

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: DR & MRS. George A. Renaker  Owner

Address: 1320 Idlewilde Rd.  Agent

Burlington, Ky Telephone: 525-1910

Location: Boone County

Name of Property Owner: DR & MRS George A. Renaker

Address of Property Owner: 6200 Musket Rd. Florence, Ky 41042

Zoning District: \_\_\_\_\_ Area in Acres: 108.9

Deed Book: 191 Page Number: 146-149 Group Number: 2012

Description of Request: Move TRAILER on Property

Removed Existing trailer - This is the Fourth TRAILER

on Property in the last 10 yrs. The wheels have

been removed - The trailer is going to be covered with siding

Applicant's Signature: LANDSCAPING will be installed & new

Property Owner's Signature: Malores G. Renaker ROOF

Application Fee: \$177 FOR PLANNING COMMISSION USE ONLY Date Received: 11-20-87 By: TWB

Referred To: \_\_\_\_\_ Meeting Date: 12-9-87

Action Taken: Appeal - denied Date of Action: 12-9-87

change in  
Non Conforming Use - approved  
w/ condition

STAFF REPORT

APPLICANT: Dr. and Mrs. Renaker  
LOCATION: 3203 and 3251 Idlewild Road., Boone County  
ZONE: Agricultural Estates (A-2)  
DATE: December 9, 1987; 6:30 p.m.  
REMARKS:

The applicant is requesting an Appeal of a decision made by myself after consultation with the Zoning Administrator regarding the replacement of a legal mobile home and a Change in Non-Conforming Use. The 108.9 acre tract, located on the west side of Idlewild Road, approximately 4.5 miles north of Burlington, is zoned Agricultural Estates (A-2) and is owned by Dr. and Mrs. Renaker.

At the beginning of October, our office received a complaint about a new mobile home being placed in the 3200 block of Idlewild Road. When informed that their property is zoned A-2, a district which does not allow mobile homes, the Renakers wrote a letter claiming that the new home was merely a replacement for an existing mobile home. Therefore, they felt that their entire farm was entitled to a mobile home.

Typically, the Zoning Administrator can allow the replacement of existing legal mobile homes. However, this replacement is only permissible when the new mobile home is to be situated in the same locaiton as the existing one. If this is not the intention, a change of non-conforming use or zoning map amendment are possible remedies, short of disallowing the activity.

The Renakers have removed an old mobile home from 3203 Idlewild Road and have put a new one at 3251 Idlewild Road - approximately 320 feet south of the original home. (It should be noted that this office did not assign this house number.) Since this new home is on an entirely different part of the farm, and since it impacts other adjoining properties, the Zoning Administrator agreed with my opinion that the Renakers are in violation of the Boone County Zoning Regulations without first acquiring a Change of Non-Conforming Use permit from the Boone County Board of Adjustment or a zone change from the Boone County Planning Commission.

The first part of the Renakers' application is an Appeal of the decision that the new home is in violation of the Zoning Regulations without permits. Briefly, they claim that they were told by both Gerald Newton, the Zoning Administrator, and Paul Kroger, Chairman of the Boone County Planning Commission, that

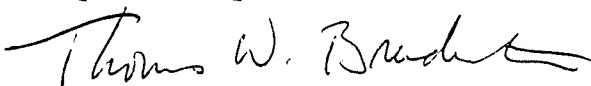
their existing mobile home could be replaced without any official permits. The applicants' arguments for their belief that they are not in violation are found in the attached letter.

