

APPLICATION FOR ZONING ACTION

TO:  Boone County Planning Commission  City of Union Board of Adjustment  
 City of Florence Board of Adjustment  City of Walton Board of Adjustment  
 Boone County Board of Adjustment  Zoning Enforcement Officer

FOR:  Zoning Text Amendment  Zoning Map Amendment  
 Comprehensive Plan Change  Preliminary Plat Approval  
 Improvement Plat Approval  Final Plat or Deed Plat  
 Conditional Use Permit  Site Plan Review  
 Concept Development Plan  Historic District Overlay  
 Preliminary Development Plan  Sign Permit or Zoning Permit  
 Change of Non-Conforming Use  Appeal or Variance  
 Design Review Board Hearing and Certificate of Appropriateness

Applicant: E. Earl Snow  Owner  Agent  
Address: 9998 East Bend Road (business) 1014 Bristow Road, Independence, Ky. 41051  
Burlington, Ky. 41005 Telephone: 586-5570

Location: Same as above

Name of Owner: Sarah Scott

Address of Owner: 9996 East Bend Road, Burlington, Ky. 41005

Zone: A-1/SC Area in Acres: 2.7

Deed Book: 172 Page No.: 464 Group No: Not on deed

Description of Request: Permission to place a structure previously used as temporary class rooms by Cincinnati Board of Education against existing building, the size being 32' by 24'

Owner's Signature: Sarah E. Scott  
Date September 20, 1983 Applicant's Signature: E. Earl Snow

FOR PLANNING COMMISSION USE:

Application date and fee of \$ \_\_\_\_\_ Received: \_\_\_\_\_

Referred to: \_\_\_\_\_ For Meeting Date: \_\_\_\_\_

Action: \_\_\_\_\_ Date: \_\_\_\_\_

BOARD OF ADJUSTMENT AND ZONING APPEALS

CHECKLIST

I. General Information

1. Applicant's name: E. Earl Snow (Agent) for property owned by  
Interest in property: Sarah Scott
  
  2. Location and/or address of property: 9998 East Bend Road being the  
intersection of Hathaway Road and East Bend Road  


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Deed book and page number: Book; 172 Page; 464 Group; ?
  
  3. Request of the applicant: To permit the use of an existing building  
as a light industrial use and to permit the placement of another  
structure to add additional building space.  


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  4. Present zoning of subject property including page number and  
section number(s) of the Zoning Order (Ordinance): Presently zoned  
A-1/SC being more under the SC zone on pages 16-1 and 16-2 with the  
requested use being a conditional use.
  
  5. Present use of the subject property: Presently not in use.  


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- Present use of the adjoining properties: All adjoining tracts are a  
mixture of residential and Agricultural.  


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## II. Conditional Use Requests

- A-1/SC
1. Zoning of the adjoining properties: To the west is ~~A-1~~. To the North, East, and South is current zoning A-1.
  2. Future land use of the subject property and adjoining properties according to the Comprehensive Plan: The future land use of the tract is Commercial with all adjoining properties planned for agricultural. The planned commercial use according to the text is to permit neighborhood commercial use supported by nearby residential.
  3. Was a site plan submitted, and if it was, does it conform to the zoning regulations? A plan was submitted, not drawn by an engineer or architect,
  4. What, if any, conditions are recommended if the conditional use is granted? I would recommend that the Board consider that the parking area be required to be paved with a hard surfacing. Also that the Board require the applicant to obtain a building permit for the construction of this unit.
  5. What, if any, special characteristics of the request and/or site should be noted? I would like to note that the structure is already on the site and that some steps have been taken to construct the unit as a permanent structure. Also, the unit is about 33 feet from the centerline of Hathaway Road not from the property line.  
This could be permitted if the Board desires by Section 1615  
*THE BOARD MUST ALSO DECIDE IF THE INTENDED USE IS PERMITTED ON THE SITE.*

BOONE COUNTY BOARD OF ADJUSTMENT

MINUTES

OCTOBER 12, 1983

6:30 P.M.

Chairman Whitton called the meeting to order at 6:30 p.m. Four Board members were present; Vice Chairman Archambault was absent. Staff members present were: Mr. Lynn, Mr. Wilson, Mr. Block and Mrs. Ryan. Mr. Ryan made a motion to accept the minutes of September 14, 1983; Mr. Nevel seconded. The motion carried unanimously.

Chairman Whitton proceeded with the request of E. Earl Snow, Agent for Sarah E. Scott for a Conditional Use Permit to allow the placement of a structure previously used as temporary class rooms by the Cincinnati Board of Education against the existing building, the size being 31' by 24', on a parcel of land located at 9998 East Bend Road, Burlington, Boone County, Kentucky, in an Agriculture One/Small Community (A-1/SC) zoning district. Mr. Block presented the Enforcement Officer's Report.

Chairman Whitton requested to see a copy of the Site Plan submitted. Members of the Board reviewed the Site Plan. In reply to Chairman Whitton, Mr. Block stated according to Section 1615 of the zoning regulations - minimum standards all the permitted accessory and conditional uses, buildings and structures in the SC overlay district are subject to the supplemental parking and loading, and signage regulations of this order unless exempted by the Board of Adjustments. Supplemental regulation is a setback regulation of the zone and the Board of Adjustments has a right to exempt when the literal conformance to the regulation would be to the detriment of the district. In exempting uses, buildings and structures from the regulations, the Board may impose any conditions or limitations that are no more restrictive than the regulation being exempted. In response to Mr. Wilson, Mr. Block stated the existing building as shown on the site plan submitted by the applicant is one existing building which has previously been used over the past number of years as a gasoline service station and also as a warehousing type facility for a public facility. The building currently to the front sets thirty-five to forty feet (35' to 40') from East Bend Road, Ky. 18 and 338 in that location, and is within the A-1 zoning setback regulation that requires an eighty foot (80') front yard. The side building is thirty-three feet (33') from Hathaway Road considered to be on a corner lot; the setback would have to be a minimum of forty feet (40') which is half of the front yard requirement

for the side yard facing onto a secondary street. In reply to Mr. Whitton, Mr. Block stated the request is that the proposed building be permitted to be thirty-three feet (33') from the centerline of Hathaway Road. The legal description was reviewed. Chairman Whitton asked if there were any questions from the Board.

Mr. E. Earl Snow and Mr. Scott were present to speak in behalf of the request. In response to Mr. Nevel, Mr. Snow replied the building would be used for the machining of small parts. In response to Mr. Ryan, Mr. Scott stated his home would be approximately 150' to 200' from the building. Mr. Scott continued the new building is not on the right-of-way. In response to Chairman Whitton, Mr. Snow replied the nearest residence on Ky. 18 would be approximately  $\frac{1}{4}$  of a mile. In response to Chairman Whitton, Mr. Scott replied the nearest residence would be one mile from the building on Hathaway Road. In response to Mr. Ryan, Mr. Scott stated he owned approximately three acres. In reply to Chairman Whitton Mr. Snow replied the lot would be thirty-three feet (33') from the side line but like a triangle would increase from the road line to the back of the building. Chairman Whitton stated all permits are required to have a site plan drawn by a registered surveyor or engineer so that in fact it is exactly the way as applied. Chairman Whitton further stated if the Board granted the permit you would have to have an engineer or surveyor so locate the building exactly for the records. Mr. Ryan made a motion to grant the request with the condition a site plan be submitted and approved by the Board signed by a registered surveyor before the permit is effective, and the site plan be submitted into the record; Mr. Nevel seconded the motion. Chairman Whitton asked if there would be any further conditions. Mr. Ryan questioned whether the building plan showed a parking area. Discussion followed concerning the parking. The Board agreed the gravel lot placed on the site by Cincinnati Gas and Electric Company would be an acceptable parking area as it is located within seven hundred feet (700') of the building. Mr. Block questioned whether the intentional use of retail commercial is permitted in the C-2 zone or if this is a land use category for the I-1 district. In reply to Chairman Whitton, Mr. Snow stated we machine small parts, no chemicals are involved. In reply to Mr. Ryan, Mr. Wilson stated the fact it is a family ran business would not determine whether it was an Industrial or Commercial use. In response to Chairman Whitton, Mr. Snow stated we are subcontractors for larger companies who make the parts and assemble them. Mr. Snow further stated there is no assembling of parts at our location. Discussion was held as to the type of work conducted on the site. Chairman Whitton recommended this issue be tabled in order for the Board and Staff to research the type uses permitted in the zoning district. Mr. Ryan withdrew his motion.

In reply to Chairman Whitton, Mr. Snow stated yes he was operating in the existing building; Mr. Scott stated for five years. Mr. Wilson stated that would be a pre-existing use. Mr. Snow stated the enlargement would not increase the business. In response to Chairman Whitton Mr. Snow stated no additional employees would be needed and that light equipment would be going into the building. Chairman Whitton asked if anyone were in opposition. Mr. Ryan made a motion to table the request for a week; Mr. Nevel seconded. The motion carried unanimously. Chairman Whitton instructed Mr. Snow and Mr. Scott the meeting would reconvene October 19, 1983, at 6:30 p.m.

