

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) [X] Conditional Use Permit [] Variance [] Appeal
3. Applicant's Name Deer Trace Partners, LLC
Phone Number (248) 626-0737 Fax No. (248) 538-7746
Applicant's Address 31200 Northwestern Hwy Farmington Hills, MI 48334
4. Description of Request: To allow a sales office at the mobile home community, Deer Trace MHC.
5. Name of Development Deer Trace MHC
6. Location of Development 146 Villa Drive, Walton, KY 41094
7. Acreage Under Review N/A
8. Lot Number and Name of Subdivision (if part of a subdivision) Deer Trace MHC, Lot 146
9. Owner of Property Deer Trace Partners, LLC
Address of Property Owner 31200 Northwestern Hwy Phone No. (248) 626-0737
10. Farmington Hills, MI 48334
11. Proposed Use(s) on Site Mobile home dealership office.
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property Mobile home community
14. Deed Book 365 Page No. 4 Group No. 2058
15. Is the site subject to a zone change? No
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: Tracy Soltis, Authorized Agent
Property Owner's Signature: By: Joel K. Brown, Authorized Agent

**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 1-16-08 Fee Received \$621.00 RA55460
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
2/13/08 **Approved**
_____ **Approved with Conditions** (See #6)
_____ **Denial** (See #7)
6. Conditions of Approval: NONE

7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
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: Deer Trace Partners, LLC
LOCATION: 146 Villa Drive, Boone County, Kentucky
ZONING: Mobile Home Park (MHP)
DATE: February 13, 2008

PROPOSAL

The Applicant is requesting a Conditional Use Permit so they can convert a mobile home into a sales office. The office would be used to list mobile homes for sale in their mobile home parks. The Applicant recently purchased Deer Trace North, Deer Trace South, Old Lexington Pike Villas, and Higdon Old Lexington Pike Villas Mobile Home Parks.

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 uses permits as specified by the zoning order.

Article 9, Section 987 of the Boone County Zoning Regulations permits "the display of mobile homes for sale from individual mobile home lots (Site Plan Review required) as a Conditional Use in the Mobile Home Park (MHP) district. Each lot shall meet the minimum size requirements as indicated in Table 1 of Article 31 [unless a pre-existing lot of record] and shall meet the minimum parking requirements for a Mobile Home Park district. Such use shall be allowed only in a previously approved Mobile Home Park. An area for mobile home sales and display shall be designated on the Site Plan with only one mobile home allowed to be displayed on each lot. Provisions for adequate pedestrian access, landscaping, and unit skirting shall be required to protect the residential intent of the district." as a Conditional Use within the Industrial One (I-1) 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 & 987 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 9, Section 987 of the Boone County Zoning Regulations allows "the display of mobile homes for sale from individual mobile home lots" as Conditional Uses in the Mobile Home Park (MHP) district provided that:

- a) The activity is an integral and subordinate function of a permitted use; or
- b) Is a functional activity of a mobile home park;
- c) The activity (except mobile home sales) is only for residents of the mobile home park; and
- d) The arrangement of uses, buildings or structures will be mutually compatible with the organization or permitted and accessory uses to be protected in this district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question for "High Suburban Density Residential" uses. This designation is defined as "single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks."

STAFF COMMENTS

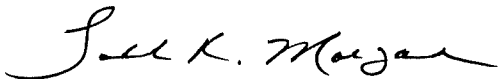
1. The Applicant owns the Mobile Home Parks and tenants provide their own Mobile Homes. The Applicant obtains mobile homes when tenants leave their mobile homes behind and they go through a legal process to obtain them.

2. Staff would like the Applicant to explain the days and hours of operation and the number of employees that could work out of the office at any given time.
3. The sign that has been constructed in the front yard will be subject to the sign permit review if the request is approved. The sign must be monument style construction and is limited to 8' in height and 32 square feet in area.

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.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

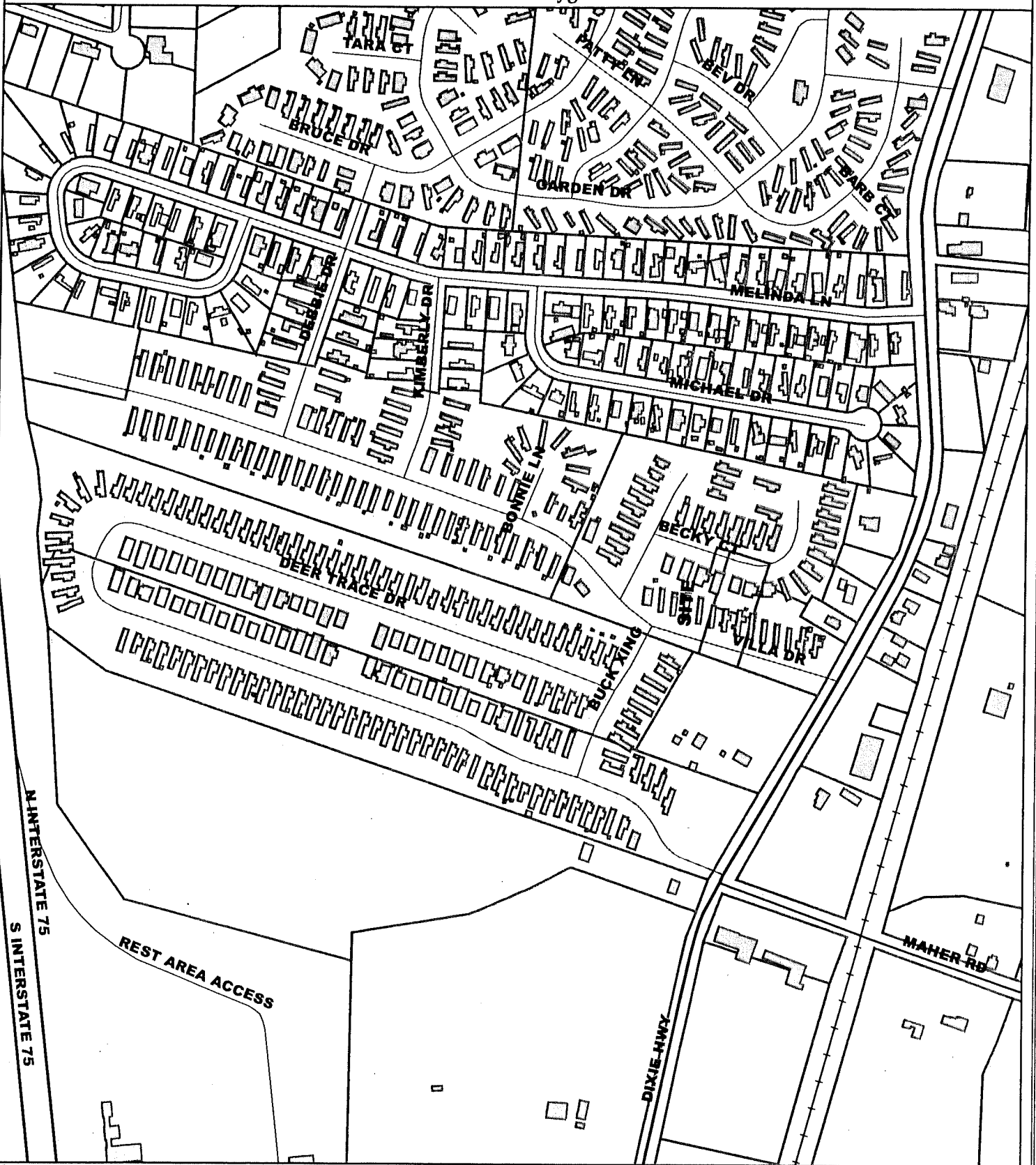
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Attachments

- *Site Vicinity Map
- *Aerial Map
- *Zoning Map
- *Future Land Use Map
- *Application

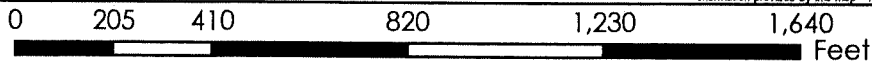
SITE VICINITY MAP

www.boonecountygis.com

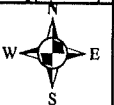


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1 inch equals 400 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created 01/01/2008

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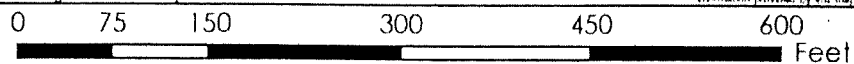
AERIAL MAP