In review of office records, Mr. Newton has provided the following background. In July of 1987, Mrs. Renaker came into the Commission office to verify that she could place a mobile home on her 100+ acre farm. Mr. Newton met with Mrs. Renaker and explained the property was zoned A-2 and, therefore, a new mobile home could not be permitted on the farm. After becoming very angry and upset, Mrs. Renaker mentioned there had never been a problem with their existing mobile home on the farm. She also explained the reason for wanting the unit was to allow her daughter and husband a place to live. When the history of the existing trailer was further examined, Mr. Newton explained it was then very possible for the Renakers to replace the one existing unit with another. But before any of this would occur, Mrs. Renaker would have to verify that the unit which existed on the property was itself a legally existing non-conforming use. Discussion followed as to how she could document when the unit was on the property. Mr. Newton strongly stated that before any final decision was made this documentation would have to be received. Mrs. Renaker concluded her comments by stating that she would place a new mobile home on the property for her daughter regardless of any documentation, but she would look for some proof.

The second part of the Renakers' application is a request for a Change in Non-Conforming Use. Should their Appeal fail, they would ask the Board to consider whether or not their new mobile home should be permitted to remain as a replacement of the legal mobile home. Attached is a copy of Article 2 of the Zoning Regulations as it pertains to Non-Conforming Uses. Also attached is a copy of an artist's rendering of how the mobile home will appear after it is completely installed and landscaped.

In reviewing the change, the Board should consider the impact of the new mobile home in comparison to the impact of the old mobile home. As will be demonstrated with slides at the December 9th meeting, the old home was only partially visible from Idlewild Road since it was situated behind a small hill. The new home is quite visible from the road and is located closer to existing residences. All adjoining properties are zoned A-2 and are used either for agriculture, woodland, or very low density residential.

Respectfully submitted,



Thomas W. Breidenstein,  
Zoning Enforcement Officer

TWB:mcb

Attachments

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 697 — 2950 WASHINGTON SQUARE

BURLINGTON, KENTUCKY 41005

334-2196

MR. GERALD A. NEWTON

DIRECTOR

MR. D. T. WILSON

ATTORNEY

P. E. KROGER  
CHAIRMAN  
MR. DAVID MARTIN  
VICE CHAIRMAN  
MRS. CAROL SMITH  
SECRETARY-TREASURER

October 12, 1987

*decision letter*

Dr. and Mrs. George A. Renaker  
6200 Musket Road  
Florence, Kentucky 41042

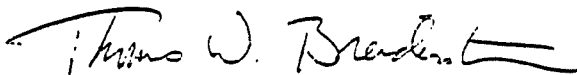
Dear Dr. and Mrs. Renaker:

Our office recently received a complaint about a mobile home being placed on your property on Idlewild Road. A check of the site last Friday proved this report to be true.

-Mobile homes are permitted in only two zoning districts in the county: Mobile Home Park (MHP) and Agriculture One (A-1). Your property is zoned Agricultural Estate (A-2); therefore, the placement of a mobile home on this site is a violation of the Boone County Zoning Regulations.

In order to correct the violation, you must either apply for a zone change from A-2 to A-1 (a minimum of 30 acres is required); appeal this decision to the Boone County Board of Adjustment and Zoning Appeals; or remove the mobile home. These options must be exercised by October 21, 1987, which is the application deadline for the next zone change public hearing. If no action is taken by this date, our office would have no choice but to explore legal action. Violations of the Zoning Regulations carry a possible fine of \$500 per day for each day of violation.

Sincerely,



Thomas W. Breidenstein,  
Zoning Enforcement Officer

TWB:mcb

cc: Gerald Newton, Director

RENAKER AND CARVALHO, P.S.C.  
GEORGE A. RENAKER, M.D.  
ROBERT CARVALHO, M.D.  
GENERAL SURGERY  
3104 DIXIE HIGHWAY  
ERLANGER, KENTUCKY 41018  
341-1242

RECEIVED  
NOV 2 1987

October 28, 1987

Boone County Planning Commission  
P.O. Box 697, Washington Square  
Burlington, Kentucky 41005

Renaker response

Attn: Thomas W. Breidenstein  
RE: Mobile home  
3203 Idlewild Rd.

new at #3251

Dear Mr. Breidenstein:

I received your letter regarding the above said mobile home. I do not believe that we are in any violation of planning and zoning.

