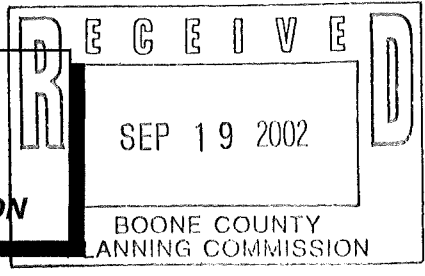


APPLICATION FORM

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) [X] Boone [] Florence [] Walton [] Union
2. (Check One) [] Conditional Use Permit [] Variance [] Appeal [X] Change in Non-Conforming Use
3. Applicant's Name [Ronald & Cindy Bullock] / [James & Sherrie Bullock]
Phone Number [689-4946] Fax No [586-7662]
Applicant's Address [3250 Peel Road] [3950 Shady Hollow Lane]
City [Burlington, KY] State [KY] Zip [41005]
4. Description of Request: [Change of boundaries on 2 tracts and needing access to these properties and for them to be buildable tracts.]
5. Name of Development
6. Location of Development
7. Acreage Under Review [3.025 Acre Tract & 4.465 Acre Tract]
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property [Katherine Peel]
Phone Number of Owner [689-4474]
10. Address of Property Owner [Burlington, KY] [41005]
City [Burlington] State [KY] Zip [41005]
11. Proposed Use(s) on Site [Build house on larger tract, smaller tract at this time would be vacant, but possible house built later.]
12. Total Square Footage of Existing and/or Proposed Buildings [NONE]
13. Current Zoning on Property [A1]
14. Deed Book [783] Page No. [569-577] Group No. [2013]
15. Is the site subject to a zone change?
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: [Cindy Bullock / Sherrie Bullock]

Property Owner's Signature: [Katherine Peel]
[John Staff Frank Staff]
(over)

**ZONING APPEALS ACTION
APPLICATION
PAGE 2**

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

1. Date Received 9-18-02 Fee Received 16443.00 R# 32917
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: SEE 10-9-02 MEETING
MINUTES

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountky.org - E-mail
www.boonecountky.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: Ronald & Cindy Bullock/James & Sherrie Bullock

LOCATION: Immediately to the north of 3424 Peel Rd.; immediately to the south of 3236, 3240, 3242, and 3250 Peel Rd.; immediately to the east of 3322 Peel Rd., and immediately to the west of 3162 and 3170 Millakin Place, Boone County, Kentucky.

ZONING: Agriculture (A-1)

DATE: October 9, 2002

PROPOSAL

The applicants are requesting a Change in Non-Conforming Use so they can reconfigure the property boundaries and access of two non-conforming lots of record. The two properties are located between Peel Road and Millakin Place and are zoned Agriculture (A-1).

The applicants submitted Concept Plan indicates that they are proposing to:

- (1) Reconfigure the boundaries of two non-conforming lots. Tract 1 is proposed to be converted from 3.025 acres to approximately 3.49 acres (see Concept Plan - area in red) and tract 2 is proposed to be converted from 4.465 acres to approximately 4 acres (see Concept Plan - area in blue).
- (2) Swap a 50' section of property with Frank and Joan Staff. The Staff's would receive the area in magenta (see Concept Plan) and the Bullock's would receive the blue and red panhandle (see Concept Plan).
- (3) Place a shared access easement on the acquired Staff property. This would provide legal access to both properties.

SITE CHARACTERISTICS

The two tracts, which total 7.49 acres in area, are currently undeveloped. The 4.465 acre tract is currently landlocked because there is no legal access to the site.

The topography of the site rolls from 840' at the southwest property line to 780' at the northeast property line. The majority of the site is covered with mature deciduous trees. There are no public water or sanitary sewer lines on Peel Road.

APPLICABLE REGULATIONS

Article 6, Section 614 of the Boone County Zoning Regulations states the minimum lot size of a parcel in the Agriculture (A-1) zoning district is 5 acres.

Article 6, Section 616 and Table 31.1 of the Boone County Zoning Regulations states that each lot in an Agriculture (A-1) zoning district must have 150' of road frontage along a publically dedicated or private road, unless configured as a flag lot.

Article 3, Section 315 (d) of the Boone County Subdivision Regulations states that single flag lots shall have 20' of frontage on a street and that two contiguous flag lots shall have 30' of frontage on a street. Flag lots are required to have at a minimum a 150' panhandle which connects to the street.

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment and Zoning Appeals is to act 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 271 of the Boone County Zoning Regulations states that "if any lot of record does not meet the minimum square foot requirements that are generally applicable in the district wherein said lot is located, and that lot existed at the effective date of adoption or amendment of this order, the owner may develop that lot in conformance with the dimensional (square footage) regulations, including front yard setback requirements previously effect. The lot must be developed in conformance with all other requirements of this order."

