

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. [x] Boone [] Florence [] Walton [] Union

(Check One)

- 2. [x] Conditional Use Permit [] Variance [] Appeal [] Change in Non-Conforming Use

- 3. Applicant's Name: Len C. Ellis; Phone Number: 859-567-5703; Applicant's Address: 3710 Dry Creek Road, Sparta, KY 41086

- 4. Description of Request: See Attachment

- 5. Name of Development: T & E Holdings, Inc - Service

- 6. Location of Development: 6000 Burlington Pike, Bellview

- 7. Acreage Under Review: 2 out of 44.56

- 8. Lot Number and Name of Subdivision (if part of a subdivision): N/A

- 9. Owner of Property: T & E Holdings, Inc

- Phone Number of Owner: 859-567-5703

- 10. Address of Property Owner: 3710 Dry Creek Road, Sparta, KY, 41086

- 11. Proposed Use(s) on Site: See Attachment

- 12. Total Square Footage of Existing and/or Proposed Buildings: 1675 + Prop. 2000 in future

- 13. Current Zoning on Property: SR-1/SC

- 14. Deed Book: 845 Page No.: 199 Group No.: 2035

- 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? 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: Len C. Ellis

Property Owner's Signature: Len C. Ellis

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

003 81 030

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

1. Date Received 12-18-03 Fee Received \$589.00 R# 37427
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
2-11-04 Approved
 Approved with Conditions (See #6)
 Denial (See #7).
6. Conditions of Approval:
SEE 2-11-04 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 - 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: Len C. Ellis

LOCATION: The property is located on the south side of KY 18, across from the KY18/KY 20 intersection. The property is immediately to the southwest of a single-family residence, which has an address of 6001 Burlington Pike, Boone County, Kentucky.

ZONING: Suburban Residential One/Small Community Overlay (SR-1/SC) & Agriculture (A-1)

DATE: January 14, 2004

PROPOSAL

The applicant is requesting a Conditional Use Permit to allow a commercial automobile repair facility to be operated out of an existing 1,675 square foot pole building located at the 1820 sand and gravel mine. The existing shop is comprised of metal siding and contains two garage bays. The applicant's Concept Development Plan indicates that he intends to add onto the shop in the future. The application indicates that the proposed addition could be up to 2,000 square feet in area.

Although the 44.56 acre property is split zoned Agriculture (A-1) and Suburban Residential One/Small Community Overlay (SR-1/SC), the entire auto repair operation (building and parking area) will be conducted on approximately 2 acres of the site which are zoned SR-1/SC.

SITE HISTORY

- 02/18/98 – The Zoning Administrator made a determination (see attachments) that the subject pole building could be constructed on the property as an accessory use to the mining operation. This determination was needed because the mining operation was legally non-conforming (use not allowed in the A-1 or SR-1/SC zoning districts). The proposed building was to be used for the maintenance of dump trucks and loaders, used in conjunction with the mining of the site.
- 02/20/98 – A Minor Site Plan application was approved for a 48' x 39' (1,872 square foot) maintenance building.
- 07/09/03 – The Boone County Zoning Enforcement Officer received a complaint about a potential automobile junk yard around the old maintenance facility. The Zoning Enforcement Officer observed that there were approximately 40 to 50 junk vehicles being kept on the site. The Zoning Enforcement Officer met the lease holder on the site and he indicated that he was bringing junk cars to the site, stripping parts, and making repairs. The Zoning Enforcement Officer informed the lease holder of the following: (1) he could not keep an automotive wrecking facility or junkyard on the site; (2) that he could apply for a Conditional Use Permit if he wished to convert the operation into an automobile repair facility.

SITE CHARACTERISTICS

The dominant feature on the 44.56 acre site is a sand and gravel mine. The automobile repair business is proposed in a 1,675 square foot pole building near the northwest property boundary. This building is in close proximity to the rear property boundary of a single-family residence. However, the building is hidden from this residence, KY 18, and the adjoining properties to the west due to significant changes in topography (see attached topographical map). The building is clearly visible from the adjoining residence and farm to the south.

The site also contains equipment and parts related to the mining operation and illegal auto repair/automotive wrecking operation. The area around the proposed auto repair building contains a trailer full of car parts, a trailer full of engines, and areas where scrap metal and old tires are being stored.

Access to the site is provided by a driveway that is comprised of a mixture of gravel and blacktop. The driveway connects to KY 18 and runs immediately to the east of an adjoining single-family dwelling.

APPLICABLE REGULATIONS

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional use permits as specified by the zoning order.

Article 20, Section 2012 of the Boone County Zoning Regulations permits "automobile repair facilities" as a conditional use in the Small Community Overlay District (SC).

Article 40, Section 4000 of the Boone County Zoning Regulations defines automotive repair facilities 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 basis; changing of oil, other fluids, and filters; emission testing.