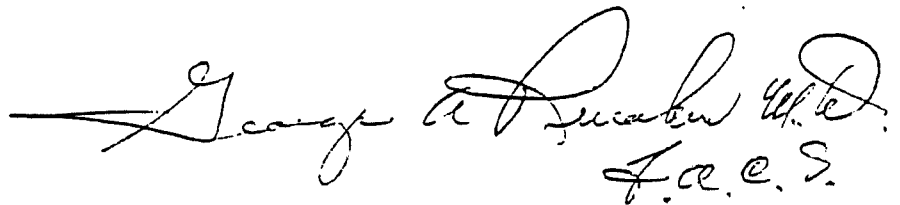
This is the third mobile home that has been on our property. The first home was placed on the one hundred nine acres in 1975 and since then, we have replaced it twice. This is the second replacement.

Thus, I feel that we are not in violation of the planning and zoning regulations as we have always had a trailer on the premises prior to the zoning change. We are under the opinion that we are protected under the "grandfather" clause.

You may contact our neighbors, Mr. and Mrs. Ray Hill, if you wish for verification.

I hope this letter will clear any misunderstanding. Please feel free to call me.

Sincerely,



George A. Renaker M.D., F.A.C.S.

GAR/dr

11/25/87

Applicant's  
appeal

Planning + Zoning Com.

Dear Sirs,

The Zoning Enforcement Officer,  
has accused us of Non Conformance of  
Zoning on our farm on Idlevilde,  
because of a Complaint filed in their  
office. I do not feel this is true.

We have had a trailer on the farm  
in different areas, since or before,  
1975. I had the trailer put in this  
new area and I didn't know or thought  
it would cause any problems as  
it we have the same neighbors as  
before.

The old trailer was so run down and an eyesore. It look terrible, so we thought it proper to remove it and put it in another area. The new trailer is in approximately the same distance as the old. A new septic + water cistern was installed and I was told I didn't need a permit because we were updating an old systems. I talked to Jerry in the Zoning office about the trailer and he said as long as we had the a trailer before 1980 + could prove it

I also asked if I could put it in  
 2 different places he couldn't see  
 it as a problem. He was more  
 concerned with proving we had  
 had a trailer on the property  
 before 1980 when the zoning law  
 was made. I then talked to  
 Mr. Paul Kruger about what he  
 thought concerning the zoning law,  
~~He~~ said it was okay he felt  
 it would be under the grandfather  
 law. I now realize this was only  
 their personal feelings & not an  
 official permission. I thought it

would not be consider a blight on the area as I had no intentions of creating a problem for you or me, when I decided to put the trailer in this area. My niebhor Mr + Mrs Hill were so happy to have our daughter + her husband as niebhor, I didnt dream someone would object.

The Zoning Officer sent us a letter stating we were in violation because you have to have 30 acres or more to place a trailer on your property. I called Jerry that some day and told him we had recieved this letter from his office + felt it

didn't apply to us as we had 108.9  
acres. He told me to write a letter  
to Tom, the zoning enfor. officer and  
this we did. I had to go out of town  
for 10 days & asked my daughter to  
have her father take care of this for  
me. When I got home, on Oct 30<sup>th</sup>  
I found out about this new complaint  
Non-Conforming Use, and if I agree to  
this, I would be admitting I felt this  
to be the reason for this hearing and  
I honestly believe this is not the case.  
Our daughter and her husband was  
married July 25<sup>th</sup> and we thought it would  
be a good place to live. We have tried

to sell the property for about 3 or 4 yrs. with no success and have decided to take it off the market & keep it as a farm we don't want a change of zone. She & her husband want to live there in peace & harmony with our neighbors as we have known them for years. I hope & plead with the board to let us do it, we have plans to put in landscaping that would enhance & beautify this lot in front to make a pleasing & attractive look if we are giving a chance.

1.  
Something the Community would be proud for all to see. It will not be a trailer park nor a blighted area.

Thank you for taking your time to listen to my plea.

