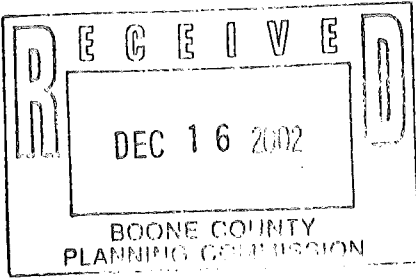


APPLICATION FORM



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 [X] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [X] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name John EUGENE HANCOCK
Phone Number 859-341-4118 Fax No. \_\_\_\_\_
Applicant's Address 414 Day Flower Ct Edgewood Ky 41017
4. Description of Request: Hobby use, RECONDITIONING CLASSIC AND SHOW CARS FOR THE SPACE DESIGNATED, NOT FOR PUBLIC
5. Name of Development GABELLA CORPORATION
6. Location of Development [REDACTED] DIXIE HWAY, FLORENCE Ky 10057
7. Acreage Under Review Less than 1
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property GABELLA CORPORATION (J. EUGENE HANCOCK)
Phone Number of Owner 859-341-4118
10. Address of Property Owner Day Flower Edgewood Ky 41017
11. Proposed Use(s) on Site OWNER WISHES TO BE ABLE TO STORE SHOW CARS AND MAINTAIN THEM UNTIL HE SELLS THE PROPERTY
12. Total Square Footage of Existing and/or Proposed Buildings 4000
13. Current Zoning on Property C1 DE PAGE
14. Deed Book 356/144 Page No. 429/187 Group No. 2058
15. Is the site subject to a zone change? ?
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: Eugene Hancock

Property Owner's Signature: Eugene Hancock

**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 12-16-02 Fee Received \$853.00 R#83746
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
 Approved  
 1-8-03 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: SEE 1-8-03  
BCBOA 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@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://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: John Eugene Hancock  
LOCATION: 10057 Dixie Highway, Boone County, Kentucky  
ZONING: Commercial One (C-1)  
DATE: January 8, 2003

### PROPOSAL

The applicant is requesting a Conditional Use Permit so he can recondition classic cars and show cars within a Commercial One (C-1) zoning district. The applicant has explained to Staff that he is storing car parts in a tenant space located at 10057 Dixie Highway and that he has placed a 1,260 (18' x 70') square foot metal building behind this tenant space to do repairs and store the vehicles.

### SITE HISTORY

Florence Fire was called to the site because there were complaints of paint fumes. After visiting the site, Florence Fire contacted the Boone County Building Department. The Building determined that the metal building had been placed on the site illegally because no building permit had been issued. The Building Department then contacted the Planning Commission to make Staff aware of the building and operation.

### APPLICABLE REGULATIONS

Article 10, Section 1013 of the Boone County Zoning Regulations permits "gasoline filling stations and automotive repair facilities" as a conditional use within the Commercial One (C-1) district.

Article 40, Section 4000 of the Boone County Zoning Regulations defines an automotive repair facility as "a business establishment that repairs, rebuilds, reconditions, or services automobiles or automotive parts, including but not limited to any of the following activities: body and paint work; engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, all on an individual vehicle basis; changing of oil, other fluids, and filters; emissions testing."

Article 30, Section 3007 of the Boone County Zoning Regulations states that "property involving a conditional use and/or variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district."

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 1013 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for all Conditional Uses):

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;

3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 10, Section 1013 of the Boone County Zoning Regulations allows automotive repair facilities in the Commercial Two (C-1) district provided that:

- a. the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
- b. the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and
- c. the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Commercial" uses. This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

#### SURROUNDING LAND USES & ZONING

North: Dino's Sports Café & Transmission Shop (C-1)

South: Pasquales & Video Village (C-1)

East: Dixie Highway & Carter Lumber (C-3/CD)

West: Greenlawn Mobile Home Park (MHP)

#### SITE CHARACTERISTICS

The approximate 1 acre parcel fronts on Dixie Highway and contains a 5,200 square foot, dual tenant space building; gasoline pumps, two garages, and a 1,260 square foot metal building. The majority of the building is currently occupied by an Ameristop. It appears that the applicant has recently placed an 8' tall chainlink fence on the side and rear property lines to secure the metal building.

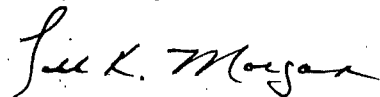
STAFF COMMENTS

1. Staff would like the applicant to explain what type of work is occurring inside the buildings.
2. Staff would also like the applicant to explain if he ever foresees storing cars or parts outside the buildings.
3. Staff is concerned about the proximity of the use next to the mobile home park and Ameristop because it may involve processes, materials, equipment and conditions of operation that generate excessive noise, fumes, or odor.
4. If the request is approved or if the applicant intends to keep the building on site, a 25 foot wide buffer (Buffer Yard C) will need to be installed along the rear property line (for the length of the new building). Section 3745 of the zoning regulations requires this buffer to be installed when a commercial use develops adjacent to a Mobile Home Park (MHP) zoning district. The planting of this buffer yard will mean that the metal building will need to be moved at least 5' further away from the rear property line (see attached Concept Plan). The buffer yard will need to contain 6 evergreen trees and 3 large, medium, or small trees.
5. If the Board grants approval of the request or if the metal building remains on site, a Site Plan application will need to be submitted to the Boone County Planning Commission. This plan will need to address setbacks, landscaping, and any pertinent conditions of approval.

Conclusion

KRS 100.237 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 Conditional Use Permit.

Respectfully submitted,

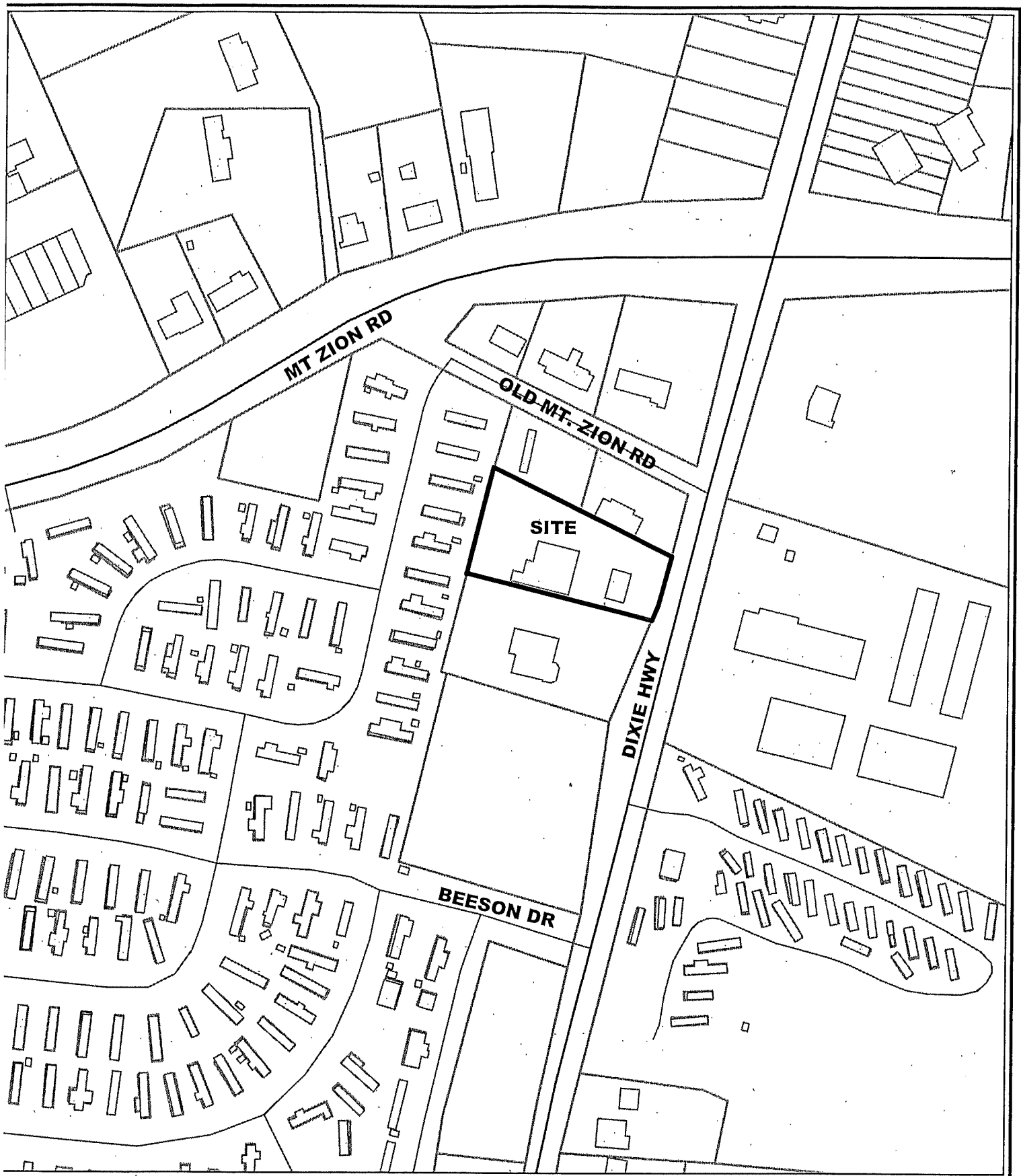


Todd K. Morgan, AICP  
Planner, Zoning Services

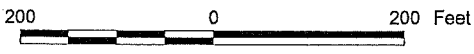
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plan
- Exhibit C – Zoning Map
- Exhibit D – Future Land Use Map
- Exhibit E – Aerial Map
- Exhibit F – Application



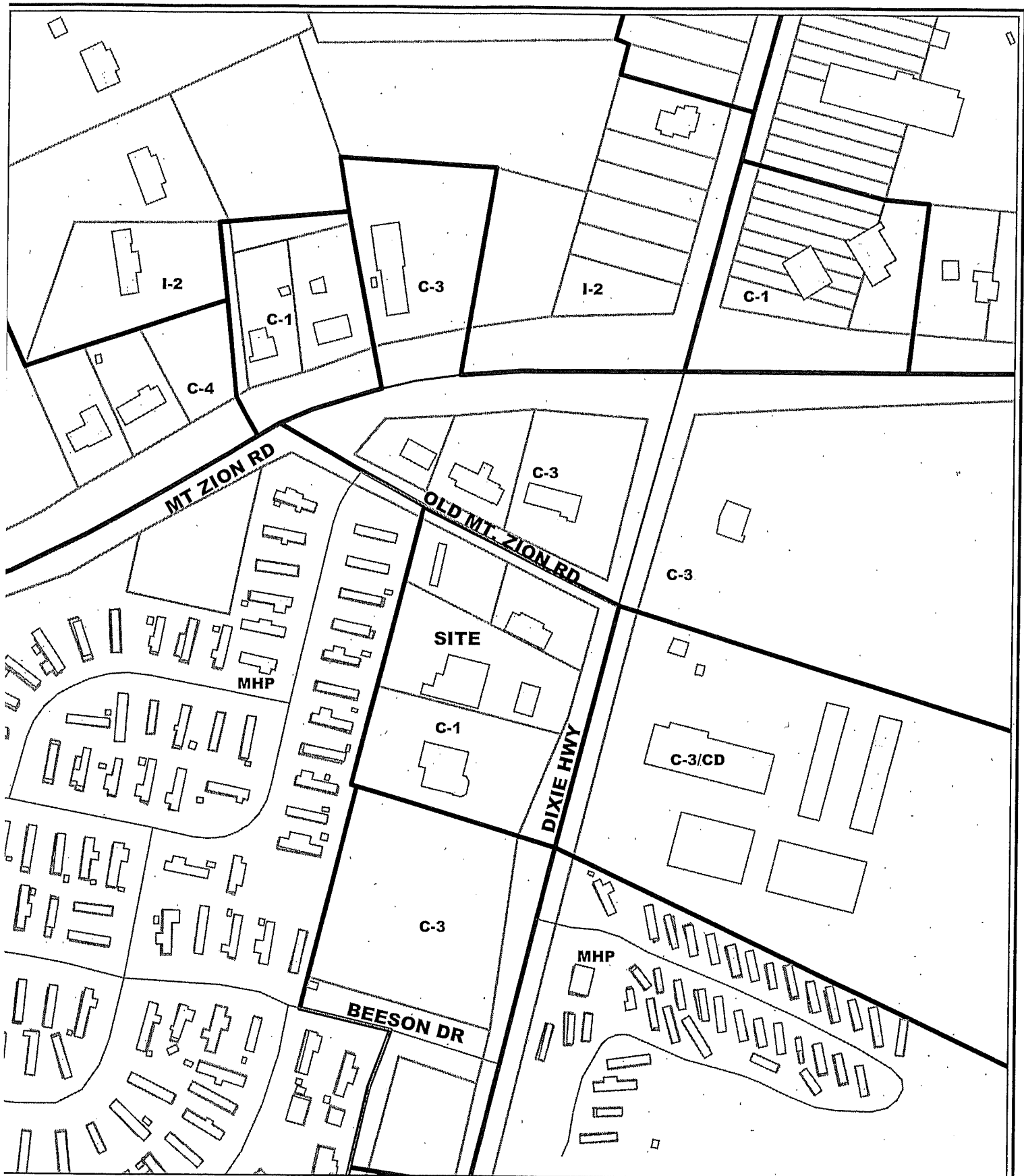
# JOHN HANCOCK SITE VICINITY MAP



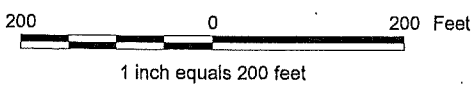
1 inch equals 200 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 31, 2002





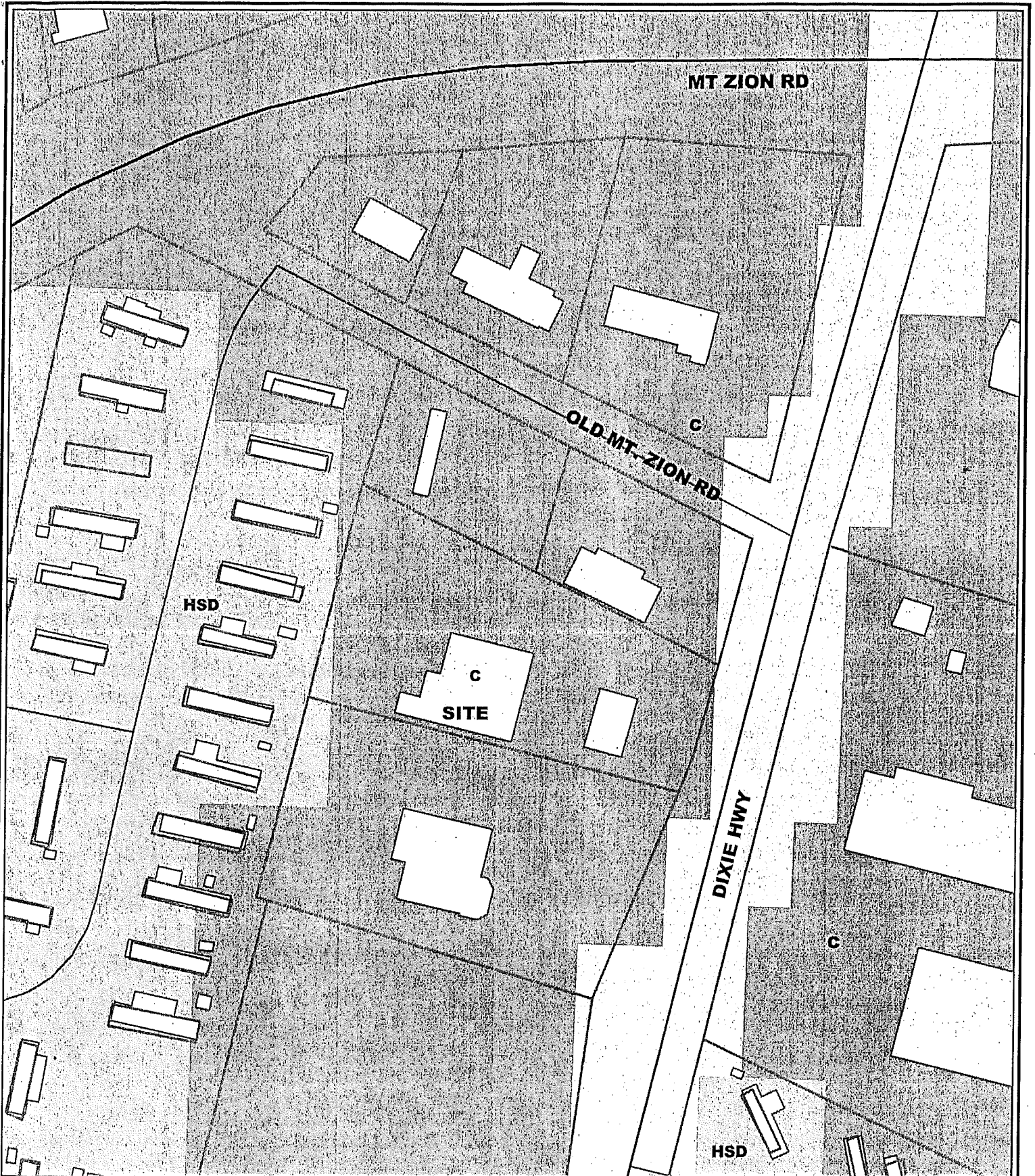


# JOHN HANCOCK ZONING MAP



Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 31, 2002





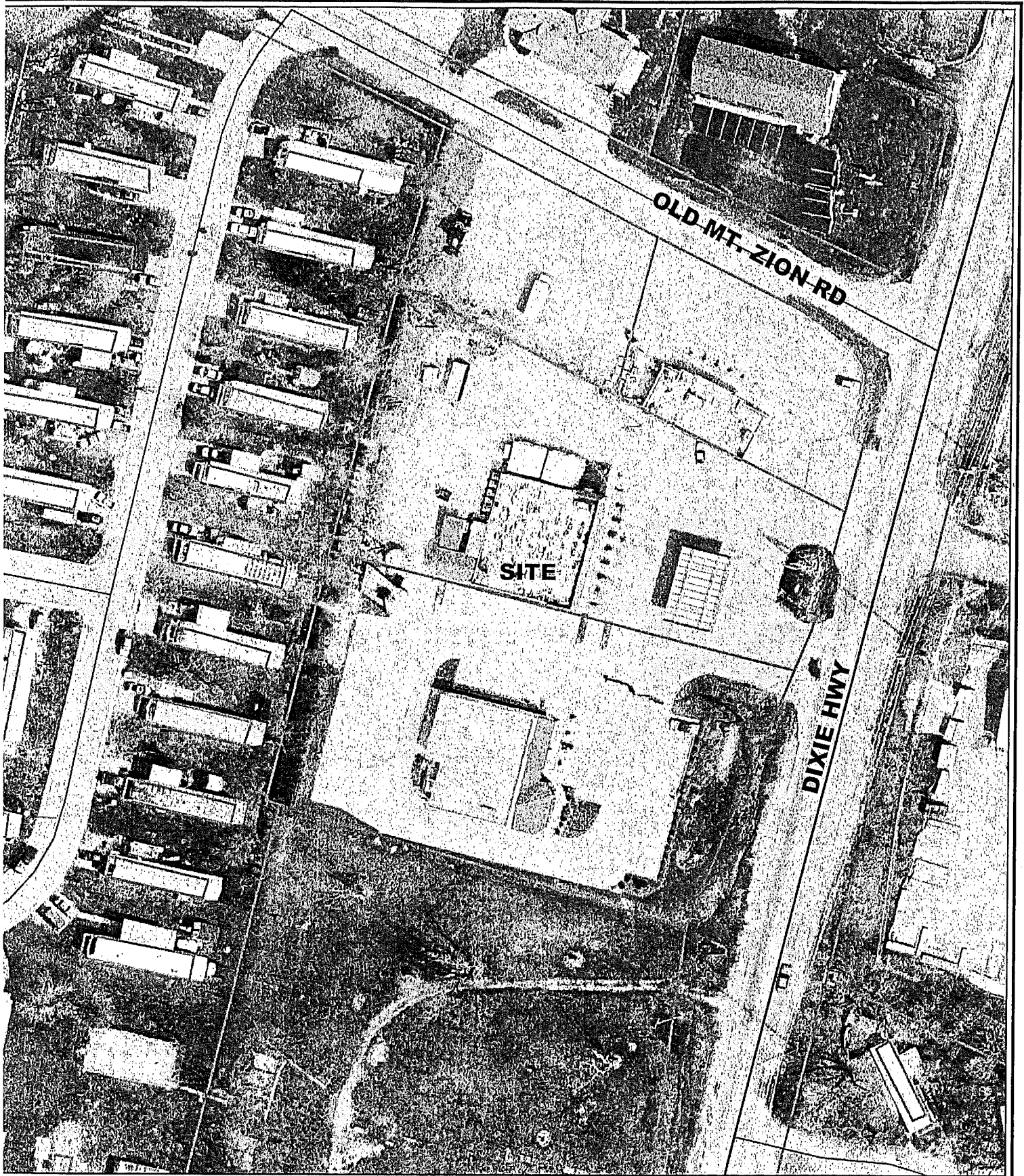
# JOHN HANCOCK FUTURE LAND USE MAP



1 inch equals 100 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 31, 2002





# JOHN HANCOCK AERIAL MAP

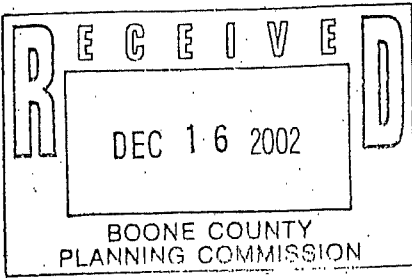
80 0 80 Feet



1 inch equals 80 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
December 31, 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)

- (Check One) 1. Boone Florence Walton Union (Check One) 2. Conditional Use Permit Variance Appeal Change in Non-Conforming Use 3. Applicant's Name JOHN EUGENE HANCOCK Phone Number 859-341-4118 Fax No. Applicant's Address 414 DAY FLOWER CT EDgewOOD Ky 41017 City State Zip 4. Description of Request: HOBBY USE, RECONDITIONING CLASSIC AND SHOW CARS FOR THE SPACE DESIGNATED, NOT FOR PUBLIC 5. Name of Development GABELLA CORPORATION 6. Location of Development 10057 DIXIE HWAY, FLORENCE Ky 7. Acreage Under Review Less than 1 8. Lot Number and Name of Subdivision (if part of a subdivision) 9. Owner of Property GABELLA CORPORATION (J. EUGENE HANCOCK) Phone Number of Owner 859-341-4118 10. Address of Property Owner DAY FLOWER EDgewOOD Ky 41017 City State Zip 11. Proposed Use(s) on Site OWNER WISHES TO BE ABLE TO STORE SHOW CARS AND MAINTAIN THEM UNTIL HE SELLS THE PROPERTY 12. Total Square Footage of Existing and/or Proposed Buildings 4000 13. Current Zoning on Property C1 14. Deed Book 356/144 Page No. 424/187 Group No. 2058 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: J Eugene Hancock

Property Owner's Signature: J Eugene Hancock

COPY

CLUR #03-BCBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Gabella Corporation  
414 Day Flower Ct.  
Edgewood, KY 41017
2. ADDRESS OF PROPERTY  
10057 Dixie Highway  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
\_\_\_\_\_
4. DEED BOOKS & PAGES 356/144, 424/187      GROUP NO. 2058
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:
- 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

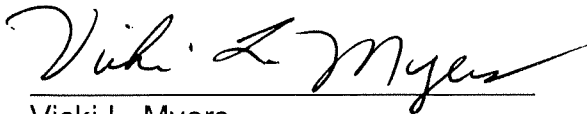
  
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

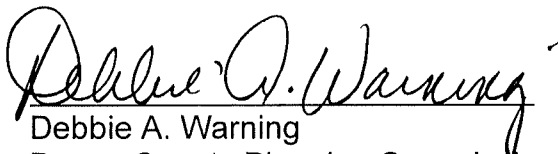
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 15 day of January, 2003.



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 Conditional Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of January 8, 2003 Certificate of Land Use Restriction (#03-BCBOA-004-A), for Gabella Corporation, Property Owner(s).

The following conditions will apply:

- 1) There is to be no commercial activity taking place on the site.
- 2) The site is to be used for the applicant's own personal property and no one else's.
- 3) The owner will not engage in the business of refurbishing cars for retail.
- 4) Access to the property will not cross any adjacent owner's property.
- 5) There is to be no outside storage.
- 6) If the applicant sells the property, the Conditional Use Permit terminates.
- 7) If the applicant keeps the building on site, a 25-foot wide buffer (Buffer Yard C) will be required to be installed along the rear property line for the length of the new building. The planting of the buffer yard requires that the metal building be moved at least five feet further away from the rear property line. The buffer yard is required to contain six evergreen trees and three large, medium, or small trees.
- 8) A Site Plan application must be submitted to the Boone County Planning Commission for approval.

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