Article 2, Section 273 of the Boone County Zoning Regulations states that the Board "shall have the power to hear and decide on applications to permit a change from one nonconforming use to another.

The Board shall not permit such a change unless the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing nonconforming use. Application for change of nonconforming use shall conform to the procedures and requirements for appeals as specified in Sections 245-254, inclusive, of this order and Kentucky Revised Statutes, Section 100.253.

The Board shall not allow any changed nonconforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original nonconforming use. In permitting such a change in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation."

SURROUNDING LAND USES & ZONING

- North: Single-Family Residential Dwellings (A-1)
- South: Undeveloped Tracts of Land (A-1)
- East: Single-Family Residential Dwellings Fronting on Millakin Place (RSE)
- West: Single-Family Residential Dwelling & Undeveloped 1 Acre Tract of Land (A-1)

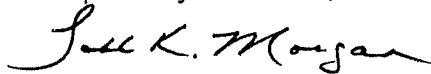
STAFF COMMENTS

1. The two lots are non-conforming because:
 - a. They do not meet the 5 acre minimum lot size that is required in the Agriculture (A-1) zone; and;
 - b. The 4.465 acre tract is landlocked and doesn't have to meet the road frontage requirements.
2. The Board needs to determine if revising the property boundaries and providing access to two parcels in an enlargement or extension of the non-conformities. The Board can permit these changes if they find that the proposal is equally or less non-conforming.
3. The applicants have expressed to Staff that they intend to build one house on each of the proposed lots in the future.
4. If the Board grants approval of the requests, the applicants will need to file a plat with the Planning Commission to re-subdivide the property.

Conclusion

KRS 100.253 and Section 273 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,