Mr + Mrs. George Renaker

Walores Renaker

525-8729

## NONCONFORMING LOTS, USES, AND STRUCTURES

### Section 280

#### Intent

Within the districts established by this order or amendments that may later be adopted, there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this order was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this order or further amendments. It is the intent of this order to permit these nonconforming lots, uses and structures to continue until they are removed, but not to encourage their survival. It is further the intent of this order that a nonconforming use or structure shall not be enlarged or extended beyond the scope and area of its operation at the time it became a legal nonconforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of nonconforming uses or structures.

Uses of structures not legally established before this order was passed or amended shall not be given the statutes of legally pre-existing, non-conforming uses or structure, and may be subject to penalties for violation under Section 430 through 450 of this order.

### Section 283

#### Non-Conforming Uses of Land

Where, at the time of adoption of this order, legally established, uses of land exist which would not be permitted by regulations imposed by this order, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time these regulations were adopted.

### Section 284

#### Change from One Nonconforming Use to Another

The Board of Adjustments and Zoning Appeals shall have the power to hear and decide on applications to permit a change from one nonconforming use to another.

The Board shall not permit such a change unless the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing nonconforming use. Application for change of nonconforming use shall conform to the procedures and requirements for appeals as specified in Sections 241-246, inclusive, of this order and Kentucky Revised Statutes, Section 100.253.

The Board shall not allow any changed nonconforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with other provisions of this order.

### Section 285

#### Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this order that could not be built under the terms of this order by reason of restrictions on intensity or size or lot coverage or height or bulk or setback, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved as otherwise provided in Kentucky Revised Statutes, Section 100.253(2).



New mobile home upon completion  
3251 Idlewild Rd.

Ronaker Farm

10 acres

108 ft. from  
property line

~~Trailer~~  
3751 Idlewild Rd.

Trailer  
3203  
Idlewild Rd.

old



Idlewild Rd

appt/omit

BOONE COUNTY  
BOARD OF ADJUSTMENT

December 9, 1987 - 6:30 P.M.

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BOARD MEMBERS PRESENT:

Mr. Dan Houston  
Mr. Fred Nevel  
Mr. Walt Ryan  
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

Mr. I. A. Archambault

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Whitton stated that each member had received a copy of the Minutes of the Boone County Board of Adjustment Meeting of November 11, 1987 and asked if there were any comments or corrections.

There being no comments or corrections, Mr. Nevel moved that the Minutes be approved as written. Mr. Ryan seconded the motion and it carried unanimously.

AGENDA ITEMS:

1. The request of Walt Ramey (agent for Andy's Glass Shop) for a Conditional Use Permit and landscaped buffer Variance to allow the operation of a glass replacement facility. The 0.557-acre site, located at 1041 Burlington Pike, is zoned Commercial One (C-1) and is owned by Mr. and Mrs. Lenore Surface.

After closer review, it was determined that this property is zoned Suburban Residential Two (SR-2) rather than C-1. Therefore, a Zoning Map Amendment will be required to permit the proposed use.

Chairman Whitton advised that this request had been withdrawn.

2. The request of Lloyd Stephenson, Jr. for a front yard Variance of three feet in order to allow the construction of a single-family residence. The 0.2-acre site located at 2 Mary's Court is zoned Suburban Residential One (SR-1) and owned by Lloyd Stephenson.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation.

Mr. Lloyd Stephenson, Jr. stated that granting this Variance will not affect the public health, safety or welfare, but will increase the value of surrounding properties. He added that only a small portion of the garage violates the 30-foot setback requirement. Their contractor, Mr. William Kreigler, advised them that there was a soft spot where the house should have been placed and that putting it there would not provide a solid foundation. They have acted on Mr. Kreigler's advice.

Chairman Whitton asked if there was anyone present who wished to speak in favor of, or in opposition to, this request. There being no response, he asked if there were any comments or questions from the Board.

There being no discussion, Mr. Nevel moved that the Variance be granted on the basis that there would have been a problem with the foundation and the Variance will not adversely affect the public health, safety, or welfare. Mr. Ryan seconded the motion and it carried unanimously.