Article 40, Section 4000 of the Boone County Zoning Regulations defines automotive wrecking as "the dismantling or wrecking of used motor vehicles, mobile homes, or trailers; or the storage, sale or dumping of dismantled, wrecked vehicles or their parts. The presence of two or more non-operational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of an automobile wrecking yard. Also may be referred to as a junkyard.

Article 40, Section 4000 of the Boone County Zoning Regulations defines junkyards as "the storage, salvaging, and sale of secondhand materials or old dilapidated machinery. Materials include motor vehicles, mobile homes, trailers, machinery, appliances, furniture, rags, rubber, building materials, and scrap iron. The presence of two or more non-operational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of a junkyard. An automobile wrecking yard is considered a junkyard."

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 2012 of the Boone County Zoning Regulations.

Findings listed in Section 262 (General Standards Applicable to 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 20, Section 2012 of the Boone County Zoning Regulations allows "automobile repair facilities" as conditional uses in the SC district provided that:

- A. the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center;
- B. the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district; and
- C. historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the SC overlay. Additions and structural alterations will be reviewed for conformance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The following Goals and Objectives from the 2000 Boone County Comprehensive Plan apply to the application:

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity - Goal).

- B. "Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space" (Business Activity – Commercial Objective #1).

The following Future Land Use Development Guidelines from the 2000 Boone County Comprehensive Plan applies to the application:

- A. "Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects ..." (Buffering, p. 159).
- B. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadway..." (Landscaping, p. 159).

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the 2 acre area in which the automotive repair facility is proposed for "Industrial" uses. This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining; and terminal uses."

The Land Use Element (Bellevue - McVile Area, pp. 177-178) states the following regarding this area:

- A. "Any commercial development in this area should occur within the town center of Bellevue and McVile and not along the roadways outside the towns."

SURROUNDING LAND USES & ZONING

North: KY 18, KY 20, Single-Family Dwelling (A-1 & SR-1/SC) & Vacant Land (SR-1/SC)

South: Single-Family Dwelling & 114 Acre Farm (SR-1/SC)

East: Bellevue Baptist Cemetery (SR-1/SC) & Single-Family Dwelling (SR-1/SC)

West: Barn & Tobacco Farm (A-1)

STAFF COMMENTS

1. The applicant has submitted a letter to Staff indicating that their intent isn't to start a junkyard. When Staff met with the tenant of the building, he indicated that he is currently buying cars from individuals and is driving them or having them towed to the site. He is then fixing the cars (could use two cars to fix one) and selling the excess parts to a used auto parts store.

The tenant has furnished a letter to Staff indicating that he wants to use the shop for engine and transmission repairs. However, Staff remains concerned that the current operation is classified as "automobile wrecking" and/or a "junkyard" by the Boone County Zoning Regulations. These type of operations are not permitted in the SR-1/SC district.

2. Staff is concerned that the tenant of the building may also be selling cars from the lot. Staff noticed that one of the cars parked in the lot had a for sale sign in the window. Car sales are not permitted in the SR-1/SC district.
3. Staff would like to point out that the tenant has removed all of the junk vehicles and a lot of car parts from the site since July (time when Zoning Enforcement Officer made him aware of his violation). However, the site still contains a large enclosed storage trailer, a trailer which is used to store and move old engines, and areas where tires and scrap metal are stored.
4. The property is split zoned A-1 and SR-1/SC. If the conditional use permit is approved, the operation (building, parking area, storage areas) must be limited to the portion of the property that is zoned SR-1/SC.
5. Staff recommends that the Board should analyze if "the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center."
6. If the application is approved, Staff recommends that the Board should analyze the following code requirements:
 - A. The vehicular use area (entrance and parking area) does not meet the current requirements because it is a mixture of gravel and blacktop. The Boone County Zoning Regulations require a dust free surface and striped parking stalls.
 - B. The Boone County Zoning Regulations requires outside storage areas to be located in the side or rear yard only (areas to the side or behind the building) and to be properly enclosed with a wall or fence.
7. For information purposes, Staff would like the applicant to address if the sand and gravel mine is still active. If not, is any reclamation planned? Staff talked with a couple of the adjoining property owners and their complaints were largely about the appearance of the mine.
8. If the Board grants the Conditional Use Permit, a Site Plan application will need to be submitted and approved by the Boone County Planning Commission before the automotive repair facility will be considered a legal use on the site.

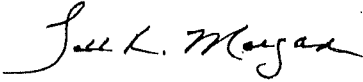
Conclusion

KRS 100.237 and 100.241 and Sections 220 and 250 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.

