

APPLICATION FOR ZONING ACTION

TO:

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

FOR:

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

Applicant: James & Laura Pferrman Owner
 Address: 162 Hawk Drive Elsmere, Ky Agent
 Telephone: 727-4278

Location: RT 338 Union Ky Palmers Mini Farms
 Name of Property Owner: James & Laura Pferrman
 Address of Property Owner: 162 Hawk Drive Elsmere, Ky
 Zoning District: A-1 Area in Acres: 7.30

Deed Book: 335 Page Number: 334 Group Number: 2066

Description of Request: to move our mobile home on our own land.

Applicant's Signature: James Pferrman & Laura Pferrman
 Property Owner's Signature: James Pferrman & Laura Pferrman

FOR PLANNING COMMISSION USE ONLY
 Application Fee: 185.00 Date Received: 10/30/85 By: D Greuter
 Referred To: K. Wypper Meeting Date: _____
 Action Taken: _____ Date of Action: _____

STAFF REPORT

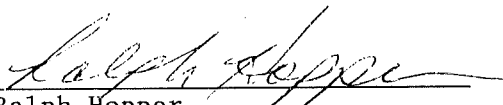
APPLICANT: James and Laura Pferrman
LOCATION: Beaver Road (Ky 338)
ZONED: Agriculture One, A-1
DATE: December 11, 1985

The applicant is requesting a Conditional Use Permit to place a mobile home on a 7.3 acre tract located off Beaver Road (Ky 338) just west of its intersection with Boat Dock Road. The property is currently zoned Agriculture One, A-1, and does permit a mobile home as a conditional use under Article 6, Section 613 of the zoning regulations.

The subject tract and all adjoining properties are currently zoned Agriculture One. To the north, east, and west the properties are undeveloped. To the south is current agriculture land use. The Boone County Comprehensive Plan Land Use Map shows the subject tract and all adjoining property as being environmentally sensitive.

Access to the property is provided by a 50 foot wide easement originating on Beaver Road (Ky 338) and extending approximately 2,500 feet back to the property. The submitted plan indicates that the mobile home will be placed 100 feet from the property line created by the easement, but does not indicate the setback from any other property lines. The applicant should be informed and agree to meeting a minimum setback of 25 feet for the rear yard and 10 feet for the side yard. A copy of an approved onsite sewage system permit has been included with this application.

Should the board decide to approve this request, we would need a commitment from the applicant to conform to the required setbacks.