3. The request of Michael Elizabeth Skerchock for a Conditional Use Permit to allow the operation of a day care/pre-school facility. The 0.5-acre (approx.) tract, located at the northeast corner of N. Jefferson Street and Gallatin Street, is zoned Suburban Residential Two/Small Community Overlay (SR-2/SC), and is owned by Michael Elizabeth Skerchock.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Ms. Skerchock advised that she has obtained the report from the Health Department which was requested by Staff. She noted that the report states that the Health Department went out and has made a determination in regard to the sewage. She added that the two trees mentioned in the slide presentation were water maples and that they will have to be removed as parts of them are damaged and may be hazardous.

Mr. Breidenstein summarized the letter received from the Health Department which indicated that a septic system would not be possible on the site. They referred Ms. Skerchock to the Boone County Water and Sewage Department for a possible tap into the county sewage system. The other alternative would be a holding tank system.

Ms. Skerchock added that they do not intend to use the existing driveway and will provide another driveway.

Chairman Whitton asked the applicant if there was a problem in regard to the suggestions of the Health Department. Ms. Skerchock indicated that there was not.

Chairman Whitton asked if there was anyone present who wished to speak in favor of this request. There being no one, he asked if there was anyone present in opposition to the request.

Mrs. Oceola Edwards stated that this would be the third day care center within a two-block area. She stated that this is a beautiful residential area and that the elderly residents would have a problem with the noise. She advised that there were others who would have attended this meeting in opposition to the request but that they were ill.

Ms. Skerchock stated that at the time she purchased this property, there was a waiting list of 32 children at the day care center across the street, which indicates a need for this service in the area.

Following discussion regarding the locations of the other two day care centers, Ms. Edwards advised that she lives two doors from one of them. She added that the people living next to the site in question are elderly and ill.

Counselor Wilson advised that the Board should consider this type of use in relation to what has been occurring in this area. He noted the proximity of the site to the courthouse, and added that the Board may want to consider whether this area is becoming less residential. He also suggested that questions such as numbers of children, hours of operation, etc. may be appropriate.

Mr. Ryan asked that the applicant respond to the questions indicated by Counselor Wilson. Mrs. Skerchock stated that they would have 30 children and would operate from 6:30 A.M. to 6 P.M..

There being no further discussion, Mr. Ryan moved that the request be granted, subject to the applicant going before the Planning Commission for Site Plan approval. Mr. Ryan's motion was made on the basis that there are two other day care centers close to this site and that there are other businesses in the area, which indicates that the area is developing in other than a residential manner. Mr. Houston seconded the motion and it carried unanimously.

4. The requests of William C. Anderson Inc. for (a) an Appeal of the Zoning Administrator's decision regarding a change in use from a tool and die facility to an office equipment repair facility, and (b) for a Change in Non-Conforming Use. The 2.889-acre site, located at 3171 Petersburg Road, is zoned Rural Suburban Estates (RSE) and is owned by William C. Anderson Inc..

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation. Slides of the interior of the site were not available due to a problem with the camera. (See Staff Report).

Mr. David Koenig, representing William C. Anderson Inc. (also referred to as Anderson Tool & Die and AT&D), stated that Mr. Ken Anderson, President of the corporation, was present. Mr. Carl Anderson was also present. He stated that he was in agreement with the Staff Report and added that the tool and die business had been in this location for 24 years. It existed prior to the Boone County Zoning Regulations. He stated that the bulk of the operation currently on the site is the repair of modular-type office furniture. They are hesitant to ask for a change in non-conforming use as it may preclude the property being used in the future for the tool and die business. He stated that they may want to return to this use on the site within six to eighteen months. Mr. Koenig stated that the furniture repair business is operated by Mr. Sprague and that this business is essentially the same as what was conducted on the site by the machine shop, which involves a variety of uses. The current use of the property is less intensive than the previous use. Mr. Sprague was not present at this meeting. Mr. Koenig added that the machine shop has been moved to Anderson Blvd.