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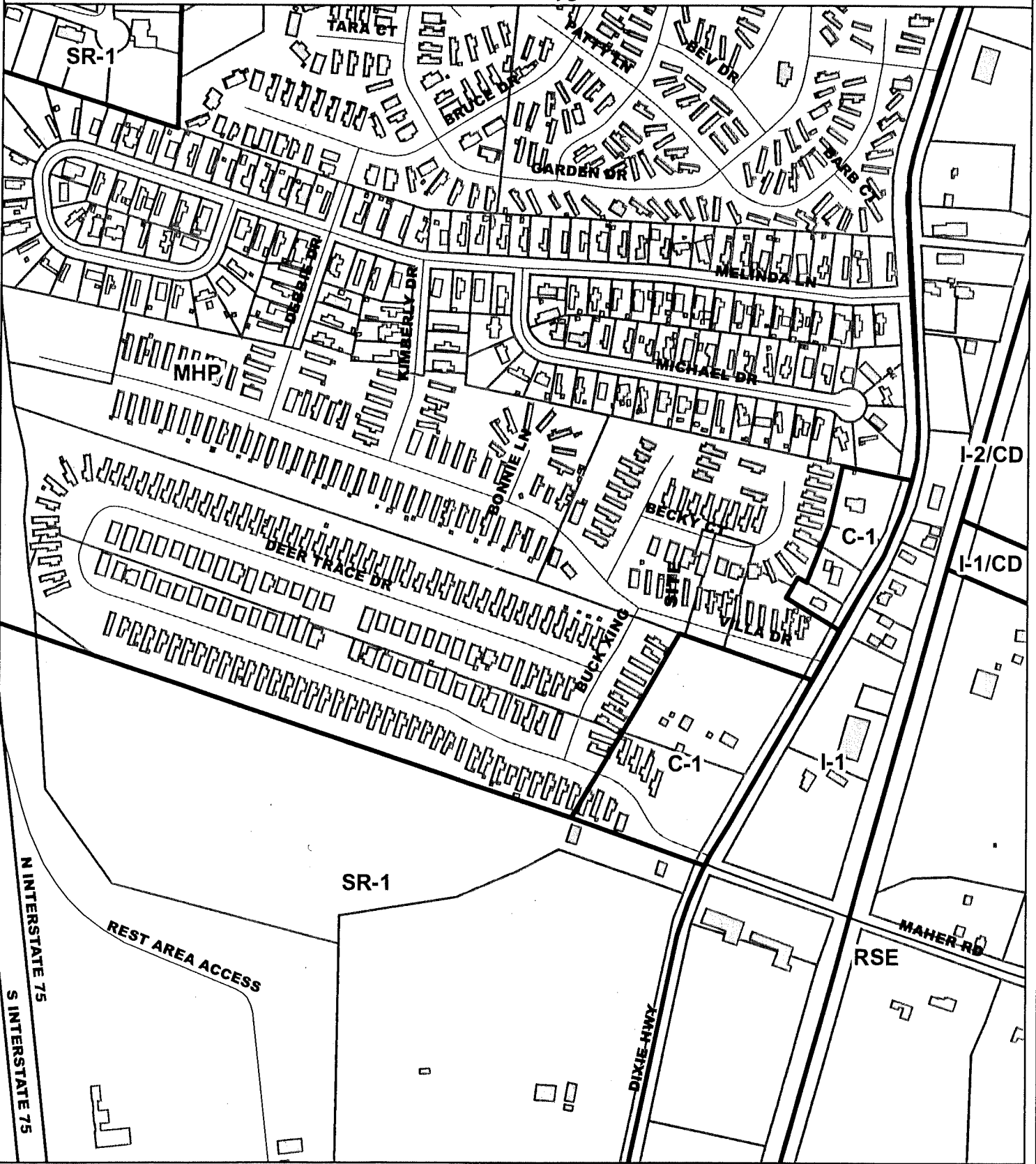