Ralph Hopper
Plans Examiner

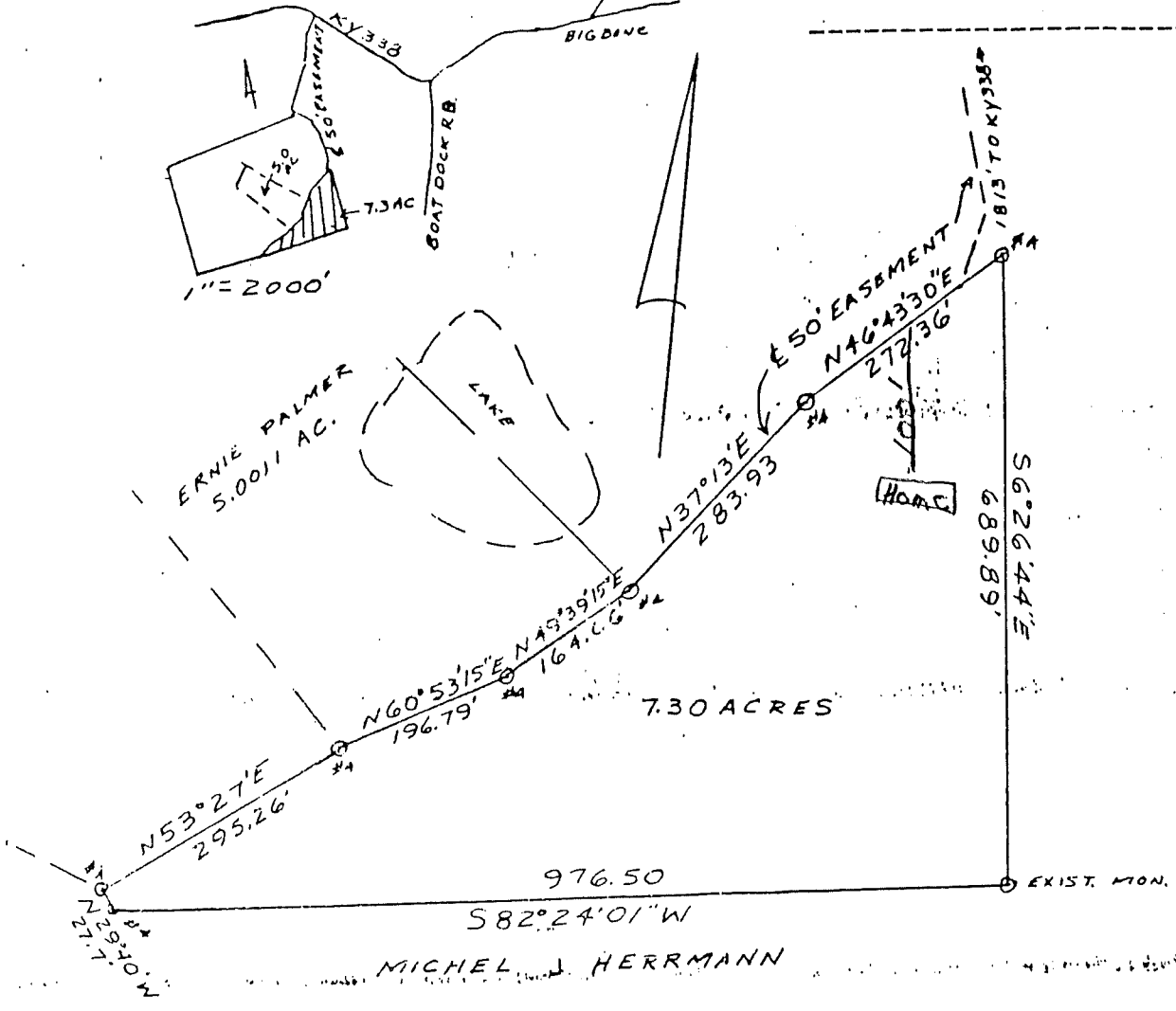
I HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS OF THE BOONE COUNTY CLERK AND FIND THAT THIS IS SECOND CONVEYANCE MADE UNDER PRESENT OWNERSHIP. I FURTHER CERTIFY THAT THIS FLAT IS IN COMPLIANCE WITH APPLICABLE ZONING REGULATIONS.

BOONE COUNTY PLANNING COMMISSION FOR RECORDING PURPOSES ONLY:

CHAIRMAN PAUL E. KROGER DATE

MAILING ADDRESS ASSIGNED BY THE BOONE COUNTY PLANNING COMMISSION

A. J. Williamson
A. J. WILLIAMSON R.L.S NO.1008

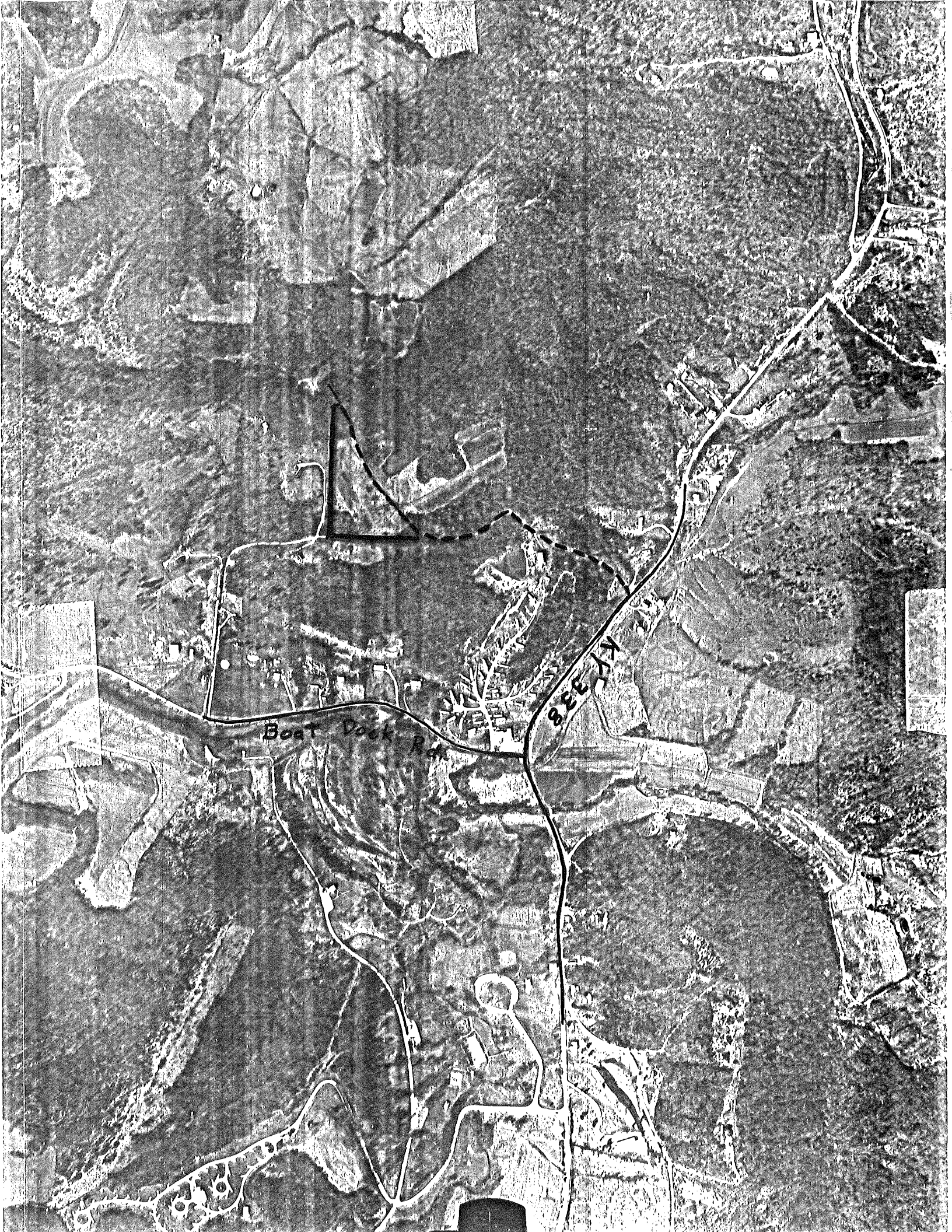


I HEREBY CERTIFY THAT A SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION ACCORDING TO THE RECORD DEEDS AND FLATS OF THE COUNTY, OF WHICH THE PROPERTY IS RECORDED, AND NO.4 RE-BARS WERE PLACED ON THE CORNERS AS MONUMENTS AND EXISTING MONUMENTS ARE NOTED. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS OF GOVERNING AUTHORITIES.

A. J. Williamson
A. J. WILLIAMSON R.L.S NO. 1008

FROM HAROLD C & BESSIE J PALMER
TO UNKNOWN
DEED BOOK 186 PAGE 612 GROUP 2066
SCALE 1 INCH= 200 FEET---DRAWING NO. 1 85 48
A. J. WILLIAMSON R.L.S NO.1008 PHONE 586-6459
10500 RIVER ROAD, BURLINGTON, KY. 41005

STATE OF KENTUCKY
A. J. WILLIAMSON
1008
REGISTERED
LAND SURVEYOR



Boat Dock Rd

SEELY

BOONE COUNTY BOARD OF ADJUSTMENTS

DECEMBER 11, 1985

7:30 P.M.

Chairman George Whitton called the meeting to order with roll call of the Board members present. Four members present. Absent: Mr. Nevel. Counselor Dale Wilson was also present.

The Minutes of the November 13, 1985 Boone Board of Adjustment Meeting were considered. Mr. Houston moved the Board approved the Minutes as reviewed. The motion was seconded by Mr. Archambault. After discussion, the motion carried unanimously.

Chairman Whitton proceeded to Item 1 of the Board's Agenda.

Conditional Use Permit

The request of James and Laura Pferrman (owner) for a Conditional Use Permit to place a mobile home on a 7.3 acre tract located on Beaver Road (Route 338), Union, Kentucky. The property is currently zoned Agriculture One, A-1.

Staff members Ralph Hopper presented a staff report which stated the applicant is requesting a Conditional Use Permit to place a mobile home on a 7.3 acre tract located off Beaver Road (Ky 338) just west of its intersection with Boat Dock Road. Mr. Hopper noted the property is currently zoned Agriculture One, A-1, and does permit a mobile home as a conditional use under Article 6, Section 613 of the zoning regulations. Mr. Hopper noted the subject tract and all adjoining properties are currently zoned Agriculture One. Mr. Hopper stated the properties to the north, east and west are undeveloped and to the south is current agriculture land use. Mr. Hopper stated the Boone County Comprehensive Plan Land Use Map shows the subject tract and all adjoining property as being environmentally sensitive. Mr. Hopper explained access to the property is provided by a 50 foot wide easement originating on Beaver Road (Ky 338) and extending approximately 2,500 feet back to the property. Mr. Hopper noted the submitted plan indicates the mobile home will be placed 100 feet from the property line created by the easement, but does not indicate the setback from any other property lines. Mr. Hopper stated the applicant should be informed and agree to meeting a minimum setback of 25 feet for the rear yard and 10 feet for the side yard. Mr. Hopper noted a copy of an approved onsite sewage system permit had been included with the application. Mr. Hopper closed by stating should the Board decide to approve the request, the Board would need a commitment from the applicant to conform to the required setbacks.

Chairman Whitton inquired if Mr. and Mrs. Pferrman (owners) had any problems with the setbacks and the property line.

Mrs. Pferrman responded she did not understand the question.

Staff member Ralph Hopper explained to the owners that in the A-1 zone it is required to have an 80 foot front yard setback from the front property line, a 25 foot setback for the rear yard and a 10 foot setback for any side yard. Mr. Hopper also explained to the owners the plan which they had submitted showed a setback for the front yard but the plan showed nothing for the rear and side yards. Mr. Hopper stated the Board needs to clarify exactly how far setbacks would be from the side property lines.

Mr. Pferrman stated the setbacks would be 150 feet from the property lines.

Mr. Hopper noted the plan does not show what the setback would be from the eastern property line.

Mrs. Pferrman stated 100 feet.

Chairman Whitton explained to the Pferrman's it is a normal procedure for the location to be surveyed by a registered surveyor so the exact placement of the home will be on record and it would comply with the zoning ordinance.

Mr. Archambault inquired if the drawing of the mobile home was done by the Pferrman's themselves.

Mrs. Pferrman responded yes.

Mr. Archambault also explained to the Pferrman's the importance of the plan being more accurate. Mr. Archambault stated the Board had to know what the side yard setbacks would be.

Mr. Ryan stated the Board could approved the Conditional Use Permit with at least 80 foot from the front, 25 foot rear yard and 10 foot from the side yard.

Counselor Dale Wilson noted the Board had the right to impose a setback from the side of more than 10 feet if they so desire.

Chairman Whitton inquired if the property lines were well marked.

Mr. Pferrman stated every corner of the lot was marked.

Further discussion followed regarding the placement of the mobile home.

Mr. Ryan moved the request for a Conditional Use Permit to place a mobile home on a 7.3 acre tract located on Beaver Road (Route 338), Union, Kentucky be granted upon the condition that the setbacks be at least 100 feet from the property lines. The motion was seconded by Mr. Archambault.

After further discussion, the motion carried unanimously.

Conditional Use Permit

The request of Loren D. Kyrk (owner) for a Conditional Use Permit to place a mobile home on a 15.6 acre tract located on Bellview Road (Route 20), Petersburg, Kentucky. The property is currently zoned Agriculture One, A-1.

Staff member Ralph Hopper presented a staff report which stated the applicant is requesting a Conditional Use Permit to place a mobile home on a 15.6 acre tract located on Bellview Road in Petersburg, Kentucky. Mr. Hopper noted the property is currently zoned Agriculture One and does permit a mobile home as a conditional use under Article 6, Section 613 of the zoning regulations. Mr. Hopper explained the subject tract and all adjoining properties are currently undeveloped or in agriculture uses and are zoned Agriculture One. Mr. Hopper noted there are existing mobile homes north and west of the subject tract. Mr. Hopper stated the Boone County Comprehensive Plan Land Use Map shows the property and all adjoining tracts as being environmentally sensitive. Mr. Hopper noted the submitted plan showed a 60 foot by 10 foot mobile home to be placed approximately 130 feet from the front property line, 130 feet from one side yard and 200 feet from the second side yard. Mr. Hopper stated all the figures exceed the minimum setback requirements. Mr. Hopper closed by stating that should the Board decide to approve the request, he would recommend a copy of the sanitary sewage permit be submitted for the file.

Mr. Loren Kyrk, owner explained where the mobile home would be located.

Mr. Ryan inquired if there had been a mobile home located on the property in the past and if so how long ago.

Mr. Kyrk responded yes there previously had been a mobile home located on the property but it had been a long time ago.

Mr. Ryan inquired if Mr. Kyrk intended to build a house on the location in the future.

Mr. Kyrk stated at the present time he was not certain.

Chairman Whitton inquired if two dwellings could be placed on the piece of property.

Counselor Wilson stated he did not believe so. Counselor Wilson stated the lot would have to be subdivided into two lots.

Mr. Hopper stated in the A-1 zoning district there could be one dwelling unit per five acres.

Mr. Kyrk stated the parcel on top of the land is where he intended to put the mobile home. Mr. Kyrk also stated that if he does build a house on the parcel he would move the mobile home out.

Counselor Wilson inquired if Mr. Kyrk presently owns all 15 acres.

Mr. Kyrk responded yes.

Mr. Archambault expressed concern about the requirement of having the parcel surveyed.

Mr. Kyrk stated the parcel was surveyed at one time and there is a fence line that goes all around the property. Mr. Kyrk stated he had not had the parcel surveyed but the previous property owner had.

Mr. Archambault informed Mr. Kyrk of the requirement of having a land surveyor submit an accurate plan.

Mr. Kyrk explained he did intend to have the land surveyed to make sure of his property lines before he had his house built up on top.

Chairman Whitton inquired of legal counsels opinion regarding a registered surveyor surveying the parcel.

Counselor Wilson responded a Conditional Use Permit required the same type of requirements as Site Plan which is a surveyor type description. Counselor Wilson noted it depended on how comfortable the Board felt with what was presented as representative of the boundaries.

Mr. Archambault inquired what year the previous property owner had a mobile home on the parcel.

Mr. Kyrk stated approximately eight years ago.

Counselor Wilson stated the Board could approve the Conditional Use Permit subject to the surveyor's description being supplied by the property owner.

Mr. Archambault moved the request be granted for a Conditional Use Permit to place a mobile home on a 15.6 acre tract located on Bellview Road (Route 20), Petersburg, Kentucky subject to the owner supplying an accurate land surveyor's certified copy and

the necessary sanitation sewage permit be granted. The motion was seconded by Mr. Ryan.

After further discussion the motion carried unanimously.

Counselor Wilson explained the importance of having an accurate survey of the property.

Mr. Hopper stated a copy may be obtained from the County Clerk's office.

Counselor Wilson stated Mr. Kyrk may also want to check with the mortgage holder in obtaining a surveyed record of the property.

Administration

Staff member Ralph Hopper informed the Board a Conditional Use Permit for St. Francis of Assisi had been approved by them last year and the applicant had submitted incorrect information regarding deed book. Mr. Hopper stated the actual discription should have read: "Miscellaneous Book and Page". Mr. Hopper stated that as a result of the incorrect information there was a Conditional Use Permit for a church that had been placed on the wrong property. Mr. Hopper explained the Board needs to withdraw the Conditional Use Permit and he will then correct the permit and re-file it in the County Clerk's office.

Counselor Wilson stated a motion would have to be made and a second to release the prior filing that is at present a restriction on someone elses property.

Mr. Ryan moved the Board release the prior conditional use permit so it can be corrected and re-filed correctly. The motion was seconded by Mr. Houston.

After discussion the motion carried unanimously.

Counselor Wilson explained the error was not on the part of the staff or the Board but the applicant provided the information incorrectly. Counselor Wilson noted that when a notice, variance or conditional use permit is file it is stated that the deed source and legal description of the property be provided by the applicant.

Mr. Ryan moved the Board adjourn. The motion was seconded by Mr. Houston.

The meeting was adjourned.

CHAIRMAN

Gary D. Whittle

ATTEST:

Neil Ann Brewer