Mr. Ken Anderson stated that the bulk of their operation had been moved to Anderson Blvd., but that heat treating, material storage, punch presses, and various equipment remained on this site. Mr. Sprague asked to rent the vacated portion of the building. They felt that Mr. Sprague's operation was not unlike the tool and die operation, noting that such a business is very diversified. He stated that there was no intent to change the usage and provided pictures of the facility and equipment.

Chairman Whitton asked if there was anyone present who wished to speak in favor of this request.

Mr. Koenig added that one of the reasons Mr. Sprague was attracted to this site was that he needed the machine shop capability for some of his work. He added that this use is similar to the pre-existing use and that no permit is needed to continue.

There being no one else present in behalf of the request, Chairman Whitton asked if there was anyone present in opposition to the request.

Mr. John Anderson, who lives in the first house west of the site, stated that he is a son of William C. Anderson, founder of this business. Mr. Anderson objects to the request as the business exists only 20 feet from his property. In 1984, AD&T applied for an expansion permit, which was denied. A mobile home was then put in behind the original building and is connected by a passageway. Mr. Anderson stated that the mobile home was not shown in the slide presentation. He added that he does not object to AD&T as an on-going business, but does object to a new business on the site. Mr. Anderson stated that he is not related to Mr. Ken Anderson, but is related to the other Andersons involved.

Mr. Johnny Noll stated that he moved into this area eight years ago with the understanding that the area was zoned residential. He stated that there should not be a business on this site and he is opposed to its expansion.

Counselor Wilson advised that the appeal is in regard to whether or not the new activity on the site is different in scope, nature, and character from the previous use. He noted that Mr. Koenig is arguing that the uses are essentially the same type of activity.

Chairman Whitton noted that the Zoning Administrator has said that the new activity is not the same type of use as the pre-existing activity and that the applicant is appealing that decision.

Counselor Wilson agreed and added that if the Board votes to uphold the Zoning Administrator's decision, then the second issue would be to determine whether or not this new activity is more objectionable than the previous activity.

Mr. John Anderson stated that the two activities are not the same -- that the tool and die business was a manufacturing operation, not a remodeling operation like the repair of furniture.

Mr. Gerald Newton, Zoning Administrator, stated that in investigating this complaint, it became evident that this was not the same activity. The fact that people noticed a change in hours of operation was an indication that the activity was changing. Mr. Newton added that the new activity may be within the same scope, but the change is sufficient to warrant a Change in Non-Conforming Use and to allow those opposed to the change an opportunity to be heard.

In response to questions from Mr. Nevel, Mr. Ken Anderson advised that they do subcontract work for Skilcraft. He added that they store materials in the old building and do some cutting and heat treating there.

Mr. Koenig added that Mr. Sprague refinishes and repairs office furniture, which is the same scope as a machine shop in that it is a manufacturing process. He added that Mr. Sprague cuts metal, covers items, spot paints, and trims -- all of which were previously done on the site.

Counselor Wilson advised that Mr. Koenig had submitted a memorandum regarding case law in regard to non-conforming uses. This memorandum is available in the Staff file.

Chairman Whitton asked the Board if the work being done by Mr. Sprague on this site is within the same scope and nature of what existed previously and, if so, the Board should vote to overrule the Zoning Administrator's decision. If not, then the Board should vote to uphold the Zoning Administrator's decision.

Mr. Nevel moved that the Board uphold the Zoning Administrator's decision on the basis that the scope and nature of the work appear to be substantially different. The motion was not seconded.

Mr. Ryan stated that he is not thoroughly familiar with the activities of both businesses, but that they appear to be similar.

Mr. Ryan moved that the Zoning Administrator's decision be overruled on the basis that the two activities are similar. Mr. Houston seconded the motion and it carried unanimously.

Mr. John Anderson stated that he had sent a letter to the Planning and Zoning Commission and submitted a copy for the record.