Chairman Whitton proceeded to the request of Tevis and Imogene Thomas for an Appeal of the pre-existing land division of 1.0 acre before the new rules of May, 1981 became effective on a parcel of land located 0.2 miles NE Kentucky 14, on the south side of Poole Road, in an Agriculture Two (A-2) zoning district. Mr. Block presented the Enforcement Officer's Report. Board members reviewed the site plan. Mr. Block stated the mobile home was not shown on the tract survey drawn. Mr. Dietz stated on behalf of the applicant the land was first purchased through land contract, but Mrs. Potter would like to purchase the land. Chairman Whitton stated that the lot was surveyed in 1980 and the Board's determination is that it is a pre-existing non-conforming use. In response to Chairman Whitton, Mr. Block stated if the Board so defines the lot was a pre-existing lot of record it can be recorded here in the courthouse as a tract and the lot then sold to Mrs. Potter. Mr. Ryan made a motion to grant the request as a pre-existing lot; Mr. Nevel seconded the motion. The motion carried unanimously. In reply to Chairman Whitton, Mr. Block stated the mobile home is on the site. Mr. Dietz stated there had been a mobile home there for twenty years. Mr. Block stated he had found that the mobile home was a pre-existing non-conforming use already on the site.

Chairman Whitton proceeded with the request of Earnest L. Palmer for a Conditional Use Permit to allow the placement of a mobile home on a parcel of land located at the crossroads of Boat Dock Road and Highway 338, Union, Boone County, Kentucky, in an Agriculture (A-1) zoning district. Mr. Block presented the Enforcement Officer's Report. Members of the Board reviewed the site plan drawn by A. J. Williamson. Mr. Palmer stated Frankfort would be in contact with him within the week as to the type of unit to be used for sewage disposal. Mr. Palmer further stated all of the other requirements had been met. Mr. Palmer continued it had already met with the EPA standards. Chairman Whitton stated if the Board approves this request, Mr. Palmer would need a permit from the local health department.

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Mr. Nevel made a motion to grant this request contingent on the acceptance of the sewage disposal; Mr. Ryan seconded. The motion carried unanimously.

Chairman Whitton asked if there was any additional business. Mr. Block introduced Mr. Lynn to the Board of Adjustment members.

Mr. Ryan made a motion to adjourn the meeting; Mr. Nevel seconded. The motion carried unanimously. The meeting adjourned at 7:15 p.m.

#### RECONVENED MEETING

OCTOBER 19, 1983

Chairman Whitton called the meeting to order at 6:30 p.m.. Three Board members were present; Mr. Nevel and Mr. Ryan were absent. Staff members present were Mr. Wilson and Mrs. Ryan; Mr. Lynn and Mr. Block were absent.

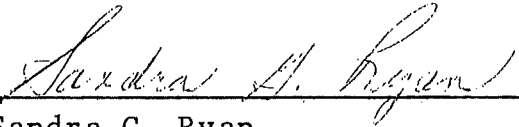
Chairman Whitton proceeded with the request of E. Earl Snow, Agent for Sarah E. Scott for a Conditional Use Permit to allow the placement of a structure previously used as temporary class rooms by the Cincinnati Board of Education against the existing building, the size being 31' by 24', on a parcel of land located at 9998 East Bend Road, Burlington, Boone County, Kentucky, in an Agriculture One/Small Community (A-1/SC) zoning district. Chairman Whitton presented a review of the request. Mr. Snow presented documents to substantiate his business is a pre-existing non-conforming use, and stated more documents were available upon request. Mr. Wilson reviewed the receipts, which included telephone bills stamped as being paid in 1979 with the address of Snow Tool and Dye, 3198 East Bend Road, Burlington, Kentucky, propane gas invoices along with other business type invoices indicating with dates of the receipts having been paid in 1979 which would have pre-dated the zoning regulations. Mr. Wilson pointed out if the use changes, becomes an intensified use different from the existing use, and goes beyond the scope of being a pre-existing non-conforming use, it would be in violation. In reply to Mr. Houston, Mr. Wilson stated the use would be enforced by the Enforcement Officer. Chairman Whitton recommended the parking requirements be waived. Mr. Houston made a motion the request be granted with the provision a drawing of the site by a land surveyor or registered engineer be submitted for approval by Mr. Block, and the parking requirements under Article 18 be waived; Mr. Archambault seconded.

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Chairman Whitton stipulated if in the event the use was intensified the applicant would have to re-apply as this is a pre-existing non-conforming use. The motion carried unanimously. Copies of the invoices were submitted for the record.

Mr. Houston made a motion to adjourn; Vice Chairman Archambault seconded. The motion carried unanimously. The meeting adjourned at 6:40 p.m..

RESPECTFULLY SUBMITTED

  
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Sandra G. Ryan  
Clerk

APPROVED: \_\_\_\_\_

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George Whitton  
Chairman