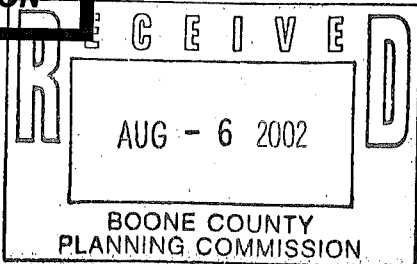


APPLICATION FORM

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 Florence Walton Union
2. (Check One) Conditional Use Permit Variance Appeal
3. Applicant's Name JERRY KING, Phone Number 485-9948, Fax No. 485-9648, Applicant's Address 65 NORTH MAIN STREET, WALTON KENTUCKY 41094
4. Description of Request: TO ALLOW THE EXISTING TRAILOR PARK TO BE CLEANUP + UPDATE TO NEW + CURRENT STANDARDS.
5. Name of Development 8484 DIXIE HIGHWAY
6. Location of Development 8484 DIXIE HIGHWAY, WALTON FLORENCE KY. 41092
7. Acreage Under Review 2.5483
8. Lot Number and Name of Subdivision (if part of a subdivision) PT LOTS 163-169 + 84 AND ALL OF LOTS 85-88
9. Owner of Property JERRY KING, Phone Number of Owner 485-9948
10. Address of Property Owner 65 N. MAIN WALTON KENTUCKY 41094
11. Proposed Use(s) on Site EXISTING TRAILOR PARK
12. Total Square Footage of Existing and/or Proposed Buildings 11 MOBILE HOMES.
13. Current Zoning on Property I-2
14. Deed Book 827 Page No. 45 Group No. 2049B
15. Is the site subject to a zone change? -NA-
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: [Signature]
Property Owner's Signature: [Signature]

**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 8-6-02 Fee Received \$544.00 RA# 32289
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action: _____
_____ **Approved**
10-9-02 **Approved with Conditions** (See #6)
_____ **Denial** (See #7)
6. Conditions of Approval: CONDITIONS ARE STAFF COMMENTS
#3 and #4 IN THE SEPT. 11, 2002
STAFF REPORT
7. Reasons for Denial: _____

**Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

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: Jerry King
LOCATION: Between 8484 Dixie Highway & 152 Weber Lane, Boone County, Kentucky
ZONING: Industrial Two (I-2)
DATE: September 11, 2002

PROPOSAL

Jerry King is requesting a Change in Non-Conforming Use to allow the reconfiguration of an existing mobile home and camper park. The property is located between 8484 Dixie Highway & 152 Weber Lane, Boone County, Kentucky and is zoned Industrial Two (I-2). The applicant is proposing the following changes to the property:

- (1) Remove the existing mobile homes and campers from the site and replace them with 11 new mobile homes;
- (2) Locate the 11 proposed mobile homes and detention pond in closer proximity to the western property line.

SITE CHARACTERISTICS

The 1.8134 acre site is currently part of a 2.5483 acre tract that housed a mobile home and camper park. The 1999 aerial photograph (see attachment) indicates that there were approximately 13 single-wide mobile homes, 11 camper trailers, and a single-family residence which were being rented on the eastern portion of the property.

The site falls from 930' at the eastern boundary to 920' at the northwestern boundary. Most of the deciduous trees toward the center of the site have been grubbed. However, there are a small number of deciduous trees that remain along the southwestern portion of the site. The western portion of the property used to serve as a leech field for the mobile home and camper park. Water and sanitary sewer lines exist on-site. There are two existing curb cuts on Weber Lane.

APPLICABLE REGULATIONS

Article 2, Section 220 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for changes in non-conforming use.

Article 2, Section 270 of the Boone County Zoning Regulations states that it is the intent of the regulations to keep non-conforming lots, uses or structures from being "enlarged or extended beyond the scope and area of its operation at the time it became a legal non-conforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of non-conforming uses or structures."

Article 2, Section 272 of the Boone County Zoning Regulations states that where, at the time of adoption of this order, legally established, uses of land exist which would not be permitted by regulations imposed by this order, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time these regulations were adopted.

K.R.S. 100.253 allows the following:

1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.
2. The Board of Adjustment shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.

Article 11, Section 1141 of the Boone County Zoning Regulations does not list mobile homes as a principally permitted use in the I-2 zoning district.

Article 37, Section 3705 of the Boone County Zoning Regulations states that "improvements to an existing site that include building additions, vehicular use area expansions or loading/unloading area expansions shall be required to bring only the new improvements into compliance with this Article."

SURROUNDING LAND USES & ZONING

- North: Undeveloped 18 Acre Property (I-2 & SR-1)
- South: Weber Lane, Limited Motors (C-3), Businesses & Residential Dwellings (I-2)
- East: Proposed Mobile Homes Sales Lot (I-2) and Dixie Highway
- West: Mobile Home & Residential Dwelling (I-2)

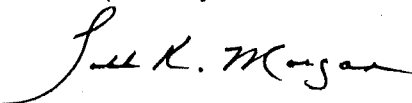
STAFF COMMENTS

1. The property owner has filed a Zoning Map Amendment application, from Industrial (I-2) to Commercial Services (C-3), for the remaining 0.7349 acres of property that he owns. This property (see attachments) is located at the corner of Dixie Highway and Weber Lane. The request is for a zone change to allow mobile home sales and service. The request is currently being reviewed by the Boone County Planning Commission's Zone Change Committee and will eventually be forwarded to Boone County Fiscal Court.
2. The applicant contacted Staff earlier this year in regard to his development plans. At the time he contacted Staff, the single-wide mobile homes and camper trailers were still being rented. As a result, the Zoning Administrator has determined that the non-conforming mobile home and camper park has not been abandoned, even though the majority of these units have been removed from the site. The change of non-conforming use is required because the limits of the park are moving closer to the western property line.
3. If the Board grants approval of the request, Staff suggests a condition which would require a 10' wide buffer yard to be installed along the western property line and the proposed Commercial Services (C-3) zoning boundary. Staff would recommend that the plantings in this buffer consist of 5 evergreen trees (6' tall at planting) and 3 deciduous trees (2" in caliper size at planting) per 100 linear feet of frontage. This buffer will be in addition to the street frontage buffer that is required along Weber Lane.
4. If the Board grants approval, the Applicant will need to file a Site Plan with the Planning Commission which addresses building setbacks, parking, storm water detention, landscaping, and any other pertinent conditions of approval.

Conclusion

KRS 100.253 and Section 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Change-in-Non-Conforming Use.

Respectfully submitted,

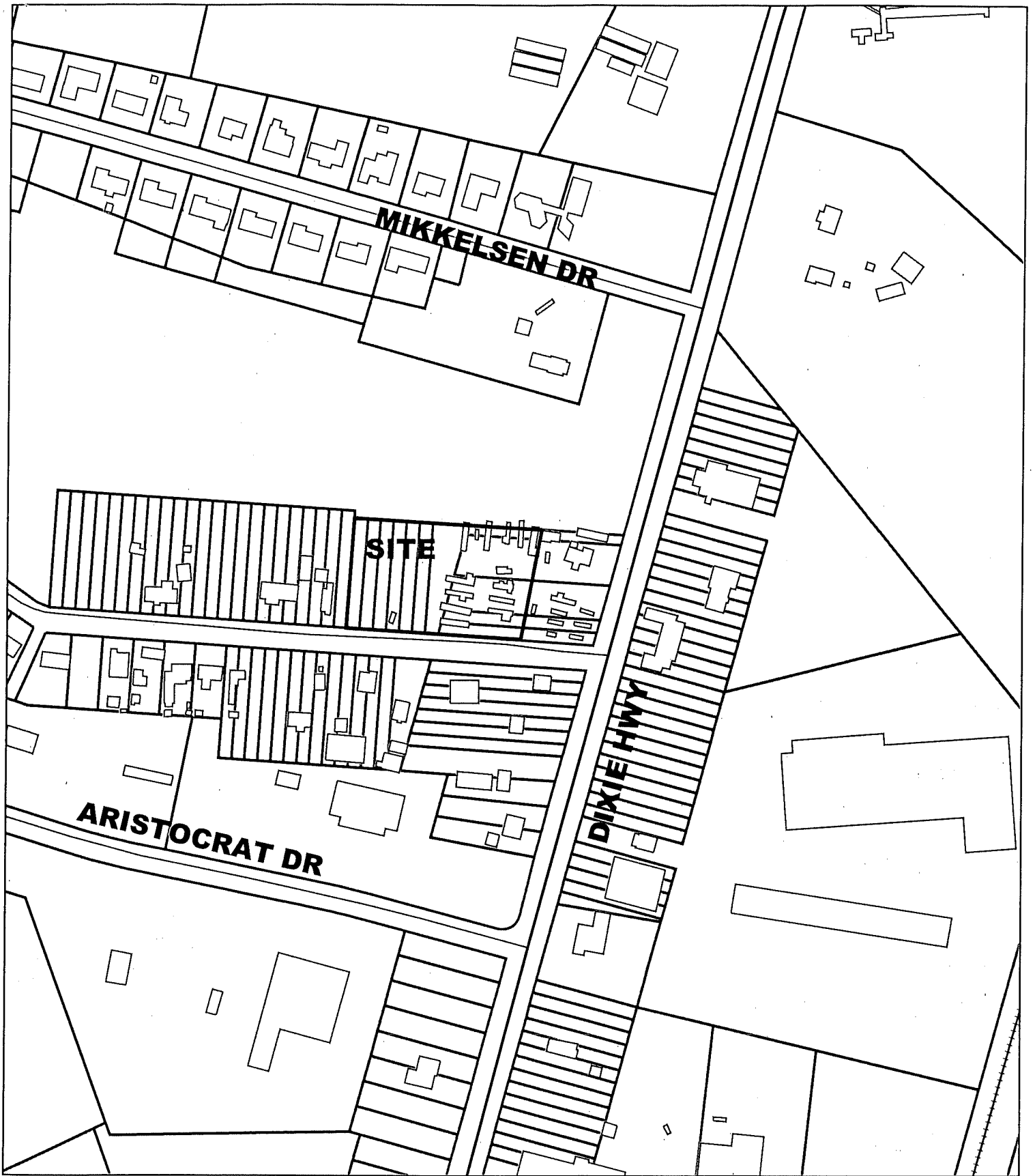


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Plan (Change in Non-Conforming Use)
- Exhibit C – Concept Plan (Zoning Map Amendment)
- Exhibit D – Aerial Map
- Exhibit E – Zoning Map
- Exhibit F – Topographical Map
- Exhibit G – Application



Jerry King Site Vicinity Map

250 0 250 Feet

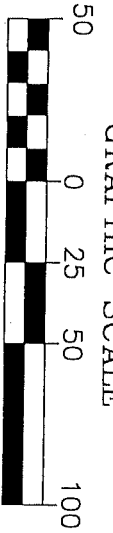


1 inch equals 250 feet

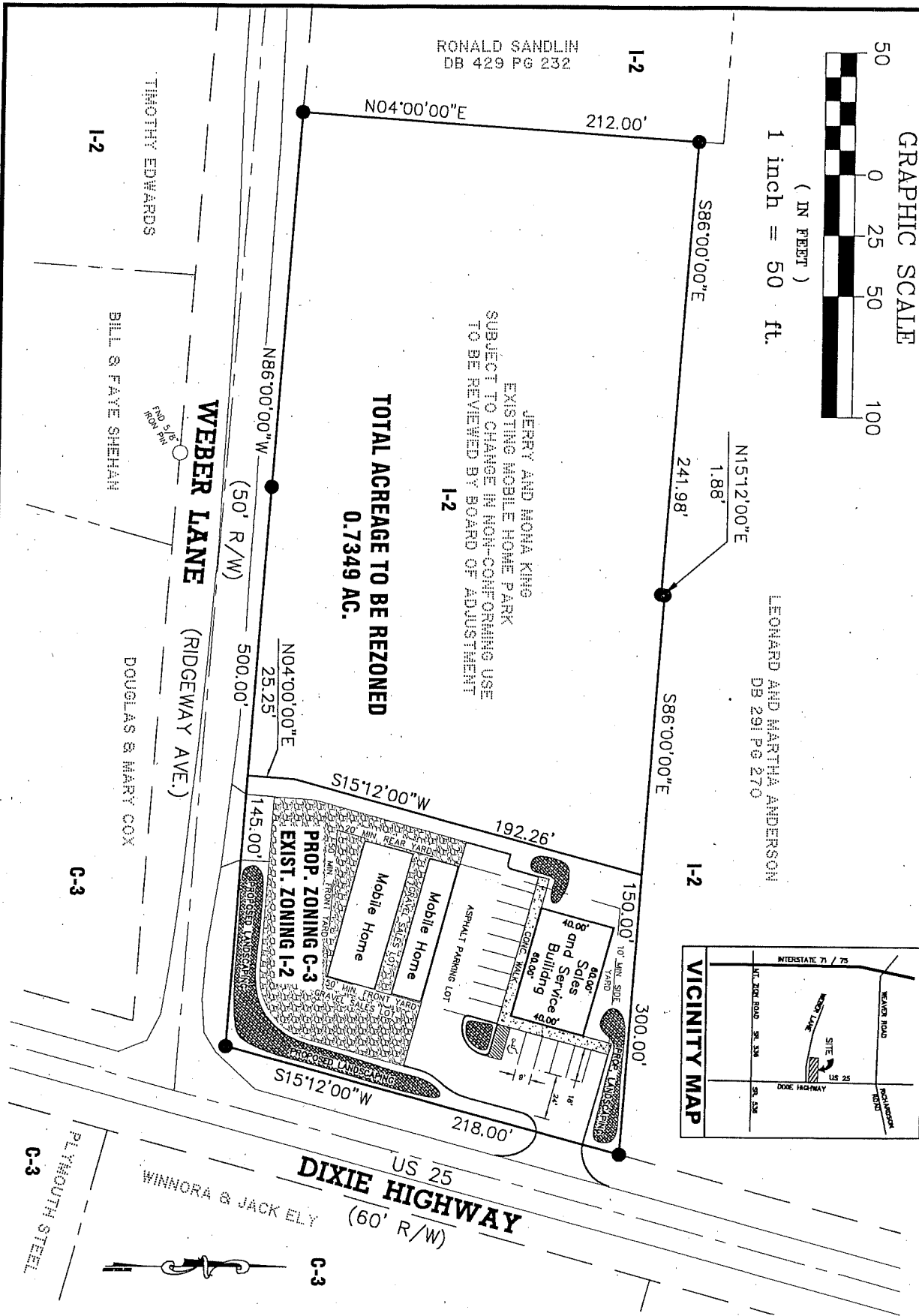
Produced by the
Boone County Planning Commission
GIS Services Division
August 19, 2002



GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



RONALD SANDLIN
DB 429 PG 232

TIMOTHY EDWARDS
I-2

I-2

BILL & FAYE SHEHAN

WEBER LANE
(50' R/W)
(RIDGEWAY AVE.)

DOUGLAS & MARY COX

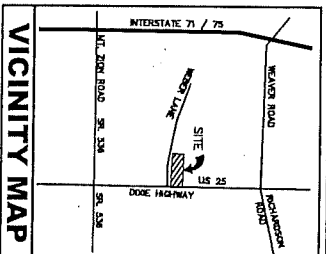
C-3

PLYMOUTH STEEL
C-3

JERRY AND MOMA KING
EXISTING MOBILE HOME PARK
SUBJECT TO CHANGE IN NON-COMFORMING USE
TO BE REVIEWED BY BOARD OF ADJUSTMENT
I-2

TOTAL ACREAGE TO BE REZONED
0.7349 AC.

LEONARD AND MARTHA ANDERSON
DB 291 PG 270




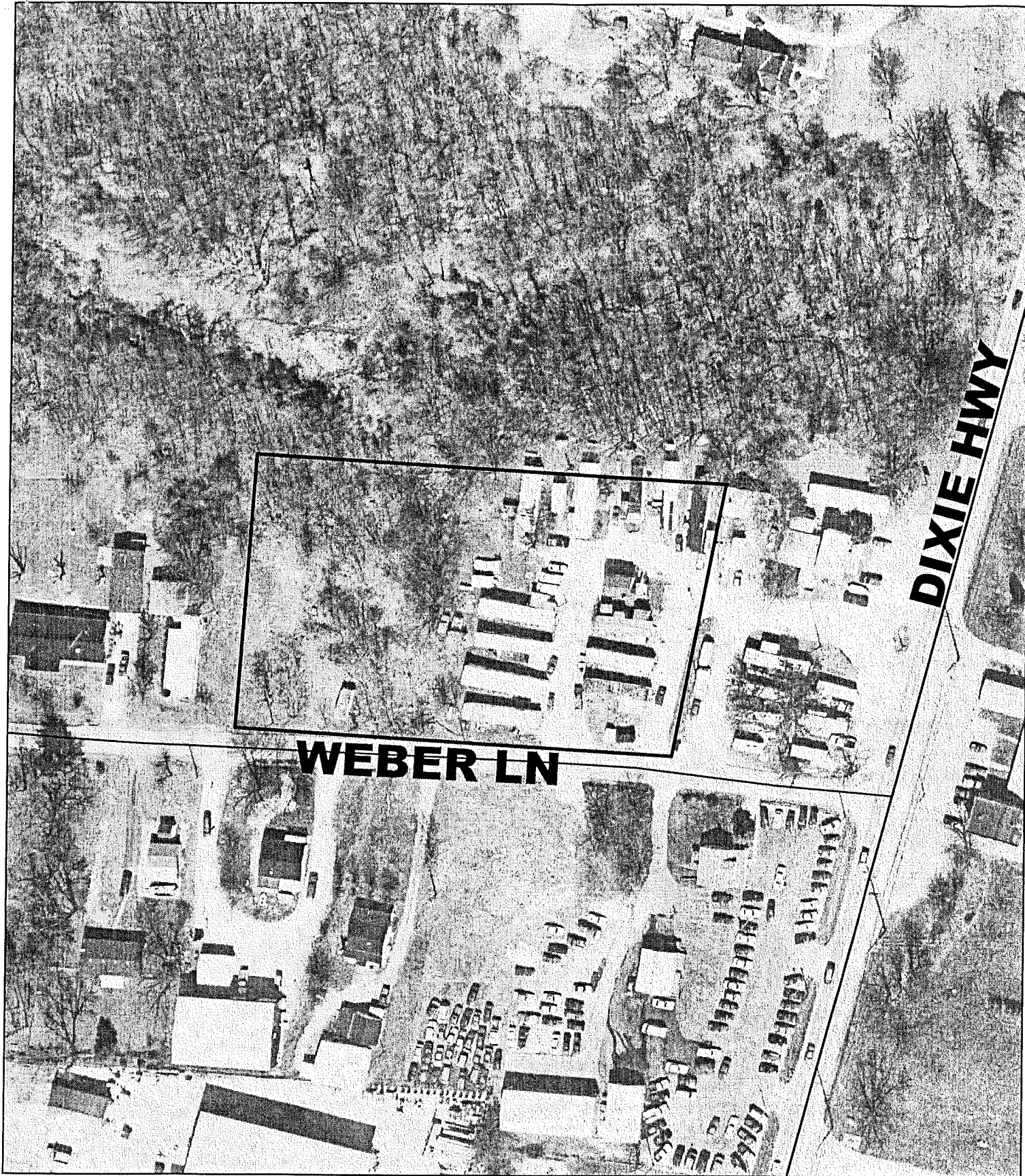
VICINITY MAP

US 25
DIXIE HIGHWAY
(60' R/W)

WINNORA & JACK ELY

C-3

<p>DRAWN BY: BER</p>	<p align="center">ZONING EXHIBIT FIVE JERRY KING 65 NORTH MAIN STREET AUG - 6 2002 WALTON, KENTUCKY 41094</p>	 <p>CENTER LINE ENGINEERING & SURVEYING, PLLC</p>
<p>CHECKED BY: DTRE</p>		
<p>JOB # V-02-038</p>	<p align="center">PROPOSED ZONE CHANGE BOONE COUNTY PLANNING COMMISSION 8484 DIXIE HIGHWAY BOONE COUNTY, KENTUCKY</p>	<p>519 Enterprise Drive Suite #103 Crescent Springs, KY 41017 (859) 578-8050 Fax (859) 578-6632</p>
<p>DATE 08-05-02</p>		



Jerry King Aerial Map

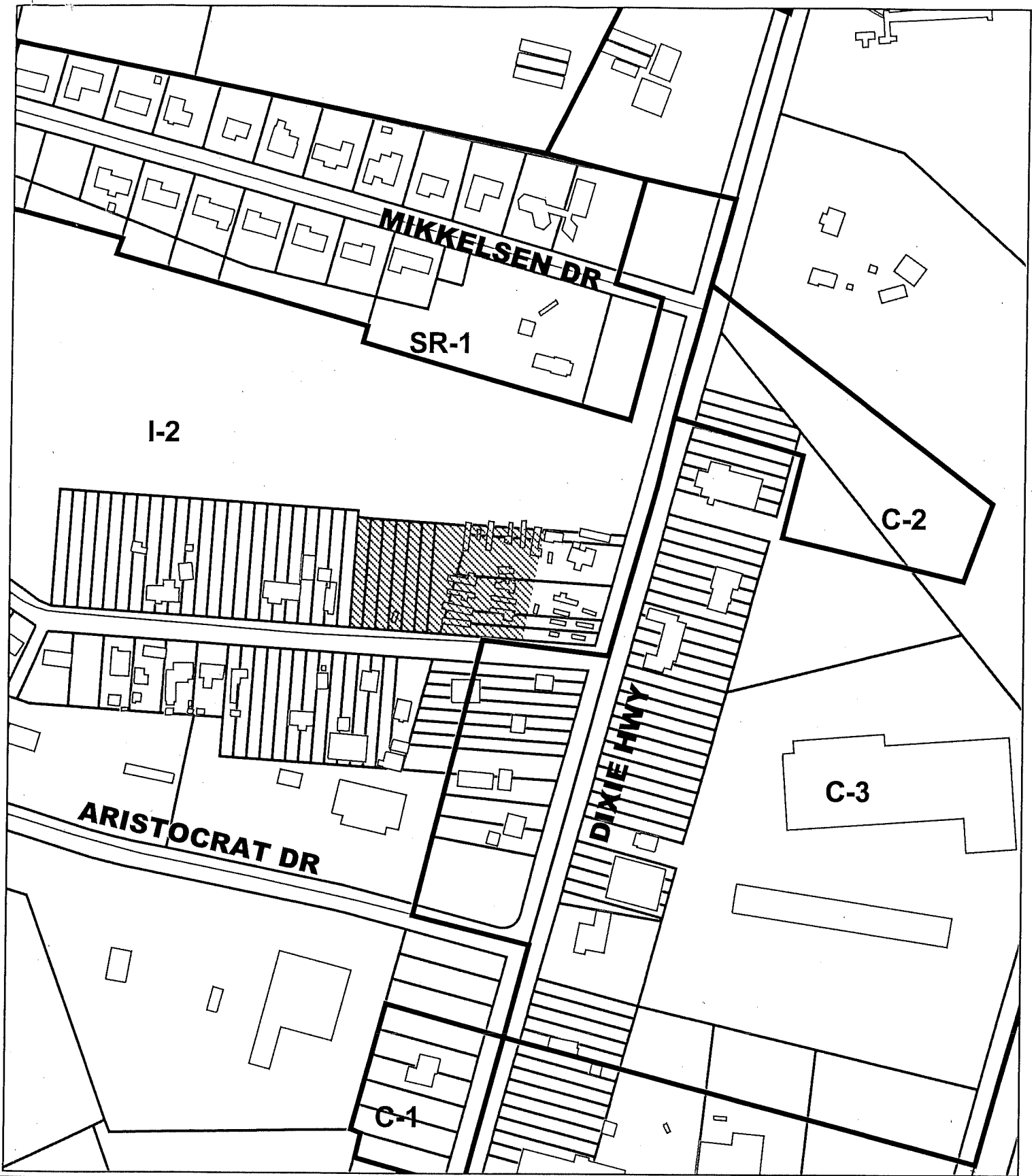
100 0 100 Feet



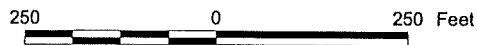
1 inch equals 100 feet

Produced by the
Boone County Planning Commission
GIS Services Division
August 19, 2002





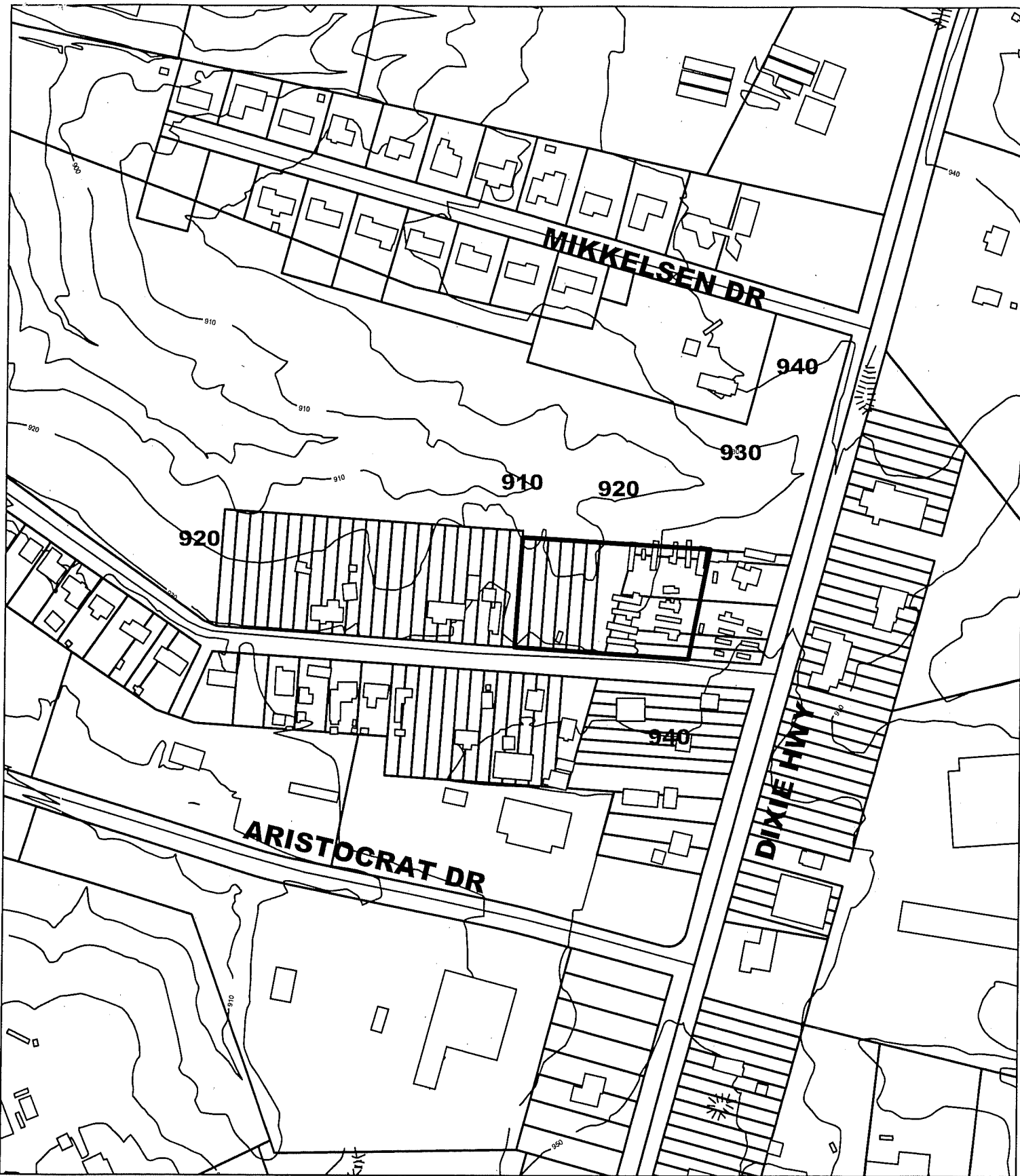
Jerry King Zoning Map



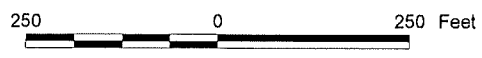
1 inch equals 250 feet

Produced by the
Boone County Planning Commission
GIS Services Division
August 19, 2002





Jerry King Topographical Map



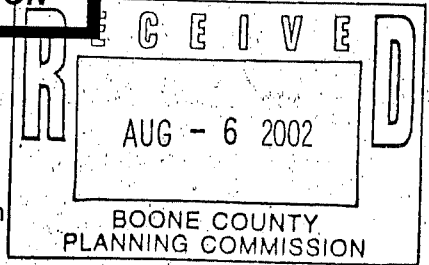
1 inch equals 250 feet

Produced by the
Boone County Planning Commission
GIS Services Division
August 19, 2002



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 _____ Florence _____ Walton _____ Union _____
- 2. (Check One)
_____ Conditional Use Permit _____ Variance _____ Appeal _____
 Change in Non-Conforming Use
- 3. Applicant's Name JERRY KING
Phone Number 485-9948 Fax No. 485-9648
Applicant's Address 65 NORTH MAIN STREET
WALTON KENTUCKY 41094
City State Zip
- 4. Description of Request: TO ALLOW THE EXISTING TRAILOR PARK TO BE CLEANUP + UPDATE TO NEW + CURRENT STANDARDS.
- 5. Name of Development 8484 DIXIE HIGHWAY
- 6. Location of Development 8484 DIXIE HIGHWAY, WALTON FLORENCE KY. ~~41094~~ 41042
- 7. Acreage Under Review 2.5483
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
PT LOTS 163-169 + 84 AND ALL OF LOTS 85-88
- 9. Owner of Property JERRY KING
Phone Number of Owner 485-9948
- 10. Address of Property Owner 65 N. MAIN WALTON KENTUCKY 41094
City State Zip
- 11. Proposed Use(s) on Site EXISTING TRAILOR PARK.
- 12. Total Square Footage of Existing and/or Proposed Buildings 11 MOBILE HOMES.
- 13. Current Zoning on Property I-2
- 14. Deed Book 827 Page No. 45 Group No: 44+167
- 15. Is the site subject to a zone change? -NA-
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: Jerry King

Property Owner's Signature: Jerry King

COPY

CLUR #02-BCBOA-019-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Jerry King
65 N. Main Street
Walton, KY 41094

2. ADDRESS OF PROPERTY

8484 Dixie Highway
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

King's Kastles

4. DEED BOOK 827

PAGE NO. 45

GROUP NO. 2049B

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Not Recorded)

Other: Change in Non-Conforming Use

Variance

6. 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

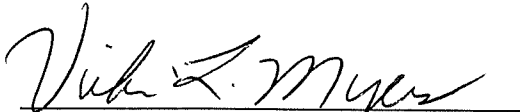

SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

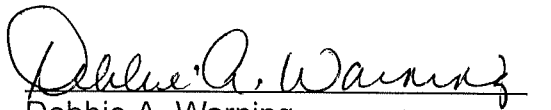
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 15 day of October, 2002.


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:


Debbie A. Warning
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 Change in Non-Conforming Use approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of October 9, 2002 Certificate of Land Use Restriction (#02-BCBOA-019-A), for Jerry King, Property Owner(s).

The following conditions will apply:

A ten-foot wide buffer yard is required to be installed along the western property line and the proposed Commercial Services (C-3) zoning boundary. Plantings in the buffer area are to consist of five evergreen trees (six-feet tall at planting) and three deciduous trees (two inches in caliper size at planting) per one hundred linear feet of frontage as recommended by Staff. This buffer will be in addition to the street frontage buffer that is required along Weber Lane; and subject to the requirement that the applicant file a Site Plan with the Boone County Planning Commission which addresses building setbacks, parking, storm water detention, landscaping, and any other pertinent conditions of approval.

The approved Change in Non-Conforming Use as well as the preceding conditions apply to the property described in:

DEED BOOK 827

PAGE NO. 45

GROUP NO. 2049B