5. The request of Dr. and Mrs. George Renaker for an Appeal of the Zoning Administrator's decision regarding the replacement of a legal mobile home and for a Change in Non-Conforming Use. The 108.9-acre tract, located at 3203 and 3251 Idlewild Road, is zoned Agricultural Estates (A-2) and is owned by Dr. and Mrs. Renaker.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Gerald Newton, Zoning Administrator, stated that he had met with the Renakers in regard to this request and had learned that there had previously been a mobile home on the property which they were replacing. He requested verification that there had been a mobile home on the site prior to 1980, when the Zoning Regulations were adopted. He has not received this verification. He advised that had he received this verification, the Renakers would have been able to place a mobile home on the property. However, the mobile home in question is in a different location on the property and has a different impact. He advised that a more difficult solution to this problem would be a request for a zone change.

Mr. Gerald Dusing, attorney for the applicant, stated that Mrs. Renaker could swear to the fact that there was a trailer on the site since 1978. Mrs. Hill, a neighbor, stated that she would swear to that.

Mr. Dusing stated that the Renakers did not know that it made any difference that the new mobile home was 300 feet away from the previous location. The new location provided better access to the cistern. The Renaker's daughter and her husband occupy the trailer. He stated that the only impact he could determine was that one mobile home had more visibility than the other. He added that this was an allowable change of one Non-Conforming Use for another.

Mrs. Ray Hill stated that her property lies between the previous location of the trailer and the current location. She stated that the trailer is against her back fence and under her shade trees. Mrs. Hill stated that the trailer would affect the sale of her property.

Mr. Dusing stated that the trailer had been set up for about six weeks, including connection to the cistern.

Mr. Newton stated that neither zoning permits nor building permits had been issued for the footer or the foundation. Mr. Breidenstein asked if a permit for the septic tank had been obtained from the Health Department.

Mrs. Renaker stated that she did not have a permit, but did have a "perc" test. She added that she had been advised that a permit was not needed as they were updating an old cistern. She noted that the old trailer had used the cistern from the farmhouse that burned. Mrs. Renaker added that the new trailer is not using the old cistern, but is on a new cistern.

Mr. Newton questioned the difficulties involved in moving the trailer.

Mr. Ray Hill stated that the trailer should remain where it is since the Renakers have invested their money in it. Mrs. Hill disagreed.

Mrs. Renaker stated that the trailer has been set on concrete and the wheels have been removed.

Counselor Wilson suggested that an alternative to moving the trailer may be to landscape the site.

Mr. Breidenstein stated that a great deal of landscaping would be required. He added that the trailer is 10 to 20 feet away from the property line and the required setback is 10 feet.

Mr. Ryan asked where the trailer would need to be moved in order not to bother Mrs. Hill.

Mrs. Hill stated that she would be satisfied if the trailer were just turned.

Mr. Dusing stated that they will turn the trailer parallel to the road, move it over a bit, and do the landscaping. He suggested that the best approach may be to approve the Change in Non-Conforming Use, subject to conditions, as opposed to the Appeal of the Zoning Administrator's decision.


Chairman Whitton agreed with the suggestion made by Mr. Dusing.

Counselor Wilson asked that the record reflect that the Appeal stands.

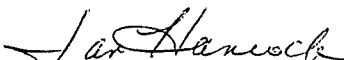
There being no further discussion, Mr. Ryan moved that the request be approved to Change a Non-Conforming Use by allowing the trailer to be moved ±300 feet south along Idlewild Road subject to the conditions that the new trailer be moved an additional 30 feet from the adjoining (Hill's) property and rotated to be parallel with the road, with sufficient screening to protect the Hill's view. The conditions are to be met within six months. Mr. Houston seconded the motion and it carried unanimously.

There being no further business to come before the Board, the meeting was adjourned by unanimous consent at 8:15 P.M.

APPROVED:

  
\_\_\_\_\_  
George D. Whitton, Chairman

ATTEST:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary