

**FLORENCE BOARD OF ADJUSTMENT  
FLORENCE GOVERNMENT CENTER  
BUSINESS MEETING  
APRIL 13, 2016  
7:00 P.M.**

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Mr. Pieper called the meeting to order at 7:00 P.M.

**BOARD MEMBERS PRESENT**

Mr. Timothy Pieper, Chairman  
Ms. Lois Evans, Vice-Chairwoman  
Mr. Louis Kelly

**BOARD MEMBERS NOT PRESENT**

Mrs. Linda Schaffer

**LEGAL COUNSEL PRESENT**

Mr. Dale Wilson

**APPROVAL OF THE MINUTES**

Mr. Pieper stated the Board members received copies of the minutes of the Florence Board of Adjustment meeting of August 12, 2015. He asked if there were any comments or corrections? Ms. Evans made a motion to approve the minutes as written and Mr. Kelly seconded the motion. Ms. Pieper called for a vote and it carried unanimously.

**AGENDA ITEMS**

- 1. Request of Wesley Knight for a Conditional Use Permit. The Conditional Use Permit is to allow an office building to be converted into an apartment complex. The building is in a Commercial Two (C-2) zoning district. The approximate 0.76 acre site is located at 6948 Oakwood Drive, Florence, Kentucky.**

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Wesley Knight introduced himself. Mr. Kelly asked Mr. Knight if he had reviewed the Staff recommendations? Mr. Knight indicated that he had and has a PowerPoint presentation to address some of the recommendations (see Exhibit 1).

Ms. Evans asked if he would be adding a dumpster to the property? Mr. Knight said he contacted Rumpke and they would be willing to bring a dumpster to the site or would allow the tenants to have individual trash and recycling bins. He is leaning towards having a dumpster but is not sure on the location. He thinks Rumpke may want it in front of the property so it's conveniently located. Mr. Morgan added that a new dumpster would have to be enclosed per the Boone County Zoning Regulations. Ms. Evans asked if there would be room for a dumpster? Mr. Morgan said he estimates that there are currently 22 parking places in the rear lot. The Zoning Regulations require each 1 bedroom or efficiency apartment to provide 1.5 parking spaces and each 2 bedroom apartment or greater to provide 2 parking spaces per unit. He said it will depend on the number of apartments, the

number of bedrooms in each apartment, and the number of parking places that can be striped off per the zoning code. Mr. Morgan asked Mr. Knight if he had made a final determination on the number of apartments? Mr. Knight said he expects to have 7 apartments so there will be ample parking and room to add a dumpster.

Ms. Evans asked if he would be adding any additional lighting for security? Mr. Knight said he would restore the 5 security lights that are on the building. He does not plan on adding additional parking lot lighting unless it is a condition of approval.

Mr. Knight said he would go over his PowerPoint presentation with the Board. The landscaping plan identifies 3 trees (numbered 1-3). He has been told by two different people that tree #1 is causing structural damage to the front lower unit. He would like to remove this tree. Tree #2 is dead and is about 4 feet from an electrical box. Duke Energy informed him they would remove this tree even it was alive because they require 10' of clearance between a tree and an electric box. He doesn't want to replace this tree but if he has to, he wants to relocate it far away from the electrical box. Tree #3 is a really nice evergreen tree that is approximately 40' tall. However, it's entangled in a vine. He is hoping that cutting the vine will save the tree. If it dies, he will replace the tree with an approximate 3' tall evergreen and it will take it 40 years to look as nice as the existing tree. Mr. Morgan said he would require any new tree to meet code if a required trees died. Deciduous trees need to have a two inch caliper size and evergreen trees need to be 6' tall at planting. He added that moving the trees slightly would be acceptable based on the issues that he is describing.

Mr. Knight said the second issue he would like to discuss is parking. The parking pad along Drexel Avenue is about 25' x 75' if the walking path is included in the measurement. This parking layout must have met code when it was built. There are more than 30 driveways between the Oakwood Drive and Kentaboo Avenue intersection that allow backing motions into the street. The speed limit on Drexel Avenue is 25 miles per hours and the four stall parking pad is located within 100 feet of a stop sign. He showed a picture of a duplex down the street that has 4 parking spaces that back directly out into the street. He indicated that he would be willing to do one of three things. The first would be to block the area off as a no parking area. The second would be to convert the parking stalls into reverse angle parking stalls. He showed pictures of some reverse angle parking stalls in Lexington, Kentucky. Option 3 would be to leave the four stalls as they exist now. Mr. Morgan said the Boone County Zoning Regulations would not permit the reverse angle parking stalls because they would also require motorists to back in the right-of-way to get into the stall. Mr. Kelly asked how he would covert the stalls into a no parking area? He asked if he would install barriers to prevent people from parking there? Mr. Knight said he got some quotes to remove the parking pad and they ranged from \$9 - \$12 per square foot. The area is 1,900 square feet so it would cost in the neighborhood of \$20,000 to remove those parking stalls and re-grade the land.

Ms. Evans asked if the area with the four parking stalls could be used to locate the dumpster? Mr. Morgan said Staff discourages dumpsters against street frontages because they are not the prettiest things to look at.

Mr. Kelly said he would rather leave the parking spaces as they are now then converting them to reverse angle parking stalls. The existing parking stalls are grandfathered but the reverse angle parking stalls are not. He thinks removing the parking stalls will be expensive and that blocking the stalls off as a no parking area is a bad idea. He thinks the best solution is to leave the four stalls alone. Mr. Morgan said he would not recommend the stalls to be blocked off as a no parking area because the barriers could be unsightly. He would not recommend the reverse angle parking because the code does not permit it. They would be substituting one non-conformity with another and setting a new precedent. Mr. Knight said he would move onto sidewalks. The red box on his PowerPoint slide shows where sidewalks are recommended to be installed and the blue box shows where sidewalks already exist on the other side of the street. He added that there are no sidewalks on Oakwood Drive or on the northwest side of Drexel Avenue, between Turfway Road and Oakwood Drive. He showed where sidewalks exist in the neighborhood. He believes it will be much safer for pedestrians to cross the street at the Bustetter Drive intersection than the Oakwood Drive intersection. He also believes there is a land ownership issue because the sidewalks on the northwest side of Drexel Avenue do not extend all the way to the subject property line. Mr. Morgan said the City of Florence would have to go back and install that segment of sidewalk. Mr. Knight would not be responsible to install sidewalk in front of the adjoining property if the sidewalk condition is imposed. Mr. Knight doesn't believe the sidewalks shouldn't be required for the reasons he outlined.

Mr. Kelly said the issues he outlined involve the last three recommendations. He asked Mr. Knight if he had any objections to the first three recommendations? Mr. Knight said he had no objections to those recommendations.

Mr. Kelly asked what the approximate cost would be to install the sidewalk? Mr. Knight said he got estimates of \$5 - \$7 per square foot and he approximates that he would have 100 linear feet of sidewalk to install. The cost would be about \$5,000. Mr. Pieper said he lives in that neighborhood and he agrees that it would be safer for people to cross at the Bustetter Drive intersection.

Mr. Pieper asked if anyone had any additional comments? There was no response.

**Mr. Kelly made a motion to approve the request based on the Staff Report and applicable Zoning Regulations. His motion included the following conditions:**

- 1. The applicant's list of phasing improvements shall be completed within 18 months of Boone County Building Department issuing the first Building Permit for the project.**
- 2. The applicant shall resolve all City of Florence Maintenance Code and Boone County Zoning Regulations violations pending against the property within 18 months of Boone County Building Department issuing the first Building Permit for the project.**
- 3. The parking lots shall be re-stripped and contain all required handicapped parking and signage.**

4. The following landscaping conditions shall apply to the property:
- A. Trees 1 and 2 from the applicant's PowerPoint presentation can be removed and do not need to be replaced.
  - B. All other trees on site shall be documented and shall be required landscaping plantings. Any trees that are removed or die shall be replaced with new trees that meet the minimum installation size requirements of the Boone County Zoning Regulations.

Ms. Evans seconded the motion.

Mr. Pieper called for the vote and it carried unanimously.

**OTHER**

No other business was discussed.

**ADJOURNMENT**

Mr. Pieper asked for a motion to adjourn. Ms. Evans so moved and Mr. Kelly seconded the motion. Mr. Pieper called for a vote and the meeting adjourned by unanimous consent at 7:40 P.M.

**APPROVED**

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**Timothy Pieper, Chairman**

**Attest:**

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**Todd K. Morgan, AICP**  
**Senior Planner, Zoning Services**

Exhibit 1 - Applicant's PowerPoint Presentation