Boone County GIS - Putting Northern Kentucky on the Map



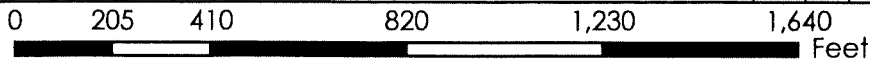
ZONING MAP

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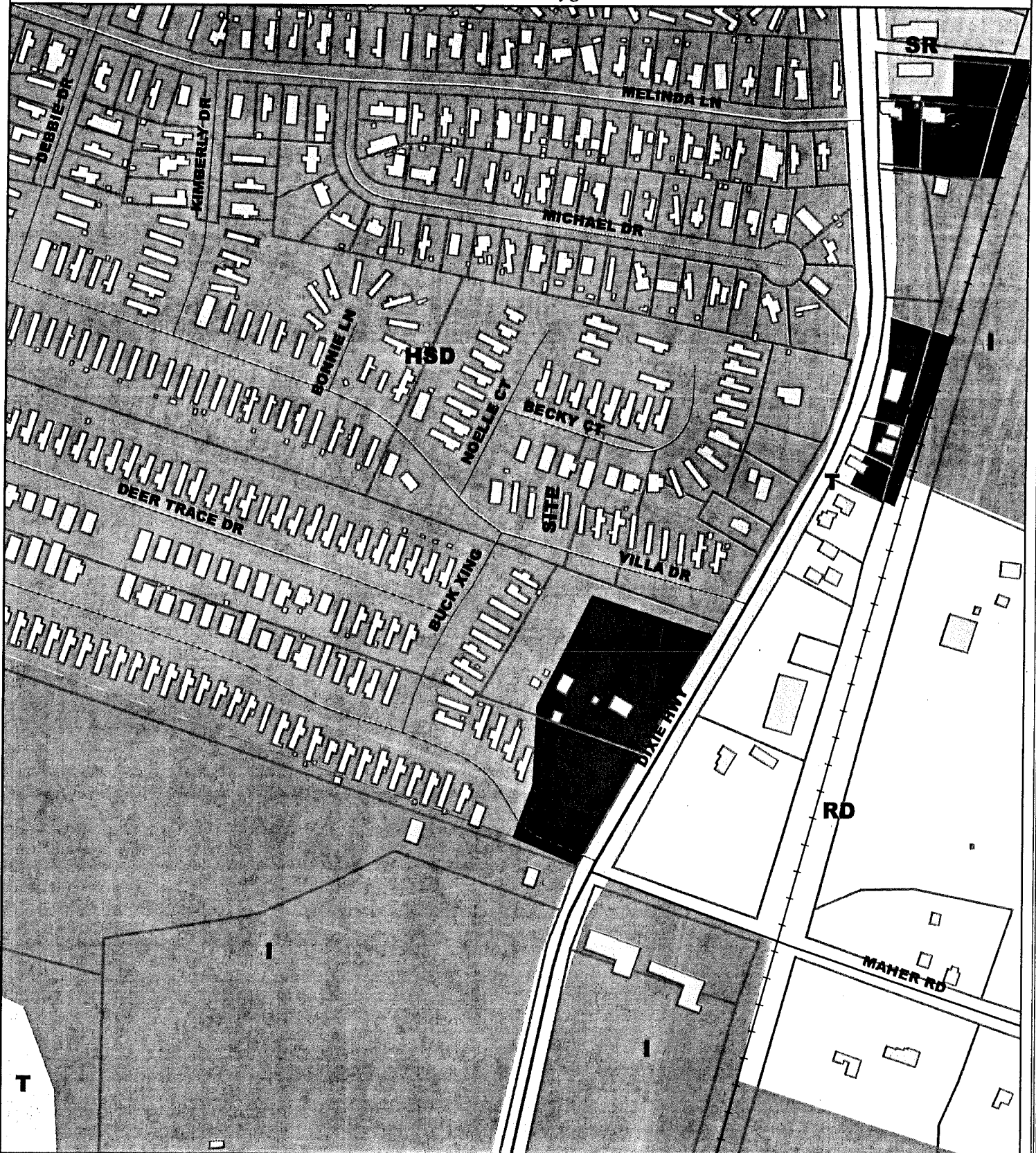
Map Created: 01/01/2008



Boone County GIS
ArcMap Document, Unlocked

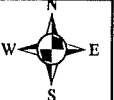
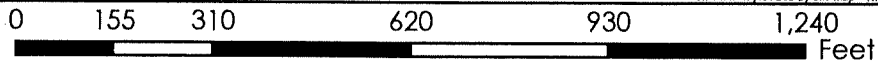
FUTURE LAND USE MAP

www.boonecountygis.com



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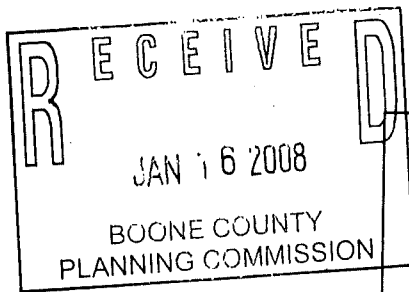
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Boone County GIS - Putting Northern Kentucky on the Map

Map Created 01/01/2008

From Plan Project by North 3/15/08
ArcMap Document Unlinked



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Applicant's Signature: Tracy Soltis, Authorized Agent
Property Owner's Signature: Joel K. Brown, Authorized Agent

(over)

COPY

CLUR #08-BCBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Deer Trace Partners, LLC
31200 Northwestern Highway
Farmington Hills, MI 48334
2. ADDRESS OF PROPERTY
146 Villa Drive
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Deer Trace Mobile Home Park
4. DEED BOOK 365 PAGE NO. 4 GROUP NO. 2058
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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

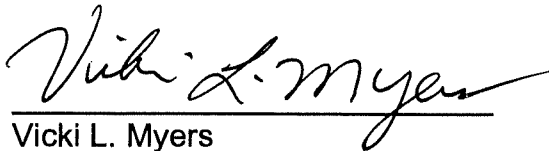
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

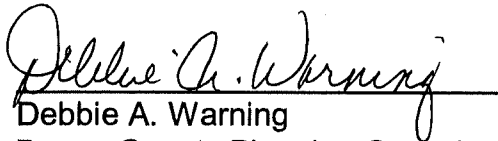
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 14 day of February, 2008.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
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 Board of Adjustments and in accordance with the current zoning in effect as of February 13, 2008 Certificate of Land Use Restriction (#08-BCBOA-004-A), for Deer Trace Partners, LLC, Property Owner(s).

The following conditions will apply:

No conditions.

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

DEED BOOK 365

PAGE NO. 4

GROUP NO. 2058