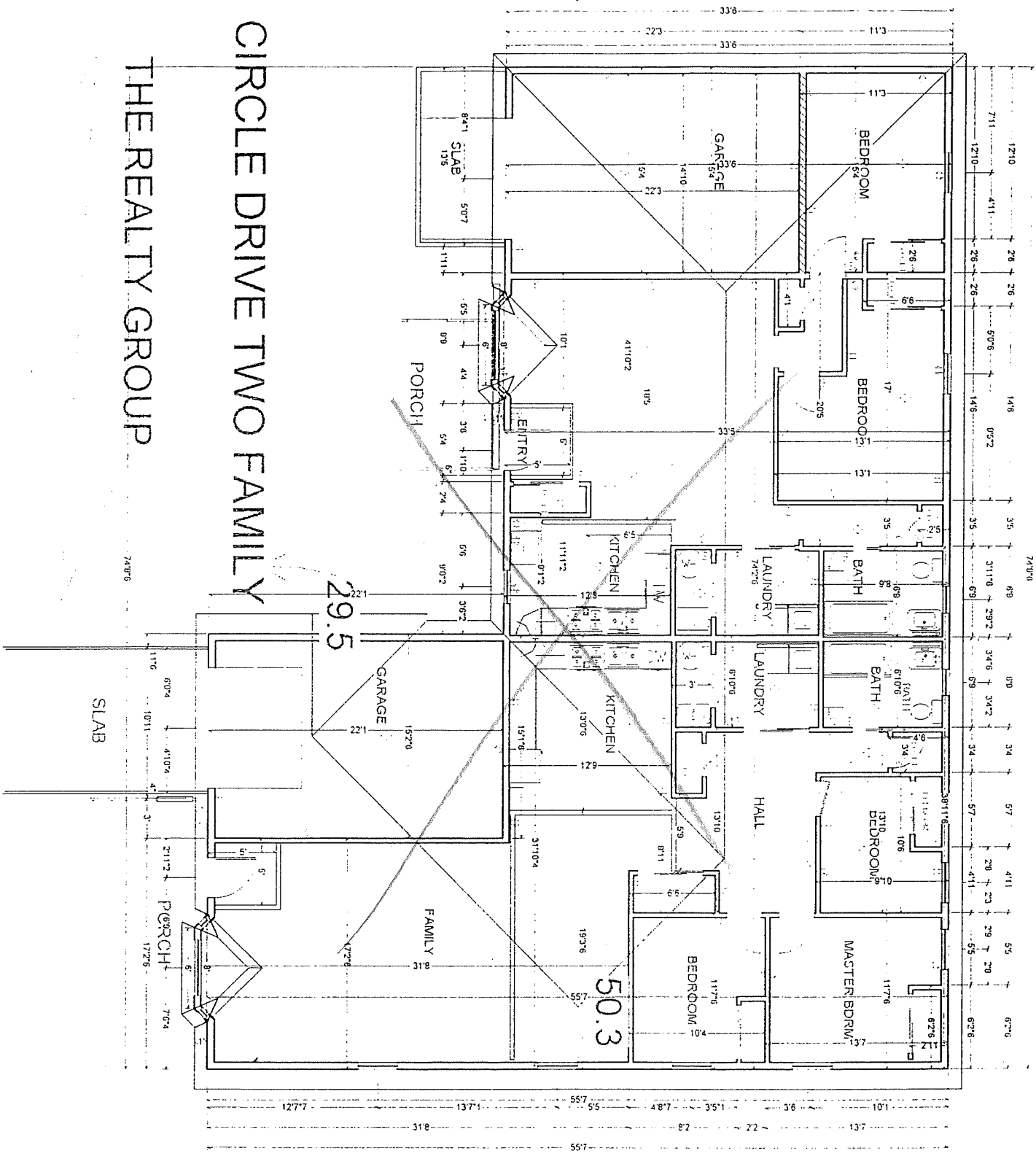
THE BOARD APPROVED
THIS DRAWING





55.7

CIRCLE DRIVE TWO FAMILY THE REALTY GROUP



LIVING AREA
2,704 sq ft

SLAB

740'6"

740'6"

117'6"

10'11"

4'10"4"

4'1"

2'11"2"

3"

172'6"

7'6"4"

5"

5"

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5"

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6'0"4"

10'11"

4'10"4"

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117'6"

10'11"

4'10"4

COPY

CLUR # 98-FBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Carl Fant
7413 Spruce Drive #3
Florence, Kentucky 41042

2. ADDRESS OF PROPERTY

Circle Drive
Florence, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

DEED BOOK: 211

PAGE NO.:483

GROUP NO.:2048 B

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: Site Plan Review

___ 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



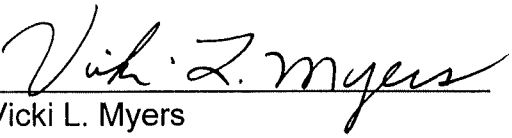
SIGNATURE OF COMPLETING OFFICIAL

Edward 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 6th day of February 1998.

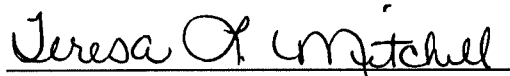


Vicki L. Myers
NOTARY PUBLIC, State at Large

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 Conditional Use Permit approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of January 14, 1998 Certificate of Land Use Restriction (# 98-FBOA -001-A), for Carl Fant, property Owners

The following conditions will apply: 1)The applicant must acquire the additional property to the south in order to obtain the minimum lot size for a duplex - 16,000 sq ft.
2). The applicant shall be required to obtain an approved conveyance plat from the Boone County Planning Commission, indicating at a minimum a 16,000 sq ft lot. This conveyance plat shall also indicate an access easement to the property from the joint access driveway, which serves the residences at 29 & 31 Circle Drive.

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

described in: DEED BOOK 211

PAGE NO. 483

Group No. 2048B