STAFF REPORT - Len C. Ellis
January 14, 2004

Page 6

Respectfully submitted,

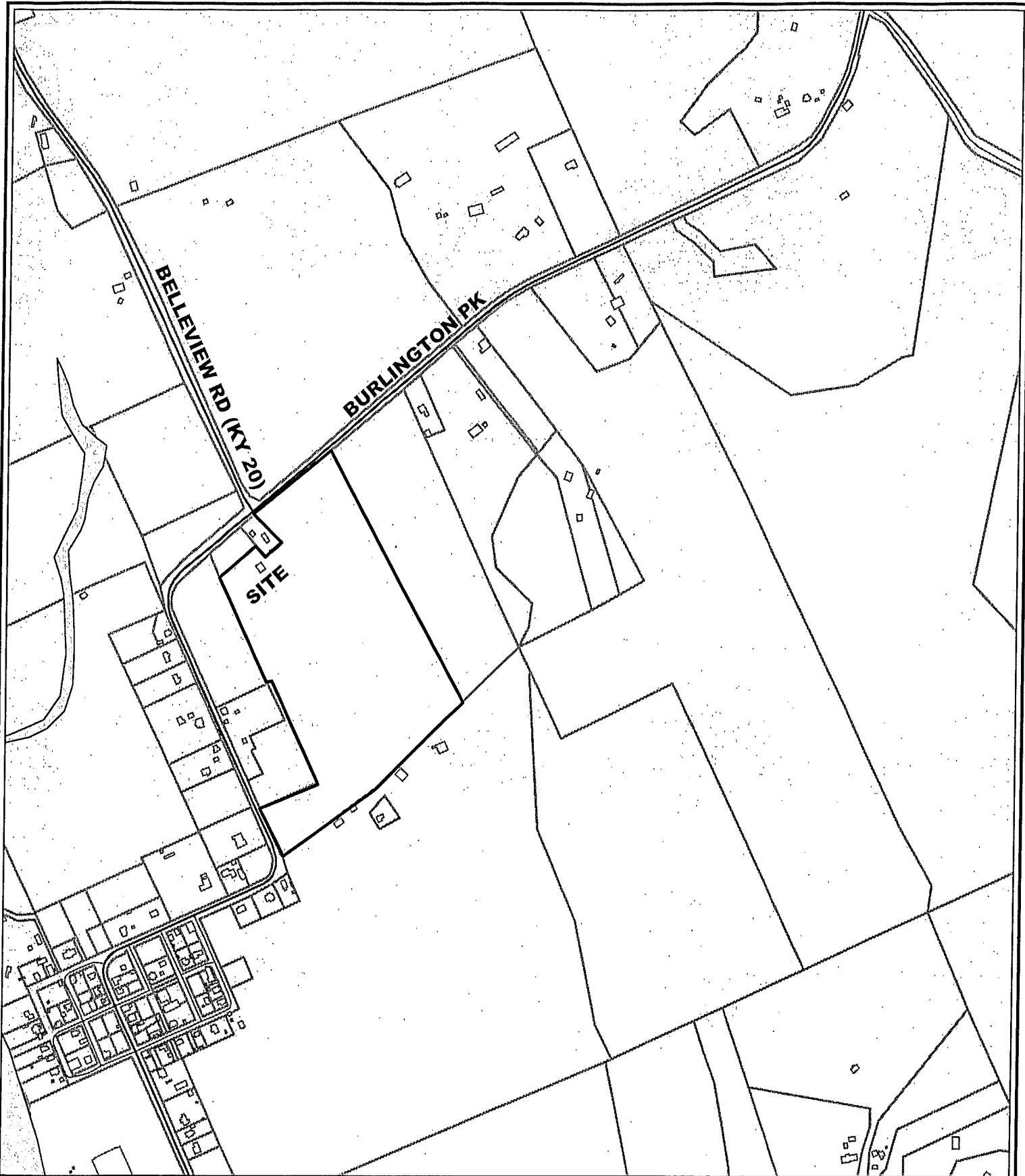


Todd K. Morgan, AICP
Planner, Zoning Services

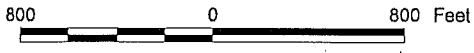
TKM/dw

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letters From Property Owner (Proposed Use on Site & Description of Request)
- Exhibit C – Letter From Tenant
- Exhibit D – Concept Development Plan
- Exhibit E – Zoning Map
- Exhibit F – Future Land Use Map
- Exhibit G – Aerial Map
- Exhibit H – Topographical Map
- Exhibit I – 2/18/98 Determination Letter From Zoning Administrator
- Exhibit J – 2/20/98 Site Plan
- Exhibit K – Application



Len C. Ellis Site Vicinity Map



1 inch equals 800 feet

Produced by the
Boone County Planning Commission
GIS Services Division
January 8, 2004



Proposed Use On Site

The existing 1675 s.f. shop is approximately 6 years old and is located on two acres about 25 feet below road level of KY 18. In the north east corner of an existing sand & gravel pit. It was built for truck and equipment repair by the sand and gravel operation. The scope of that operation no longer needs the shop. Therefore, this request is for permission to convert the shop operation to automobile repair.

Description Of Request

I have read the following documents, provided by the Boone County Planning & Zoning, and understand what is required for approval of this request.

A. General Standards Applicable to All Conditional Uses Section 262

B. Conditional Uses and Criteria Section 2012

The local community needs an automobile repair service to serve those who own vehicles that are out of a repair warranty. Our shops intention is to service those people at a cost lower than the big car dealers. We are currently a small operation trying to serve a small community and will operate by the standards set by the local people. As we aren't selling gas or oil the operation shouldn't present a hazardous condition. Our traffic flow is so small that there will be no need for road changes and/or improvements.

I have read the description of "Junk Yards", as provided by the BCP&Z, and understand that "The presence of two or more non-operational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of a junk yard" and isn't our intent to start a junk yard.

To Whom This May Concern

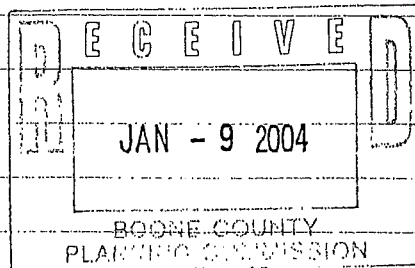
I Art Hays wants to use the shop
at 6001 Bullington Pike for Auto and
truck repair on engines and drive
trans.

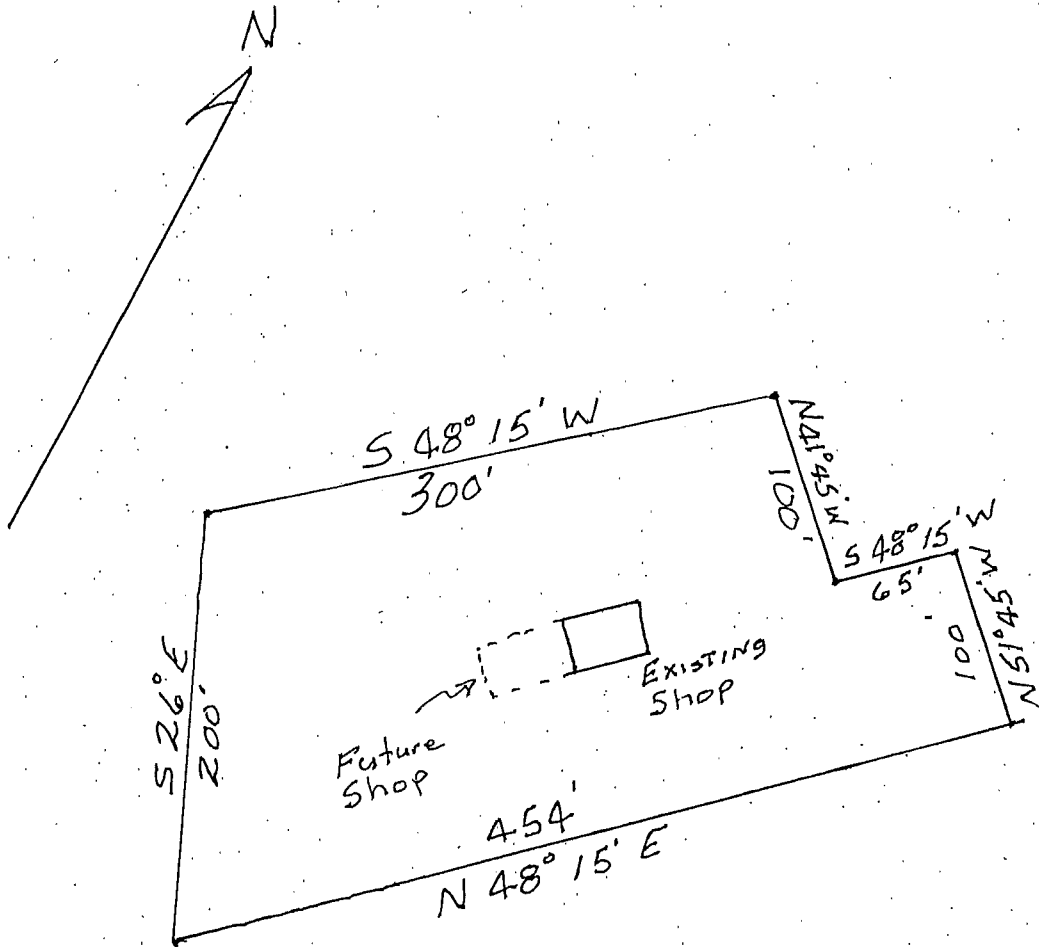
This shop will not be used for body
repairs or to store junk cars.

Thank You

Sincerely

Art Hays

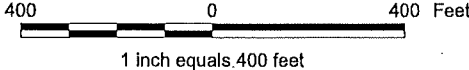




Scale 1" = 100'

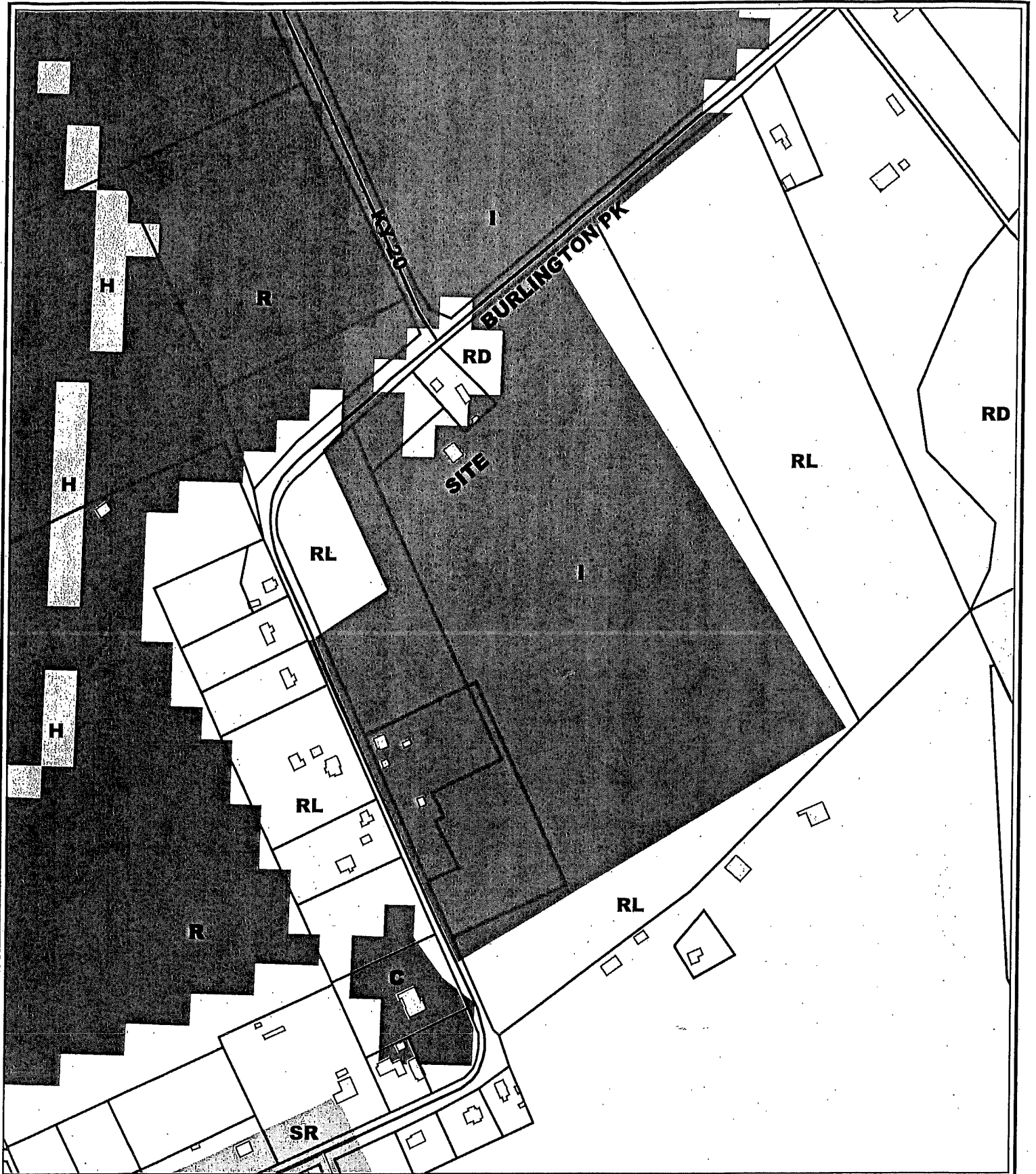


Len C. Ellis Zoning Map

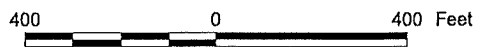


Produced by the
Boone County Planning Commission
GIS Services Division
January 8, 2004





Len C. Ellis Future Land Use Map



1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
January 8, 2004





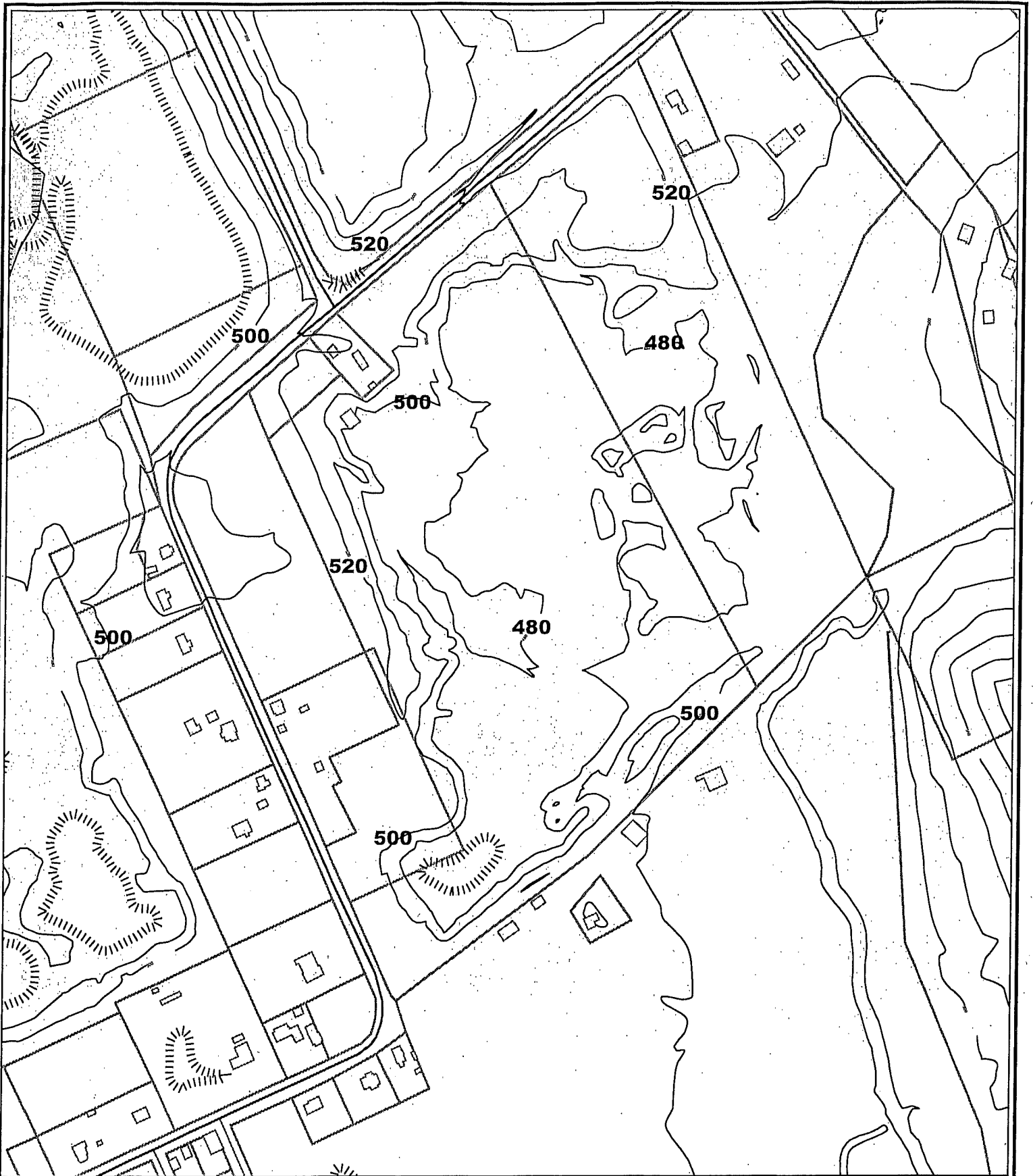
Len C. Ellis Aerial Map

400 0 400 Feet

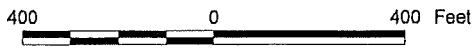
1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
January 8, 2004





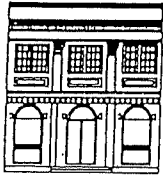
Len C. Ellis Topographical Map



1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 8, 2004



BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net

February 18, 1998

Mr. David Ratliff
F & L Holdings, Inc.
2586 Buttermilk Pike
Villa Hills, KY 41017

RE: Pole Building and Salt Spreader Hanger Structure at 6001 Burlington Pike, Boone County, Kentucky; Suburban Residential One/Small Community (SR-1/SC) Zone

Dear Mr. Ratliff:

I have reviewed the letter that you submitted regarding the above referenced matter and considered the details discussed in our telephone conversation today. As your building permit and site plan application materials did not portray any relationship between the active pre-existing, nonconforming mining use of the site (i.e., a surface mining use in the A-1 and SR-1/SC zones - the mining site is split between these two zones) and the proposed structures, you have now indicated that the pole structure will serve as a maintenance shop for dump trucks and loaders that are used in conjunction with the mining use of the site. The addition or expansion of accessory uses or structures used in conjunction with a pre-existing, nonconforming land use is permissible in order to keep said pre-existing use viable. Thus, the pole structure is a permitted use under these circumstances as long as all applicable site plan requirements are met.

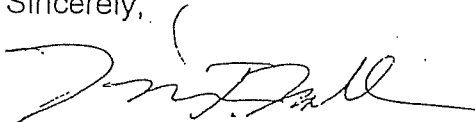
Second, the dump trucks used/kept on the site are primarily used in conjunction with the mining operation and incidentally to spread salt on public roads during winter weather (as per a KDOT contract to perform these services for the state). Because this is an incidental use of the trucks that are already used on the site in conjunction with the pre-existing, nonconforming mining operation, the salt spreader hanger is also permitted as a related accessory use. However, no salt may be stored on this site because the storage of road salt that will be distributed on public roads bears no tangible relationship to the pre-existing, nonconforming mining use, and such storage is not otherwise permitted in either the A-1 or SR-1/SC zones.

Third, you need to immediately (within one week) resubmit your site plan application materials that I returned to you by certified mail last week to avoid being cited for a zoning violation. In addition, the salt spreader hanger structure does not need to be removed as

Mr. David Ratliff
February 18, 1998
Page 2

indicated in my earlier letter provided your site plan application is submitted. It will be reconsidered relative to the applicable site plan requirements outlined in the Boone County Zoning Regulations.

Sincerely,

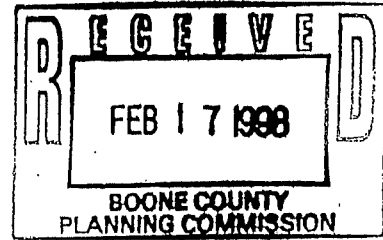


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

cc: Mitch Light, Asst. Zoning Administrator/Enforcement Officer
Brad Horn, Zoning Enforcement Officer

F & L Holdings, Inc.
2586 Buttermilk Pk.
Villa Hills, KY 41017
(606) 331-5296
(606) 331-9569 Fax



2-19-98

Boone Co. Planning Commission
Kevin Wall
2995 Washington St.
Burlington, KY 41005

Mr. Kevin Wall,

With our conversation you requested that F & L Holdings, Inc. write a letter to the Boone Co. Planning & Zoning Commission stating three things:

The pole building will be used as a dump truck and loader maintenance shop. These dump trucks will be used to haul material out of the gravel pit and the loader will be used to load the material.

These trucks, for the most part, will take a load of sand out in the morning to a blacktop plant.

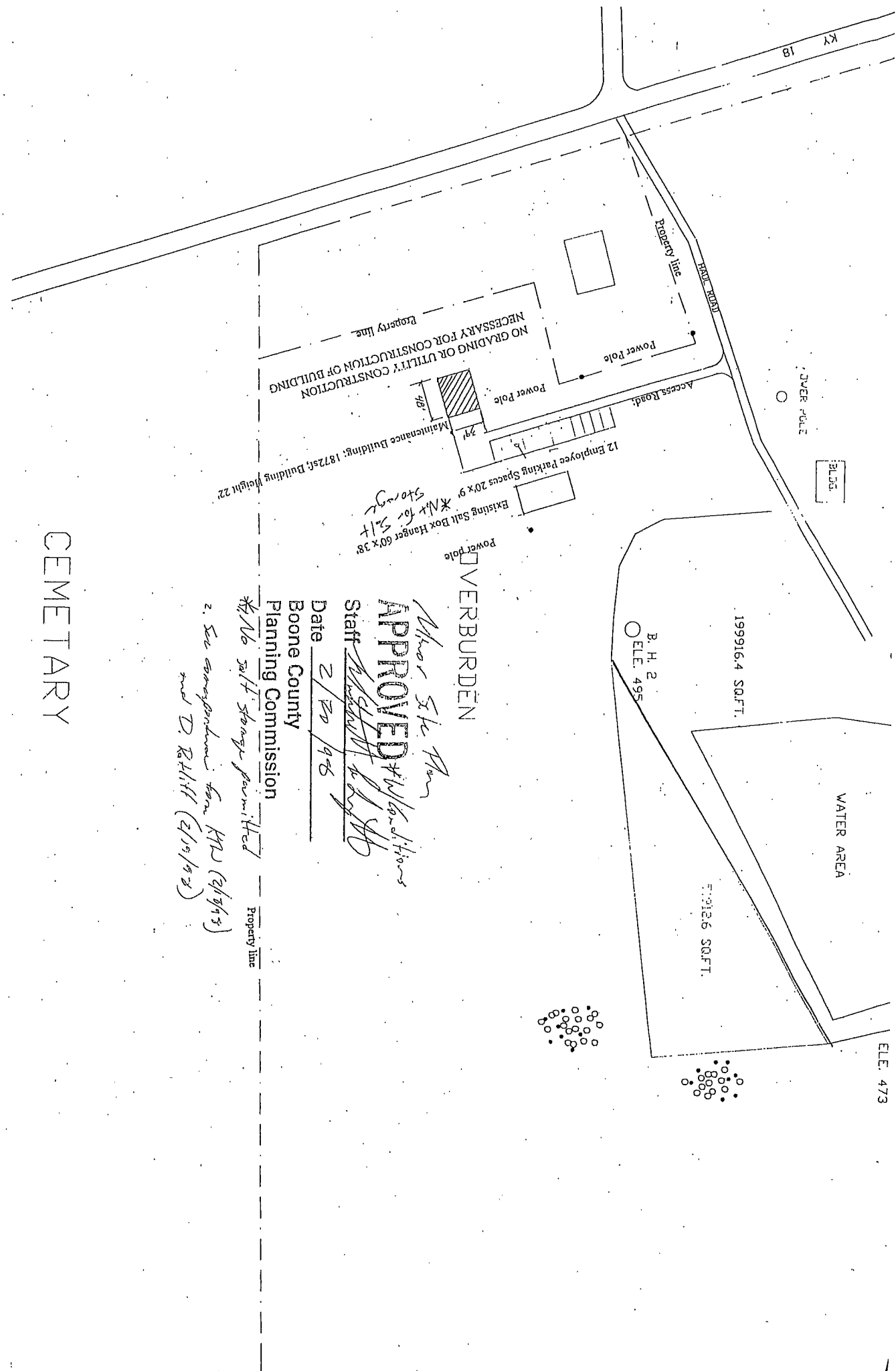
There is also a salt spreader hanger that will be used to store V-box salt spreaders approximately eight months out of the year. These V-box salt spreaders are used in conjunction with a contract with the Kentucky Dept. of Transportation to clear expressways in wintry conditions.

Any further problems or questions, please contact me on my digital pager (513) 595-4204.

Sincerely,

A handwritten signature in cursive script that reads "David Ratliff".

David Ratliff



KY 18

PROPERTY LINE

NO GRADING OR UTILITY CONSTRUCTION NECESSARY FOR CONSTRUCTION OF BUILDING

Maintenance Building, 1872sq. Building Height 22

Existing Salt Box Hanger 60' x 38' *M/T for 21T Storage

OVERBURDEN

B. H. 2
ELE. 495

199916.4 SQ. FT.

WATER AREA

11212.6 SQ. FT.

ELE. 473

CEMETARY

Minor Site Plan

APPROVED #1160 of 1160s

Staff *[Signature]*

Date 2/20/98

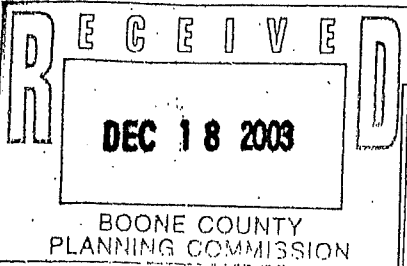
Boone County Planning Commission

*No salt storage permitted

2. See correspondence from KTR (2/27/98) and D. R. Hill (2/19/98)

PROPERTY LINE

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. [x] Boone [] Florence [] Walton [] Union

(Check One)

- 2. [x] Conditional Use Permit [] Variance [] Appeal [] Change in Non-Conforming Use

3. Applicant's Name: Len C. Ellis; Phone Number: 859-567-5703; Applicant's Address: 3710 Dry Creek Road, Sparta, KY 41086

4. Description of Request: See Attachment

5. Name of Development: T & E Holdings, Inc - Service

6. Location of Development: 6000 Burlington Pike, Bellview

7. Acreage Under Review: 2 out of 44.56

8. Lot Number and Name of Subdivision (if part of a subdivision): N/A

9. Owner of Property: T & E Holdings, Inc

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12. Total Square Footage of Existing and/or Proposed Buildings: 1675 + Prop. 2000 in future

13. Current Zoning on Property: SR-1/SC

14. Deed Book: 845 Page No.: 199 Group No.: 2035

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? 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: Len C. Ellis

Property Owner's Signature: Len C. Ellis

COPY

CLUR #04-BCBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
T & E Holdings, Inc.
3710 Dry Creek Road
Sparta, KY 41086
2. ADDRESS OF PROPERTY
KY 18 & KY 20
Burlington, KY 41005
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

4. DEED BOOK 845 PAGE NO. 199 GROUP NO. 2035
5. TYPE OF RESTRICTION(S) (Check all that apply)
- ___ Zoning Map Amendment: X Conditional Use Permit
 From ___ To
- ___ Development Plan ___ Conditional Zoning
- ___ Subdivision Plat ___ Other:
 (Not Recorded)
- ___ 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

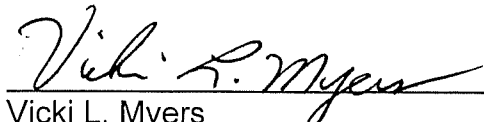
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

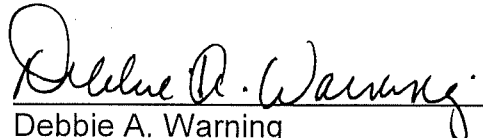
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 23 day of February, 2004.


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

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 February 11, 2004 Certificate of Land Use Restriction (#04-BCBOA-003-A), for T & E Holdings, Inc., Property Owner(s).

The following conditions will apply:

- 1) There is to be no automobile wrecking, no junkyard operations, and no car sales.
- 2) The operation (building, parking area, storage areas) is limited to the portion of the property zoned SR-1/SC.
- 3) The parking area is to be dust free and there is to be a striped parking area with a minimum of five parking stalls.
- 4) The outside storage areas are to be located in the side or rear yard only (areas to the side or behind the building).
- 5) A Site Plan must be submitted and approved by the Boone County Planning Commission.

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

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