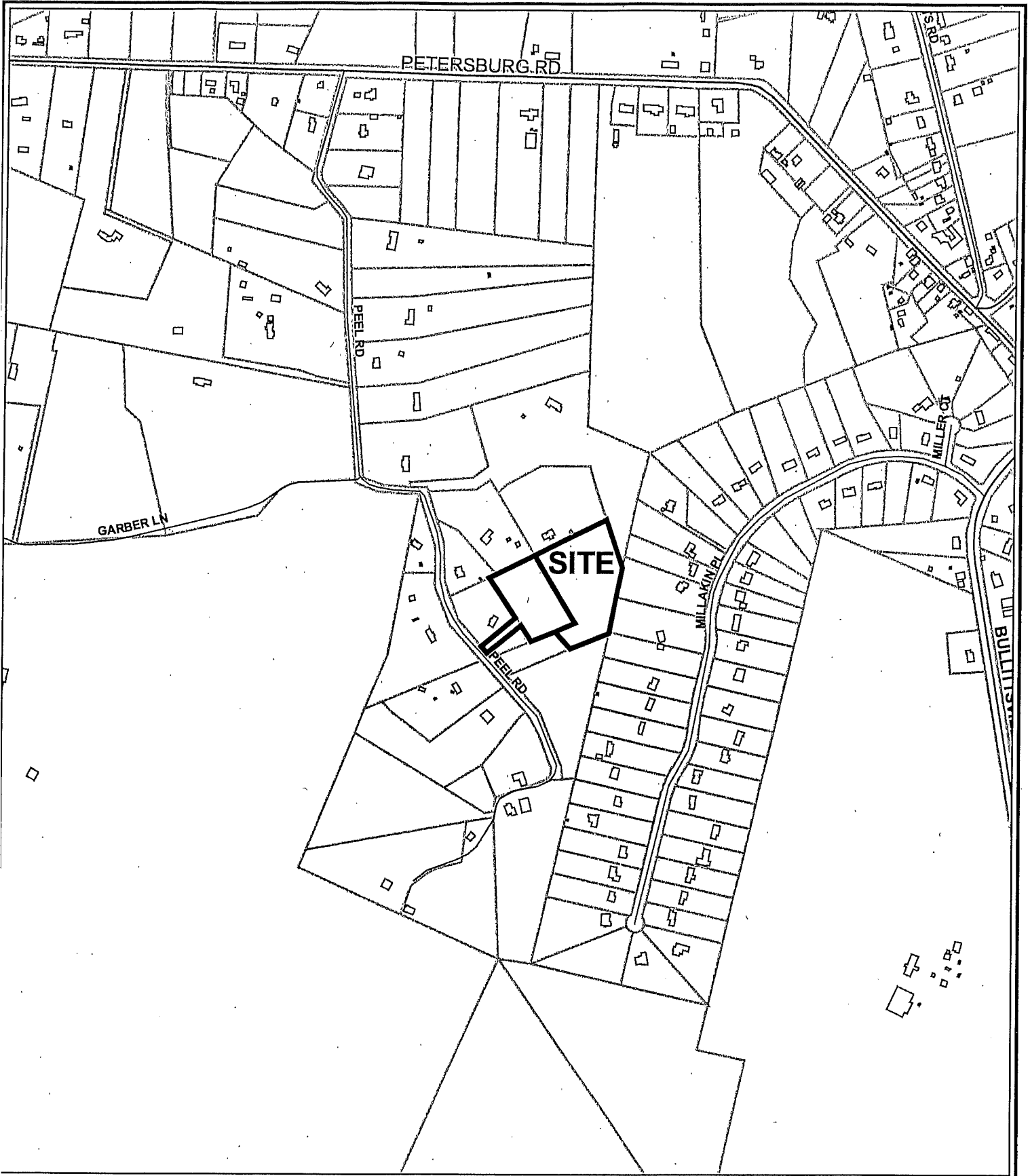


Todd K. Morgan, AICP
Planner, Zoning Services

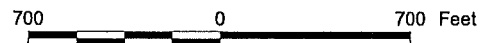
TKM/pr

Attachments

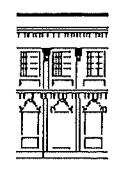
- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicants
- Exhibit C – Survey (Existing)
- Exhibit D – Concept Plan (Proposed)
- Exhibit E – Aerial Map
- Exhibit F – Zoning Map
- Exhibit G – Topographical Map
- Exhibit H – Application



Bullock Site Vicinity Map



1 inch equals 700 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 4, 2002



From: Ronald & Cindy Bullock
3250 Peel Road
Burlington, KY 41005
689-4946

September 17, 2002

AND

James & Sherrie Bullock
3950 Shady Hollow Lane
Burlington, KY. 41005
586-7662

Attn: Todd Morgan
Planning Commission

Re: Land Acreage 3.025 labeled George Peel
Land Acreage 4.465 labeled Tract 2
Property Owner of Both Tracts-Katherine Peel

Spoke to Kevin Wall Wednesday, September 17 regarding the properties located on Peel Road that we, Ronald & Cindy Bullock and James & Sherrie Bullock are wanting to purchase, what is labeled Tract 2 (4.465 Acres) and the acreage labeled George Peel (3.025 Acres) redividing it as highlighted.

The one section then being 200' Wide as one tract and the remainder being a second tract. Basically all we're wanting to do is change the boundaries and have buildable lots.

Also can the Right of Way which runs through Frank & Joan Staff's property be moved next to the 1 Acre Tract highlighted, instead of running through the middle of their property. We have talked to the Staff's and they would prefer it be moved to that location.

And can we have an easement running north and south, alongside Staff's property from the Right of Way to the 200' Wide Tract? Or would we have to purchase the 20 Feet Wide strip alongside Staff's property?

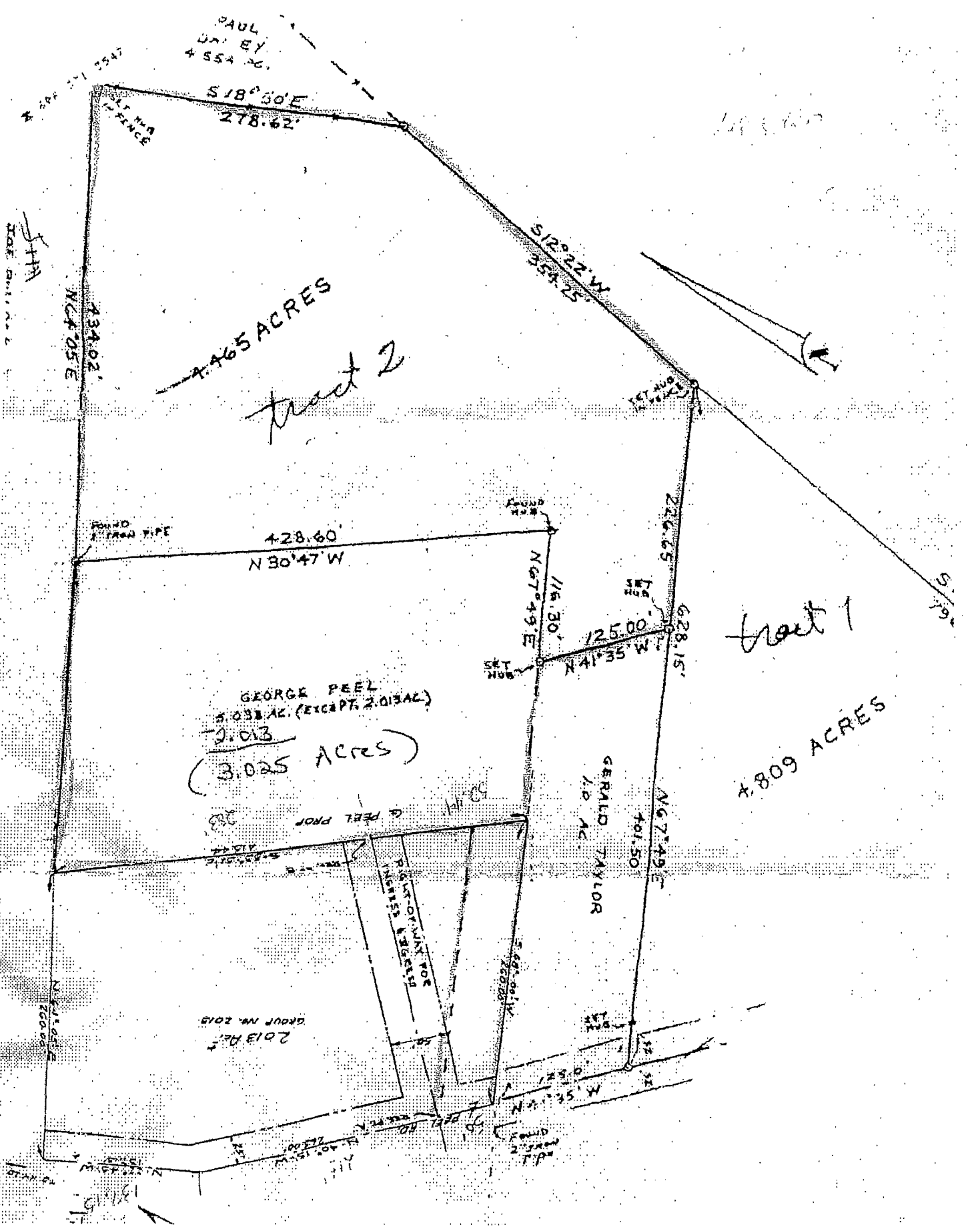
Kevin Wall said this property was zoned A1, however none of the adjacent properties around the 2 tracts are 5 Acres. Our property, Ronald & Cindy Bullock, is 1.59 Acres, which would join the new 200' Wide Tract Lykin's - 3.41 Acres, McCoy's - 4.23 Acres, Staff's - 2.103 Acres, Taylor's - 1 Acre, Badida's - 4.809 Acres.

Kevin Wall said we would need to go through the Board of Adjustment since these properties have a legal condition which doesn't meet current laws-Legal Non Conforming Use. One of the tracts as it is now is completely landlocked.

Attached is a copy of the Tracts in question, a copy highlighting the changes we're wanting to make and showing access needed to these properties. Also a list of all the adjacent property owners.

Please allow us to make the needed changes to the properties in question. Basically all we're doing is changing the boundaries of land that is already there and needing access to the new tracts.

Thank you very much.
Ronald & Cindy Bullock
689-4946
James & Sherrie Bullock
586-7662



PAUL
J. ELY
4.554 AC.

S18°30'E
278.62'

4.465 ACRES
tract 2

S12°22'W
354.25'

133.02'
N64°05'E

428.60
N30°47'W

GEORGE PEEL
3.038 AC. (EXCEPT 2.013 AC.)
2.013
(3.025 ACRES)

tract 1
7.809 ACRES

GERALD TAYLOR
1.0 AC.

PLANT OFFSHORE FOR
INTEREST SUBJECT

2013 H.L.

544
STATE ROUTE 12

FOUND FROM PIPE

FOUND MARK

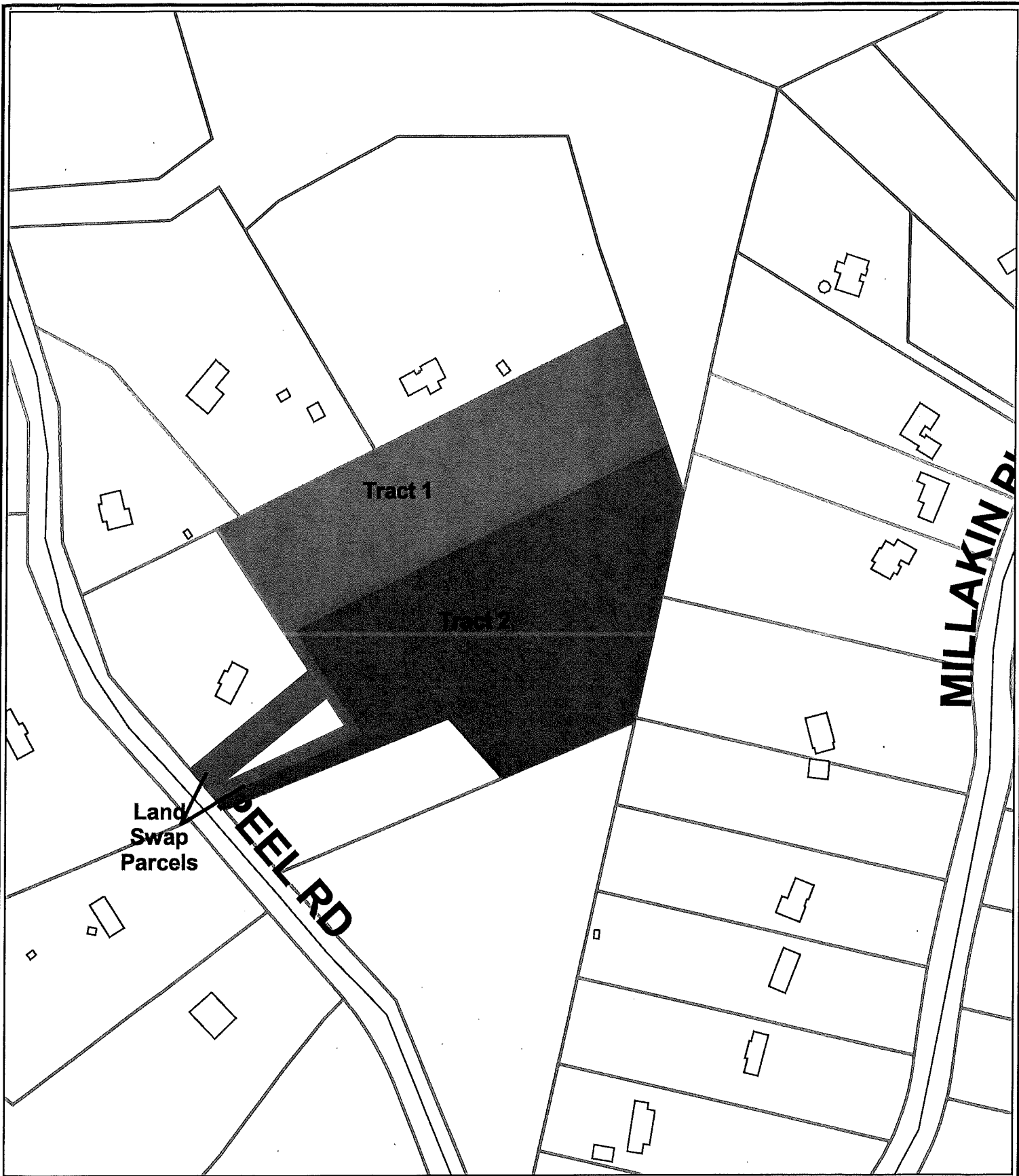
SKT. MARK

FOUND MARK

FOUND MARK

FOUND FROM PIPE

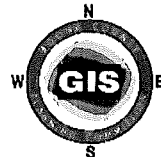
134.10'

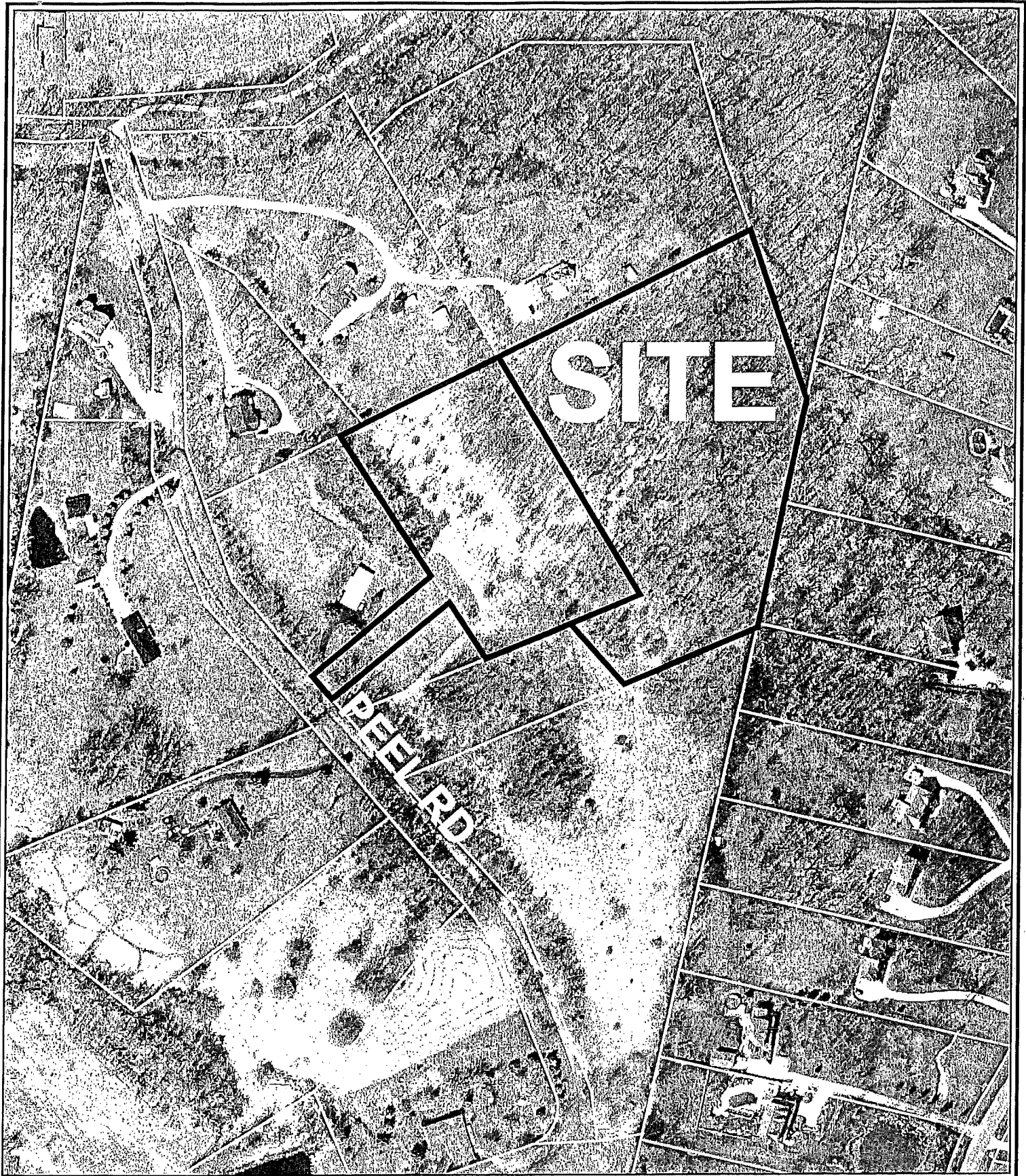


Bullock Concept Plan



1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 4, 2002



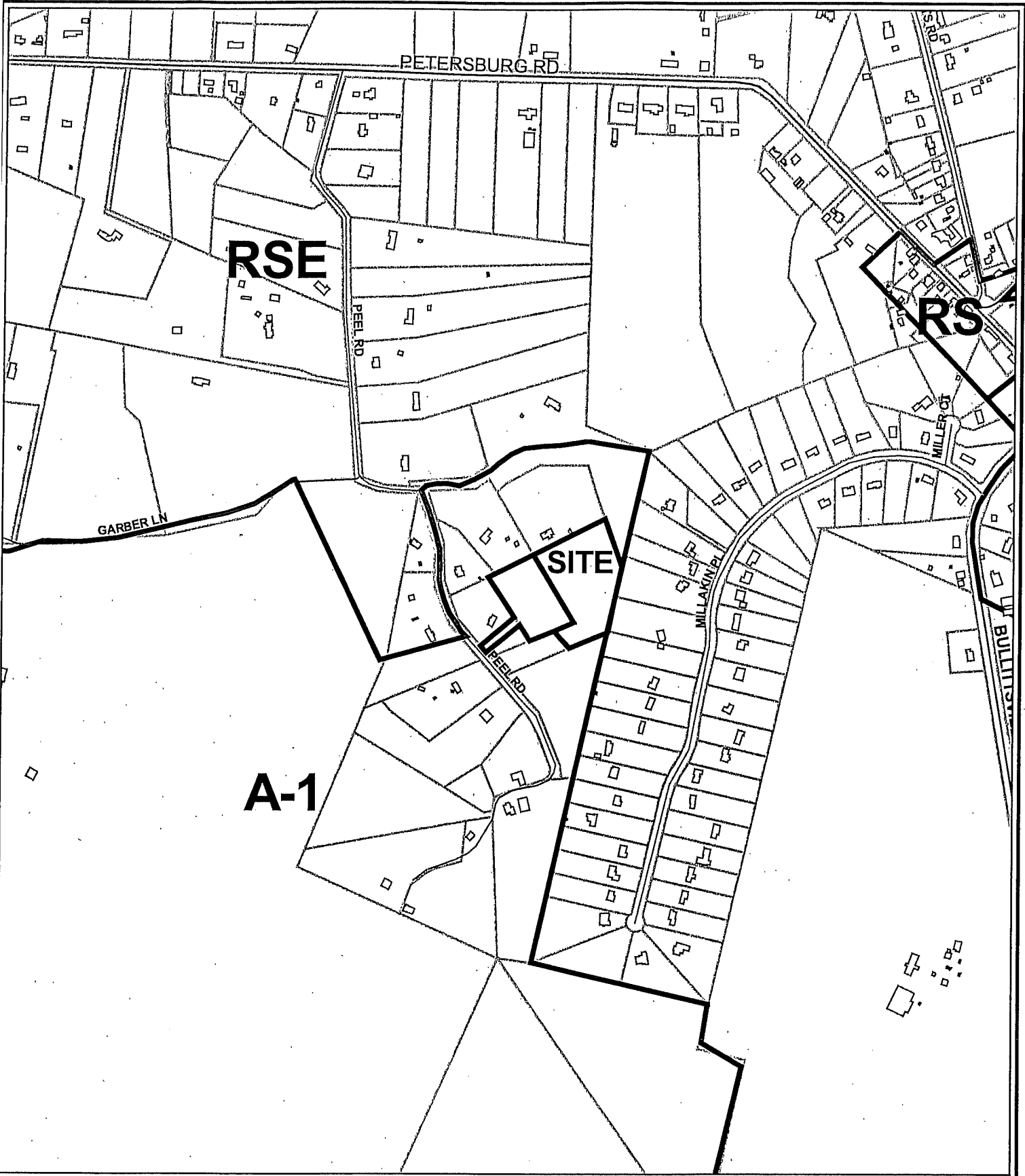


Bullock Aerial Map

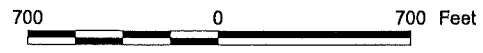
200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 4, 2002

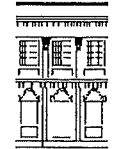


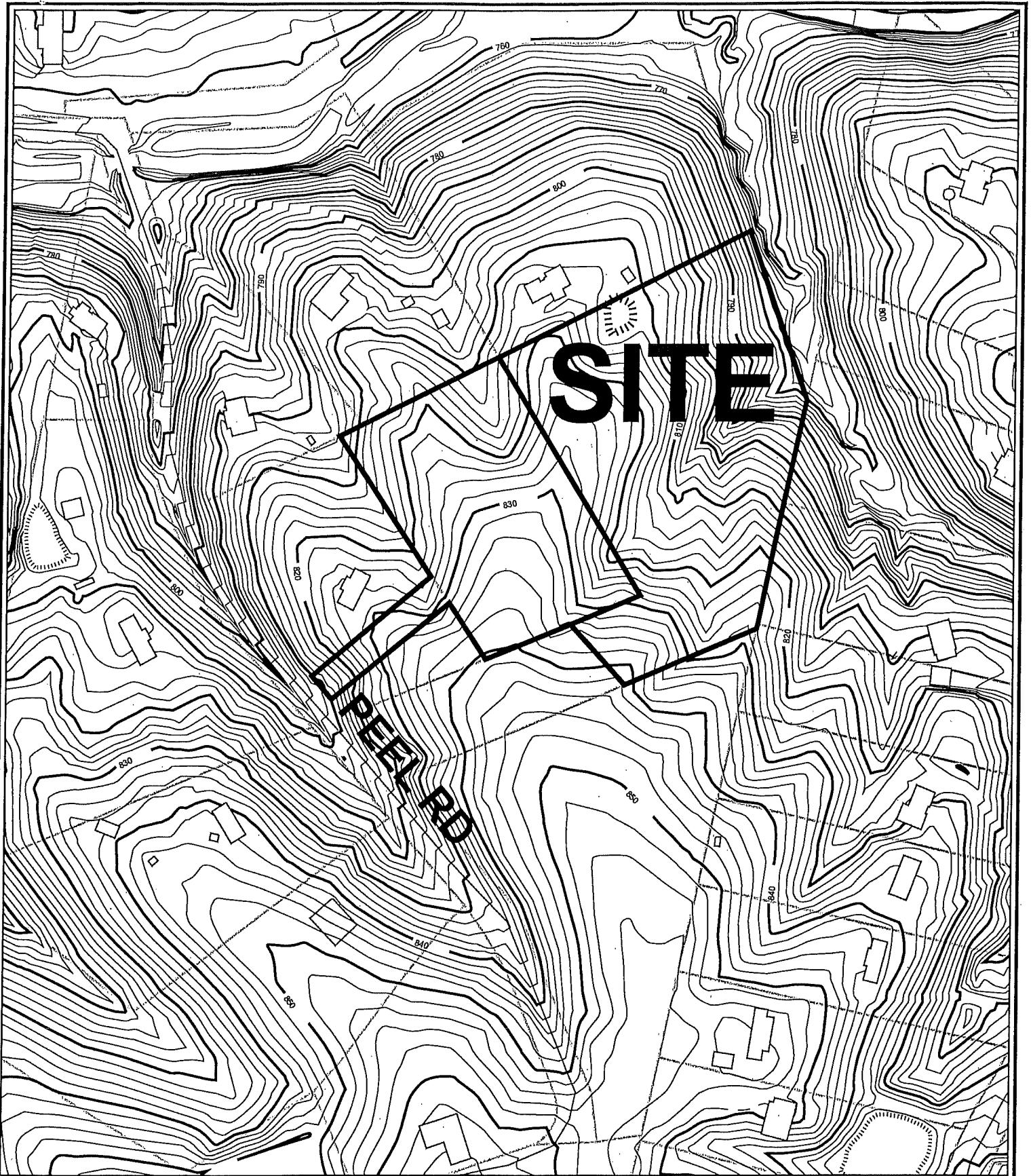


Bullock Zoning Map



1 inch equals 700 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 October 4, 2002





Bullock Topographical Map

200 0 200 Feet

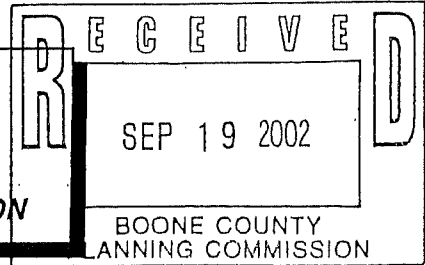


1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 4, 2002



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 Ronald & Cindy Bullock | James & Sherrie Bullock
Phone Number 689-4946 | Fax No. 586-7662
Applicant's Address 3250 Peel Road | 3950 Shady Hollow Lane
Burlington, KY | 41005
City State Zip
- 4. Description of Request: Change of boundaries on 2 tracts and needing access to these properties and for them to be buildable tracts.
- 5. Name of Development _____
- 6. Location of Development _____
- 7. Acreage Under Review 3.025 Acre Tract & 4.465 Acre Tract
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Katherine Peel
Phone Number of Owner 689-4474
- 10. Address of Property Owner Burlington, KY | 41005
City State Zip
- 11. Proposed Use(s) on Site Build house on larger tract, smaller tract at this time would be vacant, but possible house built later.
- 12. Total Square Footage of Existing and/or Proposed Buildings NONE
- 13. Current Zoning on Property A1
- 14. Deed Book 783 Page No. 569-577 Group No. 2013
- 15. Is the site subject to a zone change? _____
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: Cindy Bullock / Sherrie Bullock

Property Owner's Signature: Katherine Peel
Jan Stoff Frank Stoff
(over)

COPY

CLUR #02-BCBOA-020-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Katherine Peel
3424 Peel Road
Burlington, KY 41005
2. ADDRESS OF PROPERTY
Peel Road
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 783 PAGES 569-577 GROUP NO. 2013
5. TYPE OF RESTRICTION(S) (Check all that apply)
- ____ Zoning Map Amendment: ____ Conditional Use Permit
 From ____ To ____
- ____ Development Plan ____ Conditional Zoning
- ____ Subdivision Plat X Other: Change in Non-Conforming
 (Not Recorded) 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



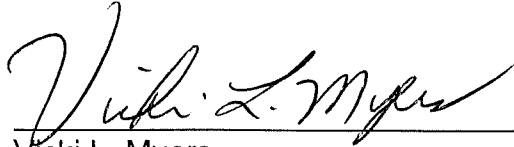
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

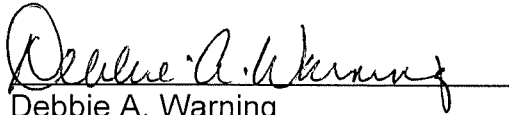
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 15 day of October, 2002.



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-020-A), for Katherine Peel, Property Owner(s).

The following conditions will apply:

- 1) The swapped property is to be thirty feet as opposed to fifty feet.
- 2) The applicant is required to file a plat with the Boone County Planning Commission to re-subdivide the property.

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

DEED BOOK 783

PAGES 569-577

GROUP NO. 2013